

**Village of South Nyack  
Planning Board Minutes  
May 18, 2016**

**Present:**

Jerry Ilowite, Chairman  
Bill Whitehurst, Member  
Timothy Kenna, Member  
Myra Starr, 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 7:37pm. This meeting was noticed to the public on May 4, 2016. There were two items on the agenda.

- 1. An application by Patricia Holland for site plan approval to permit the installation of a 7.14 kw PV solar array on existing roof consisting of 28 panels.** The premises, a one family dwelling, is located at 144 Clinton Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-3-27, located in an RG-4 Zoning District.
- 2. An application by Chaim Gubitz for site plan approval for the installation of a circular driveway, flagstone walkway from the street, dock, and carport.** The premises, a one family dwelling, is located at 2 Salisbury Pl., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.78-1-26, located in an HRA Zoning District.

**Case #1 – 144 Clinton Avenue**

**Appearing:** Russel Wedge, Solar City

**Russel Wedge** is seeking approval on behalf of the Holland Residence for site plan approval for the proposed installation and wiring of a 7.14 kw PV solar array system, consisting of 28 panels on an existing roof. The color of the panels is blue with a black rim. They will stand about 1½ inches off the roof.

**Mr. Collazuol, Village Engineer** reviewed his letter dated May 10, 2016.

**Zoning:**

Equipment located on roof shall be screened as approved by Planning Board. The solar panels are not typical interpretation “mechanical equipment” and mount flush with the roof.

**Plan Review:**

The plans do not affect site conditions other than the DC Junction box and solar panels mounted on the roof of the structure.

The junction box was discussed.

**Mr. Ilowite** noted a response dated 5/2/2016 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 had no objections to the plan.

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. Kenna** made a motion to conditionally approve the site plan for 144 Clinton Avenue, as shown on drawings, dated March 30, 2016 prepared by Eclipse Engineering and Solar City; subject to the following conditions:

- 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 144 Clinton Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-3-27, located in an RG-4 Zoning District This is a Type 2 action under SEQRA with no potential for negative environmental impact.

**Mr. Whitehurst** seconded.

**Board Vote:**

<b>Mr. Ilowite</b>	<b>Aye</b>
<b>Mr. Whitehurst</b>	<b>Aye</b>
<b>Ms. Kenna</b>	<b>Aye</b>
<b>Ms. Starr</b>	<b>Aye</b>

**Motion approved 4-0 (supermajority)**

**Case #2 – 2 Salisbury Pl**

**Appearing: Jim Coleman on behalf of Jan Degenshein, Architect**

**Mr. Coleman** described the project to add a new drive and a carport. He stated that the owner's preference is to not build the brick carport, but to construct a tented car shelter.

**Mr. Ilowite** asked for clarification of plan notations concerning "options"

**Ms. Gubitz** described Option 1 as the tented shelter and explained why they wanted that and not the brick carport.

**Mr. Ilowite** asked if they were then not seeking approval for the brick carport. **Mr. Coleman** said that was correct.

**Mr. Knoebel** noted that the lot is shown on the Zoning Map as being in the HRA district and not in the R-12 district. The Village has noted that this is an anomaly and that the lot should more appropriately be in the R-12 district. The Village is in the process of revising the Zoning Map to address this. He noted that the site plan shows the lot in the R-12 district. He suggested that the applicant ask the Zoning Board to make an interpretation as to which district regulations should apply to this lot.

**Mr. Coleman** asked if there was any advantage to being in the HRA district. **Mr. Knoebel** explained that the HRA district requires ZBA approval for any change.

**Mr. Ilowite** explained how the Village noted issues with the current Zoning Map, including the issue with this lot, and has begun the process to revise the map. He suggested that the applicant review the Zoning Code regulations about amending the map.

Temporary structures were discussed.

**Mr. Whitehurst** asked about the driveway and dock.

**Mr. Coleman** said the driveway has already been constructed.

**Mr. Ilowite** suggested that the Board review the plan against the R-12 district regulations, but not approve the plan until the zone issue is resolved.

The dock was discussed. **Ms. Gubitz** said they are not asking for approval of the dock at this time.

**Mr. Ilowite** said then the dock should be taken off the plans.

The retaining walls along the driveway were discussed.

**Mr. Ilowite** explained that the site plan needs to be clarified to clearly show what is actually proposed for approval. Anything else should be removed.

**Mr. Collazuol** said his review was against the R-12 district even though his letter says HRA.

**Mr. Collazuol** described the Village's project to widen Salisbury Place and improve the drainage. This will affect the applicant's property. He suggested the applicant review the project plans.

Mr. Collazuol reviewed his letter dated May 10, 2016.

**Zoning:**

- The minimum side yard setback required is 15ft., 10.7ft is existing and proposed is shown to remain, a variance is required.
- The minimum total side yard required is 35ft., 27.1ft. is existing and proposed is shown to remain, a variance may be required.

Accessory structures need side yard variances.

**Plan Review:**

- A topographic survey has been provided. The grades for the proposed driveway, garage, French drain and wall have not been shown.
- The maximum allowed driveway entrance width is 18ft. the two driveways should be dimensioned. Slopes should not exceed 10%.
- Proposed contours should be provided on the plan with tie-ins to existing.
- The dimension from the gravel driveway to the lot line has not been noted. This driveway appears to be an encroachment into the adjoining property on the Architects plan. The Village regulations require a (4) four foot landscape buffer from a driveway to a lot line. This should be resolved.
- The designated parking of vehicles in the front yard should be indicated on the plan with Village regulation.
- Details for the drywell with location should be provided.
- The location of any utilities including sanitary sewer in the project area should be noted on the plan.
- There are no objections to reconstructing the dock. The Village should be provided with correspondence from the USACOE and NYDEC.

Paving and impervious surfaces was discussed.

The raised patio at the rear of the house was discussed.

Driveway screening was discussed.

The applicant was asked to clarify an area on the plan that suggests there might be an issue of joint ownership.

Coordination of the applicant's plans with the Village's project was discussed.

There were no comments from the public.

The applicant was asked to revise the plans and return to the Board.

Without objection, the application was continued to the June meeting.

Jurisdiction of the Board with respect to docks was discussed.

**NEW BUSINESS:**

**20 Prospect Street, Nyack:**

**Mr. Ilowite** informed the Board that the Village was notified of a project in the Village of Nyack.

**Mr. Knoebel** said the South Nyack Building Department sent a letter to Nyack expressing concerns about parking.

**Mr. Majewski** said it was a multi-family house that had a fire over a year ago. The current owners wish to reestablish its use as a multi-family, which is non-conforming.

The Board discussed the issue of retiring a non-conforming use and its impact on South Nyack.

**Clinton Avenue:**

**Mr. Ilowite** informed the Board that he met with a group of residents from Clinton Ave. who are interested in proposing changes to the zoning code.

Deed covenants were discussed.

The Board postponed approval of minutes of the March 23, 2016 until the June 15, 2016 meeting.

Mr. Whitehurst made a motion to adjourn the meeting at 9:00pm, seconded by Ms. Starr, and unanimously approved.

The next meeting is on June 15, 2016.

Respectfully submitted:

Sokuna Mam  
Deputy Village Clerk

Date Approved: \_\_\_\_\_