

**Village of South Nyack
Planning Board Minutes
May 8, 2019**

Present:

Jerry Ilowite, Chairperson
Bill Whitehurst, Member
Myra Starr, 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 7:35pm. This meeting was noticed to the public on April 30, 2019. There was two items on the agenda.

An application by Glenn Myerson, for sketch plat review for proposed subdivision. The premises is located at 18 White Ave., South Nyack, NY 10960 and identified on the Tax Map as Section 66.53 Block 2 Lot 20 1 in an RG-4 Zoning District.

An application by Eric Levesque & Shawn Levesque, for sketch plat review for proposed subdivision to merge three lots into one. 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.

Case #1 – 18 White Ave., South Nyack, NY 10960

Appearing: Glenn Meyerson, owner

Mr. Ilowite noted that this is an informal review of a proposed subdivision.

Mr. Meyerson commented that Anthony Celentano is his engineer. He is proposing to subdivide and build a new home within the lot. The proposed front lot would be 6,000sq ft. and the proposed back lot 6,537 sq. ft. He explained that the proposed home is conforming to all setbacks and coverages; the proposed new home envelope is approximately 2,500 sq. ft. The existing garage will be removed. He explained there are already two houses, 20 White Avenue and 22 White Avenue, that were subdivided.

Mr. Knoebel explained the process with the following:

- The applicant requested an informal meeting with the
- Planning Board to discuss the proposed subdivision and requirements necessary for subdivision review.
- A 2-lot subdivision is a Minor Subdivision
- Sketch plat review
- Preliminary subdivision approval
- Environmental review to determine significance

Mr. Knoebel said the proposal appears to require variances

Mr. Ilowite expressed his concerns with the following:

- Proposed project should be conforming to the South Nyack Zoning Code.
- Flag lots are prohibited in the Village of South Nyack Zoning Code
- Street frontage and lot area requirements.
- Access and proposed right-of-way across front lot.

Mr. Knoebel explained that new construction would need to comply with the larger lot area requirement of 8,000 sq. ft.

There was a discussion about the following:

- Need for lot variances
- Lot area needs to be 8,000sq. ft.
- South Nyack Zoning Law prohibits flag lots
- Pre-existing nonconforming variances
- Existing garage to be removed
- Impervious surface on the first lot
- Driveway
- Parking regulations
- Interpretation from the Zoning Board for lot area requirement for front lot
- Applicant should review minor subdivision application requirements in the South Nyack Zoning Code

Mr. Knoebel explained about the Planning Board's role in providing an opinion to the Zoning Board of Appeals.

The Board asked for more information, including:

- Photographs
- Trees / Landscaping
- Water supply/sewer
- Storm-water runoff
- Other improvements

There was a discussion about the Short Environmental Assessment Form with the following observations:

- The proposed action is a permitted use under the zoning regulations.
- The proposed site location is in a Village designated Critical Environmental Area.
- The proposed action likely meets / exceeds the state energy code requirements.
- The proposed action requires an approval from the Zoning Board of Appeals.

Mr. Collazuol, Village Engineer, commented that with flag lots, responsibility for maintenance of the driveway is often overlooked.

Mr. Knoebel said a covenant may be necessary for driveway maintenance.

Mr. Ilowite expressed concern with maintaining the health, safety, and welfare of Village residents

and noted a concern with emergency access to the back lot.

Mr. Meyerson asked how he could find out about other permitted flag lots.

Mr. Knoebel explained that he could submit Freedom of Information requests to review Planning Board minutes/plans/files.

Mr. Ilowite noted that two flag lots were previously approved, but they were part of a cluster subdivision plan.

It was explained that a complete formal application needs to be submitted. Any requests for waivers of required items should be explicitly detailed.

Case #2 – River View Ave., South Nyack, NY 10960

Appearing: Shawn Levesque, owner
Stewart Strow, Engineer

Mr. Ilowite noted that this is an informal review of a proposed subdivision.

Mr. Strow proposed on behalf of Mr. Levesque for a single family dwelling. He described the following:

- There are three lots and the proposed merged lot size is 18,000sq.ft. where the required lot size is 12,000sq.ft.
- The proposed re-subdivision will need variances for adjusted lot area and development coverage.
- There is a proposed new driveway.
- The property has an easement for the existing sanitary main in the paper street on Riverview Ave.

There was a discussion about the items that will be required for a complete formal application.

Mr. Ilowite explained that the Planning Board provides opinions to the Zoning Board of Appeals.

Mr. Ilowite noted the response dated **05/06/2019** from the Rockland County Dept. of Planning GML for the applicant to consider.

There was a discussion about minimum yard requirement reduction to reduce the impact to steep slopes.

There was a discussion about increased side-yard requirements due to street frontage.

Mr. Ilowite addressed the response dated **05/03/2019** from the Rockland County Dept. of Health GML.

- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

Mr. Ilowite addressed the response dated **04/24/2019** from the Town of Orangetown Planning Board GML:

- The applicant shall revise the plans and resubmit to the Orangetown Planning Board for review.

Mr. Ilowite addressed the response dated **04/18/2019** from the Department of Environmental Management and Engineering Town of Orangetown for the applicant to consider.

Mr. Knoebel commented that this meeting is an informal review to address the issues for a formal application submission.

There was a discussion comparing the Village Law and Town Law with the following:

- The Planning Board cannot permit or approval proposed building without improved public streets and other appropriate village procedures - Village Law Section 7-736(3)
- Town Law requires suitable access and sufficient frontage for emergency purposes – Town Law 280-a

There was a discussion about the status of Riverview Avenue and any rights to the applicant.

There was a discussion about the following:

- Title Search
- Review Lands of Dansome / River Ridge subdivision
- Riverview access to Dansome detention basin
- Offer of dedication
- Paper Street
- Quitclaim deed
- Grading
- Steep slopes
- Retaining Wall
- Sanitary Sewer
- Provide road profile to show no disturbance of the sanitary sewer system
- The site of the proposed actions does not contain any species of animals, or associated habitats listed by the State or Federal government as threatened or endangered.
- Driveway / off-site driveway
- Potential run-off on Route 9W
- The applicant should write a memo to the Board of Trustees if the Village will improve this street in the future.
- Right-of –way
- Responsibility for maintenance of driveway
- Street specifications

There was a discussion of the Environmental Review Form

Mr. Fine asked for clarification about coverage and the net lot area.

Mr. Strow said that a variance would be requested.

Mr. Collazuol asked for clarification about a previous application for these lots that relied on an easement through the bordering lot to the east to Rt. 9W.

Mr. Strow said this proposal does not rely on any easements through that lot.

Mr. Collazuol noted that drainage in Riverview Ave would need to be addressed.

There was a discussion about the need for permission from the Village Board of Trustees to make improvements to Riverview Ave.

Mr. Knoebel suggested the applicant ask the Village whether the Village has plans for Riverview Ave.

Mr. Strow said utilities would be brought up Riverview Ave from Hillside Ave.

It was noted that a road opening permit would be needed from the new York State DOT in order to connect to the utilities in Rt. 9W.

Mr. Collazuol noted that permission to attach to the sewer needs to be established.

There was a discussion about the neighboring lot in the Dansome subdivision that was to be dedicated to the Village.

Mr. Ilowite asked that any significant trees be identified. Will any be removed? Is there any remediation plan?

Building height measurement was discussed.

Mr. Knoebel noted that this will be a minor subdivision.

Old Business:

The Board postponed approval of the minutes of the September 26, 2018 meeting until the next meeting.

Proposed Expedited Review of Solar Energy Systems:

- There was a discussion about requirements for roof-mounted solar energy systems.
- There was a discussion about expedited review for Tier 1 solar panels.
- There was a discussion about Tier 2 and Tier 3 solar systems.
- There was a discussion about defining the different types of solar panels.
- The Board of Trustees will need to review, make comments and adopt the proposed local law.

Storage Sheds:

- There was a discussion about expedited review of small storage sheds and approval of site development plans by the Planning Board.

Mr. Whitehurst made a motion to adjourn the meeting at 9:34pm, seconded by **Ms. Starr**, and unanimously approved

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____