

**VILLAGE OF UPPER NYACK
ARCHITECTURAL REVIEW BOARD MEETING
Monday, May 1, 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 6:00 p.m. by Chairman Michael Williams.

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

Absent: Thomas Gaffney

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

6:00 p.m.: The Chairman opened the meeting.

6:01 p.m.: **Review of the minutes of the March 6, 2023 and April 3, 2023 meetings.**

There were no comments from the members of the Board present about the March minutes.

Motion to approve the minutes of the March 6, 2023 meeting as drafted.

MOTION: Gretchen Reinheimer

SECOND: Silvia Luzi

VOTE: 3 (yes- Reinheimer, Luzi, Williams) – 0 (no), 1 (absent- Gaffney), 1 (abstain- Sares)

The Board members reviewed the minutes of the April 3, 2023 meeting. Board Member Luzi marked two minor changes on pages 2 and 3 which were reviewed and provided to the Board Secretary.

Motion to approve the minutes of the April 3, 2023 meeting as drafted with changes to pages 2 and 3 as marked by Board Member Luzi.

MOTION: Eileen McCabe Sares

SECOND: Gretchen Reinheimer

VOTE: 3 (yes- Reinheimer, Luzi, Williams) – 0 (no), 1 (absent- Gaffney), 1 (abstain- Sares)

6:04 p.m.: **Michel Henrique Reis Dos Santos, 19 Riverton Drive, County Map 60.13-02-81.09.** Application for architectural review of solar panels and energy storage system on property improved with a single-family residence located in the OBRO (Office Business Residential Overlay) District.

Applicant's Representative: Stacy Varian, Tesla Energy

Project Description: Ms. Varian explained that Tesla is proposing a rooftop solar PV array installation at 19 Riverton Drive which will consist of 12 panels for a 4.8 kw system along with 1 Energy Storage System. Two panels will be installed on the back of the home and the remaining ten will be on the front. She explained that 4 planes of the roof will have panels; this design was selected for maximum production. The planes were chosen based on spacing considerations and roof slopes and she explained that no other planes of the roof could be utilized.

The panels are black with black framing, model no. T-400H. They are all black in appearance and do not have silver wires in a grid pattern as seen on some panels. The panels are flush mounted to the roof.

There was a discussion about the layout and symmetry of the panel array. The Board members asked if the step-up design of the panels on the southeast side of the roof could be altered, but the applicant's representative indicated that they could not because of setbacks required for building and mechanical code compliance along with issues concerning the slope of the roof.

The Board members then asked if the step-up design could be replicated on the southwest roof panel. The applicant's representative agreed to ask Tesla's engineering team if that layout was feasible on the southwest roof.

The applicant's representative explained the location and appearance of the battery energy storage system. It will be located on the side of the home with the driveway, near the meter. It is about 5.5 ft tall and 6 inches deep. The Board asked if the color could be changed to match the siding, but the applicant's representative said that the storage systems are only available in white. The Board asked to see the energy storage system superimposed on the elevation, with the proposed wall penetrations, when the application is resubmitted.

Motion to open the public hearing.

MOTION: Silvia Luzi

SECOND: Gretchen Reinheimer

VOTE: 4 (yes)- 0 (no), 1 (absent)

There were no comments from members of the public.

Motion to adjourn the public hearing to the Board's June 5th meeting.

MOTION: Silvia Luzi

SECOND: Gretchen Reinheimer

VOTE: 4 (yes)- 0 (no), 1 (absent)

6:21 p.m.: **Ruben Mussafi, 321 Front Street, County Map 60.17-01-33.** Application for architectural review of solar panels on property improved with a single-family residence located in the Residence R-10 District.

There was no one present at the meeting to address this application.

Motion to adjourn the application to the Board's June 5, 2023 meeting.

Motion: Michael Williams

Second: Gretchen Reinheimer

Vote: 4 (yes)- 0 (no), 1 (absent)

6:22 p.m.: Dish Wireless (for Kemp Realty), 520 North Highland Avenue, County Map 59.12-02-03. Large wireless facility, co-location on an existing cell tower, in the OB (Office Business) District

Applicant's Representative: LaMar Freeman, Dish Wireless

Mr. Freeman provided photographs of the existing cell tower and explained that Dish was going to be a new carrier on the pole and was going to add a 96-foot antenna platform below the lowest existing platform on the pole with 3 antenna arrays.

Mr. Freeman reviewed sheet A-2 of the drawings submitted and explained the configuration of the antenna and the array. He explained that Dish will be the 4th carrier on the pole (others are Verizon, T-Mobile and AT&T).

He also explained that information documenting the RF production and engineering specifications of the pole were submitted for review.

In addition to the array to be added on the existing pole, Dish has come to an agreement with Crown Castle, to add 71 square feet within the approved footprint of the tower for its cabinet equipment. The equipment footprint measures 5 feet by 7 feet and the increase in the footprint will be 71 square feet. Mr. Freeman explained that the existing footprint for the base is 600 square feet, but in 2001 approvals permitted it to be extended by 300 square feet to 900 square feet. So the existing footprint will increase by 71 feet but will stay within the approved 900 square feet. He further explained that fencing will be added to match the existing fencing to surround the expanded base.

The plans were reviewed to evaluate the aesthetic of the cabinet.

There was a discussion about the method of wiring to the new arrays. It will be the same as the existing wiring through the inside of the pole. The applicant showed the photograph of the base of the pole depicting the wiring.

Motion to open the public hearing.

MOTION: Gretchen Reinheimer

SECOND: Silvia Luzi

VOTE: 4 (yes)- 0 (no), 1 (absent)

There were no comments from members of the public.

Motion to close the public hearing.

MOTION: Eileen McCabe Sares

SECOND: Silvia Luzi

VOTE: 4 (yes)- 0 (no), 1 (absent)

Motion to grant Dish Wireless architectural approval for the proposed modification to the existing Wireless Telecommunication Facility on the property located at 520 North Highland Avenue, County Map 59.12-02-03, based on the plans and materials submitted to the Board for consideration at this meeting, subject to: (1) compliance with such plans and materials and (2) the applicant obtaining all required permits from the Village of Upper Nyack Building Department.

MOTION: Silvia Luzi

SECOND: Michael Williams

VOTE: 4 (yes)- 0 (no), 1 (absent)

6:37 p.m.: **Ruben Mussafi, 321 Front Street, County Map 60.17-01-33.** Application for architectural review of solar panels on property improved with a single-family residence located in the Residence R-10 District.

Applicant's Representative: Patrick Canty, Empire Solar.

Mr. Canty indicated that the goal of the panel array is to provide 110% of the electrical usage of the residence. Twelve panels here was sufficient to achieve that output because the angle and orientation of the rear roof made the panels productive.

Mr. Canty presented photographs of the residence and the proposed plans. He confirmed that there will be no panels on the front roof.

The Board members discussed the orientation of the panels, noting that they were symmetrical and organized well based on the available space.

There was a discussion about the panel. The Model No is the 12 Q-Cell 365W. The Board reviewed the specifications of the panel. Chairman Williams asked the applicant if the panels were all black or if they had silver gridlines. Chairman Williams reviewed a printout from Empire Solar's website which showed the proposed panels, which include the silver gridlines, and all black panels.

There was a discussion about the production differences between the all black panels and the panels proposed. The proposed panels (with the gridlines) are slightly more productive, however, all black panels are typically the Board's preference.

There was a discussion about the specific aspects of this application and whether panels with the gridlines would have a negative aesthetic impact, particularly when viewed from the easterly neighbor (the neighbor facing Midland Avenue).

It was noted that there is a significant change in the elevation with the property to the east (facing Midland) being at a lower grade, therefore the panels will not be significantly noticeable from properties to the east. There are also several mature deciduous trees to the east of the residence, which will add an additional visual buffer for much of the year.

Because of the favorable layout of the array on the rear roof, the existing topography and vegetation and the minimal visual impact that will result based on these conditions, the Board agreed that the panels with the gridlines were acceptable.

Motion to open the public hearing.

MOTION: Silvia Luzi

SECOND: Gretchen Reinheimer

VOTE: 4 (yes)- 0 (no), 1 (absent)

There were no comments from the members of the public.

Motion to close the public hearing.

MOTION: Michael Williams

SECOND: Silvia Luzi

VOTE: 4 (yes)- 0 (no), 1 (absent)

Motion to grant architectural approval for the proposed installation of roof-mounted solar panels (12 in total) on property located at 321 Front Street on the following conditions:

- 1. The installation of the solar panels shall comply with the following plans and specifications: Plan set titled *Residential Solar Panel Installation*, prepared by Empire Solar, dated 2/22/2023 and submitted for and reviewed at the May 1, 2023 meeting consisting of the following plans:**
 - a. Project Site Plan and Notes (S-1)**
 - b. Project Elevations (S-1)**
 - c. Solar Roof Layout Plan (S-2)**
 - d. Solar Panel Attachment Plan I (S-3)**
 - e. Solar Panel & Inverter Specifications (S-4)**
 - f. Solar Panel 3-Line Diagram (S-5)**
- 2. The panels to be installed shall be 12 Q-Cell 365W solar panels as represented on Solar Panel Attachment Plan I (S-3).**

MOTION: Michael Williams

SECOND: Silvia Luzi

VOTE: 4 (yes)- 0 (no), 1 (absent)

The Board noted that because the applicant's representative arrived to present the application, it would not be heard at the June 5, 2023 meeting.

Motion to rescind the resolution adjourning this application to the Board's June 5, 2023 meeting.

MOTION: Gretchen Reinheimer

SECOND: Silvia Luzi

VOTE: 4 (yes)- 0 (no), 1 (absent)

6:52 p.m. Motion to adjourn the meeting.

MOTION: Gretchen Reinheimer

SECOND: Eileen McCabe Sares

VOTE: 4 (yes)- 0 (no), 1 (absent)