

Village Planner Comments

The Planning Board issued a Neg Dec at its December 2, 2024 meeting. At that time, the Board requested the Village Planner to draft a resolution for consideration at the January meeting.

The Village Planner has provided a draft resolution for the review of the Planning Board. The resolution covers the approval of a two-lot minor subdivision and the demolition of an existing residence on proposed Lot 2. The Applicant will apply separately for site plan approval for the two single-family residences. (This application for site plan review would be a Type 2 action not subject to SEQRA review.) The Applicant has applied for an area variance from the minimum lot width requirement for both proposed lots (47.25' vs. 50'.) Applicant will appear before the ZBA on 1/27/25. The resolution will be approved subject to the applicant receiving the requested area variance from the ZBA.

2. **6 North Midland Avenue. Montclare Apartments LLC. Application to amend site plan for the installation of roll-up security gates for entry and exit of driveways.**

Joe Lagana, owner, is representing this application. They built this multi-family and opened in 2023. The garage entry and exit were open. Based on the Applicant's letter to the Planning Board, Vagrants started coming into the garage and accosted a few residents. Orangetown Police arrested these individuals but that has not solved the problem. Other vagrants are still entering the property. Residents were very uncomfortable. We also had problems during street fairs with people parking in garage. We decided to put up gates at the entry and exit to garage. There is a central control and lockboxes are outside. Emergency Services can access. If fire alarm goes off, gates roll up. There is also a button inside to open the gates manually.

The Chair states that this is an amendment to Site Plan. Bob Galvin states that the gates are transparent. Gates are 25 feet off sidewalk – not noticeable unless you're looking. This is a Type II action.

The Chair polls the public. No comments.

Samuel Hart makes a motion to approve the amended Site Plan application. This is seconded by Jennifer Knarich. Vote passed 5-0.

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The Applicant is requesting roll up security gates for the parking garage on the ground level at the entry driveway on the north side and an exit driveway in the center. Both driveways are on N. Midland Ave. and are the only 2 access points into the garage. The request requires site plan review by the Planning Board for an amendment to the original site plan which did not include these security gates.

Narrative - Applicant has provided a *Narrative* dated 12/9/24 in support of his request. Applicant indicates that since opening last spring, every Nyack Street Fair has resulted in many illegally parked cars inside the garage. Over the summer there were also several incidences of vagrants entering and hiding out in the garage. Surveillance video showed the intruders wandering around cars and staying overnight. The police were called after several tenants were accosted and frightened in the garage. The vagrants were removed but many tenants were understandably concerned. Therefore, the only feasible resolution to better secure the property is to install roll-up gates. *The Doors were installed prior to approval.* The Applicant has provided photos of the security gates which are not solid doors but use wire mesh and are transparent. Additionally, the entrance and exit driveways are recessed in from Midland Avenue. Additional photos include the Midland façade of the Apartment building and the entry and exit driveways and the surrounding area.

Applicant also provided specifications for the security gates and plans showing the security gates at the entrance on the north and the exist in the center of the building.

SEQRA Determination - The proposed action is a Type II action based on §617.5(c)(9) *"construction of a primary 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 and consistent with local land use controls."*

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

3. **292 Main Street. 292 Main LLC. Site Plan application to change use from office building to mixed-use building consisting of one commercial space and six residential (one bedroom) units.**

Amy Miele, an assistant to the Attorney, Ira Emmanuel, is representing the client. This is a two-story commercial building in the DMU-2 Zoning District consisting of retail space on the first floor and offices on the second floor. The applicant would like to convert the back of the first floor and second floor into apartments. We are hoping to get a referral to ZBA for variances required for parking, size of apartments, minimum front and rear yard setbacks

The Chair questions the parking. Joseph Levy, property owner, states that either 10 or 11 spaces are required. They will be going to the ZBA for a parking variance plus variances for the size of the units and rear yard setback.

The Chair would like to see designated spots for apartments. Asking where dumpster will be placed. Requests revised Site Plan showing area for snow removal and dumpster.

Catherine Friesen questions if any parking spaces will be designated handicapped. The Building Inspector states that the ADA requirement is not required based on the number of units. Also regarding apartment size – NYS as well as the Village of Nyack requires 600 sq ft for one bedroom. The Applicant is proposing 455 sq ft. If you don't get variance, will you