

**Village of South Nyack
Planning Board Minutes
December 16, 2015**

Present:

Jerry Ilowite, Chairman
Myra Starr, Member
Timothy Kenna, Member
Allyson Pifko, Member

Also present:

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

Mr. Ilowite called the meeting to order at 7:38pm. This meeting was noticed to the public on December 2, 2015. There were three items on the agenda.

- 1. The continuation of an application by Walter Aurell on behalf of Salisbury Point Cooperative for site plan approval for the proposed installation of improvements to an existing parking lot.** The premises is a multi-family dwelling located at 4 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, and is located in a HRA Zoning District.
- 2. An application by Malachy Kelly & Melissa Kelly for site plan approval for an addition to rear of the house.** The premises is a one family dwelling located at 1A Elizabeth Place, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.77-1-10, and is located in a RG-4 Zoning District.
- 3. An application by David Scharf on behalf of Natalia Dochim for amended site plan approval for a retaining wall.** The premises, a one family dwelling, is located at 20 Terrace Drive, South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 65.60-1-12, located in an R-8H Zoning District.

**Case #1 - 4 Salisbury Point
Appearing Walter Aurell, Architect**

Mr. Aurell reviewed **Mr. Collazuol's, Village Engineer** letter dated December 15, 2015.

Mr. Aurell said the plans have been revised to show the new proposed entrance to the Eagle Rock Apartment complex.

The entrance width was discussed. **Mr. Aurell** has now proposed to make the entrance width 28ft and will revise the plan.

Pavement striping was discussed. **Mr. Aurell** stated that he didn't think arrows were needed to direct traffic flow within the lot.

The location of the storm drain that traverses the entrance was discussed. The revised plan now shows that the gate will not encroach upon the drain pipe.

The proposed easement for the storm drain pipe was discussed. Mr. Ilowite asked that the easement be shown on the plans and a legal description of the easement be submitted.

Loss of parking spaces was discussed. **Mr. Aurell** said that they planned to reallocate visitor spaces to residents. There are 153 resident spaces and 18 visitor spaces. The plan proposes to remove 5 spaces. 6 visitor spaces will be reallocated to residents. **Mr. Knoebel** explained that the Village does not distinguish between visitor and resident spaces. **Mr. Ilowite** asked that the actual existing total physical number of spaces and the proposed number to be removed be shown on the plan.

The curb line was discussed. **Mr. Collazuol** asked that plan be revised to clearly show the existing curb and proposed curb.

Mr. Aurell showed the Board a picture of the proposed gate. The gate is proposed to be orange. (It is also available in stainless steel.)

Ms. Pifko asked about emergency gate operation. **Mr. Aurell** explained that the gate opens on loss of power and there is an override key.

The fence height was discussed. **Mr. Aurell** said the fence company has said the proposed 3' 6" height is available.

The bollard and chain for the auxiliary entrance was discussed.

Mr. Ilowite asked that discrepancies between the drawings be resolved.

Mr. Ilowite noted a response dated 12/15/2015 from the Rockland County Dept. of Planning GML:

- The comments in the December 10, 2015 letter from the County of Rockland Department of Highway must be addressed.
- All required permits must be obtained from them prior to the commencement of any construction.

Mr. Ilowite noted that in a response dated 12/10/2015 from the Rockland County Dept. of Highways which included:

- The site plan should show clearly what is existing and proposed.
- The drainage report around Piermont Ave. should be prepared to show there is minimum impact on the county road.
- The staging area for the Tappan Zee Bridge construction should be shown to have no additional impact upon the county road in this area.
- A turn around area should be provided in case the new automatic gates are not working properly.
- No vehicle should be allowed to be backed up to the street.
- Extent of new curb cuts and detail information should be shown on the drawings.

- The proposed action should have no foreseeable adverse impact upon county roads in the area. Rockland County Road Opening Permit will be required for this Department.

Mr. Ilowite noted the following in Walter Aurell's letter of December 11, 2015 responding to Rockland County Dept. of Highways report:

- The new drawing shows existing and new conditions. An additional survey drawing was submitted that describes the existing curb cut. Curb cuts and details are provided.
- The Drainage Report will be provided from the Village.
- The applicant stated that they have no control over the TZ Bridge staging area which is adjacent to their property.
- Sufficient turn around area is provided so vehicles will not be backed up to the street.
- Piermont Ave. is not in Rockland County Dept. of Highway jurisdiction and does not require their review or approval.

The request for drainage impact on Piermont Ave was discussed. **Mr. Knoebel** suggested that project engineer certify that there is no increase in impermeable surface.

It was suggested that the Highway Department requirements may not be relevant since Piermont Avenue is not a County road. It was suggested that **Mr. Aurell** get an update letter from the Highway Department saying they do not have jurisdiction and rescinding their requirements.

The requirements from the Highway Department were discussed.

The ability for a car to turn around if the gate does not open was discussed. **Mr. Collazuol** suggested that a turnaround is not necessary.

There were no members of the public present who wished to speak on the application.

Ms. Pifko asked about room for queuing cars. Mr. Aurell showed that there is room for two cars to queue, as requested by the Fire Department.

Mr. Aurell explained about the bollard and chain.

Mr. Kenna suggested that restriping the parking spaces could make the parking more efficient.

Pedestrian and vehicular traffic in the vicinity and the impacts from Eagle Rock and the TZB construction were discussed. Mr. Ilowite suggested that either sidewalk extension might be provided from the Grandview border to the parking lot entrance with an ADA ramp, or a crossing at the Grandview line.

Emergency access was discussed. **Mr. Ilowite** read an email from Mr. Aurell to the Fire Department. In it Mr. Aurell states that the fire Department will be provided with a minimum of three operating keys for the gates and a protocol for backup means of access. Chief Read replied acknowledging receipt. **Mr. Aurell** said the gates can be opened by emergency responders with their "yelp" tone and the keys are a backup method. **Mr. Ilowite** recommended that the Board impose a condition that the gates not become operational until it is demonstrated that the emergency access functions.

The Board had no other objections to the general design of the gate and parking lot.

Mr. Ilowite requested that a note be added to the plan describing the painted directional “in” and “out” arrows at the lot entrance. The Board agreed that painted traffic movement arrows within the lot are not necessary.

The proposed elimination of parking spaces was discussed.

Cathy McCue, the President of Salisbury Point Cooperative, said that not all the parking spaces are assigned to residents and the need for assigned spaces varies as apartments are bought and sold. She said the current parking capacity has been sufficient and she does not think the proposed reduction in spaces would cause any problems.

Ms. Pifko said she lives across the street and not observed any parking spill over to local streets.

The Board had no objections to the proposed reduction in parking spaces.

The gate color was discussed.

Ms. McCue said the orange color was suggested to be more visible to drivers and thus safer.

The Board had no preference as to the proposed gate color.

Mr Ilowite summarized conditions:

Revise site plan to:

- Accurately show existing and proposed structures
- Show and describe painted directional “in” and “out” arrows at the lot entrance
- Show and describe the 15’ stormwater drainage easement
- Show existing and proposed total parking space calculation (do not distinguish residential and visitor parking)
- Add a note that there is no increase in impermeable surface.

Provide:

- 15’ stormwater drainage easement
- Certification from project engineer that there is no increase in impermeable surface.

The proposed fencing was discussed.

Mr. Collazuol suggested that the right-of-way be marked before the fence is constructed to ensure the fence is not placed within the right-of-way.

It was noted that the stairway to the pump house has been removed.

Mr. Aurell said the fence panel in front of the pump house would be removable in order to allow access, if necessary.

Mr. Knoebel said the applicant will need to obtain a license from the Board of Trustees to allow placement of the fence on Village property.

Ms. McCue said she is also a South Nyack Trustee. She said the Cooperative has requested to the Village that the pump house be removed and the land returned to the Cooperative.

It was suggested that a condition should be imposed to obtain a license from the Board of Trustees to erect a fence across Village-owned pump house property.

The bollard was discussed.

Mr. Ilowite requested the location of bollard be clarified on the site plan and a note added that it is to be removable.

Protection of trees was discussed. **Mr. Aurell** said the fence will be hand-placed and there will be no impact on any trees. The Board agreed that no tree protection measures would be necessary.

Ms. Pifko asked for clarification of the northern end of the fence.

Landscaping was discussed.

The appearance of the fence was discussed.

Mr. Ilowite suggested that the gate housing be screened by a shrub.

The Board had no objections to the landscaping plan.

Mr. Kenna made a motion to conditionally approve the amended site plan application for the proposed installation of improvements to an existing parking lot, including two control gates, and planting, as shown on Site Plan received November 20, 2015, prepared by Anthony R. Celentano P.L.S., along with Landscape Plan L3 dated November 18, 2015 and Landscape Plan L4 dated November 20, 2015, subject to the following conditions:

The site plan shall be revised to:

- Accurately show existing and proposed structures to the satisfaction of the Village Engineer
- Show extension of southern curb of driveway to provide aisle width of 28'
- Show and describe painted directional "in" and "out" arrows at lot entrance
- Show and describe 15' stormwater drainage easement
- Add note stating bollard shall be removable
- Add notes stating that the section of fence across the Village-owned pump station property shall be removable
- Show existing and proposed total parking space calculation (do not distinguish residential and visitor parking)
- Clarify northernmost end point of fence
- Add note requiring stake out of property line before fence installation to ensure that the fence is not installed on Village property
- Add note that the gates shall not be put into operational use until it is demonstrated that the emergency access functions to the satisfaction of the Fire Department

Additional conditions:

- Provide a legal document for the 15' stormwater drainage easement in recordable form and approved by the Village Attorney
- Obtain revision of letter from the Rockland County Highway Department removing conditions

- Obtain a license from the Board of Trustees to erect fence across Village-owned pump house property.
- Certification from project engineer that there is no increase in impermeable surface.
- Obtain necessary variances from the Zoning Board of Appeals.

The Planning Board recommends to the Zoning Board of Appeals that the proposed reduction in parking is acceptable.

The Planning Board determines that this is an unlisted action under SEQRA, has completed an Environmental Assessment, has determined that there are no significant adverse environmental impacts, and therefore makes a negative declaration.

The premises is a multi-family dwelling is located at 4 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, located in a HRA Zoning District.

Ms. Pifko seconded

Board Vote:

Mr. Ilowite	Aye
Mr. Kenna	Aye
Ms. Starr	Aye
Ms. Pifko	Aye

Motion approved 4-0

Case # 2 – 1A Elizabeth Place

Appearing: - Malachy Kelly, Homeowner

Mr. Kelly is seeking site plan approval for an addition to rear of the house towards Elizabeth Place Park. Also, Mr. Kelly is seeking a positive recommendation to Zoning Board of Appeals for a variance.

Mr. Ilowite noted that the application was sent to the Rockland County Planning Board for GML review, but no response was received.

Mr. Collazuol, Village Engineer reviewed his letter dated December 15, 2015.

Zoning:

- The lot area required is under 4,000 sq.ft. is existing and proposed. A variance is required.
- The minimum sideyard setback required is 10ft., 6.8ft. is existing and proposed. A variance is required.
- The minimum total sideyard required is 20ft., 17.2 ft. is existing and 14.4 ft. proposed. A variance is required.

Plan Review:

- The plan should address the difference in existing and proposed stormwater runoff and how the additional runoff will be handled.

Mr. Ilowite asked about the shed. **Mr. Kelly** said the shed will be removed.

Drainage was discussed. **Mr. Kelly** said he would provide a drywell.

Ms. Pifko asked about lighting. **Mr. Kelly** said he would be putting a light on the deck. **Mr. Ilowite** said any light should be full cutoff.

Jean Black, 3 Elizabeth Place, said there are lights in the park. She does not think any lighting for Mr. Kelly's deck would have any negative effect on the neighbors.

Landscaping was discussed. **Mr. Kelly** said there is a very large tree at the back right corner that has a damaged limb. **Mr. Collazuol** noted that that tree appears to be off of the property. **Mr. Ilowite** asked that appropriate tree protection be provided as determined by the Building Inspector.

Mr. Kelly described the alignment of the addition compared to the neighboring house.

Mr. Kelly said the finishes will match the existing house.

Mr. Kelly said there is no change to parking.

There were no other comments from the public.

Ms. Pifko made a motion to conditionally approve the site plan for 1A Elizabeth Place as shown on drawings dated October 13, 2015, prepared by Jay A. Greenwell, PLS, LLC. subject to the following conditions:

- Obtain variances for lot size, total sideyard, front yard and sideyard setbacks.
- Stormwater, drywell and appropriation drainage calculation to be shown and demonstrated to the satisfaction of the Village Engineer.
- Tree protection plan needs to be to the satisfaction of the Building Inspector.

Planning Board gave this case a positive recommendation to Zoning Board of Appeals

The premises, a one family dwelling, is located at 1A Elizabeth Place, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.77-1-10, located in a R-8H Zoning District. This is a Type 2 action under SEQRA with no negative environmental impact.

Ms. Starr seconded

Board Vote:

Mr. Ilowite	Aye
Mr. Kenna	Aye
Ms. Starr	Aye
Ms. Pifko	Aye

Motion approved 4-0

Case #3 – 20 Terrace Drive

Appearing: David Scharf, Contractor

Mr. Scharf is seeking approval for amended site plan to replace a retaining wall and to remove existing garage.

Mr. Ilowite noted that at the prior review, the sideyard measurement was requested to be corrected to measure from the garage. Since the garage is now proposed to be removed, there is no longer a need to change the sideyard measurement.

Mr. Scharf said that after the garage is removed, the area will be landscaped.

The location and extent of the retaining wall was discussed.

Mr. Collazuo explained that an engineer should provide a stability report for the new wall prior to construction and certify it after construction.

Mr. Collazuol, Village Engineer reviewed his letter dated December 15, 2015.

Zoning:

- The minimum sideyard setback required is 20ft., 92.9 is existing and proposed. The sideyard setback to the garage below the patio is 70+/- ft. The Architect has indicated the garage is to be removed.

Plan review:

- With the removal of the garage, it should be noted what will be placed in that location, such as landscaping.
- The detail for the wall needs to be shown 11ft to the bottom of footing.
- Applicant needs to provide a design stability report prior to building permit.
- Recommendation: a detail of the guide rail should be provided as to anchoring and height.
- Suggestion: a soil silt fence.

Mr. Ilowite noted that the application was sent to the Rockland County Planning Board for GML review, but no response was received.

There were no comments from the public.

Ms. Starr made a motion to conditionally approve the application for amended site plan for 20 Terrace Drive, on plans dated December 4, 2015, prepared by Kier B. Levesque, AIA. subject to the following conditions:

- A footing inspection by the Building Inspector is required before pouring.
- A design stability report for the retaining wall shall be submitted prior to the issuance of a building permit.
- An engineer's certification for the retaining wall to be provided prior to a Certificate of Occupancy being issued.

The premises, a one family dwelling, is located at 20 Terrace Drive, South Nyack, NY 10960 and is identified on the Tax Map as Section 65.60-1-12, located in a R-8H Zoning District. This is a Type 2 action under SEQRA with no negative environmental impact.

Ms. Pifko seconded.

Board Vote:

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

OLD BUSINESS:

Upon motion made by Mr. Kenna seconded by Ms. Pifko, and unanimously approved, the minutes of the regular meeting of January 21, 2015 were adopted as amended.

Board Vote:

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

Upon motion made by Ms. Starr seconded by Mr. Kenna, and unanimously approved, the minutes of the regular meeting of November 18, 2015 were adopted as amended.

Board Vote:

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

Upon motion made by Mr. Kenna., seconded by Ms. Starr, and unanimously approved, the meeting adjourned at 11:00pm.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____