

Village Of Nyack

Incorporated February 27, 1883



Asst Building Inspectors

Paul Rozsypal

Scott Fine

Fire Inspector

David Smith

BUILDING DEPARTMENT

9 North Broadway

Nyack, New York 1096-2697

(845) 358 - 4249 / FAX: (845) 358 - 0672

www.nyack-ny.gov

buildingdepartment@nyack-ny.gov

MANNY A. CARMONA

Chief Building Inspector

Request for
Commission
Endorsement

PLANNING BOARD REVIEW APPLICATION

☒ Disapproved C of O ☐ Formal Application ☐ Pre-application Meeting (pursuant to §360-5.4A)

Project Street Address: 48 South Franklin Street 10960 Application Date: 10/18/22

Project Name: 48 South Franklin Street

Tax Map Designation: Section 66.37 Block 3 Lot 34

Section _____ Block _____ Lot _____

Section _____ Block _____ Lot _____

Section _____ Block _____ Lot _____

Project Location: On the _____ side of _____ approximately, _____ feet from the intersection of Depeu Avenue and Hudson Ave in the Village of Nyack.

Acreage of Parcel .07 Zoning District DMU

School District VILLAGE OF NYACK Postal District VILLAGE OF NYACK

Fire District NYACK FIRE DEPARTMENT Ambulance District NYACK ABULANCE CORP.

Water District NYACK WATER DEPARTMENT Sewer District ORANGETOWN ENV. MGT. -ENGINEERING

Project Description: (please attach a narrative summary). narrative attached.

CONTACT INFORMATION

	NAME/ADDRESS	PHONE #/ E-MAIL	LICENSE #
Applicant	<u>Schenley Vital</u>	<u>845 480 1223</u>	
Property Owner	<u>Locality Group</u>	<u>845 480 1223</u>	
Architect	<u>Jerry Zuzen Casa</u>	<u>845 598 1613</u>	<u>029777</u>
Engineer	<u>Ryphon Engineering</u>	<u>917 475 6138</u>	<u>093362</u>
Surveyor			
Landscape R.A.			

Your application is hereby disapproved by the Chief Building Inspector and referred before the Planning Board for review, approval, approval with modifications or disapproval to be issued a permit by the Chief Building Inspector.

§360-5.4B. Application Submittal. (5) Fees and Costs.

☒ **Commercial \$150** ☐ **Residential \$50** ☐ **Escrow: \$_____**

(b) Recovery of consultant costs. In addition to the development fee, an applicant shall pay all costs billed by the Village for expenses incurred in review of an application, including fees from consultants hired to assist in the review. Escrow funds may be required, at the discretion of the Chief Building Inspector.

(c) Outstanding fees and costs. All fees and costs shall be paid by the applicant prior to scheduling of hearings and/or meetings for any development application. No new applications shall be accepted by the Village until all previous fees and costs associated with an applicant are paid in full by the applicant.

(6) Outstanding municipal violations. Applications for review and approval of any project shall not be deemed complete while there are outstanding municipal violations pending against the owner, owner's agent, or other entity making such application, where such municipal violations are outstanding against all or part of the premises which is the subject of the application.

☒ **No Violations** ☐ **Violations Pending (see attached)**

§360-5.4C. Determination of application completeness. After receipt **one set** of complete submittal of the development application, the Chief Building Inspector shall determine whether the application is complete and ready for review.

(1) If the application is determined to be complete, the applicant will be notified of the additional number of copies required to be submitted for the application to then be processed according to the procedures set forth in this code. An application will be considered complete if it is submitted in the required form, includes all required information and supporting materials, and is accompanied by the applicable fee. The determination of completeness shall not be based upon the perceived merits of the development proposal.

(2) If an application is determined to be incomplete, the Chief Building Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future resubmittal. The inclusion of false information in an application is grounds for determination that the application is incomplete.

Application's conformance: This application is being referred to the Planning Board for Approved Site Development Plan amendment and the issuance of permanent certificate of occupancy. The applicant shall demonstrate compliance to the satisfaction of the Planning Board of the following conditions:

- The building shall include additional energy efficiency elements to enable the building to exceed the requirements of the NYS Energy Code by 10%. This increase shall be verified to the Building Department by a certified third party prior to the issuance of a certificate of occupancy,
- The solar energy collectors to be installed on the roof shall not exceed 1,000 sf in area to remain compliant with the Village of Nyack Zoning Code,
- In accordance with the requirements of Chapter 120 ("Affordable Housing"), the project will provide one affordable/workforce unit; and
- Except as otherwise expressly provided herein, all conditions of the 12/15/2014 Resolution of Site Plan approval shall remain in full force and effect.

following documents are required:

- ☒ Color photographs of all buildings and structure on the lot and on adjacent properties.
 - ☒ Color photographs of "existing and proposed windows, doors, siding, roof and trims.
 - ☒ Affidavit that the proposed work and applicant are authorized by the property owner.
 - ☒ As-built Architectural plans showing elevations, floor plan, windows and doors with details, specifications, materials used, sec/block/lot #, bldg. height and sq. ft.
 - ☒ Amended Site plans clearly showing Planning Board approvals and indicating all changes to such approvals.
- ☒ GML ☐ Required ☒ Not required
- ☒ A narrative summary of the proposed project.

§ 360-5.2A(2) Decision-making body pursuant to § 7-718 of the Village Law of the State of New York.

☒ (d) **Site Plan approval** ☐ Preliminary ☒ Final pursuant to § 360-5.4 and 360-5.7.

Decision-making authority & Public Hearing pursuant to §360-5.1, Table 5-1

§ 360-5.7 Site development plan.

A. Purpose. The purpose of the site development plan process is to ensure compliance with the development and design standards and provisions of this code, and to encourage quality development reflective of the goals, policies and objectives of the Village Comprehensive Master Plan. The site development plan process is intended to allow for the evaluation of both the intended design, arrangement and uses of the area, as well as the impacts of the development on the community.

B. Applicability. Site development plan approval by the Planning Board is required for:

(3) The amendment of any previously approved site development plan.

☐ (i) Referral to the ☐ **Board of Trustees** ☐ **Zoning Board of Appeals** ☐ **Architectural Review Board** when required by the provisions of this article or when, in the opinion of the Board, such referral is necessary to fully evaluate the impacts and benefits of a development application.

☐ (j) Upon the granting of an approval, to impose such reasonable conditions and restrictions as are intended to promote the objectives of the State Environmental Quality Review Act, the Comprehensive Plan, the Local Waterfront Revitalization Program, or other relevant law or officially adopted local or regional plan, and are directly related to and incidental to the proposed use of the property.

Conditions: _____

☐ (k) Retain ☐ Counsel ☐ Clerks ☐ Secretary ☐ Engineers ☐ Architects

☐ Landscape Architects ☐ Historic Preservationists ☐ Planners ☐ Other _____
to assist the Board in the conduct of its official business.

Review & Public Hearing pursuant to §360-5.1, Table 5-1

Date application is determined to be complete: _____
MANNY A. CARMONA DATE
Chief Building Inspector

Date application given to applicant: October 5, 2022

Date application received by the Bldg. Dept: _____

Date application is determined to be complete: _____
MANNY A. CARMONA
Chief Building Inspector


MANNY A. CARMONA
Chief Building Inspector

Village of Nyack
Building Department
9 North Broadway
Nyack, NY 10960

Re: Owner Request for Endorsement/Signature of As-Built Site Plan per Planning Board Resolution
Final for Certificate of Occupancy - 48 South Franklin Street (66.37-3-34)

Pursuant to the Resolution of the Village Planning Board adopted on January 2, 2019, RE: 48 South Franklin Street; Resolution of Amended Site Plan Approval (herein after the "Resolution"), Lucidity Group, LLC by Schenley Vital, as owner, submit the following affidavit for review and consideration by the Planning Board Chairman for endorsement pursuant to the Resolution. Attached please find below a detailed Affidavit affirming compliance with the Resolution, (2) two site plans illustrating the approved conditions. Owner is requesting the Planning Board Chairman's "endorsement" as required by the same Resolution.

Village of Nyack
Building Department
9 North Broadway
Nyack, NY 10960

Narrative Statement and Affidavit

Lucidity Group, LLC by Schenley Vital its owner, affirms and certifies the following:

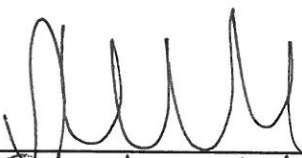
The property at 48 South Franklin Street, Nyack, NY 10960 (66.37-3-34)(herein after the "Building") includes additional Energy efficiency elements that enable the Building exceed the NYS Energy Code by more than 10%. An Energy Efficient report certified by a third party was received and is on file with the Building Department;

Solar Panels are installed on the rear wall of the Building (as listed on the As-Built Site Plan herein provided). The total square footage of the solar panels do not exceed 1,000 square feet in area- as required by the Resolution;

The Building is leased to one (1) residential unit, which represents 20% of the rental units in the Building, is rented to a persons with incomes less than or equal to 80% of the current area median income (AMI) for Rockland County, New York, as determined by the United States Department of Housing and Urban Development (HUD). 20% represents more than double the 10% requirement in Village Code Section 120. The Rockland County Housing Action Coalition, Inc is the vendor managing the rental.

Two As-Built Site Plans with the proposed solar panels and other sustainable features is submitted for endorsement by the Planning Board Chairmen – pursuant to the Resolution.

Lucidity Group, LLC, as owner of the subject Property, agree and affirm, that the above statements are true and to the best of its knowledge and affirm the same by affixing their signature below.



Schenley Vital
Applicant/Owner 9/30/2022



Barbara B. Kunar

Notarized before me this 30th day of
September 2022.



BARBARA B. KUNAR
Notary Public, State of New York
No. 01KU6061272
Qualified in Rockland County
Commission Expires July 16, 2023

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Village of Nyack
Building Department
9 North Broadway
Nyack, NY 10960

Re: Final for Certificate of Occupancy - 48 South Franklin Street – May 28, 202[2]
Written Responses to Issues raised in Final for Certificate of Occupancy Section "MISC"

1. Planning Board Approval Incentives

Solar Energy Collectors are installed on the rear retaining wall. There is a little more than 100 sq less than the 1000 sq ft maximum.

One (1) residential unit, which represents 20% of the rental units in the Building, is rented to a persons with incomes less than or equal to 80% of the current area median income (AMI) for Rockland County, New York, as determined by the United States Department of Housing and Urban Development (HUD). 20% represents more than double the 10% requirement in Village Code Section 120. The Rockland County Housing Action Coalition, Inc is the vendor managing the rental.

As built plans submitted to the Building Department.

2. Architectural Review Board Application

An application was submitted on 4/11/2022 and again in July 2022 with the required fees for the ARB for review of 4 exterior lights and two (2) as built plans.

3. As built plans submitted.

4. Stamped HVAC plan submitted.

5. Plans for crawl space drainage by Krypton Engineering submitted to the Building Department.

6. Re: Basement Column footing depth and Basement Column repair slice as requested by the Building Inspector 5/17/15

Response(s):

1. I, Schenley Vital, certify that I witnessed with the engineer, a test that verified the existing concrete footing depth of at least 18 inches. The Basement Column footing depth was tested and recorded and made available to the Department.
2. A detailed cross section of the basement column repair slices was provided on or about May 17, 2015. The same detail is attached herein,
3. A sprinkler system was installed in the Building in compliance with the applicable Code.

7. Re: Compliance with Structural Inspection Report by Ryan A. Nasher, P.E. 12/26/14

Load Bearing Wall

A French Drain and three sump pumps are installed in the basement level. The Concrete Masonry units are treated with a waterproof membrane.

Steel Frame

All columns and base plates were removed to bare steel and painted with a protective rust protective epoxy primer and paint. A column in the basement level was jacketed with a steel sleeve that was installed according to engineer's design on file with the Department- see "basement column repair slice." The column was painted with a protective rust protective epoxy primer and paint.

Wood Frame

There is a dehumidifier, fans, and cross ventilation system to ensure the basement remains dry. Additionally, three sump pumps are installed in the basement level.

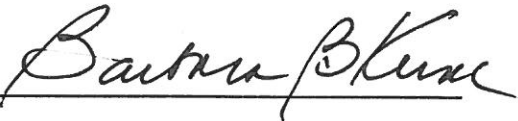
8. Fees settled with the Court with Temporary Certificate Issuance

9. Temporary Certificate fee paid and issued

The applicant, as authorized by the owner, and or the owner agree and certify, that the above statements are true and to the best of its knowledge and affirm the same by affixing their signature below.



Scherley Vital
Applicant/Owner 9/30/2022



Barbara B. Kunar

**Notarized before me this 30th day of
September 2022.**



BARBARA B. KUNAR
Notary Public, State of New York
No. 01KU6061272
Qualified in Rockland County
Commission Expires July 16, 2023

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