

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
June 2, 2015

PRESENT:

Roger Seiler – Chairman
Bruce Forrest – Member
Charles Cross – Member
Richard Holt - Member
Frank Richards – Alternate Member

ALSO PRESENT:

Robert Knoebel – Attorney for Zoning Board
Jill Schwarz – ZBA Secretary

Mr. Seiler called the meeting to order at 7:35 pm. There is one item on agenda. Hearing noticed on May 27, 2015 in Journal News.

- An appeal by Eagle Rock for variances from Article XI, Section 110-11.1, Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 4 of the Zoning Law of the Village of South Nyack to create new parking area inclusive of front yard parking and maximum lot coverage (increasing .03%). The premise is three story apartment complex located at 292 Piermont Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section 66.78-1-29, located in an RG-A Zoning District.

Case #1: 292 Piermont Avenue, South Nyack, N.Y. 10960

Appearing: Eve Mancuso, Project Engineer, Brad Long, Owner and James Hausman, General Counsel/Owner

Ms. Mancuso requested variances for parking in front yard and .03 increase in lot coverage for Eagle Rock. Plans were reviewed:

- Added detail to the existing conditions for the southern triangular piece (focal point of application) per Village Engineer.
- Per Village Engineer an agreement was made to have one entrance/exit for the southern portion of site. It will loop around so there will be no dead end roads.
- Landscaping and buffering shown. Applicant agreed to additional landscaping along the front at the Planning Board meeting.
- Southern driveway lines up with Salisbury’s driveway so it will be safer for cars to see each other.
- Existing evergreens will be removed to open sight distance. Vegetation will be replanted to shield cars but not impede sight distance.
- New sidewalk, new curb and handicapped ramps.

- Per Village Engineer's request reconfigured parking along building one by eliminating three spaces which creates a 24 foot aisle width and an area for turn around. New net total of 154 spaces.
- Lighting plan shows minimum .5 lighting level which makes it safe to walk but not intrusive to neighborhood.
- Full drainage improvement – there is a village drainage system that crosses the site. Applicant has agreed to rebuild. Applicant wants to approach the Mayor and the Board of Trustees to reach a cost-sharing agreement.

Mr. Hausman explained that the never ending construction, noise and dust from the work being done by TZ Constructors is making it more difficult to keep apartments rented. The curb appeal has diminished. Applicant wants to meet the needs of their tenants, make the property more marketable. They have a young professional tenant base who can afford to rent elsewhere. They want to keep that tenant base. Applicant feels it is necessary to increase parking to be able to keep reasonable occupancy and maintain reasonable rents. Guest parking would be a greater amenity than keeping the pool.

The Village drainage pipe is discussed.

Mr. Seiler agreed that there should be an easement recorded in favor of the Village.

Mr. Forrest – Eagle Rock is bringing property closer to compliance and addressing guest parking and street parking issues.

SIGHT TRIANGLE – In between dash lines is the sight triangle and it needs to remain clear of tall vegetation. The area behind that triangle can be enhanced with plantings. The Village Engineer requested additional planting along sidewalk but it will be not be substantial because site line needs to be maintained.

It was decided at the Planning Board meeting that the Applicant will narrow the driveway to enhance the landscaped island. It is 15 feet now; it will be 12 feet.

Mr. Knoebel recommended requiring a condition that an easement should be obtained that will encompass the existing village drainage which crosses the site. The right to maintain the pipe should be documented.

There is no representative from the Building Department present.

There are no members of the public present.

Mr. Forrest moved to close public hearing.

Mr. Holt seconds.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Mr. Holt	Aye
Motion approved	5-0

Mr. Knoebel – The zoning code doesn’t require notification of occupants under any type of application; only the owners. The Zoning Board of Appeals reviewed the necessity of notices and determined that the tenants, as renters, are not entitled to separately mailed notices.

Mr. Seiler stated that the Applicant has an interest in keeping the place occupied. Due to the bridge construction and the location of the pool, it would not be pleasant to sit by the pool.

Mr. Cross noted the findings of fact.

FINDINGS OF FACT:

- **The criteria for the variances have been addressed.**
- **There will be no undesirable change**
- **The change won’t change character of neighborhood.**
- **There will not be a negative impact on adjoining properties.**
- **The applicant has shown that these benefits cannot be achieved by another method.**
- **This change brings the property closer to compliance regarding the parking requirements of the zone.**
- **In the balancing of the benefits, there is a greater benefit to the applicant if the variances are granted than to the village if they are denied.**

Mr. Richards made a motion to grant the variances to Eagle Rock for a new parking area inclusive of front yard parking and the maximum lot coverage (increasing .03%) with the condition that an easement is provided to the Village of South Nyack for the use of the drainage pipe. The premises is located at 292 Piermont Avenue, South Nyack, New York 10960 and identified on the Tax Map as Section 66.78-1-29, located in a RG-A Zoning District. This is a Type 2 SEQRA declaration with no negative environmental impact.

Mr. Cross seconds.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Mr. Holt	Aye
Motion approved	5-0

OLD BUSINESS:

Mr. Cross moved to approve May 14 Zoning Board of Appeals minutes.
Mr. Forrest seconds.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Mr. Holt	Aye
Motion approved	5-0

Mr. Forrest moves to adjourn meeting at 8:30PM.
Mr. Richards seconds.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Mr. Holt	Aye
Motion approved	5-0

Meeting adjourned 8:30pm.

Respectfully submitted,

Jill Schwarz
Zoning Board Secretary

Approved: _____