

**VILLAGE OF UPPER NYACK  
ARCHITECTURAL REVIEW BOARD MEETING  
Monday, January 9, 2023**

MINUTES

A meeting of the Architectural Review Board of the Village of Upper Nyack was held on the above date and called to order at 6:04 p.m. by Vice Chairperson Gretchen Reinheimer.

**Other board members present:** Gretchen Reinheimer, Thomas Gaffney, Eileen McCabe Sares, Silvia Luzi

**Absent:** Michael Williams

**Also present:** Janet Guerra, Board Secretary, and Noelle Wolfson, Esq., Consulting Village Attorney

**6:04 p.m.:** Vice Chairperson Gretchen Reinheimer opened the meeting, called the roll of the Board and reviewed the agenda.

There was a discussion about the minutes of the December 5, 2022 Meeting. There was not a quorum of the board present who attended the December 5<sup>th</sup> meeting, so the review of the minutes was tabled until the Board's February meeting.

**6:06 p.m.:** James Boughton and Julie Mowatt, 19 Van Houten Street, County Map 60.18-01-22. Application for architectural review of alterations to an existing two-story garage and the addition of a 4' x 10' deck on an existing one-family residence in the Residence R-10 District.

Silvia Luzi recused herself from consideration of this application.

Applicant Presentation: A small porch is being added to the south side of the garage. Although the architecture of the garage renovation was previously before the Board, the porch was not included, the reason being that they wanted to proceed with the interior work. Now they are seeking the approval for the addition to the porch.

The materials are pressure treated lumber and the materials and colors will match the existing house.

Procedural History: This application was reviewed by the Planning Board at its meeting of December 21, 2022. The Planning Board referred the application to the ZBA and the ARB at that meeting.

On January 3, 2023 the ZBA granted the applicants the necessary variances to allow them to modify the garage, which is an accessory structure and located within a required front yard. The grant of the variance was conditioned on compliance with the plans, currently also before

the ARB, that the applicant make some corrections to the bulk table and that the accessory building is not used as a dwelling.

Board Comments: The board members did not have any additional comments.

**Motion to open the public hearing:**

**MOTION:** Eileen McCabe Sares

**SECOND:** Thomas Gaffney

**VOTE:** 3-0, 1 absent (Williams), 1 recusal/abstain (Luzi)

No public comments

**Motion to close the public hearing:**

**MOTION:** Eileen McCabe Sares

**SECOND:** Thomas Gaffney

**VOTE:** 3-0, 1 absent (Williams), 1 recusal/abstain (Luzi)

**Motion to recommend approval of the architecture on the application of James Boughton and Julie Mowatt, 19 Van Houten Street, County Map 60.18-01-22., to renovate and add a porch to the existing detached garage on the Property to the Planning Board on the following conditions:**

1. The applicant shall comply with the plans presented to and reviewed by the ARB at the 1/9/23 meeting as follows: Addition & Alteration to an Existing 2 Story Garage for Boughton/Mowatt, Dwg. No. 1, 2, 3, and 4, prepared by Michael Esmay, Architect and dated July 25, 2022, last revised October 15, 2022 as the same may be modified during review by the Planning Board and as required by the conditions of the variances granted by the Zoning Board of Appeals on January 3, 2023.
2. The finishes on the building shall comply with the finish schedule submitted to the Board.

**MOTION:** Thomas Gaffney

**SECOND:** Eileen McCabe Sares

**VOTE:** 4-0, 1 absent

**6:13 p.m. Robert Berger, 117 School Street, County Map 60.17-02-54.**

Application for architectural review of solar panels on property improved with a single-family residence located in the Residence R-10 District

The Applicant was represented by Sheldon Jacobovitch, Sunpower by New York State Solar Farm, LLC, representing Robert Berger.

Panels will produce about 100% of current usage.

The Vice Chair indicated that there is a house across the street that has solar panels.

The applicant's representative advised that the rowhouses around the corner also have solar panels on the roof, so it is in keeping with the character of the neighborhood.

Because of shading, panels on both roofs will be needed to generate 100% of the power used by the residence.

The panels are premium panels. They have a life expectancy of 40 years and generally do not require service unless damage occurs, compared with a conventional panel that has a 20 year life span.

The board reviewed the images of the panels provided.

The applicant advised that the submission materials included a color image of the panel. The panel has a black frame. It is on a racking system under the panel and doesn't show. They look like they are floating above the roof about 3.5 inches.

There was a discussion about the location and visibility of the junction boxes and generally they are not visible from the ground.

There was a discussion about the symmetry of the array and whether the back panel could be reconfigured to make it more symmetrical.

The applicant advised that the front array is symmetrical and is the better producing roof. The applicant did not want to add additional panels to the back roof to make it more symmetrical because it would produce more electricity than needed and that is an unnecessary expense. There would be a potentially considerable loss of production if a panel was removed from the back roof.

There was a discussion about the production needed to add electric vehicles to the system and the general limitations on KWH of the system (generally 25 KWH based on utilities, some municipalities limit it further, but Upper Nyack does not)

There was a discussion about whether the grid wiring on the panel would be visible. The applicant's representative advised that if you are close to the panel you can see, but at a distance, you cannot see the wiring and it looks black.

The panels have a coating layer that lets sunlight in and traps it, so it is not reflective. The frame is a black anodized aluminum on an invisible mount.

Member Luzi asked about the visibility of the back roof and the appearance of the panels from 104 Highmount Avenue because there was no photograph from this perspective.

There was a discussion about the visibility of the back in general and from 104 Highmount. The applicant advised that there was significant tree cover in this area and it would not be readily visible from this perspective.

There were no additional questions from the board.

**Motion to open the public hearing:**

**MOTION:** Eileen McCabe Sares

**SECOND:** Silvia Luzi

**VOTE:** 4-0, 1 absent

No public comments

**Motion to close the public hearing:**

**MOTION:** Silvia Luzi

**SECOND:** Eileen McCabe Sares

**VOTE:** 4-0, 1 absent

**Motion to grant architectural approval for the proposed installation of solar panels to be located on the north and south facing roof surfaces of the property located at 117 School Street on the following conditions:**

- 1. The installation of the solar panels shall comply with the following plans and specifications: Plan set submitted by New York State Solar Farm, Inc., dated August 12, 2022 consisting of the following plans:**
  - **Site Plan (PV1)**
  - **Structural and PV Layout Roof 1 (PV2)**
  - **Structural and PV Layout Roof 2 (PV3)**
  - **Electrical (PV4)**
  - **Labels (PV5 and PV 6)**
- 2. The panels to be installed shall be the SunPower M-425 AC.**

**MOTION:** Thomas Gaffney

**SECOND:** Silvia Luzi

**VOTE:** 4-0, 1 absent

**6:33 p.m. Motion to adjourn the meeting.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Thomas Gaffney

**VOTE:** 4-0, 1 absent