

**Village of South Nyack
Planning Board Minutes
October 21, 2015**

Present:

Jerry Ilowite, Chairman
Bill Whitehurst, Member
Myra Starr, Member
Allyson Pifko, Member
Scott Fine, Alternate Member

Also present:

Steve Collazuol, Village Engineer
Sokuna Mam, Board Secretary
Robert Knoebel, Board Attorney

Mr. Ilowite called the meeting to order at 7:32pm. This meeting was noticed to the public on October 7, 2015. There was one item on the agenda.

- 1. An application by Anne-Marie Brillantes for site plan approval for a retaining wall.** The premise, a one family dwelling, is located at 39 Glen Byron Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section 66.70-2-10, located in an R-12 Zoning District.

Case #1 – 39 Glen Byron Avenue

Appearing: Anne-Marie Brillantes, Owner & Mark Rohr, Contractor

Mr. Rohr is seeking approval for site plan for a retaining wall. This proposed project is the result of the damage occurred from hurricane Sandy in 2012. Mr. Rohr had received Planning Board approval back in August 2014 but the project was put on hold due to the cost and the wall had to be redesigned. The proposed wall will be made of stone.

Approval from the NYS DEC was requested and received. Part of the project is in the DEC's jurisdiction and the applicant must comply with their requirements. There is a small wall that is not in the DEC's jurisdiction

For safety reasons, the area had been cleaned and the mountainside was packed to prevent further erosion. Mr. Rohr explained how the project will be executed.

Mr. Ilowite noted that the Rockland County Department of Planning GML review response dated 8/12/2014 that they have recommended that a review must be completed by the New York State Dept. of State, Division of Coastal Zone Management, and any required permits obtained. In addition, prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State guidelines for Urban Erosion and Sediment Control. Mr. Ilowite noted that the current application was submitted to the Rockland County of Planning in a timely matter, but a response has not been received.

Mr. Knoebel stated that a letter is required from the Coastal Resources Management Agency stating that they are not going to review the project.

Mr. Collazuol, Village Engineer reviewed his letter dated 10/20/2015.

Plan Review:

- The previous application proposed the construction of three retaining walls to replace existing stone retaining wall which had been approved.
- There are no changes to zoning and there are no changes to the accessory structure.
- Applicant needs a stability report because of the wall height prior to issuance of building permit.
- The lower proposed gravity stone wall is to be a maximum of 8 feet in height. The upper proposed gravity type stone wall has a maximum height of 2 ½ feet.

There was a discussion about the execution of the project including:

- Erosion control plants
- Path of excavator
- Transportation of the stone
- Stone color
- Drainage

Mr. Collazuol stated there should be inspections during the project to make sure there is no erosion and no tracking of soils. Mr. Collazuol confirmed that his comments pertaining to the previous plans no longer apply.

There were no comments from the public.

Mr. Ilowite made a motion to conditionally approve the site plan for a retaining wall, dated August 17, 2015, prepared by Thomas Parisi subject to the following conditions:

- Erosion control plan or letter from engineer to be provided.
- Stability report for the walls will to be provided prior to issuing the building permit and then after it is built to prove it is stable.
- Building inspector to inspect during construction for erosion control
- Plantings to be placed for erosion control as described
- Evidence of the DEC permit to be provided.

The premises, a one family dwelling, is located at 39 Glen Byron Avenue, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.70-2-10, located in a RG-12 Zoning District. This is a Type 2 action under SEQRA with no negative environmental impact.

Mr. Whitehurst seconded.

Board Vote:

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

OLD BUSINESS:

Salisbury provided a letter requesting to be put on the December agenda to continue their case.

January 21, 2015 minutes could not be approved because there was not a quorum.

Upon motion made by Ms. Starr, seconded by Mr. Fine, and unanimously approved, the minutes of the regular meeting of August 19, 2015 were adopted and will be amended if necessary after verification and correction of the kind of arm the proposed gate will have.

Board Vote:

Mr. Ilowite **Aye**
Mr. Whitehurst **Aye**
Ms. Starr **Aye**
Mr. Fine **Aye**
Motion approved **4-0.**
Ms. Pifko abstained.

Upon motion made by Ms. Pifko, seconded by Ms. Starr, and unanimously approved, the minutes of the regular meeting of September 16, 2015 were adopted as amended.

Board Vote:

Mr. Ilowite **Aye**
Ms. Pifko **Aye**
Ms. Starr **Aye**
Motion approved **3-0.**
Mr. Whitehurst abstained.

Ms. Starr made a motion to adjourn the meeting at 8:28pm, seconded by Mr. Whitehurst, and unanimously approved.

The next meeting is on November 18, 2015.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____