

**VILLAGE OF SOUTH NYACK**  
**Zoning Board of Appeals Minutes**  
**February 2, 2016**

**PRESENT:** Roger Seiler – Chairman  
Charles Cross – Member  
Bruce Forrest – Member  
Frank Richards – Member  
Richard Holt – Member

**ALSO PRESENT:** David Majewski – Building Inspector  
Sokuna Mam – ZBA Secretary  
Robert Knoebel – Attorney for Zoning Board

**ABSENT:** DeWitt Rulon - Alternate Member

**Mr. Seiler** called the meeting to order at 7:31 pm. There was one item on the agenda.

An appeal by Walter Aurell on behalf of Salisbury Point Cooperative for a variance 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 modify lower parking entrance and provide two control gates. The premises are a multi-family dwelling located at 2 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, and is located in a HRA Zoning District.

**Case # 1: 2 Salisbury Pt., South Nyack, NY 10960**

**Appearing: Walter Aurell, Architect**

**Mr. Aurell** is seeking a variance to modify the lower parking area entrance. Applicant found five new spaces making up for the omitted ones with Salisbury Point committee members. A written letter from Salisbury Point Cooperative committee members reviewed existing marked parking spaces, and paved areas and identified locations where five new spaces can be placed and striped. Mr. Aurell requested an inspection with board members on the site to identify the exact locations of the proposed new spaces.

**Zoning Board of Appeals' discussion and comments included:**

- Visitor parking in Salisbury Point lot is prohibited after midnight.
- Parking for emergency vehicles needs to be available.
- The number of parking spaces required is subject to confirmation by Building Inspector.
- Fire Department needs to see demonstration of emergency access prior to the gates being put into operational use.
- Site plan clarification is needed. Parking calculation should be shown on the current drawing. One hundred seventy one (171) parking spaces need to be shown on site plan.
- The additional five spaces need to be clearly shown on site plan.
- Site plan needs to be signed and sealed.

**Robert Knoebel comments included:**

- That the applicant is requesting for approval for automatic vehicular gate, fence, to remove five existing parking spaces and add five spaces.
- There will be no negative impact on adjoining properties.
- Architect needs to provide a certified document stating existing and proposed parking spaces.
- The applicant’s request cannot be achieved by some method feasible for the applicant other than an area variance.
- Applicant should work with current drawings and add calculations to show 171 parking spaces in total.

**Cathy McCue, the President of Salisbury Point Cooperative noted the following:**

- Salisbury Point committee members monitor and keep track of parking uses.
- When a shareholder sells, an apartment, he or she gives up their parking space(s).
- The installation of proposed parking lot gate to Salisbury Point, for vehicular safety requires that five existing parking spaces close to the entrance on Piermont Road to be eliminated.
- After midnight police give out tickets for those that do not have permits.

**No further public comments.**

**Mr. Forrest** made a motion to close the public hearing

**Mr. Cross** seconded

**Board Vote:**

<b>Mr. Seiler</b>	Aye
<b>Mr. Cross</b>	Aye
<b>Mr. Forrest</b>	Aye
<b>Mr. Richards</b>	Aye
<b>Motion approved</b>	<b>5-0</b>

**Public hearing closed 8:04pm**

Now, upon said hearing and upon the evidence adduced thereat, it is hereby found and determined that:

**FINDINGS OF FACTS**

**Mr. Seiler** noted:

- The applicant for the property on Salisbury has adequately shown that the lower lot has serious problem with parking. It can be solved with gates to restrict parking but means losing five parking spaces in that area.
- Upper parking has area adjacent to lower lot. At the upper parking lot, additional parking is possible, if needed, but Zoning Board of Appeals cannot grant variance without approval from board members.
- Applicant made a drawing able to show additional spaces in the existing macadam area.
- The whole issue was self-created.

- There will not be a negative impact on adjoining properties.
- 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.
- A board's denial of the variance can create a problem for Salisbury Pt. and impact traffic
- There should be emergency access for fire fighters.
- Fire department needs to verify the emergency access.

**Mr. Forrest** made a motion to grant variances to Walter Aurell on behalf of Salisbury Point Cooperative to modify the lower parking entrance and add control gates. The motion to grant to approval the application, variance and bulk table is subject to inspection by fire department and building department for the proposed additional spaces. Salisbury Point Cooperative will retain 171 parking spaces in total. The premises are multi-family dwelling located at 4 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, and is located in a HRA Zoning District. This is a Type 2 SEQRA action with no negative environmental impact.

**Mr. Cross Seconded**

**Board Vote:**

<b>Mr. Seiler</b>	<b>Aye</b>
<b>Mr. Forrest</b>	<b>Aye</b>
<b>Mr. Richards</b>	<b>Aye</b>
<b>Mr. Cross</b>	<b>Aye</b>
<b>Mr. Holt</b>	<b>Aye</b>
<b>Motion approved</b>	<b>4-0</b>

**OLD BUSINESS:**

**Mr. Forrest:** Moved to approve January 5, 2016 Zoning Board of Appeals amended minutes.

**Mr. Richards:** Seconded

**Board Vote:**

<b>Mr. Holt</b>	<b>Aye</b>
<b>Mr. Forrest</b>	<b>Aye</b>
<b>Mr. Richards</b>	<b>Aye</b>
<b>Mr. Cross</b>	<b>Aye</b>
<b>Motion approved</b>	<b>4-0</b>
<b>Mr. Holt abstained</b>	

**Meeting adjourned 8:15PM**

**The next meeting is April 5, 2016**

Respectfully submitted,

Sokuna Mam  
Zoning Board Secretary

Approved: \_\_\_\_\_