

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, May 15, 2019, 7:30pm**

***Minutes***

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date and called to order at **7:35pm** by the Chairman, William Pfaff.

**Other Board members present:** Ellen Simpson, Karen Olson and Bruce Biavati.

**Also present:** Dennis Letson, Village Engineer; Robert P. Lewis, Village Attorney; and Jillana Sinnott, Secretary.

**Others in attendance:** Karen Arent

**7:35pm** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on May 8, 2019.

**7:36pm: Approval of Minutes:** Member Bruce Biavati moved to approve the minutes from April 17, 2019; SECOND: Ellen Simpson as amended; unanimously APPROVED.

**7:37pm: Maureen Aiad and Jakub Bartnik, 619 North Midland Avenue, County Map No. 60.05-02-26.**

Said property is located in Residential Zoning District R-1.

This APPLICATION submitted to the clerk the Certificate of mail receipts of neighbor notification.

The APPLICANT was represented by Karen Arent, Landscape Architect.

The APPLICANT presented the plans for an in ground rectangular pool in the backyard with a tanning ledge. A variance was received previously. The Applicant will need variances because they would like to align the pool with the house and for the impervious surface of 24.4%. The Applicant is requesting that they be allowed to go to the Zoning Board of Appeals to obtain the variances before they do the engineering work. The Applicant does not feel that there is a need for screening form the neighbor as it is heavily wooded. They are also proposing a hot tub.

The BOARD read and reviewed the report from Dennis Letson, Village Engineer, whose comments were entered into the record as follows:

**State Environmental Quality Review (SEQR)**

*Under the provisions of 6NYCRR Part 617.5c12, the project is a Type 2 action. No further review under SEQR is required.*

**Site Plan**

**1. Zoning**

- a. *Frontage line to be added to bulk table; show both values.*
- b. *Livable floor area line to be added to bulk table.*
- c. *Structure height to be added to bulk table.*

- d. Allowable building coverage is 10% not 12%*
  - e. Variance granted for house setback in 2006.*
  - f. New variance required for pool setback and impervious coverage.*
- 2. Plan should show entire lot.*
  - 3. Only 2 trees are shown to be removed, all trees in the proposed work area should be located and shown to remain or be removed.*
  - 4. Provide detailed grading for all modified areas.*
  - 5. Provide erosion control plan.*
  - 6. Provide stormwater management analysis and plan*
  - 7. Proposed basement access indicates drain to daylight, property grades do not indicate that to be possible, and conflicts with work item #8.*
  - 8. 4 ft wide grass area note at east side of pool needs to be relocated.*
  - 9. Door alarms will be required.*

The BOARD discussed the plans and reports. The Chairman noted that if the pool was moved a variance would not be required. The Applicant wants the pool lined up. The landscaping was discussed. There was a discussion of the Applicant moving ahead to the Zoning board of Appeals and then if approval is granted for the variances they will do the engineering and return to the Planning Board for approval.

There were no comments from the public on this matter.

The BOARD had no further comments.

**MOTION:** Member Olson moved to continue the public hearing to July 17, 2019: **SECOND:** Member Simpson; unanimously **APPROVED**

The BOARD referred the Applicant to the Zoning Board of Appeals for approval with the suggestion that all items on the Engineer's report under Zoning be completed before submission.

**There was no "Other Business"**

The meeting was adjourned at 8:02pm.

Respectfully submitted,  
Jillana Sinnott, Secretary