

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, November 18, 2020, 7:30pm**

*Minutes*

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date via videoconferencing in accordance with the Governor's Executive Order 202.1 due to the COVID-19 emergency and called to order at **7:30pm** by the Chairman, William Pfaff.

**Other Board members present:** Ellen Simpson, Cynthia Turner, Joe Heider and Karen Olson. **Also present:** Dennis Letson, Village Engineer; Noelle C. Wolfson, Esq., Consulting Attorney; and Jillana Sinnott, Secretary.

**7:30pm:** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on November 10, 2020. The Chairman also reviewed how the Zoom meeting would take place due to the COVID-19 emergency in accordance with the Governor's Executive Order 202.1.

The Chairman welcomed new Member Joe Heider to the Board.

The Chairman briefly discussed the new Local Law 6-2020 which modified the jurisdiction and process of the Village's Architectural Review Board. The processing of applications requiring both Planning Board and Architectural Review Board review has changed due to the adoption of this local law. The application will first go to the Planning Board but before the Planning Board takes final action the Architectural Review Board will make recommendations to the Planning Board. The application will then return to the Planning Board for final review. This new Local Law 6-2020 has been filed and the process will start with tonight's meeting.

**7:33pm: Approval of Minutes:** Member Karen Olson moved to approve the minutes from September 16, 2020 as amended; SECOND: Ellen Simpson; unanimously APPROVED.

**7:33pm: 645 North Broadway LLC, 645 North Broadway, County Map No. 60.06-01-06; 647 North Broadway LLC, 647 North Broadway, County Map No. 60.06-01-05.02; 649 North Broadway LLC, 649 North Broadway, County Map No. 60.06-01-05.01. *Continuation from June 17, 2020.*** Application for site plan approval for landscaped gardens, renovations and site work across three tax lots of single family residences located in Residential Zoning District R-1. There has been a technical review of the application and the Applicant is deciding if they want to combine the lots or ask for a use variances.

**MOTION:** Member Karen Olson moved to continue the public hearing to the meeting on December 16, 2020; SECOND: Ellen Simpson; Unanimously APPROVED

**7:36pm: Louis Tharp and James Bumgardner, 515 North Midland Avenue, County Map No. 60.13-03-01.01.**

Said property is located in Residential Zoning District R-3.

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

The APPLICANT was represented by Elizabeth Parks, Architect.

The Application is before the Board for site plan approval for an addition to and renovation of an existing single family residence.

The Applicant described the application. There will be a second floor addition over the center of the house. There will be no change to the footprint. The addition proposed is to fill in the area that is in the center, as it looks like it is two separate structures. The roof height will be expanded with a vaulted ceiling on the river side and a dormer on the south side.

The Chairman asked that the Applicant show on the site plan what is proposed.

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 617.5c11, the project is a Type 2 action. No further review under SEQR is required.*

Site Plan

1. Zoning

- a. *The alteration to the second floor adds a dormer at the south side of the structure to the existing exterior wall. It appears this will require a variance for the vertical extension of the existing non-conforming side yard setback of 11.4 feet.*
- b. *The 225 foot rear yard setback should be added to the plan.*
- c. *The multiple dwelling structures on the parcel appear to be pre-existing non-conforming if all were existing as of January 1962.*

2. *As the application is for a second floor addition to the existing dwelling with no site alterations proposed, I have no comments on the physical aspects of the application.*

There was a discussion regarding the multiple dwelling structures. The Applicant stated that the Perry's owned the property previously and had said the structures were there since 1920.

The Chairman noted that there are a series of notes on the site plan that do not apply to this application. Also notes on the site plan should be bubbled to make them clearer. The dormer triggers the need for a side setback variance. There is a need for light and air in the room and the dormer looks appropriate. The height of the roof should be referenced on the site plan.

The BOARD had no further comments at this time.

**MOTION:** Member Karen Olson moved to open the public hearing: SECOND Ellen Simpson; Unanimously APPROVED

The Secretary read emails received from the following neighbors in favor of the application.

- Marc and Sari Mallow – 519 North Midland
- Melissa Fedor-Baroni and Stephan Baroni – 511 North Midland

MOTION: Member Karen Olson moved to refer the Application to the Architectural Review Board and the Zoning Board of Appeals and to continue the public hearing: SECOND Cynthia Turner

**8:08pm: The Summit School, 339 North Broadway, County Map No. 60.18-01-01.**

Said property is located in Residential Zoning District R-2.

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

The APPLICANT was represented by Kyle Cauwenberghs of Montana Contracting.

The application is before the Board for site plan approval for an addition on an existing secondary school.

The Applicant reviewed the application for a 20x20 addition to the cafeteria to accommodate the current school population.

The Village Engineer noted that he has a working relationship with Kyle from Montana Contracting in the Town of Clarkstown but this does not affect any decision that he makes.

The Chairman reviewed the site plan. The cover sheet and site plan should have the same title. The addition is hard to find on the site plan it should be highlighted. The notes in the center should not be in the contours as it interrupts them, they should be put on the side or below. The first floor should be labeled as Cafeteria.

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, the project is an Unlisted action.*

*A Short EAF should be submitted as a part of the application package; the Board will need to make a determination of significance prior to action on the site plan.*

*For a complete review, the narrative should indicate if the proposed cafeteria expansion is to accommodate existing student population or if an enrollment increase is contemplated.*

*If the latter, the narrative should address any ancillary issues such as increase bus traffic, additional dormitory space, additional deliveries, etc.*

Site Plan

1. Zoning

- Recognizing that the application is for the cafeteria addition, the bulk table should contain entries for the minimum setbacks to various structures on the site, i.e. least front and rear yards, least north and south side yards, and building height.*
- The proposal appears to conform to zoning.*
- A note should be added to the site plan to reference any special permits approved for the site with dates of approval.*

- d. That note should also include "and all conditions of that permit shall remain in full force and effect."*
- 2. As the proposed addition will be constructed over existing impervious patio area, no additional stormwater management is required.*
- 3. The proposed trench drain indicated on the architectural plans and the outlet of that drain should be shown on the site plan.*
- 4. The Landscape Plan should be referenced on the site plan.*
- 5. The Landscape Plan should contain a note that existing patio construction shall be removed to natural soil for installation of planter.*
- 6. Initial size of proposed plantings should be shown.*

The population of the school was discussed. The addition is not due to an increase in the population, it is because right now dinner is served in four shifts so they would like to increase the space size.

The setbacks should be on the site plan. The location of the planter was discussed, there should be drainage shown under the plants.

The Board reviewed the GML responses. The Rockland County Department of Planning dated November 13, 2020, deemed the application for local determination. The Town of Clarkstown Department of Planning, dated October 29, 2020, deemed the application for local determination.

The BOARD had no further comments at this time.

**MOTION:** Member Karen Olson moved to open the public hearing: SECOND Ellen Simpson; Unanimously APPROVED

**Laurie Dodge, 349 North Broadway** would like to know what the population of the school is now and what the allowable maximum population allowed is. The Summit School are good neighbors but she would like to note that the previous building built on the northeast side was built larger than what was approved. She would like to make sure that the Village manages the application to build what is on the plan.

The Chairman asked the Applicant to note the current and allowable occupancy on the site plan.

**MOTION:** Member Karen Olson moved to refer the Application to the Architectural Review Board and to continue the public hearing: SECOND Ellen Simpson

#### **Other Business:**

The Chairman reviewed with the Board a GML referral from the Village of Nyack.

**7 West End Avenue, Nyack, NY 10960**, is seeking site plan approval for construction of a 388 SF, one story addition to an existing dwelling.

The Board moved to deem 7 West End Avenue for local determination.

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE: Unanimously APPROVED**

The meeting was adjourned at 8:42pm.

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE: Unanimously APPROVED**

Respectfully submitted,  
Jillana Sinnott, Secretary