

**Village of South Nyack
Planning Board Minutes
April 15, 2015**

Present:

Jerry Ilowite, Chairman
Bill Whitehurst, Member
Myra Starr, Member
Tim Kenna, Member
Allyson Pifko, Member

Also present:

David Majewski, Building Inspector
Robert Knoebel, Board Attorney
Jill Schwarz, Board Secretary
Denise Weber-Mishkel, Village Clerk

Chairman Ilowite called the meeting to order at 7:30 pm. This meeting was noticed to the public on April 6, 2015. There were 2 items on the agenda:

- An application by Elliot Berkowitz for site plan approval to construct a two story addition with a deck. The premise is a one family dwelling located at 85 Depot Place, South Nyack, NY 10960 and identified on the Tax Map as Section 66.46-2-35, located in an RG-6 Zoning District.
- The continuation of an application by Eagle Rock Management for site plan approval to remove the swimming pool to add 27 additional parking spaces. The premise is a 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 –Berkowitz, 85 Depot Place

Appearing: Jeffrey Small, architect & Elliot Berkowitz, owner

Mr. Small discussed the project which includes a proposed two story mudroom addition, a proposed second story addition on top of existing one story kitchen and a proposed deck.

He is proposing to remove and replace one tree, impervious area will increase, drainage gallery in back yard to handle new roof area. House close to property line, expects to need variance on side. Most other similar houses on the street have already pulled the “side car” forward.

Ms. Starr explains history of 9 houses on Depot. Houses are close together. She is concerned about how 2nd story addition affects neighbor on north side. General effect won't change.

Mr. Berkowitz comments addition would loom over house on south side more.

Mr. Ilowite noted that the Rockland County Dept. of Planning GML review response dated 4/14/15 remanded this to local determination. He refers to the Village Engineer's letter, dated 4/9/15, and goes through the comments:

- Variances may be required for lot area, street frontage, front yard setback, side yard setback and total side yard.
- Clarification is needed on the bulk table regarding front yard setback.
- Clarification should be made as to the dimensions of the garage, the survey map and site plan differ significantly.
- Clarification on the new roof slopes should be provided to indicate if roof leaders should be connected to the proposed drainage system. Inspections should be made of this system by the Village Engineer's office during the construction.
- One tree is being removed and replacement should be considered.

Mr. Small commented about the clarification of the dimensions on site plan and survey. The site plan shows dimension to foot of stairs, survey shows to porch posts.

Mr. Ilowite states bulk table needs to be correct. Either would be non-conforming, still have to go to ZBA.

SITE PLAN DIFFERENCES: The survey was done prior to previous work done on kitchen and garage. Discrepancies are due to prior changes. It is a 1996 survey and it does not reflect current conditions. Dimensions on site plan are accurate for bulk purposes.

Mr. Knoebel says Mr. Ilowite is correct – front yard is measured to porches and decks. Mr. Small will revise his drawings.

DRAINAGE: A new drainage gallery will handle new roof area. It would go into land like it currently does. Percolation is bad in back because soil is clay. Down the road they should do percolation test & review with village engineer.

REMOVAL OF EXISTING TREE: Tree will be replaced. Species to be determined.

Ms. Pifko asks if there will be outside mechanicals and if any change to lighting (porch).

There will probably be a ceiling fixture. Any lighting fixtures will be full cut off and similar to what is already there. A lighting plan has not been submitted.

Mr. Ilowite states they will make a condition for full cut off.

Mr. Whitehurst is happy they will be replacing tree, project will fit character of existing houses.

Mr. Kenna asks about clarification of plot plan.

RECTANGULAR PIECE OF PROPERTY: This piece was originally part of Lot 32, now is part of Lot 35. There were two different deeds at one time. Both parcels are described on Mr. Berkowitz’s deed. Rectangle is shown on tax map. Described on application as one lot and shown on survey as one lot. It was recommended to remove line from site plan.

Mr. Knoebel suggests bringing the aerial photo to Zoning Board meeting to show good perspective. It will show changes made on other houses and will show what neighboring conditions are. Board is being asked to vote on site plan. Certified survey is acceptable.
OK to have deed reference removed from site plan.

Revisions needed prior to ZBA.

Mr. Ilowite requests that architectural details be addressed from front elevation.

ARCHITECTURAL DETAILS:

Mr. Small: Character of neighborhood will be maintained. The scale will be kept to the house and neighborhood. The new door will be similar to existing front door. Hood over door uses elements found on porch. Mr. Berkowitz is very sensitive to neighborhood.

Mr. Ilowite sums up there will be a small change in bulk which requires ZBA approval. Planning Board will give this case a positive recommendation to Zoning Board. There will be two conditions – any new lighting should be full cut off and the tree removed needs to be replaced as discussed.

There were no comments from the public.

Mr. Kenna makes a motion to conditionally approve the application submitted by Elliot Berkowitz for demolition & addition dated 3/13/2015 prepared by Jeffrey Small, architect subject to following conditions:

- Correct bulk table for front yard setback
- Obtain variances noted in the Village Engineer’s memo
- Any exterior lighting must be full cut-off
- The tree that will be removed shall be replaced.

The premise is located at 85 Depot Place, South Nyack, NY 10960 and identified on the Tax Map as Section 66.46-2-35 and located in a RG-6 Zoning District. This is a Type 2 action under SEQRA with no negative environmental impact.

Mr. Whitehurst seconds.

Board Vote:

Mr. Ilowite	Aye
Mr. Kenna	Aye
Ms. Pifko	Aye
Ms. Starr	Aye
Mr. Whitehurst	Aye
Motion approved	5-0

Case #2 – Eagle Rock, 292 Piermont Avenue

Appearing: Eve Mancuso, engineer & Brad Long

Mr. Ilowite introduces next item which is the continuation of Eagle Rock application for site plan approval to replace the swimming pool with parking lot.

Ms. Mancuso shared updates:

- Field survey of pool parcel was completed and added to survey plan.
- Drainage map was updated.
- The drainage was identified coming through site. There is a Village drain structure which is in poor condition. This must be reconstructed and they are hoping there will be a cost-sharing arrangement with Village. Easement for drainage pipe will be researched. There is a catch basin under jurisdiction of Thruway. Per Jim Johnson, Superintendent of the Department of Public Works, the Thruway has committed to revising the layout to eliminate water coming through the property
- The location of the Salisbury driveway the Village Engineer requested was added to the drawing. Eagle Rock's driveway lines up with Salisbury's southern driveway.

Ms. Mancuso addressed the Village Engineer's revised comments dated 4/14/15.

- 6 ADA spaces will be striped into existing parking lot.
- She questions reference to BC 7.4.
- Existing conditions layer will be printed separately.
- Note will be added regarding the wall.
- All proposed landscaping will be set out of site line.
- Existing sidewalk partially on subject property. Eagle Rock will give sidewalk easement as needed. A section of sidewalk was removed by the Tappan Zee Constructors. This should be discussed with the Village Engineer – he may want to note sidewalk being continued by others.
- The Village's Superintendent of Department of Public Works was concerned about the vegetation in relation to exit drive with respect to the downgrade slope of Piermont Ave. Existing vegetation will be cleared and the new vegetation will be set back.

The importance of circulation and safety were discussed. The Village Engineer and Ms. Mancuso need to work out details before going to ZBA. Judgment will be reserved to see what is worked out. Variance is necessary for the parking in front yard regardless where driveway is located. Need evidence that site line is sufficient. Very slight increase in bulk coverage needs to be brought up before ZBA. Need assurance that people driving in will not cause a backup onto Piermont Ave. New light fixtures will be full cut off which will be added to plan.

LIGHTING:

Mr. Kenna is concerned that people will be walking through the dimmest part of lot. Lighting is focused internally on property assuming that people would walk through the parking lot.

Ms. Pifko adds area is well lit by Thruway.

Mr. Ilowite requests that an adequately lit passage of pedestrians through parking lot be addressed.

Ms. Mancuso wants to speak to Village Board of Trustees about working out the drainage with the Thruway.

There were no comments from the public.

Mr. Ilowite says that without objection this application will be continued to the May meeting. Ms. Mancuso confirms that was official notification.

MINUTES:

January minutes have not been reviewed, will defer to May meeting. February and March are not available so will defer to May.

NEW BUSINESS:

Mr. Ilowite acknowledged former board member, Kenie Mittleman, has passed away. He acknowledged that her dedication and contributions to the village were exemplary.

Mr. Ilowite discusses letter from Town of Clarkstown proposing changes to the GML section 239-M.

Mr. Knoebel suggests contacting Supervisor Gromack to learn more about it.

Mr. Ilowite wants to bring ideas back to Mayor Christian.

Mr. Ilowite motions to adjourn.

Ms. Starr seconds it.

Board Vote:

Mr. Ilowite	Aye
Mr. Kenna	Aye
Ms. Pifko	Aye
Ms. Starr	Aye
Mr. Whitehurst	Aye
Motion approved	5-0

Meeting adjourned 9:30 p.m.

Next meeting May 20 2015.

Respectfully submitted:

**Jill Schwarz
Deputy Village Clerk**

Date Approved: _____