

NYACK BUILDING AND ZONING DEPARTMENT
9 NORTH BROADWAY . NYACK, NEW YORK 10960
914-358-4249

FOR OFFICE USE ONLY

File No. _____ Date of Application _____
Planning Board Agenda Date _____ Agenda Item No. _____ Fee Paid \$ _____
Date Approved _____ Date Disapproved _____ Date Approved with Conditions _____
Zoning Board of Appeals Agenda Date 10/25/21 Appeal No. _____ Fee Paid \$ 750
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 AN AREA VARIANCE FROM THE ZONING ORDINANCE

ADDRESS OF SUBJECT PROPERTY 23 ROUTE 59
ZONING DISTRICT CC SECTION G5.36 BLOCK 1 LOT 49
EXISTING USE/OCCUPANCY VACANT LAND
OWNER'S NAME CLAUDIO IODICE
ADDRESS 934 HAWKSTRAN RD. SUFFERN NY. TELEPHONE 914-575-4741
(IF OWNER IS A CORPORATION): NAME OF CORPORATION _____
OFFICER _____ TITLE _____

PREVIOUS APPEAL:

HAS A PREVIOUS APPEAL FOR AN AREA VARIANCE FROM THE ZONING ORDINANCE BEEN MADE WITH REGARD TO ANY DECISION OR DETERMINATION OF THE BUILDING AND ZONING INSPECTOR WITH RESPECT TO THIS PROPERTY?
 YES NO

DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from the decision or determination of the 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;

REAPPEALED BY THE
PLANNING
BOARD

Therefore, I (We), CLAUDIO IODICE, 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 23 ROUTE 59; and I (We) do hereby request that the Board of Appeals grant a Variance from the following provision(s) of the Zoning Ordinance of the Village of Nyack: SEE EXHIBIT A

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____

to permit CONSTRUCTION, MAINTENANCE AND USE AS A WAREHOUSE WITH ACCESSORY OFFICE SPACE

(DECLARATION CONTINUES ON THE REVERSE SIDE)

and I (We) do hereby attest that the variance requested is the minimum variance that will accomplish this purpose; and I (We), understanding that in making its determination, the Zoning Board of Appeals shall weigh the benefit of the granting of the variance to the applicant against the detrimental effects to the health, safety and welfare of the neighborhood or community; and that the Board, in making such determination, shall also consider the circumstances or conditions which are described herein as applicable under this appeal for an area variance; and that I (We), as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals as to the following: SEE ATTACHED NARRATIVE SUMMARY

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 UNDESIRABLE CHANGE OR BE DETRIMENTAL TO NEARBY PROPERTIES: _____

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: _____

3. FEASIBLE ALTERNATIVES

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

4. PERCENTAGE OF VARIANCE

Whether the requested area variance is substantial. (EXAMPLE: LOT REQUIRES REAR 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: _____

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 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: _____

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: _____

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



SIGNATURE OF APPLICANT

DATED: 10/31/21

NARRATIVE SUMMARY FOR ZBA

CLAUDIO IODICE
23 Route 59
Section 65.36; Block 1; Lot 49

The subject property is a 16,025 square foot parcel located on the south side of Route 59, next to the Thruway overpass. The property is located in a CC zone and is currently vacant.

The applicant proposed to construct a new warehouse with accessory offices. There are three units proposed. The building will be approximately 6,700 square feet.

The application has been reviewed by the Planning Board and Architectural Review Board. It was determined to be an unlisted action and a Negative Declaration was issued. The Planning Board gave a positive recommendation and referred the application to the ZBA.

The applicant meets the requirements for granting the requested variances. The benefit to the applicant, and the community, if the variances are granted, outweighs any detriment to the health, safety, and welfare of the neighborhood. In fact, the proposed improvements will improve any impact from the current use of the premises.

Pursuant to the Zoning Law of the Village of Nyack Article V §360-5.10 and New York Village Law §7-712-b(3), the Board is required to consider the following factors:

1. No undesirable change will be produced in the character of the neighborhood, and there will be little or no detriment to nearby properties. The neighborhood consists of commercial and retail uses. The proposed warehousing use is a permitted use and compatible with existing uses.
2. No feasible alternative. Without the requested variances, the applicant will have to comply with the requirements of properties adjoining residential zones even though the adjoining lot that is in a residential zone is developed with a commercial building.

3. The requested variances are not substantial. A numerical deviation from the bulk requirements alone do not make any of the requested variances substantial. The Board must determine the impact that the deviation will have on the community compared to the impact of the current use. The impact will not be substantial because of the proposed screening and changes made to the proposed site plan, including on-site parking, as suggested by the Planning Board and CDRC to minimize the impact.

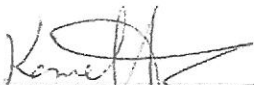
4. There will not be any adverse impact on the physical or environmental conditions in the neighborhood. The proposed warehouse is permitted by the Zoning Code. It has been determined that this is an unlisted action under SEQRA and the Planning Board issued a Negative Declaration.

5. The difficulty is not self-created. The difficulty arose because the adjoining lot was zoned as a residential lot even though it was already developed with a commercial building.

CONCLUSION

Considering the benefit to the applicant if the variances are granted, and that the improvements to the site that are proposed will have a positive impact to the health, safety, and welfare of the neighborhood, the application should be approved. It is respectfully requested that variances be granted.

Dated: Suffern, New York
October / , 2021


Kenneth Moran, Esq.
Attorney for Applicant

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-nv.gov

Village of Nyack
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Land Use Board Review: ARB Planning ZBA

Permit No: _____ Application Date: 3/3/21

Fee Paid: \$125 / \$125 / \$100 / \$350 / \$125 Receipt #: 14833 / 14834 / 14978 / 2806 / 4229

Inspector: _____ File #: _____

Permit Granted For: _____

Permit Denied For: _____

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

Property Location: 23 ROUTE 59

Tax Map Designation: Section 65.36 Block 1 Lot 49

Property Owner: Claudio Iodice Cell Phone: 914-588-9741

Address: 834 Haverstraw Rd Suffern NY Home Phone: _____

Email: markiodiceinc@optonline.net Work Phone: _____

Owner/Tenant: _____ Cell Phone: _____

Address: _____ Work Phone: _____

Email: _____ Cell Phone: 845-222-2536

Contact Person: Mark Iodice Phone: _____

Existing and / or proposed use of structure or land: Vacant parking lot

Project Description: Proposed Warehouse

Estimated Construction Value: \$ _____

Architect / Engineer: Civil Tec - Rachel Barrese NYS Lic # 09D143
Address: 139 Lafayette Ave Suffern NY 10901
Email: rbaresec@civil-tec.com **Phone:** 845-547-2241
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 | .5 | 0 | .37 |
| Lot Area | 7500 SF | 16025 SF | 16025 SF |
| Lot Width | 60 FT | 96 FT | 96 FT |
| Street Frontage | 60 FT | 100 FT | 100 FT |
| Front Yard Setback | 15 FT (25 max) | N/A | 60 FT |
| Side Yard Setback | NONE | N/A | 0 FT |
| Total Side Yard Setback | 15 FT against residential | N/A | 0 FT |
| Rear Yard Setback | 25 FT | N/A | 40 FT |
| Building Height - Feet | 2 stories / 35 FT | N/A | 1 story / 20 FT |
| 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, Mark Tocchi, 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

Mark Tocchi
842 Hamilton Rd
SUFFERN NY

SWORN to before me this

3rd day of March, 20 21.

Witness:

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

Josephine Felix
Notary Public

JOSEPHINE FELIX
Notary Public, State of New York
Qualified in Rockland County
Reg # 01FE5071727

expires 1/21/23

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 N.Y.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 expiration date of the building permit (Renewal of all expired building permits requires a new application and fee.)

Village of Nyack- Planning Board - (13th September 2021)

9. **23 Route 59. Claudio Iodice. Site Plan application for proposed retail/warehousing building and request for recommendation to Zoning Board of Appeals for required variances.** Property is in the CC zoning district.

Building Inspector-- Property is in CC zoning district.

Site Plan Application requires the following three area variances:

- a. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'.
- b. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required.
- c. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0', where 15' is required.

Applicant has requested to appear before ARB prior to Planning Board and Zoning Board of Appeals. Applicant received ARB approval on July 26, 2021.

Application has been sent for review under GML. To date, only Rockland County

Department of Planning, Rockland County Sewer District #1 and Town of Clarkstown Department of Planning have responded. To date, NYSDOT and NYS Thruway Authority have not responded to GML request.

FOR SEPTEMBER 13, 2021 CivilTec Engineering-Surveying responded to Village Engineer and Rockland County Planning comments in a document dated August 20, 2021. Revised Site Plan and responses provided to Village Engineer for review.

Village Planner – Applicant has provided renderings of the building. The revised site plan now includes:

- Existing conditions
- Bulk table
- Parking spaces required are indicated as 13 spaces – 14 spaces shown on the plans but the last space in front of the building at its eastern end is occupied by a 6' x 12' dumpster and not usable. Applicant should show dumpster enclosure material.

Village of Nyack- Planning Board - (13th September 2021)

- *Overhead doors are now shown*
- *Applicant providing 5' sidewalk along Rte. 59*
- *Sign is now included*
- *Lighting and landscape plan now provided. Lighting consists of three wall mounted downward lighting fixtures over each store. Lighting dispersion shows that the lumens are less than 0.1 at the property line.*
- *Landscape plan indicates boxwood shrubs and Cornus Kousa trees (dogwood). Plant schedule does not split out the boxwoods and dogwood trees. Applicant should specify the number of Dogwood Trees, size and location on the schedule and plan. The minimum setback from Rte. 59 is 15'*
- *Parking layout has been revised.*
- *Erosion Control Plan has been provided.*
- *Indicates no net increase in peak rate of runoff from the site.*

SEQRA Determination - *The proposed action is an Unlisted action under SEQRA. Planning Board declared itself Lead Agency for the proposed action at its April meeting. The Planning Board will need to close out SEQRA before the Applicant can go to the ZBA. Village Engineer's final comments received on 8/31/21. Draft Neg. Dec prepared for review by the Planning Board at the September meeting.*

*Planning board moves to accept the NEG Dec prepared for the September MEeting -- Second by Voletsky-
- Move to adopt it by Vote 4-0.*

Village Engineer- 8-31-2021-

1. *Engineering Plans entitled "Site Plan for 23 Route 59", prepared by Civil Tec Engineering and Surveying, PC, last dated 8/19/21, sheets 1 through 5 of 5.*
2. *Architectural Plan entitled "Iodice Plaza 23, Main Floor Plan", prepared by Archifuture PC, sheet 3, last dated 8/21/21.*

The property is located on Route 59 in a CC – Corridor Commercial Zone. The applicant is proposing a new warehouse consisting of three units. The total square footage proposed for the warehouse is 6090 SF; the total square footage proposed for accessory office space, will be located on a

Village of Nyack- Planning Board - (13th September 2021)

mezzanine level within each unit, is 2030 SF. Warehousing is permitted in this zone.

We offer the following comments 1-16 all responded to by the Engineer for the Applicant:

Applicant- would like a recommendation to the ZBA for the three variances

Public-NONE

BOARD-- Motion by Klose - to close the public meeting with respect requested variances
a. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'; b. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required. c. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0', where 15' is required.

-- Motion to close the public hearing the recommendation to the ZBA Second by Voletsky.
Vote 4- 0 to close with respect to the variances

BOARD -- Klose made a motion offer a positive recommendation to the ZBA
a. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'.
b. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required.
c. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0', where 15' is required.

Second the application for the three (3) variances-- Seconded by Kestenbaum-- Vote 4-0.

10. **82-84 South Franklin Street. ARC of Rockland. Site Plan and Special Permit applications and request for recommendation to ZBA for a parking variance. Property is in DMU-1 zoning district Application is to convert the Interior Recreation facility to an Adult Day Care Center. Article III VON§360-3.2C(2)(a) requires the facility to be licensed or recognized by the State of New York. Proof of such has not been submitted.**

Building Inspector -A variance for a minimum of 3 parking spaces is required from Article

Village of Nyack- Planning Board - (12 April 2021)

determination on the area variance for height. If the variance is received a formal resolution can be prepared for the Planning Board's consideration.

Applicant—

PUBLIC-- none.

BOARD-- No ACTION

5. **23 Route 59. Claudio Iodice. Site Plan application for proposed retail/warehousing building and request for recommendation to Zoning Board of Appeals for required variances.** Property is in the CC zoning district.

Building Inspector-- Site Plan Application requires the following three area variances:

- a. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'.
- b. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required.
- c. Article IV, VON§360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0', where 15' is required.

Applicant has requested not to appear before ARB prior to the Planning Board and Zoning Board of Appeals until site plan approval and variances are issued.

Application has been sent for review under GML. To date, only Rockland County Department of Planning, Rockland County Sewer District #1 and the Town of Clarkstown Department of Planning have responded.

The Village Engineer has provided a review dated March 17, 2021. Comments related to vehicle access and maneuvering and turning radius on site, lighting plan, screening of headlights for vehicles parked adjacent to Route 59. The Village Engineer notes that the Village of Nyack has an enhanced standard for stormwater management of disturbance of 10,000 sf or greater. The proposed project disturbance is over 12,000 sf or 0.29 acres. The site may be considered a redevelopment and addressed accordingly. Concrete sidewalks and concrete apron shall be constructed along the full property frontage along

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Route 59. Applicant's Narrative indicates that no drainage improvements are proposed since the area is already a parking lot and impervious. I would think that stormwater management would need to be addressed with the Village Engineer.

Applicant-- *has provided a Narrative describing the Project. The subject property is located at 23 Route 59. The property is essentially a vacant parking lot consisting of 16,025 sf (0.37 acres) in the CC zone. The property was formerly used by the electrical contractors for parking while working on the Mario Cuomo Bridge. The Applicant is appearing before the Planning Board before going to ARB and ZBA. There will be several area variances required for front yard setback, side yard setbacks for side yards against residential zoned property (even though it is used as retail). The Applicant is proposing a warehouse with approximately 5,800 sf. The proposed building is proposed to be divided up to three tenants. The parking requirement is six parking spaces with 14 spaces being provided. There is an existing retaining wall located approximately 40' from the rear property line. The retaining wall was constructed due to the higher topography at the rear of the site. This results in a front setback of 60' where the maximum setback allowed is 25'.*

The Planning Board should require a landscape plan with an enhanced landscaping buffer along Route 59.

SEQRA – *the proposed action is an Unlisted Action. While the Planning Board could declare its intent to be lead agency, I would recommend that the Board wait until they get more information of the proposed project.*

The Applicant already owns lot 21 adjacent to the east. This parcel consists of 27, 258 sf or 0.62 acres. The existing building on Lot 21 is vacant and was formerly used as a bank and deli. The applicant has also expressed interest in revitalizing the existing building. The Planning Board should be aware of this since the merger of both properties would result in a larger one- acre property with more possibilities.

GML Review -- Rockland County--

- 1 It will be difficult for vehicles parked in the northwestern and southeastern parking spaces to maneuver out of the spaces without a turnaround area. The proposal includes more than double the required number of parking spaces. The applicant should consider reducing the number of parking spaces so that turnaround areas can be provided. This will allow for vehicles to more safely maneuver throughout the site. In addition, the removal of some parking spaces will free up space on the site that could then be used for landscaping, thus*

Village of Nyack- Planning Board - (12 April 2021)

reducing the impervious surfaces that are currently occupying , and proposed to occupy, the_ property.

- 2 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees and customers.*
- 3 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.*
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.*
- 5 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water.*
- 6 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 3 8, which must be signed by the public water supplier.*
- 7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.*
- 8 As designed, it may be difficult for sanitation workers to be able to maneuver the site to access the dumpster. If parking spaces are eliminated as noted above, the parking area could be reconfigured, and the dumpster could be relocated to an area that is more easily accessible and does not impact parking maneuverability.*
- 9 The bulk table indicates the side setback and total side setback variances are required due to*

Village of Nyack- Planning Board - (12 April 2021)

the west side of the site bordering a residential zoning district. This shall be corrected to the east side.

Applicant— *Ken Moran for the Applicant Ms. Rachel Barese-- one story building about 20 feet high located to the rear of the property -- cliff in the rear- they don't want the building*

PUBLIC-- *none.*

BOARD-- *NO ACTION--ASKED FOR ADDITIONAL INFORMATION--*

6. **262 A&B Main Street. Lino Sciaretta for Tarrasenko. Application to amend previous Site Plan application. Property is in the DMU-2 zoning district.**

Building Inspector-- *A Building Permit was issued on 10/31/2018 for the installation of rear yard bollards to prevent parking within 15' of any wall of a three – or more family dwelling as required by Article VI, VON§360-4.5E(3): “The parking of motor vehicles within 15 feet of any wall or portion thereof of a three- or more family dwelling, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than eight feet above the level of said parking space, is prohibited.” Historically, tenants parked directly in front of the front wall of building 262B. Bollards were proposed to create a fire lane in front of 262B and prevent parking directly in front of building 262B. The applicant must indicate how parking in front of 262B will be prevented without bollards. The application should be referred to the Fire Department for review and comment.*

The previous Planning Board Minutes at which this application was reviewed have been provided to the Planning Board for their background on this application.

Applicant— *no one appeared*

PUBLIC-- *none.*

BOARD-- *Motion by Klose to consider area variances for the location ?????RESULT???*

7. **Zoning Code Amendment** --*The Village Board has referred a Zoning Code Amendment to permit rooftop dining in DMU-1 Zoning district to the Planning Board for a recommendation and report as required by 360-5.6B(3)(a). The Village Planner's memo to the Village Board on rooftop dining is being provided separately as background for the Planning Board.*

Village Attorney-- *Please take a look at the proposed Code revisions to permit Rooftop Dining in the Village, keeping in mind that Code section 360-5.6(c) requires both the Village Board*

10. 23 Route 59. Claudio Iodice.

Continuation of application for new construction.

Building Inspector Review:

Additional information consisting of colored renderings of building elevations along with door and window hardware cut sheets have been submitted for the July 21, 2021, ARB meeting. Several other items requested by the board on June 16, 2021, have not been provided.

This application requires the following variances:

- a. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'.
- b. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required.
- c. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0' where 15' is required.

Board Review Based Upon:

1. The application.
2. Building Inspector review
3. Testimony of applicant Mark Iodice and applicant's attorney Ken Moran
4. ARB members' knowledge of the site
5. Site visits by members
6. No testimony from the public

Board Findings

Applicants states that clock will be working clock. Upper windows are actual windows. Awnings will be sunbrella material in burgundy. Tenants' signage will be consistent throughout building.

Conclusion:

1. Having no comment by the public, the public hearing is closed on a motion by Member Robertson, seconded by Member Steinhurst, approved by a vote of 4-0.
2. Motion by member Robertson to conditionally approve the application. Applicant agrees to produce alternate colored rendering of front elevation showing the wall behind the clock as a rectangle instead of gable shape. Applicant will email rendering to building department for approval by two board members. Seconded by member Holley, approved by a vote of 4-0.

buildingdepartment@nyack-ny.gov

From: Laurie Steinhorst <lsteinhorst2@gmail.com>
Sent: Monday, July 26, 2021 9:06 AM
To: Lisa Buckley
Cc: Kathy Hanrahan; German Lanzetta; Greg Healey; Maren Robertson; Scott O'Neill; Toma Holley
Subject: Re: 23 rt 59 new clock tower

Agreed, I approve.

Laurie Steinhorst

On Jul 26, 2021, at 8:46 AM, Lisa Buckley <ldbuckley@gmail.com> wrote:

I think this is more appropriate for a commercial building than the gabled clock tower. I approve.

On Mon, Jul 26, 2021 at 8:39 AM <buildingdepartment@nyack-ny.gov> wrote:

From: Mark Iodice <markiodiceinc@optonline.net>
Sent: Sunday, July 25, 2021 8:50 PM
To: buildingdepartment@nyack-ny.gov; maryscreene@nyack-ny.gov
Subject: 23 rt 59 new clock tower

Hi Mary,

The ARB board asked to see the clock tower in a square version - please send this over to them for review.

Thanks,

Mark Iodice

6. 23 Route 59. Claudio Iodice

Application for construction of a new building
(# 8 on agenda)

Building Inspector Review:

This application requires the following variances:

- a. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a front yard setback of 60' where the minimum required setback from street is 15' and maximum permitted setback is 25'.
- b. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a side yard setback to the east of 0', adjacent to residential zone SFR-2, where 15' is required.
- c. Article IV, VON §360-4.3, Dimensional Standards Table 4-1, for a minimum setback for both side yards of 0' where 15' is required.

This application has been sent out for GML review. Comments from Rockland County Planning have not been addressed with regards to parking spaces, refuse pickup, etc. Nyack Planning Board had comments regarding the building placement and parking space locations.

Board Review Based Upon:

1. The application.
2. Building Inspector review
3. Testimony of applicant Claudio Iodice, applicant's architect Liborio Derario, and applicant's attorney Ken.
4. ARB members' knowledge of the site
5. Site visits by members
6. Testimony from the public:

Board Findings

There is not enough information to move forward with this application.

Conclusion:

1. The following information is requested by the board:
 - Elevations of all four (4) facades
 - Site plan
 - Color renderings that clearly indicate material and color selections
 - More information on garage doors. Cut sheets if possible.
 - More information about the awnings – materials, shape, etc. Provide section.
 - Cut sheets for windows.
 - Clarify if second floor windows are real or fake – appearance either way
 - Foto of "similar" building mentioned by architect.
 - Appearance of signage band and signage on building and on awnings. Appearance when vacant
 - Cut sheets for light fixtures (goose neck). Other exterior light fixtures?
 - Clock look incl. colors. Functional? Easy to maintain?
 - Color samples for items not listed
2. The public hearing remains open.



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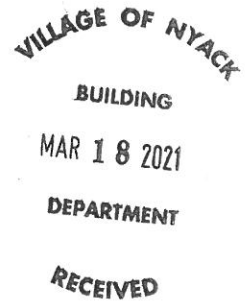
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March 17, 2021

Village of Nyack
Planning Board
North Broadway
Nyack, N.Y. 10960



Attn: Don Yacopino- Construction Code Official

Re: Site Plan Review
Site Plan for 23 Route 59
NYK 0179

Dear Members of the Board,

I am in receipt of a submission with regard to the above captioned project consisting of the following:

1. Engineering Plans entitled "Site Plan for 23 Route 59", prepared by Civil Tec Engineering and Surveying, PC, dated 1/27/21, sheets 1 through 4 of 4.

The property is located on Route 59 in a CC – Corridor Commercial Zone. The applicant is proposing a new approximately 5843 SF warehouse consisting of three units. Warehousing is permitted in this zone.

I offer the following comments:

1. An existing conditions survey shall be provided. All existing utilities and existing topography shall be shown.
2. A Bulk Zoning Legend is affixed to sheet 1 of the plan set. A front yard setback is noted as a variance.; 25 feet maximum is allowed whereas 60 feet is proposed.
3. The Site Plan indicates 14 parking stalls will be provided whereas 6 are required.
4. The vehicular access to the structure is unclear. Overhead doors to access loading docks customarily proposed with a warehouse structure as well as manway doors shall be shown.
5. Due to the nature of the use vehicle wheel turning radii shall be shown to demonstrate the largest vehicle that may maneuver on site. Backing up on to Route 59 to egress or enter the site is not permitted.
6. The sidewalk dimension shall be added to the plan.
7. Proposed signage shall be shown.
8. A Lighting and Landscaping Plan shall be provided.
9. Screening of the headlights for vehicles parked adjacent to Route 59 shall be provided.

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| | | | |
|---------------------|---------------------------|-----------------------------|--|
| Brian Brooker, P.E. | Eve Mancuso, P.E., C.M.E. | Ken DeGennaro, P.E., C.F.M. | Stuart Strow, P.E., C.F.M. |
| Anthony Riggi, P.E. | Dennis Rocks, P.E., C.F.M | John Bezuyen, P.L.S. | Hillary Chadwick, P.E. Joseph J. Moran, P.E. |
| Vincent Kane, P.E. | Nestor Celiz, P.E. | Benjamin Levitz, P.E. | Joseph Nyitray, P.E. |

10. The Village of Nyack has an enhanced standard for stormwater management of a disturbance of 10,000 sf or greater. Based upon the limit of disturbance and final design of this project, this may be considered a redevelopment site and stormwater management addressed accordingly.
11. Concrete sidewalk and concrete apron shall be constructed along the full property frontage on Route 59.

Sincerely,



Eve Mancuso, PE, CME

Partner

BROOKER ENGINEERING, PLLC