

**Village of South Nyack
Planning Board Minutes
June 15, 2016**

Present:

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

Also present:

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

Mr. Ilowite called the meeting to order at 7:35pm. This meeting was noticed to the public on June 1, 2016. There were three items on the agenda.

- 1. An application by Scott McKee & Kathee Rebernak for site plan approval for the construction of a deck addition to rear of the house.** The premises, a one family dwelling, is located 19 Division Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.54-1-5, located in an RG-6 Zoning District.
- 2. An application by Joel Celestin for site plan approval for installation of stair landing, porch, egress windows.** The premise, a two family dwelling, is located 54 Brookside Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-2-69.1 located in an RG-4 Zoning District.
- 3. Continuation. An application by Chaim Gubitz for site plan approval for the installation of a circular driveway in front yard to create circular gravel driveway in conjunction with existing gravel driveway.** 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 – 19 Division Avenue

Appearing: Jeffrie Lane, Architect; Scott McKee & Kathee Rebernak, Owners

Mr. Lane described the project, including the interior changes, replacement of windows, and replacement of the deck.

Mr. Ilowite noted that in a response dated 6/7/2016 from the Rockland County Dept. of Planning GML:

- The proposed site plan will have no adverse impacts on any county-wide interests; this matter is remanded for local determination.

Mr. Collazuol, Village Engineer reviewed his letter dated 6/7/2016.

Zoning:

The minimum total side yard required is 25ft. The plane shows 10.6' is existing and proposed, but it is actually 12.6ft.

He commented that the plans indicated that there's a decrease in lot coverage and decrease in bulk and may not need variances.

PLAN REVIEW:

The site condition remains unchanged with respect to drainage and utilities.

Mr. Ilowite asked about the decrease in coverage and asked if the patio was to be removed.

Mr. Lane said the patio was to be removed.

Mr. Ilowite said this should be indicated on the plan.

Mr. Lane asked for clarification about the total side-yard discrepancy. **Mr. Collazuol** explained how the two side yards totaled 12.6'.

Mr. Ilowite asked **Mr. Knoebel** if variances need to be reaffirmed.

Mr. Knoebel explained that with any changes in the bulk, existing nonconformities require a variance from the Zoning Board of Appeals.

There was a discussion about existing nonconforming use and requirement for variances.

Mr. Lane expressed concern about the variance requirement affecting the schedule for the interior renovations.

Mr. Knoebel suggested that with a conditional approval, the Building Inspector could allow interior work to proceed while the applicant was seeking the variances for thee exterior work.

Mr. Majewski asked about the order of construction.

Mr. Lane explained there will be two phases for interior renovation. The first phase is the bathroom and the second phase is kitchen renovation.

Mr. Majewski indicated that he could allow the interior work to proceed.

There were no public comments

Ms. Starr said she is a neighbor to the owner and stated the renovation of this project has no effect to her property.

There was a discussion about the history in South Nyack about chimneys.

The owner planned to remove chimneys because the chimney is in bad shape.

There was a discussion about the lights on the property.

Mr. Whitehurst suggested adding visual screening on the deck to the neighboring property.

There was a discussion about air conditioning.

Mr. Kenna asked about the use of the attic.

The owner said the attic was a small bedroom and is used as an office.

Mr. Kenna asked about construction access.

There was a discussion about the gate and front door being used for access. The dumpster will be on the gravel driveway during construction.

No trees are planned to be removed.

Ms. Pifko made a motion to conditionally approve the site plan for 19 Division Ave., as shown on the plans by Jeffrie Lane dated May 9, 2016; subject to the following conditions:

A note needs to be added to the plans stating that the existing brick terrace is to be removed .

The bulk table entry for total side yard should be corrected.

Obtain variances for frontage, coverage and total side-yard.

Positive recommendation to the Zoning Board of Appeals.

The premises, a one family dwelling, is located 19 Division Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.54-1-5, located in an RG-6 Zoning District. This is a Type 2 action under SEQRA with no potential negative environmental impact.

Mr. Whitehurst seconded.

Board Vote:

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

Case #2 – 54 Brookside Ave

Appearing: Joel Celestin, owner

Mr. Celestin described the project. There is an existing staircase to the second floor apartment that is in disrepair and is unsafe. He is proposing to demolish the existing stairs and the concrete landing at the bottom of the stairs. He will replace the concrete landing with wood, replace the stairs and add a new landing at the top of the stairs.

The landing at the top of the stairs will be three feet wide flush against house. The existing deck will remain and be repaired. On the bottom of the stairs, the door leading to the bedroom will be replaced with an egress window onto the porch. He stated he has an interior renovation permit.

Mr. Ilowite noted that in a response dated 6/7/2016 from the Rockland County Dept. of Planning GML:

- The proposed site plan will have no adverse impacts on any county-wide interests, this matter is remanded for local determination.

Mr. Collazuol, Village Engineer commented:

The location of any utilities including sanitary sewer in the project area should be noted on the plan.

There is a decrease in lot coverage, but there are existing nonconformances that will require variances. These are not noted in the bulk table.

Zoning

The property has existing non-conformities. The lot area, lot coverage, front yard, side yard and rear yard need variances.

There were no public comments

Mr. Fine recommended not using pressure treated wood for the railing.

Ms. Starr made a motion to conditionally approve the site plan for 54 Brookside., as shown on the plans by Kier Levesque dated May 17, 2016; subject to the following conditions

- Variances required by Zoning Board of Appeals for lot area, lot coverage, front yard, side yard, and rear yard
- Coverage needs to be noted on plans as variances that are required.

The premises, a two family dwelling, is located 54 Brookside Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-2-69.1 located in an RG-6 Zoning District. This is a Type 2 action under SEQRA with no potential negative environmental impact.

Mr. Kenna seconded.

Board Vote:

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

Ms. Starr amended condition: Positive recommendation to the Zoning Board of Appeals.

Mr. Kenna seconded.

Board Vote:

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

Case #3 – 2 Salisbury Pl

Appearing: Jan Degenshein, Architect

Mr. Ilowite stated that this applicant appeared in front of the Planning Board on May 18, 2016. The Village noted issues with the current Zoning Map, including an issue with this lot, which is shown as being in the HRA zone . Next, the board had to figure how to proceed with this application. The applicant appeared before Zoning Board of Appeals for interpretation. The Zoning Board ruled on the appeal.

Mr. Knoebel noted that the applicant appeared before the Zoning Board on June 7, 2016. He referred to Zoning Code **§110-13.2(A) (2):** Zoning Board has authority to determine of the exact location of any district boundary shown on the Zoning Map. Zoning Board testimony that HRA is clearly for Salisbury Co-op. There’s no other interpretation to be made because it’s evidently only for High Rise Apartments. The ZBA determined this property should be in R-12 zoning district. The boundary for the HRA zone should be on the south side of this property instead of the north side based upon analysis factor and evidence of the record.

Then the Zoning Board addressed if parking variances are required for no off-street parking in front yard. He referred to Zoning Code **§110-10.1 (D) OFF-STREET PARKING REQUIREMENTS.** Two parking spaces are required for single family residential dwelling. No off-street parking is permitted within a required front yard, except on a driveway. The Zoning Board determined that there is no parking variance required.

Lastly, he referred to Zoning Code **§110-11.1 NONCONFORMING BUILDINGS AND USES.** There was a change in bulk to a nonconforming building. The Zoning Board granted a variance to permit a change the proposed circular driveway.

Mr. Degenshein discussed the change on the plans showing the entrance widths of each end of the driveways. It indicated the grading gravel aspects of the driveway. The existing driveway remains

unchanged. Part of the section exceeded the allowable gradient and that's pre-existing nonconforming. The paving of the driveway is gravel which is a permeable surface and it will not contribute to runoff. The applicant has requested that the Village install curb cuts for the driveway.

The applicant is no longer pursuing the installation of a garage/carport or a tent.

Mr. Whitehurst was concerned about the roof gutters that were written on the narrative.

Mr. Degenshein described the work that has already been done. The homeowner repaired the roof and replaced windows. He replaced the gutters with the same kind as are original to the house.

Mr. Degenshein said they are seeking approval for the driveway now and will return to the Planning Board for approval of the work that has already been completed.

Mr. Knoebel said those activities do not require Planning Board approval.

Mr. Majewski stated that the only focus for the board is the driveway.

There was a discussion about the raised patio and railing.

Mr. Ilowite was concerned about other improvements on the narrative.

There was a discussion that the other items do not affect the project moving forward.

Mr. Majewski brought up the issues regarding the patio and the installation of the railing last month, but the board did not review it at the last meeting.

Mr. Ilowite was concerned that there was not enough information about placement and the bulk table noted on the site plan.

Mr. Ilowite stated the building inspector reviews to see if projects meet code, but the Planning Board reviews appropriateness for the site.

Mr. Kenna stated the railing should be shown on the drawings as built.

Mr. Ilowite requested amending the site plan with the existing and new addition.

Mr. Knoebel added a comment that the railing and raised patio be on the site plan as built.

Mr. Ilowite advised **Mr. Degenshein** to update the narrative where it says "The Building Inspector has determined this is a printing error" and replace with a note based upon the resolution from Zoning Board of Appeals"

Mr. Ilowite suggested **Mr. Degenshein** work on the wording with the Village's attorney.

Mr. Collazuol was concerned the as built driveway of the drawings if it's pavement or gravel.

Mr. Degenshein commented that the owner needs to remove pavement.

Mr. Collazuol was concerned about the measurement of the driveway.

Mr. Degenshein commented that the measurement that's shown is the steepest part of the driveway and was based on his measurement which is less than 10%.

Mr. Collazuol commented there's a variation on the survey and Degenshein's plan which need to be clarified to ensure that the driveway openings at the curb line be no greater than 18'.

Mr. Collazuol told **Mr. Degenshein** to coordinate the applicant's plans with the Village's contractor curb cut permit with DPW. He requested the sanitary sewer exit out of rear of the house.

Mr. Collazuol asked if there is any leakage of the sewer system. **Mr. Degenshein** replied that to the best of his knowledge, there are no leaks.

The stone walk was discussed. **Mr. Ilowite** requested that it be indicated as new on the plan.

Mr. Kenna requested the stone wall, stone retaining wall, raised patio and railings to be indicated on the drawings.

The dock was discussed and determined to not be part of this application.

There was a discussion about screening the parking area. The wall along the drive serves as screening. Screening of the circular drive was discussed.

Mr. Degenshein said the driveway is an improvement. It allows one resident to turn around making it easier to get out of driveway.

There was a discussion about the necessary curb cut procedure. The applicant needs to request a curb cut from the Village.

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

Mr. Kenna made a motion to conditionally approve the site plan for 2 Salisbury Pl, as shown on amended drawings, dated May 24, 2016 prepared by Degenshein; subject to the following conditions:

- Retaining wall, paved walkway, raised patio, and railing to be shown on plan as new
- Agent was instructed to make corrections on Short Environment Assessment form and return to Building Department.
- Revise the note in the bulk table indicating zone determination by Zoning Board of Appeals to reflect their decision.

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 R-12 Zoning District This is a Type 2 action under SEQRA with no potential negative environmental impact.

Mr. Whitehurst seconded.

Board Vote:

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

OLD BUSINESS:

Upon motion made by **Mr. Ilowite** seconded by **Ms. Pifko**, the minutes of the regular meeting of February 17, 2016 were adopted as amended.

Board Vote:

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

Approval of March 23, 2016 minutes are postponed until the July 20, 2016 meeting.
Approval of May 18, 2016 minutes are postponed until the July 20, 2016 meeting.

NEW BUSINESS:

Mr. Ilowite informed the Board that the Board of Trustees is proposing a revision to the Zoning Map to make several technical corrections. The Planning Board will review the proposed changes and produce a report to the Board of Trustees. The Trustees will then hold a public hearing. **Mr. Ilowite** said he would draft the report.

Mr. Ilowite gave a brief description of some of the issues addressed by the revised map.

Mr. Knoebel advised the board on terminology having to do with variances for pre-existing nonconformities.

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

The next meeting is on July 20, 2016.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____