

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Peter Voletsky
Alan Englander
Glen E. Keene

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector

Bob Galvin—Village Planner

Absent:

Other Business: A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the January 7, 2014 Minutes. Passed 4-0.

There was no meeting during the Month of February 2014

- 1. 132 Main Street. Robert Silarski. Continuation of Site Plan application to expand the use of existing building, and request for recommendation to Zoning Board of Appeals. Property is in DMU Zoning District. Proposal is to expand second floor space and create a third floor. A third floor, 38 feet in height is permitted in DMU.**

Building Inspector-- Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3, Table 4-1 Dimensional standards for the alteration/enlargement of a building with an existing 0.0 foot rear yard setback, where 15 feet is required.

Applicant--This is a pre-existing non-conforming situation created years ago.

Board-- No public objection to the existing footprint, no change in the layout, character or nature of the building or the neighborhood.

Building Inspector--Per Article IV VON360-4.3, Table 4-1 Dimensional Standards, area variances are required for: FAR of 2.28 where 2.0 is permitted; 6 Dwelling Units where 2 are permitted and 6 Dwelling Units of less than 600 sq ft where 600 sqft is required.

Applicant--these are three (3) separate variances. (A) The efficiency apartment will be brought to the 450 minimum square feet, but applicant would like to have the flexibility to create the remaining six (6) units in the style that is best suited for the layout and market. Notes that one unit will be larger than the 600 square foot required so need a variance from the 600 square foot HUD requirement for size of one bedroom apartments.

(B) The variance from the FAR is only 14% of the size--

(C) Here, the owner is asking to increase the density to permit six (6) residential units where only two would be permitted (30 units per acre)

Board--After much discussion with the Village Planner, review of the entire project, notations for the improved lot, the movement away from the prior plan to include event space above the existing bar, the nearly perfect match between the CMP and the goals of

the Village to improve the downtown with additional residential use, the board was inclined to encourage this particular project on Main Street.

Building Inspector--Per Article IV VON§360-4.5B(3) Table 4-2 Minimum Parking Requirements an area variance is required for 2 parking spaces where 7 spaces are required.

Applicant--For the reasons set forth above, applicant wants to have a Residential based variance from the parking requirements recognizing that this is a walking village and the proposed units are one bedroom.

Board-- Variance required from the parking law--Minimum Parking Requirements.

***“Comprehensive Master Plan- page 13.- Parking** Issue among both residents and businesses alike. A quarter of residents surveyed indicated that parking regulations and the lack of parking are what they like least about downtown Nyack. Nearly 60 percent of residents and over two-thirds of merchants rated the availability of parking in downtown as poor or very poor. Of those few merchants who complained about a loss of customers in the past five years, most attributed the cause to parking problems. However, residents and businesses were not so aggravated as to rank parking improvements over other spending priorities. Also, residents and businesses differ as to whether the construction of a garage is the solution to the perceived parking problems. The public submitted comments during the Public Hearing process suggesting that the Village Board consider reconciling a recent parking study commissioned by the Village Board with the language of the Comprehensive Master Plan. This issue may warrant further more detailed analysis. Strengthen regulations for bars and outdoor dining to address concerns such as noise, crime and proximity to residences. Nyack increasingly has become a nightlife destination for Rockland County and nearby areas. While bar and restaurant patrons generally are responsible and add to downtown's vitality and economic health, there are impacts on adjacent areas from rowdy patrons as well as increased traffic and parking demand. Noise is a particular concern where bars are located in proximity to residential uses. Zoning regulations should be tightened to address these concerns.*

The Nyack Destination Parking Study found that there are 280 curbside parking spaces, and a demand for 355 spaces. The goal should be to increase on-street parking by 75 spaces. It is stated goal of the Comprehensive Master Plan is to advance business interests in the downtown, especially on lower Main Street and the feeder streets off Broadway. It is another stated goal of the CMP to enhance the mixed-use character of downtown and to maintain a diverse mixes of land use.

In this case, the applicant will endeavor to show other parking possibilities, but admitted that there are no real alternatives. In light of the increased residential use of the property, and the comments by the Planner reproduced below, it appears that a parking variance limited solely to residential use variances might be appropriate.

Village Planner-- Memo Dated 3-3-14- The Applicant appeared before the Planning Board on October 7th and November 4th. The application was for the demolition of the two existing apartments on the second floor and conversion into event space. The review of the Planning Board and analysis by the Village Planner highlighted a number of potential impacts such as noise, safety, etc. Underlying this was that the elimination of residential units was not in conformity with the Village's Comprehensive Plan (2007) which recommended that the Village "Promote residential and artist live/work space in the downtown area". In response to the Planning Board's concerns, the application has now been revised to the creation of six residential units on an expanded second floor and a new third floor. This revision is in keeping with the goals of the Village's Comprehensive Plan.

Application Background The applicant's premises are located at 132/132A Main Street in the DMU District. The building consists of a bar/restaurant on the first floor with two existing one bedroom apartments on the second floor. Instead of the previous event space on the second floor, the Applicant now proposes to demolish the two existing one-bedroom apartments on the second floor and extend the second floor 25 feet to the north and add a new third floor to the existing building. This will create a total of six residential units including a new efficiency unit and two one-bedroom units on the second floor and three new one bedroom units on the third floor. The efficiency unit would be 446 square feet with the remaining one bedroom units at approximately 490 square feet. The Village Board is currently reviewing the minimum unit size for efficiency units, changing the size to 450 square feet. The current size of 600 square feet would still be in effect for one bedroom units.

The proposal is located in the DMU district and borders on the TFR district at the rear. The first floor extends to the TFR district with no setbacks. The second floor will be extended an additional 25 feet to the north with a third floor added to the existing building. These two floors will be approximately 40 feet from the rear property line. While the property to the rear is in the TFR district, there are no existing residential units in close proximity. The land use at the rear includes open space parking and accessory sheds. The rear exterior of the existing second floor on the applicant's property is in poor condition. The redevelopment of the second floor and addition of a third floor presents the opportunity to modernize and upgrade the property's residential units. It also allows for an improved exterior appearance at the rear of the property and the ability to more closely match the

PUBLIC COMMENT -- NONE

The Board questioned the applicant about water removal solutions, the Applicant will improve all of the water drainage solutions, was referred to the density credits that might be available, and encouraged the use of green alternatives including a living roof. Applicant will review those alternatives, improve the Site Plan and return in April for Site plan review

Public comment on the Site Plan was NOT closed, and further discussion and review with the input of the ZBA and ARB will be considered.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is an Unlisted action under SEQRA. Based on the Planning Board's exercise of its site plan review authority. Upon Motion by Klose [Second by Voletsky- and (Vote 5-0)] the Board declared its intent to be Lead Agency for this application, and these minutes will constitute such Notice*

Next, the Planning Board reviewed, with the assistance of the Village Planner, the short form EAF, and aside from the de minimis impact upon local on street parking, this plan it does not appear that it will result in one or more significant environmental impacts requiring the determination to conduct further environmental analysis. Therefore, the Board, upon its review of the EAF and the application, on motion by Chairman Klose [second by Englander and (Vote of 5-0)] hereby issues a Negative Declaration for this action. The Board can either wait for the completion of the ZBA process or act at this meeting.

Board Variance Action--

For the following Reasons, the Planning Board Resolves to issue a POSITIVE RECOMMENDATION to the Zoning Board of Appeals. After considering the variances being sought (the various votes by the Members are set forth above), the Board feels that, on balance, the applicant's revised approach toward residential instead of event space is a response to the Board's insistence on the proposal being in line with the goals of the Comprehensive Plan. The focus on providing residential units is a positive revision. Moreover, the applicant's proposal of six units is an attempt to realize the economic payback of the previous proposal as outlined in the applicant's Economic Analysis (November 2013); the redevelopment of the second floor and addition of the third floor

retains the character of the surrounding mixed use area. The opportunity is provided to upgrade and modernize the property's apartments, and add to the Village's housing stock downtown. The proposal should improve the exterior of the building. The proposed extension is still some 40 feet distant from the rear TFR zone. The land use at the rear does not include residential units in close proximity and comprises open space parking and accessory sheds (in poor condition). The proposed Density is in conformance with the initiatives currently being reviewed by the Village Board. It should be noted that under the zoning changes, the applicant would need to provide sustainability in exchange for density bonuses, and the applicant has agreed to increase the efficiency unit to 450 square feet (only by four square feet to attain the proposed efficiency unit size). Any proposal for this property's expansion would require a parking variance. The proposed residential use instead of retail may allow for the obtaining of decal or permit spaces for the residential units. As a general rule, the applicant should explore options and provide the information as part of any ZBA application.

By motion of Chairman Klose **[seconded by Voletsky, (vote 5-0)]** the Planning Board recommends the following area variance to the ZBA:

- the addition of the third floor will result in a total FAR of 2.28 where a maximum FAR is 2.0;
- existing density requirement is 2 units where 6 are being proposed;
- under 360-1.9E of the Code, the enlargement of the second and third floors will require a variance since there is an existing zero rear yard setback, where 15 feet is required abutting a residential zone;
- dwelling units provided are below the minimum unit size: 446 square feet for the efficiency and 490 square feet for the remaining 5 one-bedroom units; and
- parking variance required for 2 parking spaces where 7 are required.

With respect to LWRP--With the assistance of the Village Planner, the Planning Board has reviewed the Coastal Assessment form (CAF); upon the Motion of the Chairman Klose, **[Second by Jean-Gilles, and (Vote of 5-0)]** hereby find that this project, some 500 feet away from the Hudson River is consistent with the Village's LWRP; it appearing, based on the CAF, and its location in the downtown commercial core, there are No Policies applicable to the proposed application.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0. Meeting adjourned at 8:30 pm