

**Item 4: 11 Fourth Avenue. Shenley Vital.** Application for Site Plan approval to demolish a detached single-family dwelling for a two-lot subdivision and to develop a new detached two-family dwelling on each new lot.

Shenley Vital, property owner, represented this application. He is seeking site plan approval for a 2-lot subdivision at the corner of Fourth Avenue and Gedney Street. The lots will be (A) 7500 and (B) 6100 sq ft which he feels are not undersized in comparison to neighbors averaging around 3000 sq ft. Lot A will access via Gedney Street and Lot B will access via Fourth Avenue. Driveways will not have steep slopes to avoid runoff. Both properties will have attached garages. Concrete curb will run along frontage. There will be adequate landscaping. Will only cut trees necessary for construction. Electric will be underground, roof mounted solar panels. Proposed design meets ADA guidelines.

Lots A and B are in harmony with other properties in the neighborhood. There are 7 townhouses with access from Gedney Street.

The Village Engineer's report was addressed. Items discussed were grading and drainage, trees, retaining wall (applicant trying to get that down to 4-5 feet). Existing condition has adverse effect. Bob Galvin states that all of this needs to be put in writing. SWPPP will be addressed once we get through these issues.

The view shed was discussed and the applicant was asked to show how the view shed will be impacted. He was also asked to show driveway slopes on the plans and how adjoining properties will be impacted.

Catherine Friesen asked if any properties are affected by steep slope law? Manny Carmona said no.

The applicant was asked to submit an erosion plan, show property frontage and trees. Bob Galvin stated that the Planning Board may want to send plan to Village Arborist.

Shenley Vital described the interiors – Lot A ground floor has common areas containing gym and pantry. Units are small so gym is helpful. Pantry works well for entertaining. This is a shared space for both units. The pantry has a warming kitchen and two common bathrooms.

Bob Galvin asks size of the units. Kate Buggeln asked who is target tenants? Laura Rothschild questions the rooftop space. Bulkhead for elevator is excluded from height requirements.

Shenley Vital states that these are rental units – 2 family duplex.

The Chair opens public comment.

Madelyn Herb of 103 Gedney Street has several concerns. Two family homes look very different than what is presented. This has 4 stories. It looks very similar to the project that was submitted 2 years ago. This looks like an 8 or 9 family apartment building.

Miriam Rubinton of 30 Third Avenue states that her house is behind Lot A, behind the 9-foot retaining wall. This is not representative of Nyack. This is still the Clubhouse that was submitted 2 years ago – calling it a 2 family. We are still going to have this apartment building. It is not ok for height. We have no problems, but this is creating a problem.

John Stollendorf of 15 Fourth Ave has lived next door to this property for 11 years. This certainly does not look like any two-family we have in Nyack. The rendering doesn't even look like this property showing palm trees and level property. There are many ways to build two-families. Why would someone choose to have it look like an apartment building?

Mark McGuy of 104 Gedney Street states that Mr. Vital has owned the property for about three years. He has not been a good steward of this property. Grass is not cut, driveway not patched. Not sure how many people are living there. Current property is not attractive in the neighborhood. There is lots of traffic on this corner. This project is going to cost a lot of money.

Nick Delpizzo of 35 Fourth Avenue says that this gentleman has a project that look exactly like this a few years ago. It looks like it is going to be a rooming house.

Julia Manoharan of 40 Third Avenue states that this property affects her directly. She moved here from the city last year because of this wonderful community. This 9-foot retaining wall will be adjacent to my property. This structure will impact my view and disrupt my property. I left Brooklyn so I would not have to look at walls.

Jill McCabe of Fourth Avenue is surprised this project got this far. In Clarkstown where he wanted 11 units, they shut it down. He has chopped up the current house into three units. Tenants were barbequing in the garage 10 feet from my house.

Alexei Clay of 40 Third Avenue is surprised that the applicant doesn't know the square footage of the units. They are 1800 sq ft. The height of Lot A is 41 feet and the height of Lot B is 35 feet.

Gail Gunder lives across the street. She states that this property is not being maintained well. Not sure how many families are living there currently. There is no laundry. Was told there is no kitchen. This is a disaster waiting to happen.

Lara Winterkorn of 16 Fourth Avenue says there are no sidewalks, no talk of abatement or construction phase. The common spaces are very concerning. Being proposed as 2 two-families but fear they will be something very different. Feels very out of line with the rest of the neighborhood.

Leandro Tallefer of 30 Third Avenue says if it looks like a duck and walks and quacks, it's a duck. The applicant is trying the same thing again with the common areas. Concerned about grading. We share same slope. What effect will this have on my property?

Elizabeth Gott of 104 Gedney has lived there for 10 years. There is bad drainage. We have done several types of mitigation. We used CT Mitigation and still got water. Did terrace system in backyard with rocks. Right now house sits on hill with view. You have to be very careful when you dig this out.

The Chair asks if the applicant would like to address public comment. Shenley Vital states that Lot B is really to code. It seems self-serving that people that live in 7-story buildings are critiquing what I am doing? Properties on Fourth Avenue are less than 3000 square feet. I appreciate neighbors sentiment. I want to be a good neighbor. I rent the property to two individuals. I am happy to go to the property with the Building Inspector.

The Chair asks what kind of variances the applicant is seeking. Mr. Vital states that they are seeking lot area variances on each lot. Depth of Lot A is 83 where 100 is required. Lot B needs variance for width and depth. Trying to put together a plan that works with code.

Catherine Friesen asks if any variances would be required if two single-family homes were built? Mr. Vital says they would need 1, but possibly more based on our plans.

Samuel Hart asks about sidewalks. Manny Carmona says sidewalks would be required on full frontage of Fourth and Gedney.

Laura Rothschild states that the only thing left is for us to declare Lead Agency.

Samuel Hart makes a motion to send Notice of Intent. Kate Buggeln seconds this motion.  
Vote passed 5-0.

Public Hearing will remain open until the next Planning Board Meeting on December 8<sup>th</sup>.

The meeting was adjourned at 8:22 pm.

**The Clerk/Secretary to the Planning Board of the Village of Nyack is hereby authorized, directed and empowered, by the Planning Board, to sign these Minutes, and to file a copy thereof in the office of the Village Clerk:**

  
**Mary Screene, Clerk/Secretary**