

**Village of South Nyack
Planning Board Minutes
February 13, 2019**

Present:

Jerry Ilowite, Chairperso
Myra Starr, Member
Cylinda, Whitted, Member
Timothy, Jagisch, Alternate Member

Also present:

Robert Knoebel, Board Attorney
Steve Collazuol, Village Engineer
Scott Fine, Building Inspector
Sokuna Mam, Board Secretary

Mr. Ilowite called the meeting to order at 7:38pm. This meeting was noticed to the public on February 3, 2019. There were two items on the agenda.

An application by Ztibus Revocable Trust for site plan approval for a new fixed dock extending past M.L.W. (mean low water). The premises is located at 2 Salisbury Pl., South Nyack, NY 10960 and identified on the Tax Map as Section 66.78 Block 1 Lot 26 in an R-12 Zoning District.

An application by Rebecca Holt Fine & Scott Fine for site plan approval to enclose existing porch. The premises is located at 55 Glen Byron Ave., South Nyack, NY 10960 and identified on the Tax Map as Section 66.70 Block 2 Lot 23 in an R-12 Zoning District.

Case #1 – 2 Salisbury Pl., South Nyack, NY 10960

Appearing: Dena Prastos, Indigo River Consulting LLC

Ms. Prastos is seeking approval on behalf of the Ztibus Revocable Trust for site plan approval for the proposed installation of a new dock, extending the existing dock for recreational purposes. The proposed sixteen (16), 10in. to 12in. diameter yellow pine piles are to be built in line with the existing stone patio at the shoreline. The dock will run 40ft. southeast with a 6ft. width and then turn, with this component at an 8ft. width.

She commented that the New York State Office of General Services, New York State Department of Environmental Conservation (NYDEC), and U.S. Army Corps. Of Engineers, New District reviewed and approved/permitted the application prior to appearing before South Nyack Planning Board.

Mr. Ilowite welcomed the new Planning Board alternate member Timothy Jagisch.

Steve Collazuol, Village Engineer reviewed his letter dated **January 31, 2019**.

ZONING R-12 ONE FAMILY

As no additions are proposed to the dwelling and the proposed dock extension is shown off the site a zoning review has not been completed in this report.

PLAN REVIEW

The proposed dock is within the jurisdiction of the US Army Corps of Engineers and NYDEC. Proof of approval has been submitted to the Village of South Nyack.

Construction details below been prepared by R. Gilbert, PE, and all design drawings have been signed and sealed:

- 1) Based on the proposed extension and “L” shaped configuration there will be no apparent interference with the adjoining property owners.
- 2) Should a rock stratum be identified during construction, the Building Department shall be notified of alternate pile placement.
- 3) It is our understanding that the FEMA Flood Elevation along this portion of the Hudson River in South Nyack is Elevation 8 and the proposed dock would be submerged by approximately 3 ft. below the 100 year flood.

Mr. Ilowite addressed

- NYSDEC permit
- U.S. Army Corps. Of Engineers permit
- New York State Office of General Services determined no permit required

Mr. Ilowite addressed the response dated **01/23/2019** from the Town of Orangetown Planning Board GML:

- The Orangetown Planning Board reviewed the information provided and had no comments.

Mr. Ilowite addressed the response dated **02/13/2019** from the Rockland County Dept. of Planning GML:

1. The Town of Orangetown is the reason this proposal was referred to this department for review. The municipal boundary is along the southeastern property line of the site, at the mean high water line of the Hudson River. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of South Nyack.
2. The designated 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 Federal Emergency Management Agency. ***Mr. Collazuol, Village Engineer commented that he will certify that the proposed construction is or is not in compliance with the floodplain regulations of the Village and Federal Management Agency.***

Public Comments

Frank Fronck, 4 Salisbury Pl asked about any dredging needed to be done.

Ms. Prastos replied that there will be no dredging.

Mr. Fronck asked about the height of the dock over the water.

Ms. Prastos described that the dock will run out 40ft. where the existing dock aligns with the stairs for access extending 20ft. over.

Ms. Pastos explained the view of and across the Hudson River will not be hindered by the dock as it elevation is 3ft. above (MHHW) Mean High Water.

There was a discussion about pile driving.

Ms. Pastos said the pile driving will take less than a week and was expected to be done in the spring.

There was a discussion about the railing.

There was a discession about the boat lift.

Ms. Pastos said the boat would be the highest point when it is out of the water.

Mr. Fronck said he had no objections to the plan.

Scott Fine, Building Inspector asked to review specifiacaations for the lift.

Ms. Pastos said the lift is not powered. No lighting is proposed. No water lines are proposed.

There was a discussion about Village regulation §110-6.6 USE OF WATER RIGHTS

Mr. Ilowite was concerned about the project's impact, including construction noise and pile driving.

Ms. Pastos said she can supply specifications on the noise level for the vibratory hammer.

Mr. Knoebel commented that the contractor needs to comply with Village regulations on construction hours and noise.

Ms. Starr suggested that the homeowner/contractor notify the neighbors when construction is to begin.

Mr. Ilowite suggested that the homeowner/contractor also notify the Building Inspector.

Mr. Knoebel noted that the in-water construction will be last about one week and pile driving in water will be about two days.

There was a discussion about what to do if a pile hits rock.

Mr. Knoebel said the plan would need to be revised to show the new pile locations and submitted to the Building Inspector.

Mr. Scott asked if the Army Corps of Engineers will need to inspect the installation.

Ms. Passtos replied no.

Ms. Whitted was concerned about approval of future lighting.

Mr. Ilowite noted that this appears to be an unlisted action under SEQRA.

The Board reviewed the Environmental Assessment Form and completed Part 2.

Mr. Ilowite moved that the Board, under SEQRA regulations, has determined that there is no significant environmental impact.

Ms. Starr seconded

Board Vote:

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| Mr. Ilowite | Aye |
| Ms. Starr | Aye |
| Ms. Whitted | Aye |
| Mr. Jagisch | Aye |

Motion approved 4-0

Ms. Starr made a motion to conditionally approve the site plan by Chaim Gubitza and Karen Cooksen – Ztibus Revocable Trust to construct a new fixed dock extending past Mean Low Water for an existing single family residence at 2 Salisbury Pl., as shown on drawings, dated December 14, 2018, prepared by BlueShore Engineering, LLC; subject to the following conditions:

- In compliance with the requirements from the Rockland County Department of Planning dated February 13, 2019, 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 the Federal Emergency Management Agency.
- When any construction is to begin the applicant shall notify the neighbors to the north and south side of the property, including the Salisbury Co-op managing agent, and the Building Department.
- If during pile driving rock stratum is encountered, pile driving will be suspended and the Village notified, until an alternative pile driving plan is prepared and submitted to the Village.
- Construction activities shall comply with Village regulations on noise and hours of operation.

Ms. Whitted seconded.

Board Vote:

Mr. Ilowite Aye
 Ms. Starr Aye

Ms. Whitted Aye
 Mr. Jagisch Aye

Motion approved 4-0

Case #2 – 55 Glen Byron Ave., South Nyack, NY 10960

Appearing: Scott Fine, Owner

Mr. Fine informed the Board that he the Village of South Nyack Building Inspector. Therefore Mr. Fine recused himself and will not participate in an official capacity in this matter. The Deputy Building Inspector or other designee will act for this application.

Mr. Fine explained the history of the house including that it was built in 1915, was originally located at 32 Mansfield Avenue and moved to its present location due to the construction of the Thruway. He explained that the original front door was off the existing screen porch currently facing the side-yard. He proposes to enclose the porch.

Ms. Starr shared the history of the house including the following:

- Around 1953, the property was one of the houses taken by the NYS Thruway.
- The house was moved to the corner of Edgewater Lane facing the river.
- Other houses were moved to the south to accommodate the NYS Thruway work.
- The Board of Trustees at that time were concerned that the tax base would decrease and encouraged the owners to move their houses to sites within the Village of South Nyack.

Mr. Ilowite explained that the Thruway took over 100 houses.

Mr. Fine described some additional details of the project.

Steve Collazuol, Village Engineer, reviewed his letter dated January 31, 2019.

ZONING R-12 ONE-FAMILY

- 1) The minimum lot area required is 12,000 sf., 14,804 sf. is existing and proposed.
- 2) The minimum street frontage required is 100 ft., the frontage existing and proposed is 100 ft. plus that portion along Glen Byron Ave.
- 3) The maximum total lot coverage allowed is 45%, the existing and proposed indicated as no change. It is estimated that the existing coverage is less than 45 %.
- 4) The minimum front yard setback required is 35ft., 25ft. is existing and proposed. A variance may be required. *Mr. Collazuol commented that the proposed does not increase the bulk area the building and may not need an area variance. The footprint is not increasing.*

- 5) The minimum sideyard setback required is 15ft., 37.9 ft. is existing and proposed.
- 6) The minimum total sideyard required is 35ft., this is n/a.
- 7) The minimum rear yard setback required is 25 ft., it is estimated that the rear yard setback is greater than 25 ft.
- 8) The maximum building height allowed is 36 ft. and 3 stories 29 ft. 3 stories is existing. No changes are proposed

PLAN REVIEW

The existing porch is being enclosed. There are no Engineering aspects to the site to be altered.

Mr. Ilowite addressed the response dated **02/13/2019** from the Rockland County Dept. of Planning GML:

- Since the proposed site plan modifications will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

Board Comments

Mr. Ilowite commented that compliance with Zoning is determined by the Building Inspector. Since there does not appear to be an increase in bulk, the purpose of this review is to review exterior alternations to see if they are in keeping with the character of the Village.

Mr. Jagisch commented that the siding is existing and the owner is keeping with the aesthetic of the house.

Ms. Whitted, Ms. Starr, and Mr. Ilowite had no objections.

Ms. Whitted made a motion to approve the site plan for 55 Glen Byron Ave., as shown on drawings, dated January 7, 2019, prepared by Khader Humied.

This is a Type 2 SEQRA action with no potential for negative environmental impact.

Ms. Starr seconded.

Board Vote:

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| Mr. Ilowite | Aye |
| Ms. Starr | Aye |
| Ms. Whitted | Aye |
| Mr. Jagisch | Aye |

Motion approved 4-0

Ms. Starr seconded.

Old Business: Proposed Expedited Review of Solar Energy Systems

There was a discussion about using a customized application derived from the State form.

Mr. Collazuol suggested a change to bullet points j-k on page 3 changing the word “will” to “shall”:

- j. The PV system and all components shall be installed per the manufacturer’s specifications.
- k. The project shall comply with adopted National Electrical Code® requirements.

There was a discussion about bullet l. and who will determine how many layers of roofing are on the roof.

Mr. Collazuol suggested bullet l. read:

- l. The roof shall have more than a single layer of roof covering (in addition to the solar equipment).

There was a discussion about bullet point m:

- m. The system is to be mounted parallel to the roof surface, or tilted with no more than an 18 inch gap between the module frame and the roof surface.”

There was a discussion about roof pitch and maximum distance of panels to the roof.

No decisions were made. Discussion to be continued.

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

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____