



Village of Nyack Planning Board

February 6, 2023 Minutes

Members Present:

*Laura Rothschild - Chair
Peter Voletsky - present
Miguel Ortiz-Crane - absent
Jennifer Knarich - present
Karen Roberts- absent
Matthew Coussouloudis -present*

Also Present:

*Dennis M. Michaels, Esq. Village Attorney
Manny Carmona - Building Department
Bob Galvin—Village Planner*

COVID-19 PANDEMIC STATUS~ IN PERSON

Conflict Check: *The Chairman polled the members of the Board regarding the issue of possible conflicts of interest regarding the application. All affirmed there were no conflicts of interest or reasons for recusal, unless otherwise noted.*

Other Business: *Chairman stated that the minutes for the December 5, 2022 meeting were distributed to Planning Board Members for their review prior to this meeting and at that time asked if there were any corrections. As there were no corrections, Chairman made a motion to approve the **December 5, 2022 Minutes** as distributed. Motion seconded by Ms. Knarich -- passed 4-0.*

1. 1. 9 Haven Court, Gregory Miller, Application for Tree Removal.

The Chair briefly described the application for tree removal of a 17”sumac tree in the front left of the front yard. The Chair included the following Village Planner’s comments into the record.

Village Planner

The Subject Property is in the TFR Zoning District. The residence is located on the north side of Haven Court and is the last residence before the BOCES River View HS property to the east. The property is adjacent to the driveway and parking lot for the high school. The property is approximately 7,840 sf and occupied by a 2-story, two-family residence. The property has larger evergreen plantings in front of the house as well as several trees along the east side of the driveway. There are larger trees along the adjacent High School driveway.

Request is for a permit to remove a 17” sumac tree that is located in the front left of the front yard. This tree is next to a larger evergreen tree and near a small holly bush.

Arborist’s letter from James Michael Dillon, Perfect Cut Tree dated December 7, 2022, provided an assessment of the tree. The arborist indicates that the sumac tree has girdling roots and a codominant union included with the bark. If the tree fails, the targets would be the sidewalk and road. The Arborist recommended that removal is the best way to mitigate this situation.

Recommendation – If the Sumac tree is removed, the larger evergreen will have more room to grow. The property is 7,840 sf and has existing larger evergreens in front of the residence and along driveway and the adjacent driveway for the high school property. There does not appear to be need for replacement of the tree on this property and there is not sufficient space for the planting of a street tree along Haven Court under the overhead utility lines.

The Chair asked for the applicant to briefly describe his request for the tree removal.

Mr. George Miller, the homeowner, made a brief presentation. He wants to remove the sumac tree since it is growing into and impacting the adjacent evergreen tree. It is also impacting the sidewalk. He presented the arborist’s letter from James Michael Dillon, Perfect Cut Tree dated December 7, 2022. The arborist provided an assessment of the sumac tree and recommended that it be removed. He indicated that the sumac tree has girdling roots and a codominant union included with the bark. If the tree fails, the targets would be the sidewalk and road. The Arborist recommended that removal is the best way to mitigate this situation.

Mr. Croussouloudis - stated that it did not appear that there was anything immediately wrong with the sumac tree.

Ms. Knarich indicated that the sumac tree was close to the evergreen tree and a Holly bush.

The Chair also mentioned the overhead wires in front of the house. She asked if the applicant would be willing to donate funds to the Village for the planting of another tree in the Village.

Mr. Miller asked about the costs of a donation to the Village. He also indicated that there was not sufficient room on the property for planting of a tree.

The Chair indicated that volunteers would do the planting and the cost would be for the tree itself which could be planted elsewhere in the Village. She asked both the Building Inspector and the Village Planner regarding the cost of such a donation.

Both the Building Inspector and Village Planner indicated that the range would be \$150 - \$300 depending upon the type and size of the tree.

The Chair asked if the applicant would be willing to make a donation to the Village for a new tree to be planted in the Village. Mr. Miller indicated that he would be willing to make a donation to the Village to plant new tree.

The Chair opened the public hearing which was seconded by Mr. Voletsky.

The public hearing was opened. Receiving no public comment, the Chair made a motion to close the public hearing, seconded by Mr. Voletsky and carried with a vote of 4-0.

The Chair indicated that the proposed action was a Type II action. Based on the Village Code, as a Type II action, the proposed action is consistent with the Village's LWRP policies.

The Chair asked the Planning Board members if they were agreeable to condition of approval that would have the Applicant make a donation between \$150 - \$300 to the Village for the planting of a tree within the Village. The Board members agreed to the condition.

Motion of Approval

The Chair made a motion to approve the tree removal application as presented, seconded by Ms. Knarich and conditioned upon the Applicant making a donation between \$150 - \$300 to the Village of Nyack for the planting of a tree within the Village and planted by the Village Tree Committee at no cost to the Applicant and such tree to be selected by the Village's Building Inspector, carried by a vote of 4-0.

2. 90 North Broadway, Scheuer/Malino. Site Plan application to convert garage into art studio.

The Chair introduced the next application for the conversion of a garage into an art studio. The Planning Board will review the site plan application. Since there is a change of use for the existing garage, the Planning Board will make a recommendation to the ZBA for an area variance for the height of the accessory structure which is existing height of 13' where 12's is maximum required.

The Chair included the following Village Planner's comments into the record. The ARB approved the application on 9/21/22.

Village Planner- Applicant has provided a Narrative describing the garage conversion into an Art Studio. Architect has also provided elevations showing new addition, floor plan with new entrance, site plan and survey with bulk dimensional table.

Project Description

The subject property is located at 90 North Broadway on the west side of North Broadway, 50’ from the intersection of North Broadway and Third Avenue. The property consists of 0.138 acres in the OMU (Office/Mixed Use) zoning district. The property includes a 2 ½ story, frame/stucco residence with a 389-sf accessory garage located in the northwest corner of the site. The south side of the garage faces the Hopper House.

Project consists of the conversion of the existing garage into aa Art Studio (Scheuer Studio – Robin Scheuer is one of the owners of the property). The existing garage is 389 sf with a 105-sf addition containing a new entrance and a ½ bath for a total size of 494-sf. The existing bi-fold wood garage doors will be replaced with a new left slide door and a new north facing skylight is proposed. The addition is on the south side of the garage and plans include trellis and greenery on the exterior to enhance the natural look.

The existing garage is located at the end of the 76’ long driveway connecting to North Broadway. The driveway can accommodate parking for two (2) vehicles. The existing garage setbacks are less than a foot on the north side, 1 ½’ on the west, 76’ on the east (North Broadway), and 35’ on the south. The addition on the south side will reduce this setback to 28’ which is still well within the required setback. The setbacks are all zoning complaint except for the height of the accessory garage. which is an existing 13’ which is one foot higher than the maximum of 12’.

Bulk Analysis	Accessory Building		OMU Zone
	Required	Existing	Proposed
Regulation			
Feet from Principal Building	5’	10’	10’ *
Rear Lot Coverage (%)	30%	17%	22%
Feet from Street & Side/Rear Lot Lines	25’ min from street 3’ from side or rear lot lines	75’ from street 11’ from side 1’6” from rear	75’ from street * 11’ from side 1’6” from rear
Height (feet)	12’	+/- 13’	+/- 13’ *

- Unchanged – existing non-conforming

SEQRA

The proposed action is a Type 11 action based on 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls," therefore, ending the SEQRA process.

LWRP – based on the Village Code, as a Type II action, this is consistent with LWRP policies.

Recommendation – the Planning Board can make a positive recommendation to the ZBA - only the height of the accessory garage is not compliant (exceeding the 12' code requirement) – This is unchanged and is existing non-conforming. (See Narrative and Bulk Table above.)

The Planning Board can also approve the Site Plan for the Project subject to ZBA action.

Mr. Aurell Garcia, architect for the Applicant, made a presentation on the project. He described the art studio and its proximity to the adjacent Hopper House on North Broadway. The artist is the co-owner of the residence and is a board member of the Hopper House. The Architect represented that it is not her intention to use the studio as a business. The garage door, which is an existing bi-fold wood doors, will be replaced with a new left slide door and a new north facing skylight is proposed. The addition is on the south side of the garage and plans include trellis and greenery on the exterior to enhance the natural look. The materials match the existing. It will include wood siding and copper roof. Lighting will be downlighted, dark sky compliant.

The setbacks are all zoning complaint except for the height of the accessory garage which is an existing 13' - one foot higher than the maximum of 12'.

The Chair opened the public hearing which was seconded by Mr. Voletsky.

The public hearing was opened. Receiving no public comment, the Chair made a motion to close the public hearing, seconded by Mr. Voletsky and carried with a vote of 4-0.

The Chair indicated that the proposed action was a Type II action based on 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls,"

Based on the Village Code, as a Type II action, the proposed action is consistent with the Village's LWRP policies.

Motion of Approval

Ms. Knarich made the motion to approve the site plan application as represented by 3 drawings signed by Walter C. Aurell (Aurell Garcia Architects) last revised November 21, 2022, subject to ZBA approval for area variance for height of accessory garage and lighting will be downlite, **seconded by the Chair** and carried by a vote of 4-0.

Motion for Recommendation to the ZBA

Ms. Knarich made motion to provide positive recommendation to the ZBA for an area variance regarding the height of existing accessory garage at 13' where 12' is maximum allowed, **seconded by Mr. Croussouloudis**, and carried by a vote of 4-0.

3. 188 North Broadway. Peter & Kelly Colquitt. Site Plan application for the addition of second floor above garage.

The Chair introduced the last application for the addition of second floor above the garage. There is no expansion to the residence's footprint. Therefore, the footprint of house will remain the same and there is no need for ZBA referral. The second-floor addition increases the height of the residence from 16' to 20.4' which is still within the required maximum height of 32'.

The Chair included the following Village Planner's comments into the record. The ARB approved the application on 12/21/22.

Village Planner

Planning Board responsibility is to review the site plan for this addition of a second floor above the garage. Footprint of house will remain the same and no need for ZBA referral.

Project consists of the complete interior and exterior renovation of the existing one-story, single-family residence in the SFR zone. The addition of overhang over garage door is attempt to make it look more centered.

ARB approved the application on 12/21/22.

Applicant has provided a *Narrative* dated 1/19/23 describing the exterior and interior renovation of the existing residence. This residence built in 1950 contains a main covered

entry porch, full basement, and an attached one-car garage. A new second floor of approximately 400 square feet will be added above the existing garage and two new dormers flanking the existing covered entry porch will be added to the main sloped roof facing the street.

The existing front entrance door is being replaced with a 5'-0" wide 'Dutch' door. The existing Garage door will remain but be refinished. An existing wood deck and steps at the northwest corner of the house is being removed. The existing door from the Sunroom at this location will remain and open onto new stone and concrete steps. A new wood pergola structure will be added to the front elevation at the existing garage door.

Applicant has provided a set of plans including Floor Plans, Building Elevations, Roof Plan, Site Plan & Zoning Code Table and Photographs of existing residence and adjacent properties. There are no changes to the property's dimensions. There is no expansion to the residence's footprint. The second-floor addition increases the height of the residence from 16' to 20.4' which is still within the required maximum height of 32'.

Mr. Dennis Letson represented the applicant and the architect. The Architect is William Pfaff (Pfaff Architects). Mr. Letson indicated that the addition will improve the look of the structure from the street. The architect is using cedar siding. The two dormers are used to tie together the elements of the residence. The ARB approved the application on 12/21/22. There are no ground modifications. The project is zoning complaint with the addition still within the required height allowed by zoning.

The Chair opened the public hearing which was seconded by Mr. Voletsky.

The public hearing was opened. Receiving no public comment, the Chair made a motion to close the public hearing, seconded by Mr. Voletsky and carried with a vote of 4-0.

The Chair indicated that the proposed action was a Type II action based on 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls,"

Based on the Village Code, as a Type II action, the proposed action is consistent with the Village's LWRP policies.

Motion of approval

The Chair made the motion to approve the site plan application as represented by 3 drawings (A-1, A-2 and A-3) prepared by and signed by William E. Pfaff Architects, NYS Registered Architect dated January 12, 2023, **seconded by Mr. Voletsky**, and carried by a vote of 4-0.

OTHER BUSINESS-- Motion to adjourn by the Chair, seconded by Mr. Voletsky - passed by a vote of 4-0. Meeting was adjourned at 7:30 pm.