



VILLAGE OF NYACK

Building Department
9 N Broadway, Nyack NY 10960
Phone: (845) 358-4249 | Fax (845) 358-0672
Email: buildingdepartment@nyack-ny.gov

Chief Building Inspector
Donald Yacopino

Fire Inspector
Vincent Fiorentino

Asst. Building Inspector
Paul Rozsypal

Code Enforcement Officer
Fred Viohl

FOR OFFICE USE ONLY

File No. _____ Date of Application 2/4/21
Planning Board Agenda Date _____ Appeal No. _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
Zoning Board Agenda Date _____ Appeal No. _____ Fee Paid \$ _____ Receipt _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
If the granting of this permit is subject to conditions established by any board, please attach minutes or a copy of the decision to this application as a part of the final permanent record.

APPLICATION TO THE ZONING BOARD OF APPEALS APPEAL FOR A AREA VARIANCE FROM THE ZONING ORDINANCE

ADDRESS OF SUBJECT PROPERTY				66 S. Broadway				
ZONING DISTRICT		DMU-1	SECTION	66.46	BLOCK	1	LOT	46
EXISTING USE/OCCUPANCY		mixed use						
OWNER'S NAME		David Wilkinson						
ADDRESS		Laveta Place Nyack, NY 10960				TELEPHONE		973-684-5100
EMAIL		dwilkinson@wilkstone.com						
(IF OWNER IS A CORPORATION): NAME OF CORPORATION								
OFFICER				TITLE				
PREVIOUS APPEAL: HAD A PREVIOUS APPEAL FOR AN INTERPRETATION OF THE ZONING ORDINANCE, OR A DETERMINATION OF THE ZONING MAP BEEN MADE WITH REGARD TO ANY ORDER, REQUIREMENT, DECISION, INTERPRETATION OR DETERMINATION OF THE BUILDING, AND ZONING INSPECTOR WITH RESPECT TO THIS PROPERTY?								
								<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from decision, or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant area variances from the area or dimensional requirements of the local law;

Therefore, I (We), David Wilkinson, do hereby appeal the decision, or determination of the Building and Zoning Inspector in regard to an application for a Building/Zoning Permit dated _____, for the premises _____

known as 66 S. Braodway and; I (We) do hereby request the Zoning Board of Appeals grant a Variance from the following provision (s) of the Zoning Ordinance of the Village of Nyack:

Article	<u>IV</u>	Section	<u>360-4.3</u>	Subsection	<u>Table 4.1</u>	Paragraph		Subparagraph	
Article		Section		Subsection		Paragraph		Subparagraph	

for the following reason(s): to reinstate the expired variances from the November 26, 2018 application for residential

denisty of 4 units where 3 are permitted, variance for less that 400 sf dwelling unit size, and a variance for 1 parking space.

Additioanlly this application is for 1 additional dwelling unit where 3 are permitted and 5 are proposed.

(DECLARATION CONTINUES ON THE REVERSE SIDE)

and I (We), do hereby arrest that the variance requested is the minimum variance that will accomplish this purpose; and I (We), understanding that no use variance shall be granted by the Zoning Board of Appeals without proof of unnecessary hardship, hereby state that the circumstances or conditions hardship which are described herein are applicable under this appeal for a use variance; and that I (We), do hereby as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals of the following:

1. CHARACTER OF THE NEIGHBORHOOD

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN UNDESIREABLE CHANGE OR BE DETRIMENTAL TO NEARBY PROPERTIES:**

The reinstatement of previous variances maintains the current mixed use nature of this neighborhood

The additional DU will not alter the character in that the new DU requires minor interior alterations

2. ADVERSE EFFECT OR IMPACT

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN ADVERSE EFFECT OR IMPACT:**

The reinstatement will not have any impact on the existing conditions in that the unit is existing

The proposed additional DU not impact any governmental/municipal services or alter the exterior

3. FEASIBLE ALTERNATIVES

Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variance. **DESCRIBE ANY ALTERNATIVES:**

Due to the loss of retail impacted by Covid-19 this is the best alternative to maintain building occupancy and not suffer the loss of revenue in the future

4. PERCENTAGE OF VARIANCE

Whether the requested area variance is substantial. (EXAMPLE: LOT REQUIRES YARD OF 30 FEET, APPLICANT CAN PROVIDE 25 FEET. THEREFORE A VARIANCE OF 5 FEET IS NOT SUBSTANTIAL. CALCULATE THE TOTAL EXCEPTION TO AREA WHICH THE VARIANCE WOULD PROVIDE:

The reinstated variance is a 25% variance above required.

The new density variance is 40% above required and 20% above the previous approval.

5. DIFFICULTY IN MEETING CODE REQUIREMENTS NOT SELF-CREATED

Whether the alleged difficulty in meeting the requirements of the zoning code is self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. **DESCRIBE WHY THE DIFFICULTY IN MEETING THE REQUIREMENTS OF THE CODE IS NOT SELF-CREATED:**

The reinstated is self created in that a permit was not secured before the ZBA approval expiration

The additional DU not self created but due to the economic conditions of 2020-2021

6. IF UNIQUE PHYSICAL CONDITIONS CONTRIBUTE TO THE HARDSHIP, ANSWER BELOW:

If there are physical conditions applying to the land or buildings for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title, DESCRIBE SUCH CONDITIONS:

The Covid -19 pandemic has been a scourge on the national and local economy with retail and

restaurants the most impacted. The additional DU for this property will ease the economic burden.

(PROVIDE SURVEY, METES AND BOUNDS DESCRIPTION, PLOT PLAN AND FLOOR PLANS, AS APPLICABLE AS PROOF OF SUCH PHYSICAL CONDITIONS).


SIGNATURE OF APPLICANT

DATED: February 2, 2021

KIER B. LEVESQUE ARCHITECT

49 Third Avenue Nyack, New York 10960

845-358-2359

Chairman
Zoning Board of Appeals
Village of Nyack
9 North Broadway
Nyack, NY 10960

February 2, 2021

Re: Wilkinson
66 S. Broadway
Nyack, NY 10960

Job # 2020100

Chair Knowlton,

This application is to restore the zoning board approval from 2018 as a building permit was not secured before the ZBA approval lapsed. This project was reviewed by the planning board on February 1, 2021 for referral back to the zoning board to reinstate the 2018 variances for minimum dwelling unit size, residential density and 1 parking space. Additionally, the applicant is requesting 1 additional dwelling unit which will require a density variance. This was also reviewed and considered by the planning board at its last meeting.

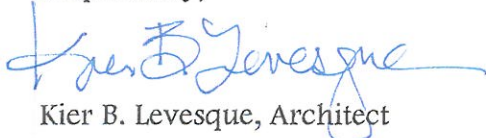
This zoning board approved the lapsed application on November 26, 2018 for all the variances requested. The current application requests full reinstatement of the expired variances plus an additional area variance for 1 additional dwelling unit for a total of 5.

The additional dwelling unit being proposed is a change to an allowable use for the below street level retail space to a studio dwelling unit. The site plan bulk table shows the proposed residential density increase to 5 units will require ZBA approval. There are no additional parking spaces required as noted on the site plan for the additional dwelling unit. We are requesting that the determination and final resolution from the November 5, 2018 hearing be reaffirmed and the additional dwelling unit be granted due to economic hardship.

As you know the current Covid -19 pandemic has adversely impacted the retail and restaurant businesses here in the village, and Mr. Wilkinson has been economically impacted by the loss of the lower-level retail tenant for almost a year. The proposed new residential unit complies with the zoning code in that it is below ground and not at street level where it is prohibited. A similar basement dwelling unit is located at 71 S. Broadway. The emergency egress for the proposed dwelling unit is located at the rear of the building and is at grade level.

Please call if additional information is required prior to the hearing date.

Respectfully,



Kier B. Levesque, Architect

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

VILLAGE OF NYACK
BUILDING
FEB 05 2021
DEPARTMENT
RECEIVED
Allen R. Miller
Deputy Commissioner

January 28, 2021

Nyack Zoning Board of Appeals
9 North Broadway
Nyack, NY 10960

Tax Data: 66.46-46-46

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 1/5/2021

Date Review Received: 1/15/2021

Item: 66 SOUTH BROADWAY (N-185C)

Vairance for residential density to permit the conversion of the basement into a dwelling-unit in an existing mixed-use building located on 0.057 acres in the DMU-1 zoning district. The applicant is also seeking to reinstate the variances approved on November 26, 2018 since a building permit was not secured before the approval lapsed.

West side of South Broadway, approximately 47 feet south of Hudson Avenue

Reason for Referral:

Village of South Nyack

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The Village of South Nyack is the reason this proposal was referred to this department for review. The municipal boundary is approximately 312 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of South Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Nyack.
- 2 The applicant must provide information as to where the tenant can park off-site, since no parking is provided on site.
- 3 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

The Referral Form and site plan indicate the parcel is in the DMU zoning district. The application materials must specify that that it is the DMU-1 zoning district. If the public hearing notice was issued with the incorrect zoning information, it must be corrected and reissued.

66 SOUTH BROADWAY (N-185C)



Douglas J. Schuetz

Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
Rockland County Department of Health

Kier B. Levesque, RA
Village of South Nyack

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.



Rockland County

Ed Day, Rockland County Executive

VILLAGE OF NYACK
BUILDINGS

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

FEB 05 2021

DEPARTMENT

RECEIVED

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 28, 2021

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.46-1-46

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 1/5/2021

Date Review Received: 1/15/2021

Item: 66 SOUTH BROADWAY (N-185B)

Site plan for the conversion of the basement into a dwelling-unit in an existing mixed-use building located on 0.057 acres in the DMU-1 zoning district. A variance for residential density will be required to permit the conversion. The applicant is also seeking to reinstate the variances approved on November 26, 2018 since a building permit was not secured before the approval lapsed.

West side of South Broadway, approximately 47 feet south of Hudson Avenue

Reason for Referral:

Village of South Nyack

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The Village of South Nyack is the reason this proposal was referred to this department for review. The municipal boundary is approximately 312 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of South Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Nyack.
- 2 The applicant must provide information as to where the tenant can park off-site, since no parking is provided on site.
- 3 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

The Referral Form and site plan indicate the parcel is in the DMU zoning district. The application materials must specify that that it is the DMU-1 zoning district. If the public hearing notice was issued with the incorrect zoning information, it must be corrected and reissued.

66 SOUTH BROADWAY (N-185B)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
Rockland County Department of Health

Kier B. Levesque, RA
Village of South Nyack

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

4. **90 Jefferson Street. Denonno. Request for referral to Zoning Board of Appeals for required variances associated with an application to erect a storage shed in front yard. Property is in a TFR zoning district.**

Building Inspector --Proposal is to install a 10' x 10' x 12' high storage shed in north front yard. Pursuant to 360-3.2E(4)(b) – listed below – On a corner lot, front yards are required on both street frontages for buildings in residential districts. Area variances will be required from article III VON§360-3.2E(c)(e)(f) for an accessory structure located in the front yard, not located at least four feet behind the front of the building and, at greater than 80 sq. ft., located less than 25 feet from any street line or three feet from any side or rear lot line.

Applicant- APPLICATION APPEARS ON 2/1/2021 AGENDA FOR ADJOURNMENT PURPOSES ONLY BOARD -- NO VOTE.

5. **66 South Broadway. Kier Levesque for Wilkenson. Site Plan application to reinstate lapsed 2018 Variance and for referral to the Zoning Board of Appeals for an area variance for an increase in residential density for an additional dwelling unit.**

Building Inspector -- Property in DMU-1 zoning district. Proposal has been sent out for GML review. Application was previously heard on November 5, 2018 for the site plan for the four residential units. The current application is to reinstate the previous approvals but also approve a fifth residential unit in the basement that was formerly used by a commercial business. The unit is not on the ground floor and will have direct access to the rear yard. The application does not increase FAR or the footprint of the building. All work will be done on the interior and will not involve the exterior of the building.

Village Planner Previous Description of the 2018 Application--This description refers to the previous application **heard on November 5, 2018**. The application is for the legalization of an existing fourth efficiency apartment. The lot size is 2,500 sf with 20' frontage and 125' depth. Property is completely landlocked. The first floor is occupied by the Christine Corder Salon (668 sf). There are two apartments on the second floor (400 sf and 363 sf). The third floor has a penthouse loft (720 sf) and a 400-sf efficiency apartment. The existing building is 3 ½ stories with a height of 38'. The building received a variance in May 1987 for the density increase allowing three apartments in the building. Comments from the ZBA minutes indicated that the two undersized apartments on the second floor were favorably viewed by the ZBA members and generally in keeping with the Code. The ZBA approved a special permit in 1987 for the project. The rear apartment on the second floor has a 100-sf outdoor deck. When the ZBA approved the variance in 1987 for three apartments in the building, the density was 30 units per acre. The density per acre in 2014 was increased to 50 units per acre to match the 2.0 FAR in the downtown. The applicant is not increasing the building's FAR which is 1.6 where 2.0 is allowed.

SEQRA - The proposed action is seeking the legalization of a fifth residential apartment in the basement replacing a commercial business. The space is above ground with direct access to the rear yard. It is not on the ground floor. The proposed action does not increase the footprint, nor does it increase the FAR. The action appears to be a minor action with no

Village of Nyack- Planning Board - (1st February 2021)

significant environmental impacts. The action is for a residential apartment allowed by zoning with no use variance being required. The Planning Board determined this to be a Type II action when it approved the previous site plan for this project and can make the same determination for the current application.

Applicant--Kier Levesque- In addition to the reinstatement, we are proposing a change of use for the below street level retail space into a studio dwelling unit. The site plan bulk table shows the proposed residential density increase to 5 units will require ZBA approval. There are no additional parking spaces required as noted on the site plan for the additional dwelling unit. We are requesting that the determination and final resolution from the November 5, 2018 hearing be reaffirmed and a recommendation to the ZBA for the additional dwelling unit. As you know the current Covid -19 pandemic has adversely impacted the retail market here in the village, and Mr. Wilkinson has been economically impacted by the loss of the lower-level retail tenant for almost a year. The proposed new residential unit complies with the zoning code in that it is below ground and not at street level where it is prohibited. A similar basement dwelling unit is located at 71 S. Broadway. The emergency egress for the proposed dwelling unit is located at the rear of the building and is at grade level.

Public- NONE

Board--BOARD-- Motion by Klose - to close the public meeting with respect to referral to the ZBA for an area variance - for an increase in residential density for an additional dwelling unit. Motion made to close the public hearing. Seconded by Englander - Motion to close the public hearing passed. **Vote 5-0 to close.**

Board---- **Motion by Klose** -Klose makes a determination that this is a Type II action and no further review is required to make a positive recommendation to the ZBA to increase in residential density for an additional dwelling unit subject to approval for the variance by the ZBA and reasonable conditions being imposed by such board. Seconded by Englander - Motion to close the public hearing passed. **Vote 5-0 to close.**

BOARD -- Klose makes a determination that this is a Type II action and made a motion to *reinstate lapsed 2018 Variance and building permit for a period of one year subject to the ZBA's approval of such reinstatement.* Seconded by Englander. Vote 5-0- application approved.

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE
ONE SIX (6) MONTH EXTENSION MAY BE GRANTED PRIOR TO EXPIRATION DATE

APPLICATION FOR BUILDING / DEMOLITION PERMIT

VILLAGE OF NYACK

9 North Broadway · Nyack, NY 10960

Tel 845-358-4249 · Fax 845-358-0672 · Email: buildingdepartment@nyack-ny.gov

OFFICIAL USE ONLY

Land Use Board Review:

☐ ARB

☒ Planning

☒ ZBA

Permit No:

Application Date:

Fee Paid

Receipt #:

Inspector:

File #

Permit Granted For:

Permit Denied For:

*Village Board, Planning Board, Zoning Board, Architectural Review Board decision date:

Property Location: 66. S. BROADWAY

Tax Map Designation: Section 66.46 Block 1 Lot 46

Property Owner: DAVID WILKINSON

Cell Phone: 973-684-5100

Address:

Home Phone:

Email: d.wilkinson@wilkstone.com

Work Phone:

Owner/Tenant:

Cell Phone:

Address:

Work Phone:

Email:

Cell Phone:

Contact Person: KIER LEVEQUE

Phone: 845-358-2359

Existing and / or proposed use of structure or land: MIXED USE

Project Description: REINSTATE EXPIRED APPROVALS &

1 NEW DWELLING UNIT

Estimated Construction Value: \$ 17,700

Architect / Engineer: KIER B. LEVESQUE NYS Lic 15938
Address: 49 THIRD AVE NYACK
Email: kilevesque@optonline.net **Phone:** 845-358-2359
Builder / General Contractor: _____ RC Lic # _____
Address: _____
Email: _____ **Phone:** _____
Plumber: _____ RC Lic # _____
Address: _____
Email: _____ **Phone:** _____
Heat / Cooling: _____ RC Lic # _____
Address: _____
Email: _____ **Phone:** _____
Electrician: _____ RC Lic # _____
Address: _____
Email: _____ **Phone:** _____

ZONING DISTRICT	BULK		
	Required	Existing	Proposed
Coverage			
Floor Area Ratio			
Lot Area			
Lot Width			
Street Frontage			
Front Yard Setback			
Side Yard Setback			
Total Side Yard Setback			
Rear Yard Setback			
Building Height – Feet			
Building Height – Number of Stories			
Residential Density			

Site Plan Application is also being made to the ☐ Planning ☐ Architectural Review Board

AFFIDAVIT

State of New York)
County of Rockland) SS:
Village of Nyack

I, KIER B. LEVESQUE, being duly sworn, depose and say that I am the owner (lessee, engineer, surveyor, architect builder, or agent of the owner) in fee of the premises to which this application applies; that I (the applicant) is duly authorized to make this application and that the statements contained in the papers submitted herein are true to the best of his knowledge and belief, and that the work will be performed in the manner of set forth in the application and in the plans and specification filed therewith, and in accordance with State Uniform Building Code and all other applicable laws, ordinances and regulations of the municipality. I also declare that the structure or area described in this application will not be occupied or used until I have obtained a Certificate of Occupancy.

Signature and Mailing Address

Kier B. Levesque
49 THIRD AVE
NYACK, NY 10960

SWORN to before me this

7th day of January, 20 20

Witness:

Mary Deane
If not witnessed by Building Department personnel, Notary signature is required.

Notary Public

APPLICATION INSTRUCTIONS

(See additional requirements when applying to land use Board)

1. In making this application, submit the following:
 - a. One (1) copy of this form.
 - b. Two (2) set of building plans for an internal building permit (only needing for building inspectors approval only or Ten (10) for Planning or Nine (9) for ARB or Nine (9) for ZBA
 - c. Two (2) copies of the plot plans.
 - d. Copy of Rockland County licenses. (For each trade)
 - e. Certificate of Liability, Certificate of Workman's Compensation, and Disability Benefits Insurance or Owner's affidavit. (For each trade)
2. Plot plans drawn to scale, shall show area, dimension, and location of lot; size and exact location of proposed structures, additions or alterations; all existing structures, all existing structures on lot; streets, curbs, sidewalks, parking spaces driveway; yards and setback; and such other information as may be necessary.
3. Building Plans drawn to scale shall show structural details, floor plans, elevation, plumbing, electrical, heating and ventilation details.
4. The NY.S. Department of Education Law states that a building permit may not be issued for any commercial structure or for a residence containing more than 1500 square feet of habitable space unless the building plans are prepared and signed by a New York State licensed engineer or registered architect.
5. No building permit of Certificate of Occupancy shall be issued by the Building Inspector unless all provisions of the Village of Nyack Zoning Code and the New York State Uniform Fire Prevention and Building Code are in compliance
6. Fees are based on cost of construction. (This office reserves the right to adjust any fee prior to issuing the Certificate of Occupancy if it is shown that the original fee was not sufficient to cover the actual cost.) Bills, invoices and other documentation must be submitted to substantiate both the Estimated Cost of Construction, as well as the Actual Cost of Construction.
7. Mandatory inspections are required for issuance of Certificate of Occupancy.
8. Underground utilities are required by the Zoning Code.
9. It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed, converted or enlarged wholly or partly, in its use or structure, until a Certificate of Occupancy shall have been issued
10. This office reserves the right to require that the affidavit of compliance on the application for a Certificate of Occupancy be submitted and signed by the architect or engineer of record.
11. The building permit expires two years from the date of issuance. One six (6) month extension may be granted prior to be expiration date of the building permit (Renewal of all expired building permits requires a new application and fee.)

*****Applicant Retain this page for reference purposes***

Mandatory Inspections of Construction
You MUST schedule inspections prior to concealing affected areas

Other inspections will be made in some cases, but those listed below must be made or the Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below.

Unless a card is left on the job indicating approval of one of these inspections, it has not been approved and it is therefore improper to continue beyond that point of work. Any disapproved work must be re-inspected after the correction.

Call ahead for all inspections:

1. **Erosion Control:** Silt fence and tree protection.
2. **Footing Forms:** When excavation is complete and forms are in place (before pouring) Rebar in place and hooked at all corners.
3. **Foundation:** Check for waterproofing, type of block, footing drains, insulation as needed.
4. **Plumbing: Under Slab:** Cast iron, copper, etc.
5. **Gravel Under Slab:** (Usually combined with (#3). Check for insulation as per Energy Code.
6. **Plumbing Rough In:** All work that will be covered (enclosed) must be installed at this time.
7. **HVAC Rough In:** All work that will be covered must be installed at this time.
8. **Framing:** Call when frame is complete including fire-stop, bridging, collar ties, etc. before it is covered from the inside with insulation.
9. **Insulation:**
10. **Plumbing Final:** This can be combined with final. All fixtures to be installed at this time.
11. **In Garage and where ever appropriate:** Fire rated sheetrock to be inspected before painting.
12. **Rough Grading:** All surface water should be directed away from the building to an approved outlet, street, lawn, inlet, drainage swale, etc. This can be combined with final.
13. **Final:** Complete application for certificate of Occupancy, produce certified plot plan or as-built survey including outlet for footing drains to positive outflow. Provide Fire Underwriters Certificate. Building must be essentially complete with all utilities working.

If Demolition Permit – Please submit the following:

The following items must be presented to the municipality before demolition can occur:

1. Asbestos abatement survey by a licensed practitioner.
2. Letters from utility companies that the gas, electric and water have been turned off.
3. Affidavit that the premise has been baited for rodents and vermin.
4. Approval from the Department of Environmental Management & Engineering for Sealing of Sewer line.

KIER B. LEVESQUE ARCHITECT

49 Third Avenue Nyack, New York 10960 845-358-2359

Chairman
Planning Board
Village of Nyack
9 North Broadway
Nyack, NY 10960

January 6, 2021

Re: Wilkinson
66 S. Broadway
Nyack, NY 10960

Job # 2020100

Chair Klose,

This application is to restore the planning and zoning approvals from 2018 as a building permit was not secured before the ZBA approval lapsed. This project must go back to the zoning board to reinstate the variances for minimum dwelling unit size, residential density and 1 parking space. The planning board's initial review of the application for site plan and recommendation to the ZBA was on November 5, 2018.

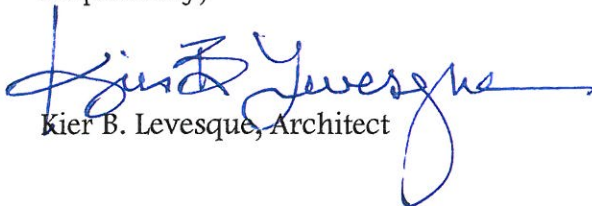
The zoning board approved the application on November 26, 2018 for all the variances requested.

In addition to the reinstatement, we are proposing a change of use for the below street level retail space into a studio dwelling unit. The site plan bulk table shows the proposed residential density increase to 5 units will require ZBA approval. There are no additional parking spaces required as noted on the site plan for the additional dwelling unit. We are requesting that the determination and final resolution from the November 5, 2018 hearing be reaffirmed and a recommendation to the ZBA for the additional dwelling unit.

As you know the current Covid -19 pandemic has adversely impacted the retail market here in the village, and Mr. Wilkinson has been economically impacted by the loss of the lower-level retail tenant for almost a year. The proposed new residential unit complies with the zoning code in that it is below ground and not at street level where it is prohibited. A similar basement dwelling unit is located at 71 S. Broadway. The emergency egress for the proposed dwelling unit is located at the rear of the building and is at grade level.

Please call if additional information is required prior to the hearing date.

Respectfully,



Kier B. Levesque, Architect