

Members Present:

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

Also Present:

Walter Sevastian, Village Attorney
Don Yacopino, Building Inspector

Absent: Don Hammond

1. 166 Cedar Hill Avenue. Paul Rozsypal. Continuation of site plan application for a proposed subdivision, and request for referral to Zoning Board of Appeals.

Building Inspector--Proposal is to subdivide existing lot into two building lots in TFR Zoning District. Per Article IV VON§360-4.3 Dimensional Standards Table 4-1 area variances are required for: two lots of 4881.5 sq. ft. where 5000 sq. ft. is required; east front yard on Lot #2 of 5.6 ft. where 19.52 ft. is required; and a rear yard on Lot #1 of 26 ft. where 29.2 ft. is required if deck is to be added as proposed. Existing underground sewer, gas, water lines and valves should be indicated on final plat. Additional requested information submitted.

Paul Rozsypal -- prepared a submission showing all of the adjacent building lots. Continuation from July 2012, applicant has submitted data indicating the type and make of the house to be fit on the proposed lots. According to the Building Inspector -- lots are nearly conforming, small sized area variance from the sub-division regulations requested. All of the houses on the South Nyack side of the street are on 50 foot lot frontage lots. This will take the larger lot and make two smaller lots side by side with single family home proposed. This lot is only a small non-conformity. Looking to sub-divide into single family lots. The request is not in the Planning Board's view far different from the rest of the neighborhood when both sides of the street are taken into consideration.

Public

Anna Otiano- houses within her area are two lots thinks neighborhood will deteriorate and cannot see that the lots should be allowed.

Richard Kahill-- submitted photos from across the street objecting

Wendy Kay 105 Cedar Hill -- South Nyack. Her lot is 40 by 111 and this one is 50 by 100-- so the neighbor directly across the street is on the smaller size lot and argues that this is not in keeping with the neighborhood.

Site Plan review will be done later, after reasonable recommendations of the ZBA.

Klose makes a Resolution to make a positive recommendation to permit the subdivision of one lot to two on the ground that there will be no negative impact upon the neighborhood because the resulting sub-divided lots will be substantially conforming with the very minor proposed non-conformities on the ground that the requested variances are minor in light in

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terms of the neighborhood, especially when considering the mirror image of the across the street lots on the opposite side of the street in south Nyack. (Keene seconds, vote 5-0).

Applicant to return after ZBA and ARB.

2. 1 Spear Street River Rowing Association. Continuation of site plan application for the construction of Boathouse with roofed boat racks, oar storage rack and wood framed deck.

Klose RECUSES. Voletsky as substitute Chair

Building Inspector-- Current proposal reduces the overall size of the structure and moves it from the TFR zoning district to the Waterfront Development District (WF), where it is a permitted use. Correspondence from the Village Attorney to the applicant indicates this will be a River Rowing Association pavilion with a lease agreement to operate on Village property. The Village Board has referred the application to the Land Use Boards. This proposal has not yet received approval from ARB, as required by VON§360-2.5B (2)(a)[6]. Application complies with zoning requirements. Village Engineer comments appropriate.

Ivan Rudolph Shabinsky presenting for RRA-- Win Perry, Architect. Modified and significantly decreased the planned construction, helps parking, sight views, footprint, and all issues raised by the neighbors.

Lower level and pushed against the south line -- 15 feet back smallest east west view RRA could get. Showed plans-- Memorial Park-- master plan incorporated into the view scape. Parking spaces-- 61 existing spaces presently. They are not striped. There is room for double loaded parking there will be 91 spaces where there are presently 30 spaces. Loss of only 4 spaces. Waterfront development zone-- permitted uses. Bulk requirements -- view corridors-- not in that view corridor.

The applicant's proposed boathouse and accessory boat storage is permitted in Waterfront District WF as a "waterfront facility". It complies with parts A, B and C of the zoning definition of waterfront facility. The training room is a normal part of a boathouse for competitive rowing. It does not fall under the prohibited use category of "commercial indoor recreation" because it is not commercial. Commercial means "operated as a business for profit." The River Rowing Association is not a business and does not make or distribute a profit. Fees charged to participants only partially cover costs. The balance is made up by charitable contributions.

Village Board should be the Lead Agency and Publish its intent to be Lead Agency-- Site Plan Review application.

Public

Clifford Parker-- Calvin Parker-- Meeting to voice the concerns-- drafted a letter-- dated September 2012. -- new plan provides additional onsite services. Storage structure-- protected by an awning-- changes to not a club-- house, but a non-commercial waterfront facility

Calvin Parker-- and family expressed continued displeasure with the location arguing that the structure would impose upon their view. Applicant response was that the base of the structure was on the bottom elevation and only 26 feet tall, the difference of elevation would mean that the Parkers are looking down on the location.

Response by the RRA-- accessory use-- from a planning perspective-- village owned property can be used for many reasons-- Village Board believes a good plan. Village will own it. Recommendation to place the boathouse in this particular location-- village.

Peter Voletsky likes the significant reduction of the foot print. Concerned with the intent change. This is the fifth rendition of the location. RRA cannot fit in the YMCA. Master Plan says use the parking lot for water use. Different-- complaint by Wax--

Adele Garber-- her views at 6 Burd--she is concerned she is going to only see the profile. Applicant response was that the height of the boat storage was only 9 feet.

James Dross-- block the view of the trees-- and the view of the park. Not enough room.

Win Perry points out that the floor of this building is at elevation 108 with the back yard. Marci Denker -- at the park commission-- put together a report-- marina is in flux. Question that came up was that a new operator would come in and discuss who was going to operate marina. Green infrastructure planning-- trees-- block view and protect-- there are some trees. trees not shown on the plan. "Cart before the horse." Klose responds as a member of the RRA and public that the Parks review of the proposal encouraged the Village to give the RRA a place in the Marina.

Mr. Perry will locate the trees on the plan.

Observations-- Member Peter Voletsky expresses concern over impact of a two story building-- go out map out the trees-- consider the second floor-- wants to know more about the full coordination and encourages applicant and architect to perform "balloon study" at site to clearly demonstrate to Board and public the extent to which any neighboring views will be effected by the plan now before the Board. Sevastian explained that there may never be a final park plan, and that we should move forward with the plan if the Village Trustees agree.

Englander asked Wynn Perry whether or not it might be possible to change the building to a single story. He noted that members of the audience nodded in response. Mr. Perry

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responded by telling the Board and audience that it would not be possible, as the proposed facilities in the current boathouse could not be fit into a single floor, and that

Applicant to provide a site plan analysis of the height of the ridge--

Dan Jean-Gilles-- two different plans-- strikes him as a fundamentally new issue.

Matter continued to next meeting.

3. 19 Main Street. Kier Levesque for River Village Properties. Site plan application for conversion of restaurant/apartment to all residential use, and referral to Zoning Board of Appeals .

Building Inspector--Property is in DMU Zoning district. Applicant seeks to change the use of the existing building from commercial on ground floor with commercial and residential uses on the floors above to residential use on all floors. Use and area variances will be required for change of use to a building that is not code compliant in the DMU Zoning District, and for dwelling units less than the required 600 sq.ft. in size. A Use Variance from Article III VON§360-2.4B (2)(a) to permit residential use on ground floor where prohibited. An Area Variance from Article IV VON§360-4.3 Dimensional Standards Table 4-1 to permit three dwelling units smaller in size than the required 600 sq.ft.

Kier Levesque for the Applicant—Recent history of building is a restaurant—typical approach was to enclose the deck and turn it into restaurant and bar. – The applicant does not want a restaurant facility, they seek to reverse the process and return the building to residential use. Looking for positive recommendation for the first 25 feet of the first floor. Recommendation for entire three story residential use. Turning office and storage third floor unit. Parking is met by the application-- no variances for parking. 300 square feet on the first floor. Apartment unit-- 600 sq. foot unit to 457 square foot units and two 431 and 570 square foot apartments.

Comprehensive master plan -- DMU-- mixed use residential and non-residential-- TFR residential zone-- recommended residential-- see the building mediating between both. Burd Street is all residential use with good transition building between the zones-- adaptive reuse of this building. Renting in the Village-- larger units have a greater turn over. Occupied studio apartment-- accessory use for the restaurant. Needs some sort of proof as to the use of the residential building-- and the cost of the proposed rents. Planning Board does not want to create SRO type residence.

Area variances for the size of the apartments and use variances to change use to competent financial evidence -- Does PB think that residential use of the property a good idea from a planning perspective-- From a planning perspective whether small apartments are a good idea.

Building next door was solely residential, Mr. Jones is similarly residential.

Public--

None

Board--

Klose makes a resolution for a positive recommendation on the proposed conversion from retail on the ground floor to residential use (of the build four apartments because residential is the norm, it was the residential, encourage the area as residential;?) past history of the building-- beautiful spot; history of commercial efforts unsuccessful; Owner is having difficulty marketing for commercial use-- Keene second. 5-0.

As to the size of the units--KLOSE makes a resolution to the ZBA to make a positive resolution to permit five undersized units between 300 and 600 square feet as it is the Planning board's belief that the market will determine whether the owner's ideal size of apartments, one bedroom and three studios is appropriate and because it improves the eclectic neighborhood of residential dwellings which have different entrances on different sides of the street; building works for this residential use; other units in the village of this size; subject to ZBA review. Second by Jean Gilles and vote 5-0.

Applicant to return for site plan approval.

4. 85 Fifth Avenue. Catherine Friesen. Site Plan application to install fence higher than permitted 6'6", and request for referral to Zoning Board of Appeals.

KLOSE RECUSES.

Fence to screen the rear yard, no objection-- to the six foot fence being installed to seven feet due to light pollution from the adjacent school building. Given the height differentiations, this fence will be of similar make and construction and height to the adjoining neighbor. Finds no negative impact upon a rear fence.

Resolution to make a positive recommendation for the approval of the proposed fence made by Peter Voletsky second by Alan Englander- vote 4-0. Klose recused.

5. 78 Sickles Ave. Site Plan application to remove two trees.

Building Inspector--Property is in TFR zoning district. One of the trees has been compromised by the removal all limbs without a tree removal permit prior to work being halted by this department. Arborist letter indicates both trees are dead. Numerous dead branches are evident on the cherry tree. I do not know if the pine tree was dead before all its branches were removed.

Closed public hearing on motion by Klose--second by Keene vote 5-0.

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Resolution to grant Tree Removal Plan dated August 2, 2012, applicant to replace with flowering Mertyl. Motion made by Klose, Seconded by Voletsky. Vote 5-0.

6. 28 Second Avenue. Lars Jacobsen for Patricia Ann Homes, Renovations to existing dwelling to include new deck and 7 ft. extension on second floor rear, and request for referral to Zoning Board of Appeals.

Building Inspector-Per VON§360-1.9C2 (b), the following area variances are required from Article IV VON§360-4.3, Dimensional Standards Table 4-1 for the following preexisting nonconformities: 1. Lot area of 2700 sq.ft. where 5000 sq. ft. is required; 2. Lot width of 30 ft. where 50 ft. / is required; 3. Front yard of 7.5 ft. where 18 ft. is required; 4. One side yard of 1 ft. where 5 ft. is required; 5. Combined side yard width of 7 ft. where 9 ft. is required. Current proposal represents results of an August 2012 ARB workshop but has not yet received final ARB approval. Awaiting drainage issue comments from Village Engineer.

Abandoned for 21 years gutted and re-done. Planning board impressed with the attention to keeping the building in the existing foot print making this an application to approve the same or similar non-conformities.

Only change to the existing rear yard is that he is adding the second all variances are pre-existing non-conforming because coming out over the second floor.

Klose makes motion to close the public hearing, second by Jean Gilles; vote 5-0.

Klose moves to recommend to the ZBA that all of the existing non-conforming variances be granted as this will not impact the neighborhood, no change in the foot print, will only improve the lot-- extend the second floor subject to reasonable restrictions by the ARB and compliance with the recommendations by the Village Engineer, and exterior lighting down facing. Second by Englander. Vote 5-0.

Other Business:

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the July 2, 2012 Minutes (no August 2012 Meeting). Passed 5-0. With Klose recusing from the RRA application.

The meeting was adjourned at 10:00 PM.