

**Village of South Nyack
Planning Board Minutes
January 18, 2017**

Present:

Jerry Ilowite, Chairman
Bill Whitehurst, Member
Timothy Kenna, Member
Scott Fine, Alternate Member

Also present:

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

Mr. Ilowite called the meeting to order at 7:36pm. This meeting was noticed to the public on January 4, 2017. There were two items on the agenda.

1. **An application by Sean Enright for site plan approval to site plan approval to permit the installation of solar panels.** The premises is a one family dwelling, is located 10 Cornelison Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.70-1-18.2, located in an RG-6 Zoning District.
2. **Continuation 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.

Case # 1 – 10 Cornelison Avenue.

Appearing: Sean Enright, Owner & Jaclyn Sgro, Sunrun Permit Coordinator

Jaclyn Sgro is seeking approval on behalf of the Enright residence for site plan approval for the proposed installation of 21 solar panels on the roof of an existing single-family. Five panels will be on the west side and 16 panels will be on the east side of the home. The panels are not visible from the street. On the east side the panels are facing the trees and they will block the neighbor's view.

Mr. Ilowite asked Ms. Sgro to describe the connections and conduits.

Mr. Kenna joined the meeting at 7:46pm

Mr. Collazuol helped Ms. Sgro to answer the Board questions including:

- On the legend to show symbols/icons what the items are on page PV 1.0.
- For example there's service entrance, main panel

Mr. Ilowite asked the Village Engineer, based on his observation from the drawings, where the panels connection will be running?

Mr. Collazuol commented based on his observation based from the drawings, the panels will be running along the side of the house.

There was a discussion about the placement of the panels.

Mr. Ilowite noted that in a response dated 01/17/2017 from the Rockland County Dept. of Planning:

- 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 January 3, 2017:

ZONING:

- Equipment located on roof shall be screened as approved by Planning Board (**South Nyack Code §110-6.1-Screening of mechanical equipment.**)
- The solar panels are not by typical interpretation “mechanical equipment” and mount flush with the roof. Should the Planning Board concur then it appears no other Village Zoning Code applies.

PLAN REVIEW:

- The plans do not affect site conditions other than the solar panels mounted on the rear roof of the structure.

SUMMARY:

- The board has no objection to the plans.

Mr. Fine had no comments.

Mr. Whitehurst approved of the solar panels.

Mr. Ilowite asked Ms. Sgroo to describe the panels.

Ms. Sgroo commented that the color of the panels is black border on white trim black and blue finish. They will stand about 4 to 6 inches off the roof.

Mr. Collazuol asked about PV 1 brackets.

Jacyln Sgroo commented that the board has a spec sheet.

Mr. Whitehurst made a motion to approve the site plan for 10 Cornelison Ave. as shown on drawings, dated October 31, 2016 prepared by Sunrun. The premises is a one family dwelling, is located 10 Cornelison Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.70-1-18.2, located in an RG-6 Zoning District. This is a Type 2 SEQRA action with no potential for negative environmental impact

Mr. Kenna seconded.

Board Vote:

Mr. Ilowite **Aye**

Mr. Whitehurst **Aye**

Mr. Kenna **Aye**

Mr. Fine **Aye**

Motion approved **4-0**

Case #2 – 2 Salisbury Pt.

Appearing: Daniel Sherman, Architect

Mr. Sherman explained the modifications to the plan:

- The granite block apron has been pulled away from the Salisbury Place street edge by 3ft., so a snow plow can clear snow.
- The pedestrian sidewalk has been modified to align to the curb cut across from Salisbury Place and is shown with an ADA compliant curb cut.
- All references to lighting have been removed.
- Parking remains the same
- No changes on the proposed fencing
- Details have been added for the stone curb and metal fence.

Mr. Ilowite noted that in a response dated 01/17/2017 from the Rockland County Dept. of Highway:

- The Rockland County Dept. Of Highway reviewed the Planning Board package scheduled January 18, 2017 prepared by Daniel Sherman, Landscape in Valhalla, New York on September 15, 2016.
- Based upon the site plans and information submitted, part of the change is within 500ft. from county highway while includes new height, new illuminated signage, lighting, fence and walls.
- Rockland County Dept. Of Highway remanded all variances for local determination.
- A Rockland County Dept. Of Highway work permit will be required for the proposed development.

Mr. Sherman commented that he has not received an answer from the Fire Dept.

Mr. Ilowite was concerned with egress for fire vehicles.

Mr. Knoebel summarized the ZBA January 3, 2017 discussion:

- The Public Hearing remains open because more information is needed.
- Planning Board members need to provide minutes and opinions about the changes to the site.
- Fence height is higher along on Salisbury Place because of the slope of the property.

Mr. Ilowite asked the applicant and the Board members to discuss reasons to have a 4ft. high fence and he believed safety reasons were discussed at the last meeting.

Mr. Sherman said the Building Code specifies 3' 6" is the minimum for safety.

Mr. Ilowite commented that he does not see anything from a planning point of view that weighs one way or another as to whether it fits the character of the neighborhood if it's six inch taller.

Mr. Fine approved of the 4ft. fence along Salisbury Place.

Mr. Whitehurst disapproved of the height of the fence and commented that it's against the zoning code.

Mr. Ilowite commented that the extra height was for aesthetic reasons and that wasn't a compelling reason.

Susan Pilla, 1 Salisbury Place, preferred the fence meet code.

Mr. Kenna commented that the height of the fence should be consistent with the fence height along Piermont Ave.

The Board reached a consensus that a variance should not be granted for excess fence height along Salisbury Place.

There was a discussion about the center wall and sign.

Mr. Fine commented that eliminating the light altogether at the north entrance will make it very dark. One of the drawings shows the river view being blocked.

Mr. Kenna commented that from the illustration the view of the river will be blocked. He believed if the applicant does their project to meet code, they will still gain parking screening.

Mr. Ilowite commented that parking screening does not benefit the applicant, but is for the benefit of the neighborhood.

Mr. Kenna corrected his wording; he commented that a lower wall will gain privacy while still providing some screening.

Mr. Whitehurst commented that he liked the idea of wall and sign on that corner. He doesn't mind the weight, but thinks a lower wall would be more palatable. The applicant will gain the benefit of the aesthetics and benefits the parking lot. He suggested that the applicant reduce the size of the wall.

Mr. Ilowite suggested that the applicant pursue a zone change with the Board of Trustees. Because the applicant is pursuing the height only for the aesthetic reasons he can't recommend a variance.

There was a discussion about the Planning Board procedure when an applicant is seeking variances.

Mr. Knoebel and **Mr. Ilowite** asked the Planning Board Secretary to provide December 2016 & January 2017 draft minutes to the Zoning Board of Appeals for them to review the Planning Board's opinions.

There was a discussion about the general lighting in the area.

Mr. Ilowite recalled the condition for a work permit from the Rockland County Highway Department. He also asked the applicant to continue to try to get a response from the Fire Department.

Pete McMenniman, Salisbury Pt. Coop., said they met with Ms. Pilla to discuss her concerns.

There was a discussion of how the plans show the alignment of the entrance with Ms. Pilla's driveway.

Ms. Pilla said she is now satisfied.

Ms. Pilla asked that the light located by Dr. Battles old office be removed. **Mr. McMenniman** agreed.

There was a discussion that the easement for the lower lot project.

Mr. Knoebel stated that it's an open issue on the property and recommended that a Building Permit not to be issued until the easement is granted.

There was a discussion about the sign ordinance and how to measure a sign. The Board indicated that the ZBA should interpret how this sign is measured.

Mr. Ilowite asked Mr. Sherman to add a note on the drawings indicating which signs are existing and the one to be removed.

Mr. Fine asked Mr. Sherman if there was a mockup of the project.

Mr. Sherman replied they do not have a mock up.

The application was continued to the next Planning Board meeting pending review by the ZBA.

OLD BUSINESS:

Upon motion made by Mr. Ilowite seconded by Mr. Whitehurst, the minutes of the regular meeting of September 21, 2016 were adopted as amended.

Board Vote:

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

The Board postponed approval of the minutes of the October 19, 2016 and December 21, 2016 meetings.

There was a discussion about the permitting and review requirements of the telecommunication tower application.

NEW BUSINESS:

Mr. Ilowite informed the Board that Dave Majewski had resigned as Building Inspector. The new Building Inspector is Roy Wanamaker.

There was a discussion of Building Inspector enforcement procedures.

Mr. Whitehurst made a motion to adjourn the meeting at 8:48pm, seconded by **Mr. Kenna**, and unanimously approved.

Board Vote:

Mr. Ilowite **Aye**

Mr. Whitehurst **Aye**

Mr. Kenna **Aye**

Mr. Fine **Aye**

Motion approved **4-0**

The next meeting is on February 15, 2017

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____