

**Village of South Nyack
Planning Board Minutes
February 17, 2016**

Present:

Jerry Ilowite, Chairman
Timothy Kenna, Member
Allyson Pifko, Member
Bill Whitehurst, Member

Also present:

Steve Collazuol, Village Engineer
Sokuna Mam, Board Secretary
Robert Knoebel, Board Attorney
David Majewski, Building Inspector

Mr. Ilowite called the meeting to order at 7:32pm. This meeting was noticed to the public on February 3, 2016. There were two items on the agenda.

1. **An application by David Thomas & Lorann Thomas for site plan approval to install and wire PV solar array on existing roof consisting of 28 panels.** The premises, a two family dwelling, is located at 200 Piermont Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.54-2-15, located in an RG-6 Zoning District.

2. **An application by Reba Monisoff for site plan approval for an addition to the South and a second floor addition to the North.** The premises, a one family dwelling, is located at 2 Gesner Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.62-2-28 located in an R-12 Zoning District.

Case #1 – 200 Piermont Avenue

Appearing: Colleen Boyres, Solar City

Colleen Boyres is seeking approval on behalf of the Thomas Residence for site plan approval for the proposed installation and wiring of a 7.28kw PV solar array system, consisting of 28 panels on an existing roof. The color of the panels is black. Solar panels will be placed on rear side of the house. Solar panel will be facing the south side and west side.

Mr. Collazuol, Village Engineer reviewed his letter dated February 2, 2016.

Possible need for rerouting of a vent pipe was discussed.

Mr. Ilowite noted a response dated 2/9/2016 from the Rockland County Dept. of Planning GML:

- The proposed project will have no adverse impacts on any County-wide interest; this matter is remanded for local determination.

The board reviewed the SEQRA short form. Discrepancies were discussed and the agent was instructed to correct where needed.

There were no comments from the public.

Mr. Whitehurst made a motion to conditionally approve the site plan for 200 Piermont Avenue, as shown on drawings, dated December 18, 2015 prepared by Eclipse Engineering and Solar City; subject to the following conditions:

- Rerouting vent pipe needed to be approved by Building Inspector.
- Agent was instructed to make corrections on Short Environment Assessment form and return to Building Department.

The premises, a one family dwelling, is located at 200 Piermont Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.54-2-15, located in an RG-8 Zoning District. This is a Type 2 action under SEQRA with no potential for negative environmental impact.

Mr. Kenna seconded.

Board Vote:

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

Case #2 – 2 Gesner Avenue

Appearing: Kier Levesque, Architect

Kier Levesque, Architect is seeking site plan approval on behalf of the Monisoff residence for two additions and recommendation for a front rear yard variance. The lowest level of the house was damaged by flooding from Hurricane Sandy. The lower level of the house was subsequently cleaned out, sheetrock and installation was removed and windows were boarded up.

The New York Rising Program offers two methods to receive funds from the program:

1. Lift up house and build something underneath it.
2. Repair or reconstruct house.

The original plan was to repair and reconstruct the house, but the homeowner did not qualify for funds because the property was not in a 100- year to a flood zone. However, the Building Inspector and Village Engineer advised Mr. Levesque to seek a Letter of Map Amendment (LOMA). A letter of Map Amendment was issued and the applicant received a portion of the funds for the lower level of the house. It was determined that the structure on the property is shown outside the Special Flood Hazard Area (SFHA) on the current National flood Insurance Program (NFIP) map. The lowest ground touching the house must be at or above the Base Flood Elevation (BFE) for the structure to be outside the Special Flood Hazard Area. After FEMA reviewed this letter of map amendment, 30% +/- of the property is in the 100- year flood zone.

The homeowner plans to follow FEMA's requirements to abandon the lower level, take out the windows on the lower level, and leave an opening so that water can go in and out. FEMA required closing the underside of the house using building materials that are flood-resistant.

Mr. Levesque, Architect explained the lowest level is the first floor and the main living will be on the second floor. The basement ceiling will be constructed with flood resistant material.

The owner proposed a second floor addition to recover spaces lost in the lower level. The homeowner and Mr. Levesque approached this project by replicating footprints of the existing plans. The plan was to create a one story addition on the south side and on the north side of the house. The second floor extends the roof line up to an elevation based on sea level.

Mr. Hollander, 10 Gesner Ave, asked for clarification of the building height relative to the neighboring house.

Mr. Levesque continued to describe the plan.

Mr. Ilowite asked to clarify the lowest level as to if it will meet the definition of basement or cellar.

Mr. Collazuol, Village Engineer opined that it will be neither since it will be an open foundation.

Mr. Collazuol, Village Engineer reviewed his letter dated 2/2/2016.

Zoning:

1. The minimum lot area required is 12,000sf. for area 1 or 18,000sf. for area 2, 16,228.02 sf. is existing and proposed. A variance may be required as it appears more than 50% expansion is proposed which requires 18,000sf. An estimate of 81% is the expansion proposed exclusive of the work required to abandon the basement.
2. The minimum street frontage required is 100 ft., the frontage existing and proposed is 125 ft.
3. The maximum total lot coverage allowed is 45 %, the existing is 35% and proposed indicated is 40%.
4. The minimum front yard setback required is 35 ft., 33.7ft. is existing and 17.8 ft. is proposed. A variance may be required.
5. The minimum sideyard setback required is 15 ft., 37.3 ft. is existing and 28.3 ft. proposed.
6. The minimum total sideyard required is 50 ft., 73.6 ft. is existing and 64.6 ft. is proposed.
7. The minimum rear yard setback required is 25 ft., 24.8 ft. is existing and proposed. A variance may be required.
8. The maximum building height allowed is 30 ft. and 3stories/30 ft. and 3 stories is existing and proposed. Calculations should be provided.

PLAN REVIEW

1. As the site is adjacent to the Hudson River and within a flood zone the minor increase in roof runoff can be addressed by the existing yard drains on site.
2. One 24” tree is shown to be removed.
3. The generator is shown to be relocated.
4. The proposed A/C units should be located on the plan.

Mr. Levesque said that the A/C unit is on the plan, but not called out.

Mr. Levesque said that the tree to be removed is not 24” and is less than 8”

Mr. Ilowite noted that in a response dated 2/9/2016 from the Rockland County Dept. of Planning GML:

1. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
2. 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.
3. There shall be no net increase in the peak rate of discharge from the site at all design points.
4. The floodplain Administrator for the Village of South Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and FEMA.

Mr. Collazuol commented that there’s no need to follow the recommendation from the Rockland County Dept. of Planning in regards to “no net increase in the park rate of discharge from the site at all design points”, since the increase in runoff is nominal and the site drains directly to the river.

Mr. Collazuol said that he is the Village’s Floodplain Administrator and will be able to certify compliance with floodplain regulations.

The need for reaffirmation of existing non-conformities was discussed.

Public questions/comments included:

- **Alfred Hollander, 10 Gesner Ave**, asked if the roof line is currently there and is it facing north?
- **Mr. Levesque** said roof line is there and it is facing north.
- **Gerda Quoohs, potential buyer**, asked will there be windows and will that be put on the west side?
- **Mr. Levesque commented** there needs to be windows in bedrooms because of fire egress.

Mr. Kneobel explained the code’s method for measuring building height.

Placement of A/C and generator above flood height was discussed. **Mr. Ilowite** asked that that be shown on the plan.

Screening of the A/C and generator was discussed. It was shown on the plan.

There was a discussion about tree protection/landscaping,

There was a discussion about the existing wall and the existing wall cuts down to grade level.

There was a discussion about sidewalk between the Village and homeowner.

Mr. Kenna asked for clarification of the abandonment of the first floor, particularly utilities and mechanical equipment

Mr. Kenna asked for clarification of the view of the property from the river. Mr. Levesque explained that the view is blocked by a wall.

The seawall was discussed.

There was a discussion about preventing animals from entering the abandoned space.

There was a discussion about the front yard setback. **Mr. Collazuol** said that the Village would still have room for widening the street.

Parking was discussed. It was noted that there is no garage.

Mr. Ilowite asked if there were any alternate ways to approach this project.

Mr. Levesque commented that there were alternate ways. It was discussed earlier in the meeting that the New York Rising Program options were lifting the house and then building a new house, or extending the existing foundation below it or leave the house in place and either build an elevated floor within the house or adding a new upper story.

There was a discussion about the need for a lot area variance. The Board was in consensus that the plan does not appear to hurt the character of the neighborhood and recommends the granting of the variance.

Mr. Kenna made a motion to conditionally approve the site plan for 2 Gesner Ave as shown on the plans by Kier Levesque dated 1-11-16; subject to the following conditions:

1. Obtain variances for lot area, front yard setback, and rear yard setback.
2. Revise site plan to show clarified building height calculations.
3. Revise site plan to show screening for the air-conditioner and generator similar to existing.
4. Revise site plan to show elevation and location of air conditioner and generator to conform with flood plain regulations.
5. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
6. 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.
7. The floodplain Administrator for the Village of South Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and FEMA.

The Board overrides condition #3 of the Rockland County Panning Board that, “There shall be no net increase in the peak rate of discharge from the site at all design points.”, based on the opinion of the Village Engineer that since this site borders on the river and the drainage is handled by the river, this requirement is unnecessary. Let it be noted that overriding this condition requires a supermajority of this Board of 4 votes.

Positive recommendation to the Zoning Board of Appeals.

The premises, a one family dwelling, is located at 2 Gesner Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.62-2-28 located in an R-12 Zoning District. This is a Type 2 action under SEQRA with no potential for negative environmental impact.

Mr. Whitehurst seconded.

Board Vote:

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|-----------------------|------------|
| Mr. Ilowite | Aye |
| Mr. Whitehurst | Aye |
| Ms. Kenna | Aye |
| Ms. Pifko | Aye |

Motion approved 4-0 (supermajority)

OLD BUSINESS:

Approval of January 21, 2015 minutes are postponed until the March 23, 2016 meeting.

Mr. Whitehurst made a motion to adjourn the meeting at 8:45pm, seconded by Mr. Kenna, and unanimously approved.

Mr. Ilowite noted that the public meeting for the Shared Use Path is scheduled for March 16 and recommended that the Planning Board meeting be rescheduled for March 23. The Board agreed.

The next meeting is on March 23, 2016.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____