

BOARD-- Motion by Kestenbaum -close public hearing with respect to the proposed Variance (*An area variance is required from Article II, VON §360-3.2E(3)(c)[1] for attached garage doors facing the street not set back the required four feet behind the front façade of the dwelling..* Secoded by Rothschild- Motion to close the public hearing passed. Vote 4-0 to close.

BOARD -- Motion by Kestenbaum-to issue a neutral recommendation for the respect to the proposed Variance *An area variance is required from Article II, VON §360-3.2E(3)(c)[1] for attached garage doors facing the street not set back the required four feet behind the front façade of the dwelling..* Secoded by Peter Voletsky and carried by a vote of 4 -0 -

SHK: Switching things to the discussion of the Site Plan Application. Walter noted that there was a new site plan related to items provided to Kier from Rockland County Planning and asked if certain matters were yet addressed. They were not. It was guessed that the matter may be best adjourned until the December 6, 2021 meeting.

Motion by Kestenbaum- motion to adjourn public hearing with respect to the site plan. Secoded by Rothschild- Motion to adjourn the public hearing as to site plan passed. Vote 4-0 to close.

4. **65 South Broadway. DR Pilla for Art Café. Site Plan application to construct a wood framed pergola above existing front yard dining and request for recommendation to ZBA for required variances. Property is in DMU-1 zoning district.**

Building Inspector -Area variances are required from Article III, VON§360-3.2E(1)(c) for an accessory structure not located in side or rear yard, from 360-3.2E(1)(f) for an accessory structure closer than 25 feet from a street line and from 360-3.2E(1)(e) for an accessory structure not located at least 4 feet behind the front façade of the principal building.

In addition, the applicant is seeking a variance for 7 parking spaces for outdoor dining from Article IV, VON§360-4.5, Minimum Parking Requirements Table 4-2. In 2005 the applicant received a C/O for "An outdoor dining area at front garden – 4 – tables." Information submitted with a 2019 permit application to relocate an existing stone walkway indicates an outdoor dining area of approximately 480 square feet in the vicinity of the previously approved outdoor dining facility. Since that time the patio and outdoor dining area have substantially increased without being permitted or approved.

Site Plan approval will be required.

SEQRA – *The proposed action is a Type II action based on 617.5(c)(11) “construction or expansion of a single family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections. LWRP - based on the Village Code, as a Type II action, this is consistent with LWRP policies.*

Village Planner-- The front yard of the Art Café has been used for outdoor dining for several years. Red umbrellas cover the tables in the front yard. There are wooden screens along the front that screen the tables from South Broadway. Public metered parking lot is located at the rear of the Art Café which also services Nyack Library patrons. The meters are in effect 11:00 am – 6:00 pm Monday through Saturday.

Applicant-- Sara from DR Pilla--Dan Kramer-- outdoor dining more and more important-- would like to consider future cover of some sort. They want the access to the sun and air-- do not want covered structure--

*DMU district-- variance are required from Article III, VON§360-3.2E(1)(c) for an accessory structure not located in side or rear yard,
-from 360-3.2E(1)(f) for an accessory structure closer than 25 feet from a street line and
-from 360-3.2E(1)(e) for an accessory structure not located at least 4 feet behind the front façade of the principal building*

Village Planner -- feels like landscaping and screens-- all will feel like it does now

Member Rothschild-- making it somewhat more permanent --concerned about future cover-- one of the conditions will be NO Cover-- step toward potential cover. to go window-- outdoor orders--

GML responses are part of the record
South Nyack has not responded

Information submitted with a 2019 permit application to relocate an existing stone walkway indicates an outdoor dining area of approximately 480 square feet in the vicinity of the previously approved outdoor dining facility. Since that time the patio and outdoor dining area have substantially increased without being permitted or approved.

Public -- hearing none

BOARD-- *Motion by Klose to close public hearing with respect to the proposed Variance-Area variances area variances for the pergola in the front yard Voletsky seconds approved - 5-0 to close the public hearing*

BOARD-- *Motion by Klose with respect to the variance are required from Article III, VON§360-3.2E(1)(c) for an accessory structure (pergola) not located in side or rear yard, from 360-*

3.2E(1)(f) for an accessory structure closer than 25 feet from a street line and from 360-3.2E(1)(e) for an accessory structure not located at least 4 feet behind the front façade of the principal building.

Motion by Klose to make no recommendation as to the Parking requirements for the Art Cafe- where applicant is seeking a variance for 7 parking spaces for outdoor dining from Article IV, VON§360-4.5, Minimum Parking Requirements Table 4-2. In 2005 the applicant received a C/O for "An outdoor dining area at front garden – 4 – tables." Second by Kestenbaum. - Vote 5-0.

Seconded by Kestenbaum - Motion to accept the positive recommendation above and to make no recommendation as to parking (above). Vote 4-1 with Laura Rothschild voting against the positive.

OTHER BUSINESS-- Motion to adjourn by Kestenbaum, seconded by Peter Voletsky- passed by a vote of 4-0. Meeting was adjourned at 8:00 PM.