

# KIER B. LEVESQUE ARCHITECT

49 Third Avenue Nyack, New York 10960 845-358-2359

Chairman Pfaff  
Village of Upper Nyack Planning Board

August 15, 2022

Re: 536 Highland LLC site plan  
536 N. Highland Ave.  
Upper Nyack, NY 10960

Job # 202237

Chairman Pfaff,

This application is for special a permit to allow overnight parking of commercial vehicles some of which may not be associated with the tenants of the building. Referencing 2022 zoning law of Upper Nyack sections 6.1.3.7, 6.1.3.7.1, 6.1.3.7.2, 9.1, and use table col 3, the code requires parking of commercial vehicles in designated areas within the setbacks as noted in Col 14 of the bulk table. Section 61.3.7.2 requires a Special Use Permit and Site Plan for the parking of vehicles not related to the principal use on the lot and (b) such vehicles are not parked in any parking space that is required for the principal uses. Use tables for the OB district column 3 requires a special use permit for the parking of commercial vehicles subject to the requirements of 6.1.3.7.2. The current uses are offices on the second floor and restaurant on the first floor. The approved site plan allows for overnight parking in 6 spaces as designated on the site plan from 5pm to 9am. The proposed site plan for this special permit application designates 18 spaces for overnight parking in compliance with the setbacks for parking areas.

The building owner is currently in negotiations with a tenant for the restaurant space. This tenant is a catering company and will need to park refrigerated trucks used for the delivery of meals to various venues on site during the day and overnight. Because the restaurant use will not be a full-service traditional sit-down type of restaurant, the parking spaces assigned for the restaurant patrons use will be mostly unoccupied during the daytime hours of operation except for employees. The parking area to be designated for the overnight parking is in the center portion of the parking lot and complies with the zoning code for location.

This application also requests approval for overnight parking of vehicles not related to the principal uses as outlined in section 6.1.3.7.1 of the zoning code. Since the restaurant use will not have regular “open to the public hours”, the parking spaces noted on the site plan will not be required for restaurant use and are proposed to be scheduled for 5pm to 9 am overnight parking.

Landscape screening as required by section 10.6.14 is existing and other elements listed are out of view from the street and will not be affected by this application. Therefore, a waiver is requested from the requirements of this section.

Please call if there are any questions or any additional project requirements.

Respectfully,

Kier B. Levesque R.A.

Email [kblevesque@optonline.net](mailto:kblevesque@optonline.net)