

**Village of South Nyack
Planning Board Minutes
May 20, 2015**

Present:

Bill Whitehurst, Acting Chairman
Myra Starr, Member
Tim Kenna, Member
Allyson Pifko, Member

Also present:

David Majewski, Building Inspector
Robert Knoebel, Board Attorney
Steve Collazuol, Village Engineer
Jill Schwarz, Board Secretary

Chairman Whitehurst called the May 20, 2015 Planning Board meeting to order at 7:40pm. This meeting was noticed to the public on May 5, 2015. There were 2 items on the agenda:

- 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.
- An application by Kathleen Sanders for site plan review to replace damaged dock. The premises is located at 7 Voorhis Point, South Nyack, New York 10960 and identified on the Tax Map as Section 66.62-2-5 in an RG-12 Zoning District.

Case #1 – Eagle Rock – 292 Piermont Avenue

Appearing: Eve Mancuso, Engineer, James Hausman, Esq., Ilda Rastoder

Ms. Mancuso discussed updates to the project which is to demolish swimming pool and new parking area constructed.

- The entrance and exit driveway layout was discussed with the Village Engineer. The Village Engineer suggested entrance & exit in one driveway. Plans have been updated to reflect that. Maintained Southern driveway.
- Landscaping and lighting modified slightly.
- In dead end of existing parking lot three spaces were eliminated to create a turnaround space.
- Provided site lines for new location of driveway. Included data chart which is based on industry standards.
- Lighting – added spot intensities .5 minimum which is sufficient for this use.
- Proposed sidewalk along Piermont – a piece of sidewalk was removed and now replaced.

- A meeting is needed with the Village Board of Trustees regarding onsite drainage which needs to be modified to accommodate the regrading of site.

Mr. Collazuol addressed his report dated May 14, 2015. He stated that the changes require going before ZBA. Variances may be needed for continuation of front yard parking & any change to site in total.

- Net increase of 24 spaces. 154 spaces will be accommodated on site with new plan.
- Based on schematics northerly exit now omitted and singular two way driveway opened which is more suitable. Pedestrians and vehicles will be able to see each other.
- Replacement of drainage pipes and structures has been proposed. Applicant is planning to replace pipe. Village sought a grant from New York State Thruway Authority for restoration of Piermont Avenue partly included the chamber noted on plan.
- Previous plan showed the driveway accommodating one way traffic; it is now two way traffic.
- Wall proposed is interlocking block wall – wall subject to being reviewed by Building Department for structural stability.
- Site distance shows 220 feet which is adequate.
- There is a small pinch point alongside of lot line which could use a minor adjustment of driveway to provide for a 3 or 4 feet separation between the curb and right-of-way line to provide a small increase to accommodate landscaping which would buffer the one way driveway from Piermont Avenue and the sidewalk on Piermont Avenue.
- It will be determined whether the landscaping will be decorative or will be privacy screening.
- It is suggested that a stop sign or stop bar to be added.

Mr. Collazuol states that he feels approval should be subject to the comments stated in his letter of May 14, 2015 (some points listed above), Zoning Board approval, drainage calculations and the stability calculations for retaining wall.

Mr. Knoebel discussed the pipe that needs to be replaced. Some coordination with Village Board of Trustees is needed. Location of pipe will remain; the elevation will change. Planning Board is reviewing site plan and location of pipe is shown which is sufficient for our purposes.

There were no comments from the public.

Mr. Kenna made motion to conditionally approve, subject to the ZBA granting requested variances, the application by Eagle Rock Apartments for site plan, dated April 2, 2015 by Brooker Engineering, requesting approval to remove the swimming pool and to add additional parking spaces with the modifications noted in the Village Engineer's letter dated May 14, 2015. These modifications were agreed upon by the applicant. Planning Board gives a positive referral to the Zoning Board. The premises is located at 292 Piermont Avenue, South Nyack, N.Y. 10960 and is identified on the Tax Map as Section 66.78-1-29, in an RG-A Zoning District. This is a Type 2 action under SEQRA with no negative environmental impact.

Ms. Starr – seconds motion.

Board Vote:

Mr. Whitehurst	Aye
Mr. Kenna	Aye
Ms. Pifko	Aye
Ms. Starr	Aye
Motion approved	4-0

Case #2 – Kathleen Sanders, 7 Voorhis Point, South Nyack, N.Y. 10960

Appearing: Kathleen Sanders

Mr. Whitehurst introduced Kathleen Sanders who was seeking site plan approval to replace damaged dock. The premises is located at 7 Voorhis Point.

Mr. Knoebel disclosed that he represents Mrs. Sanders on an unrelated matter and it does not affect his ability to advise the Planning Board since this case is not controversial.

Mrs. Sanders explained that in March 2010 a storm damaged her dock beyond repair. In April the permit process was started to get approval from required agencies. In May the Army Corps of Engineers put out a public notice that gave blanket permission to repair & rebuild. Mrs. Sanders had already received approval from Army Corps of Engineers. Dock was built by Sound Marine.

Mr. Knoebel explained that there are three agencies that have jurisdiction over construction in river:

- **Army Corps of Engineers** – required and issued a permit April 2010
- **NYS DEC** – they have permitting jurisdiction but chose not to exercise their right to review it.
- **Coastal Resources Management Agency** – they issue a determination of whether or not they will exercise jurisdiction.

The construction is outside boundaries of property but in the navigable waters of the United States and in theory owned by everyone and that is why the above agencies have jurisdiction over the waters. The permit given by the Army Corps of Engineers creates the right to do this. Before the Planning Board is a site plan application.

County of Rockland letter dated May 13, 2015 stated a concern about the permit's expiration date of April 2013. The dock was built in fall of 2011, within permit time frame.

Mr. Majewski asked for as-built drawings of dock signed off by the engineer.

There were no comments from the public.

Mr. Whitehurst moved to approve application of Kathleen Sanders for site plan review to replace damaged dock for 7 Voorhis Point. Referenced drawings of Robert Torgersen dated January 4, 2010, revised March 23, 2010. This is an as-built that is being approved and is conditional upon

the permitting approval of the three other agencies being in place. This is a Type 2 action under SEQRA with no negative environmental impact.

Mr. Kenna seconds motion.

Board Vote:

Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Pifko **Aye**
Ms. Starr **Aye**
Motion approved **4-0**

Old Business:

Mr. Whitehurst moved to approve February, 2015 minutes as amended.

Ms. Pifko seconds.

Board Vote:

Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Pifko **Aye**
Ms. Starr **Aye**
Motion approved **4-0**

Mr. Kenna moved to approve March, 2015 minutes as amended.

Ms. Pifko seconds.

Board Vote:

Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Pifko **Aye**
Ms. Starr **Aye**
Motion approved **4-0**

Mr. Whitehurst stated that the review of January, 2015 minutes and the April, 2015 minutes will be postponed to the June meeting.

Ms. Pifko moved to adjourn the meeting at 8:45pm.

Mr. Kenna seconds.

There was not a vote.

Next meeting June 17, 2015.

Respectfully submitted:

Jill Schwarz
Deputy Village Clerk

Date Approved: _____