

2. **74 Jefferson Street. Kier Levesque for Bonnie Mincu. Site Plan application for a two- story rear addition and enclosed porch, and request for recommendation to ZBA for rear yard variance. Property is in the TFR zoning district.**

Building Inspector- An area variance is required from Article IV, VON§360-4.3, Dimensional Standards Table 4-1 for a rear yard of 27.6' where 37.5' is required. The ARB conditionally approved the project on September 22, 2021.

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-There are no apparent site plan issues related to this application. It will need a 10' area variance for the rear yard setback.

Applicant-- NO APPLICATION FOR THIS EVENING

Public -- hearing none

3. **87 Piermont Avenue. Kier Levesque for Paul and De Gray. Site Plan application for the construction of a new single-family home and request for recommendation to ZBA for required variance. Property is in the TFR zoning district.**

Planning board does not grant variances and that the applicant is coming to the board for a recommendation to the ZBA. We will try to address the variance separately from the site plan application.

Building Inspector -Application was sent out for GML review on 10/8/2021. ARB approved the application as presented on September 22, 2021. 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.

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 ARB approved the project including the garage doors facing the street. The plans show one car in the garage and the second car outside in the existing curb cut apron on the south side of the house. Plans show a proposed gravel parking pad in front of the garage. While this may be code compliant, it is unclear how the car in the garage would enter and exit without crossing the lawn in the front yard. I would suggest that the Applicant provide a new curb cut and gravel or pervious driveway be established on the north side of the property leading directly into the garage. The existing driveway on the south side could be closed which would provide an on-street parking space. There would be no loss of on-street parking. This would be a direct route for a vehicle into the garage and would not entail crossing the lawn in the front yard.*

Applicant-- Kier: property does not enable one to drive by the side. Code requirement is a setback but the site doesn't enable this setback or inset of garage door without it being detrimental to the proposed building. ARB approved. Will redesign with driveway and new curb cut as per planner's suggestion.

Kier was asked why he believed the variance requested will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties. He responded that several garages in Nyack and South Nyack have front facing garages and that many variances have been granted. He noted some streets with examples in Nyack.

Public -- Late notice of objection from Alexander Bursztein. My wife (Marion Breland), my stepson (Jonathan Breland) and I reside at 88 Piermont Avenue, Nyack, New York. Noted that this was entered into the records

Alexander Bursztein: Lives across the street. Bursztein stated his concerns/objections which he also reflected in his written statement. He asked for proof of notice requirements being met. Don mentioned that Don had access to the information related to notice for site plan and that the notice was published in the Journal News. This proof was available in the planning department files. In response to Bursztein's concern that notice wasn't provided related to the variance, Walter stated that the Planning Board does not grant variances and therefore that notice methods for variances (published, mailed, and posted) was not applicable.

Marion Breland: Lives across the street. Breland expressed her concerns related to views and neighborhood character which were also reflected in her written statement.

SHK: reminded all that we are going to look at the variance and then the site plan.

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.. Seconded 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.. Seconded 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. Seconded 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.