

**Village of South Nyack
Planning Board Minutes
December 21, 2016**

Present:

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

Also present:

Robert Knoebel, Board Attorney
Sokuna Mam, Board Secretary

Absent:

David Majewski, Building Inspector
Scott Fine, Alternate Member

Mr. Ilowite called the meeting to order at 7:38pm. This meeting was noticed to the public on December 7, 2016. There were three items on the agenda.

1. **An application by Julie McDonald for site plan approval to construct a garage/shed.** The premises is a one family dwelling, is located 7 Elizabeth Pl., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.77-1-7, located in an R-G4 Zoning District.
2. **An application by Eric Levesque & Shawn Levesque, for a subdivision to merge three lots.** The premises is located at Riverview Ave. / Hillside Ave., South Nyack, NY 10960 and identified on the Tax Map as Section 66.69-Block 1 Lot 5/ Section 66.69-Block 1 Lot 6 / Section 66.69-Block 1 Lot 6.1 in an RG-8H/R Zoning District.
3. **Continuation of site application by Daniel Sherman on behalf of Salisbury Point Cooperative for site plan approval for the proposed installation entrance sign, masonry wall, fencing and landscaping.** The premises is a multi-family dwelling located at 2 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.

Mr. Ilowite informed those present that the application by Eric and Shawn Levesque was continued to the next meeting.

Case # 1 – 7 Elizabeth Pl

Appearing: Julie McDonald, Owner

Julie McDonald is seeking site plan approval to construct a garage/shed to replace her damage garage/shed with a similar structure to be delivered in kit form and constructed on site. This project is going through her homeowner's insurance.

Mr. Ilowite asked if this was to be a prefabricated shed and placed on the same spot.

Ms. McDonald said yes.

Mr. Ilowite noted a response dated 12/19/2016 from the Rockland County Dept. of Planning regarding GML review:

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

Mr. Ilowite reviewed the Village Engineer's letter dated November 29, 2016:

Zoning – Accessory Structures:

- 1) Front yard minimum 45ft. required., existing 63ft., proposed 63ft.
- 2) Side yard minimum 5ft. required, existing 15ft., proposed 15ft.
- 3) Rear yard minimum 5ft. required, existing 29ft., proposed 29ft
- 4) Both side yards minimum 10ft. required, existing 39ft., proposed 39ft.
- 5) Distance from principal 10ft. required, existing 5ft., proposed 5ft. A variance may be required.
- 6) Building height 15 ft. required, existing 12 ft., proposed 8'-11"
- 7) Building height. Stories/ft. required 1/15 ft., existing 1/12ft., proposed 1/8'-11"

Plan Review

- This is a replacement structure

Summary

- We have no objection to the plans.

There was a discussion about a discrepancy on Julie McDonald's drawing with respect to lot measurements.

Mr. Ilowite explained that the side yard requirement increases with frontage. He suggested that Julie McDonald use rough measurements and make it a conditional that the final drawings are updated accurately.

There was a discussion that the Planning Board may waive Julie McDonald's application without having her provide a professional survey with the help of the Planning Board if she showed the location of the shed.

Mr. Ilowite asked Julie McDonald if there is an existing foundation.

Ms. McDonald responded that there's already an existing concrete 11' x 18' foundation, which is the size of the existing garage. The proposed new shed is also 11' x 18'.

Mr. Ilowite expressed concern that the shed is proposed to be located 5 feet from the house, while there is a requirement that it be at least 10' away, because of the risk of fire spreading between the two structures.

There was a discussion about the possibility of moving the shed 10ft away from the house.

Ms. McDonald said moving the shed would be problematic due to plumbing and electrical and the need to extend the driveway. The shed is pre-made and will accommodate electrical and plumbing. The plumbing is needed for the hose.

Mr. Ilowite asked if she uses it as shed or garage.

Ms. McDonald answered that she uses it for storage and wouldn't be parking any vehicles in it.

There was a discussion about the shed's location near the house.

Mr. Ilowite explained the requirement and about the Planning Board's role in giving an opinion to the Zoning Board of Appeals about the request for a variance.

There was a discussion about the practicality to extend the foundation in order to move the shed further away from the house.

There was a discussion about drains and lights inside the shed.

Ms. McDonald said there would be no lights on the outside.

Ms. Pifko asked why the structure can't be repaired.

Ms. McDonald explained that the damage to the walls of the garage is beyond repair.

Mr. Whitehurst commented that there's no need for a new survey, it won't hurt the neighborhood.

Ms. Starr agreed to recommend to the Zoning Board of Appeals to grant the variance.

Mr. Knoebel asked Julie McDonald if she has a survey or map.

Ms. McDonald commented that she bought the house in 2012, and at the closing, they provided only the description of the property on the deed.

Mr. Ilowite said regardless of the drawings and bulk table, it is clear that there is plenty of space for the shed. It is well within compliance, so that is not an issue. She should show the dimension of the shed and the 5ft distance from the house on the drawings. There should be enough information to allow the Building Inspector to verify that it is put where she says it will be put. She should add notes including the dimension of the shed, and that the shed will sit on the existing concrete foundation. Also should add a note on the drawings saying whether it to scale and write the date of when the application was submitted on her drawing.

Mr. Whitehurst commented to the Board that they need to help her correct her information and bulk table.

Mr. Ilowite suggested that Ms. McDonald the dimension shown on the tax map to update the drawing. She would need lot dimension, side yard and both side yard requirements updated on the bulk table. He explained how to calculate it.

There were no comments from the public.

Mr. Kenna asked if Ms. McDonald planned to remove trees.

Ms. McDonald said the trees are 29ft away from the shed.

Mr. Ilowite observed that there should be no problems with access to install the shed.

Mr. Kenna made a motion to conditionally approve the site plan for 7 Elizabeth Pl, as shown on drawing with application dated November 18, 2016 prepared by Julie McDonald; subject to the following conditions:

- Positive recommendation to the Zoning Board of Appeals.
- Update bulk table on site plan such as lot dimension from tax map, update required both side yard and side yard from adjustment(§110-7.7 SIDE YARD ADJUSTMENT FOR LOTS PROVIDING MORE THAN THE MINIMUM REQUIRED STREET FRONTAGE)
- On the drawing include the dimension of the garage and note that it will be built on the existing concrete slab

The premise is a one family dwelling, located 7 Elizabeth Pl., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.77-1-7, located in an R-G4 Zoning District. This is a Type II SEQRA action with no potential for negative environmental impact.

Ms. Pifko seconded

Board Vote:

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

Motion approved 5-0

Case # 2- Riverview Ave. / Hillside Ave.

At the applicant's request, the application was continued to next meeting.

Case #3 – 2 Salisbury Pt.

Appearing: Daniel Sherman, Landscape Architect

Mr. Sherman explained the revised submission to the Planning Board. The height at the center of the arch is to be 5ft 6in. The two round pillars is to be 5ft. Across the driveway, the lower square pillars is to be 4ft. The proposed sign area will be 9sq.ft. No lights are proposed. The height of the stone wall and iron fence is to be 3ft 6in. The proposed iron fence along Salisbury Pt. is 4ft. It will have a double gate for landscape access. The central exit gate pavement opening is to be 16ft. to accommodate the single boom gate. The five parking spaces inside the gate are proposed to be restriped reversing the angle so they can be accessed from the north. The main entrance is 18ft wide with a stop sign. He said the Board's suggestions were good and this is a better application.

Mr. Ilowite noted a response dated 12/19/2016 from the Rockland County Dept. of Planning for GML review:

- An updated review must be completed by the County of Rockland Dept. of Highways and any concerns addressed and required permits obtained.
- Drawings L-1 does not indicate that any revisions have been made since the last submission. The sign dimensions and wall/fencing height have been reduced in size. A revision date must be added this drawing to reflect the changes made to the plans since the last submission.

Mr. Sherman commented that the omission of the revision date was an oversight and he has now added it.

Mr. Ilowite noted that the drawings now have a revision date of November 21, 2016.

Mr. Ilowite asked if the Highway Department looked at the application.

Mr. Sherman commented that **Peter McMannon**, board member of Salisbury Pt. Coop., spoke with Jim Johnson, DPW Superintendent. He said Mr. Johnson suggested that they push the Belgium Block back 3ft. because when they're snow plowing the blocks may get damaged. Mr. Sherman agreed to the suggestion.

Peter McMannon commented that the storm drain project has not begun. They are waiting for the Village to finish their Piermont Avenue drainage project in order to work on the lower parking lot on Piermont Avenue.

Mr. Ilowite commented that this application needs to be reviewed by the County of Rockland Dept. of Highways for comment.

Mr. Ilowite reviewed the **Village Engineer's** letter dated December 8, 2016:

ZONING HRA-High Rise Apartments

Any change to existing area and bulk utilization shall require a variance. *This remains*

GENERAL

The purpose of the application is to modify the northerly parking entrance and provide new, curbing, walls, fencing, signage, lighting and landscaping. *This remains*

PLAN REVIEW

- 1) The proposed entry and exit to Salisbury Place is opposite the driveway on the opposite side of Salisbury Place, this is acceptable. *This remains*
- 2) The proposed entrance driveway at the wall line is 18+/-ft. and 45 ft. at the curb line, this is acceptable. *This remains*
- 3) The material shown for the apron is Belgium Block. As this is partly in the Village right of way and not to Village specification, the material should be approved by the Superintendent of Public Works. *This remains*
- 4) The proposed wall and fence is shown to be 3' - 6" in height with a maximum height of 5' - 6" at the proposed sign.
- 5) A proposed iron fence is shown to be placed along Piermont Ave. following the right of way line having a height of 3'-6" and black in color. A similar iron fence is proposed along the Salisbury Place frontage having a height shown as 4'-0" and running to the end of the wall near the sheds. The height and location, if on the top of the wall, should be clarified. *Shown in front of wall along Salisbury Place.*
- 6) The columns as shown have a maximum height of 5'-0" adjacent to the proposed sign.
- 7) Wall lights, up lighting and directional lighting is proposed in front and behind the proposed wall. *All lighting removed.*
- 8) The proposed sign appears to have an area of approximately 9 square feet.
- 9) Landscaping proposed is shown to be consistent with the previous application for the lower gate with additional plantings along Piermont Avenue mostly in the Forsythia species. *This remains*
- 10) The center gate and the landscape gate are noted, an explanation of these should be provided. *Now a center gate is proposed with a boom approximately 16ft. This access driveway is noted to be reduced from 35ft. wide to 16ft. wide*
- 11) Parking space # 27 is shown to be removed.
- 12) A proposed Bluestone walkway is shown entering onto Salisbury Place, we suggest this be ADA compliant at the street side. *This remains*
- 13) Proposed Belgium Block curbs are shown in the area of the planned installation and continuing off site into Salisbury Place. The limits of existing curb and proposed curb have been clearly delineated. A curb detail should be provided. *This remains*

- 14) Proposed fencing detail for the fence should be provided. *A photograph has been shown.*
- 15) Four pin oaks are proposed along the sea wall at rear of the site. *Noted as installed*
- 16) The proposed gate along the frontage should be coordinated with the new storm drain easement.

MISCELLANEOUS

A proposed easement remains to be provided as part of the previous application for the lower gate parking area application. We recommend an easement having a minimum 15 ft. width be indicated on the plan together with bearings and distances. A legal description should accompany the plans to be reviewed by our office.

SUMMARY

Subject to the variances required and the details requested we have no objections to the plans. We would review revised plans when received.

There was a discussion about moving the Belgium Block back 3ft.

Mr. Sherman said he would confirm the amount with the DPW.

There was a discussion about requesting a response from the County of Dept. of Highway.

Mr. Ilowite said we either need a response or to note that they haven't responded. The Board Secretary said she would check with the County Highway Department.

There was a discussion about the wall and fence.

Mr. Sherman confirmed that the fence along Piermont Ave would be 3' 6" and the fence along Salisbury Place would be 4'.

Mr. Ilowite asked why he is still proposing a 4ft fence.

Mr. Sherman said the wall beyond the fence gets to be about 12' tall and he is replacing an existing fence that is 4'.

There was a discussion about the height of the fence with respect to safety.

Mr. Ilowite asked if there was a compelling reason why they could not comply with the height limit.

Cathy McCue, President of Salisbury Point Cooperative, was concerned about safety in the parking lot. She's afraid children may jump over the fence and would then land on cars. They consider this a compelling safety issue.

Mr. Ilowite commented that the applicant should check with the building inspector to see if there are NYS code standards with regard to the height of the fence.

Ms. McCue said that the proposed fence is sturdier and will hold up better in weather.

Mr. Sherman commented that the proposed fence is replacing a 4ft fence. It's for decorative purpose rather than safety. They plan to remove the existing fence and replace with iron fence to keep it consistent.

Mr. Sherman described the profile of the fence along Salisbury Place and its location relative to the wall. He said there will be a locked gate to allow for access for landscape maintenance.

There was a discussion about the size of the proposed sign.

Mr. Ilowite commented that the drawings should show the existing three signs and indicate the sign that is being removed.

There was a discussion about the center gate.

Peter McMannon commented that the gate is exit only and will open when a car approaches the exit gate.

There was a discussion about emergency access at the north entrance.

Mr. Kenna asked about the alignment of the center exit with respect to the Eagle Rock entrance. He asked if the site lines were sufficient.

Mr. Ilowite asked if there was room to stop and look for traffic before exiting. **Mr. Sherman** said there is 15' between the gate and Piermont Ave.

Ms. McCue said that small school busses sit and wait at that entrance, blocking it. Also Thruway vehicles do the same. Salisbury Coop is attempting to prevent that and also discourage cyclists from entering.

There was a discussion about parking spaces. Parking spot # 27 is to be removed. The parking spots will be restriped reversing the angle so they can access from the north. A new spot is being added, so there is no net change in the number of parking spaces.

There was a discussion about the Bluestone walkway shown entering Salisbury Place and noted that the Village Engineer's report stated that the ramp should be ADA compliant ramp.

Mr. Sherman said he will add a note for the ADA ramp.

Mr. Kenna asked about crosswalk striping.

Mr. Sherman said no striping is being proposed.

Mr. Ilowite asked if any striping was done after the street was repaved.

Susan Pilla said there wasn't any striping.

There was a discussion about the pedestrian sidewalk aligning to the curb cut across from Salisbury Pl and if any striping is needed.

The applicant should meet with the DPW superintendent regarding the curb cut and possible crosswalk striping.

Mr. Ilowite asked Mr. Sherman to provide details of the existing and proposed curb as noted in the Village Engineer's report.

Mr. Ilowite asked if the proposed fence is the same as from the previous application. **Mr. Sherman** said yes and he would attach the cut sheet to the plans.

Mr. Ilowite noted that the trees by the river that were previously indicated as new are no longer shown on the plan.

Mr. Ilowite noted the Village Engineer's comment that the new gate should be coordinated with the storm drain easement.

Peter McMannon commented that the concrete drain has been removed. They are waiting for the Village to finish their Piermont Ave. drainage project.

Mr. Knoebel said he believes the gate work shouldn't be done until the drain work is completed, so it wouldn't have to be torn up.

Mr. Knoebel said the easement document the lower lot still needs to be provided.

Mr. Ilowite noted that the easement isn't shown on this plan.

Ms. McCue said that Mr. Collazuol met with the Coop's management agent, Don Wilson, and the process is in the works.

Mr. Ilowite noted that the provision of the easement is a condition of the previous project and wondered if it should be a condition of this project.

Mr. Knoebel suggested that the issuance of a building permit should be conditioned on provision of the easement.

Public comments:

Susan Pilla supports Salisbury Pt. Coop. desired to improve their property. She commented that the zoning law is to protect all of the owners. She has concerns about the drawings. The exit/entrance is facing her house and exiting vehicles will shine their lights at her house. She suggested the entrance be relocated somewhere on Piermont Ave. She feels that this project will

reduce her property value. She's against the height of the fence. She agreed with the zoning code fence height restriction.

Mr. Sherman commented that it is not within the scope of the project to redesign the whole parking lot.

Mr. Ilowite asked Mr. Sherman, if they considered the neighbor's concerns in the design of the project.

Mr. Sherman stated that safety concerns override other concerns and this will better define the north entrance.

There was a discussion about the issues raised by Ms. Pilla.

Brian Holmes said that headlights are not shining into houses on Salisbury Pl. and with this new project, headlights still won't shine into the windows on Salisbury Pl.

Mr. Ilowite asked the applicant to meet with Ms. Pilla to see if her issue can be resolved.

Joan Sullivan said that exiting the parking lot now is problematic.

Ms. Pilla said years ago she asked for the stop sign at the Salisbury exit and no parking signs on Salisbury Pl.

Mr. Kenna expressed a concern with parking space 27A.

Mr. Kenna commented the lights are shown on the plans and needs to be removed.

Mr. Sherman said the plan notes will be corrected.

Ms. Starr said the project is an improvement with the signs and removal of the lights. She agreed that the neighbors should discuss their concerns with each other.

Mr. Whitehurst noted a benefit of the wall to screen the parking lot, but was not sure the wall had to be that tall. He noted Mr. Fine's concern about people hiding behind the wall and suggested planting thorn bushes in that area. He thinks the sign is over large. There was a discussion about the height of the fence and signs.

Ms. Pilla said she would prefer a shorter fence along Salisbury Place and landscaping along the fence.

Mr. Sherman said they are not proposing landscaping there because of the nice river view.

Ms. Pifko said the wall should be scaled back to meet code.

Ms. McCue said a shorter wall would be out of scale with the buildings.

Mr. Ilowite commented that it is not up to the Planning Board to decide if the code is appropriate; that is up to the Board of Trustees. Allowing something that doesn't meet code is up to the Zoning Board of Appeals and the Planning Board is providing opinions to the ZBA.

Mr. Ilowite said he thought the wall was in scale with the size of the property.

Mr. Ilowite said that since the applicant had asserted safety concerns to justify the height of the fence, they should consult any relevant NYS building code for fence height standards for safety.

Mr. Ilowite said that the applicant needs to make corrections to the plan and emphasized meeting with the neighbor to see if her concerns can be alleviated.

Mr. Ilowite said the applicant should go before the ZBA and then come back to the Planning Board.

Mr. Ilowite commented that the Zoning Board of Appeals will have to look at two issues: the height of wall and height of the fence along Salisbury Pl.

Mr. Ilowite noted the following open issues:

- ZBA to review the following variances:
 - Height of the wall
 - Height of the fence along Salisbury Pl.
- Approval of the central exit gate
- Review with DPW creating a crosswalk or striping.
- Fire department will need emergency access at the proposed 16ft wide pavement opening at the central exit gate.
- Push the Belgium Block back 3ft.
- Existing signs and the sign that is being removed proposed sign need to be shown on the plans.
- Need to provide curb details
- Need to provide fence details
- Remove lights from the plans
- A proposed easement remains to be provided as part of the previous application for the lower gate parking area.

Mr. Knoebel suggested the applicant have a traffic engineer/consultant review the plan.

With the applicant's consent, the application was continued to the next Planning Board meeting.

OLD BUSINESS:

The Board postponed approval of minutes of the September 21, 2016 until the January 18, 2017 meeting.

NEW BUSINESS:

Mr. Ilowite asked Mr. Knoebel to review the subdivision review process with the Board.

Mr. Knoebel explained that a subdivision usually means dividing a lot into two or more lots. The pending application proposes merging three lots into one. The definition of subdivision includes re-subdivision, which is changing lot lines. His opinion is this is a subdivision. He explained about the process for an informal review or sketch plat. He suggested that the Planning Board review the “Subdivision of Land” article in the Village Code.

Mr. Knoebel advised that the Planning Board members will need to review how the lot will provide essential services and street access.

SEQRA process was discussed.

There was a discussion about grandfathering of pre-existing nonconforming bulk.

Mr. Whitehurst made a motion to adjourn the meeting at 9:52pm, seconded by **Mr. Kenna**, and unanimously approved.

The next meeting is on **January 18, 2017**.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____