

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
January 3, 2017

PRESENT: Roger Seiler – Chairman
Bruce Forrest – Member
Frank Richards – Member
Charles Cross - Member

ALSO PRESENT: Sokuna Mam – ZBA Secretary
Robert Knoebel – Attorney for Zoning Board

ABSENT: Richard Holt – Member
DeWitt Rulon - Alternate Member
David Majewski – Building Inspector

Mr. Seiler called the meeting to order at 7:35 pm. This meeting was noticed to the public on December 27, 2016. There were two items on the agenda.

An appeal by Julie McDonald from Article VII, Section 110-7.4A, Bulk Requirements Applicable and Table of Use and Bulk Requirements, Schedule 1, Page 3 of the Zoning Law of the Village of South Nyack for an area variance for distance of accessory structure to principle building. The premises is a one family dwelling, is located 7 Elizabeth Pl., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.77-1-7, located in an R-G4 Zoning District.

An appeal by Daniel Sherman on behalf of Salisbury Point Cooperative from Article XI, Section 110-11.1, Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 3 of the Zoning Law of the Village of South Nyack for an area variance to change existing area and bulk utilization, to proposed reconfiguration of the north entrance which includes signage, wall/fence height. The premises is 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 – 7 Elizabeth Pl

Appearing: Julie McDonald, Owner

Julie McDonald is seeking an area variance to construct a garage/shed to replace her damaged garage/shed with a similar structure to be delivered in a kit form and constructed on site. She's working with her homeowner insurance.

Julie McDonald described the shed materials as lapboard siding/wood. The materials matched the existing garage/shed.

Mr. Seiler commented that there is concern about the distance between the house and shed being 5ft, and the zoning local law states it needs to be 10ft. the main concern is fire and in the past the board has granted area variances, but past applicants have used fire-resistance materials. The Asst. Building Inspector was not present at the meeting to ask for advice.

Mr. Knoebel explained that fire sheetrock does not prevent the principal from fire, but it will take the fire longer to spread.

There was a discussion about the inside of the shed being sheetrock.

Mr. Cross suggested Julie McDonald ask the manufacturer for fire retardant siding as another option.

Mr. Forrest suggested Julie McDonald ask manufacturer to provide a spec sheet.

Mr. Knoebel suggested Julie McDonald inform the homeowners insurance company that the village requires a fire-resistant rated material for the shed. He also advised Julie McDonald to contact the Assistant Building Inspector if she has questions about fire-resistant rated materials.

Mr. Cross moved to adjourn the public hearing for further submission next meeting.

Mr. Forrest seconded

Board Vote:

Mr. Seiler	Aye
Mr. Forrest	Aye
Mr. Cross	Aye
Mr. Richards	Abstain
Motion approved	3-1

Case #2 – 2 Salisbury Pt.

Appearing: Daniel Sherman, Architect

Mr. Sherman proposed reconfiguration of the north entrance which includes signage, wall/fence.

He explained the modifications:

- At the proposed entrance driveway the central exit gate pavement opening is 16ft wide.
- The large round pillars are 5ft that connects with the sign sweeps around
- The lower square pillars are 4ft. connects with the fence on top of the wall.
- The iron fence is proposed to be placed on top of the stone wall which is 3ft 6in combined.
- The overall sign height at the center of the arch is 5ft 6in
- Request to replace 4ft chain-link fence with 4ft iron fence Salisbury Pl.
- No lights are proposed

- The proposed sign area is 9sq ft.
- The proposed fence along Piermont Ave. was previously approved.

There was a discussion about the height of the sign that's attached to wall should be reduced.

Board Comments:

Mr. Richards asked what difference it makes if the applicant reduces to by 2ft the size of the wall.

Mr. Seiler explained that it is a non-substantial allowed. Larger wall will block the view of the river from the street.

Mr. Forrest commented 2ft will be de minimis.

Mr. Seiler commented reduce in inches will make it de minimis.in his opinion.

Mr. Cross said he had no issues with the height of the wall. The main issue is the fence height between single houses street front vs. bigger complex. He believed that it will not be a detriment the view of the river because it blocks the view of the parking lot. The proposed north entrance including the wall and sign will not make a big impact because it's only a corner, and the proposed fencing has openings.

Mr. Forrest commented that it's setback from the corner, therefore it won't have an obstruction of the view. He accepted the height because it's restricting children climbing over.

Mr. Knoebel commented that the Planning Board did not make a recommendation because the Planning Board was waiting for any changed on the plan and decisions from the ZBA. The variance for parking is pre-existing nonconforming use.

Mr. Seiler asked Mr. Sherman is the position of the entrance changed.

Mr. Sherman answered no, because there's a stop sign on the utility pole then traffic is directed up to the next stop sign.

There was a discussion about the applicant demonstrate lights and Susan Pilla's house.

Public Comments:

Susan Pilla was concerned where the change of traffic is going to flow and if cars lights shining at her house. She agreed with the applicant that there are safety issues. In the past requested no parking sign on Salisbury Pl and a stop sign on Salisbury Pt.

There was a discussion about the traffic flow leaving Salisbury Pt.

Mr. Seiler commented his experience driving on Salisbury Pl. He said when he drove up; it did not shine through Susan Pilla's windows but on the wall.

Susan Pilla commented if cars are not shining through her house than there wouldn't be an issue with her.

There was a discussion that the applicant to do a walk thru with Susan Pilla to demonstrate the lights.

Dianne Baraba and Peter McMannon agree with the project because it'll improve safety in traffic patterns and traffic flow.

There are no members of the Building Department or Asst. Building Inspector present.

ZBA requested to review from County Dept. of Highways and the recommendation or opinion from Planning Board.

Mr. Sherman explained the current driveway is 35ft that was the issues cars going in and out. The driveway is reducing to 16ft. The parking spaces you can directly drive in. The applicant proposed flipping the parking spaces. Access to cars is from the north, restricting the entrance exit to 16ft. The only way to exit is going through a single boom gate. They plan to realign the curb to allow cars to exit.

The County of Dept. Hwy and Fire Department need to provide their report or comments to the Boards.

There was a discussion about possible the Village should put a crosswalk, curb cut and striping to get to the sidewalk on Piermont Ave. to Salisbury Pt. The ZBA were discussing that the Village is responsible to put in the curb cut, because it belongs to its Village's property.

There was a discussion the ZBA is in favor with the height of the wall. The proposed changes that factor in the balancing of benefit to the applicant for traffic and less detriment to the neighboring properties to see less view of the cars.

Mr. Richards moved to adjourn to continue the public hearing until the applicant had completed further submission.

Mr. Forrest seconded

Board Vote:

Mr. Seiler	Aye
Mr. Forrest	Aye
Mr. Cross	Aye
Mr. Richards	Aye
Motion approved	4-0

Old Business:

Mr. Cross moved to approve September 6, 2016 Zoning Board of Appeals amended minutes.
Mr. Forrest seconded

Board Vote:

Mr. Seiler **Aye**
Mr. Forrest **Aye**
Mr. Cross **Aye**
Mr. Richards **Aye**
Motion approved **4-0**

Upon motion made by **Mr. Forrest** and **Mr. Cross** seconded, and unanimously approved, the meeting adjourned at 8:27pm.

Board Vote:

Mr. Seiler **Aye**
Mr. Forrest **Aye**
Mr. Cross **Aye**
Mr. Richards **Aye**
Motion approved **4-0**

The next meeting is February 7, 2017

Respectfully submitted,

Sokuna Mam
Zoning Board Secretary

Approved: _____