

**Village of Upper Nyack
Planning Board Meeting
Wednesday, February 17, 2021, 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: Karen Olson, Cynthia Turner and Joe Heider. **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 February 10, 2021. 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.

7:33pm: Approval of Minutes: Member Cynthia Turner moved to approve the minutes from January 20, 2021 as amended; SECOND: Karen Olson; unanimously APPROVED.

7:39pm: 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 will be no review of the application tonight as it was adjourned at the last meeting to April 21, 2021.

7:36pm: 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, Montana Contracting and Chris Collins, Architect.

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

The Applicant is returning to the Planning Board. The Architectural Review Board has reviewed the application and changes were made to the windows and skylight and then recommended approval as submitted. A letter of recommendation from the Architectural Review Board was entered into the record. The landscape notes and narrative notes in the previous Engineers report have been addressed. 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. The package received for review did not include an EAF.

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

- a. 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 bulk table still reflects the data for the addition.*
- b. The proposal appears to conform to zoning.*
- c. A note should be added to the site plan to reference any special permits approved for the site with dates of approval. There does not appear to be a note to this effect.*
- d. That note should also include "and all conditions of that permit shall remain in full force and effect." There does not appear to be a note to this effect.*
- 2. As the proposed addition will be constructed over existing impervious patio area, no additional stormwater management is required.*
- 3. The Landscape Plan should be referenced on the site plan. There does not appear to be an added note.*
- 4. The package received for review does not appear to have the information requested in the 12/16/20 letter from Chairman Pfaff to Mr. Cauwenberghs.*

The Village Engineer noted that the EAF was received one hour ago via email.

The Chairman spoke about discrepancies of the acreage and lot area on the site plan. All the numbers should be consistent and accurate. The existing street frontage and Perry Lane were discussed. The Village Engineer stated that the frontage should only be North Broadway and should not include Perry Lane.

The Chairman read the letter from the Director of the Summit School, Brant Goldsmith dated 2/16/21 that was received on 2/17/21 at 5:30pm regarding the Special Use Permit issued on March 21, 1974. It stated in 1981 the permit and conditions of the Special Permit were challenged in court. The Chairman asked the Village Consulting Attorney for her opinion. She stated that she would need to review the special permit and research the court case. The special permit should be referenced on the site plan. The Applicant stated that he was not familiar with the special permit.

The Village Engineer noted that the census of students differs from note #7 and the letter submitted. The Applicant stated that both numbers came from Mr. Goldsmith.

The Chairman would also like to see the operative conditions on the plan.

Member Heider questioned whether the Special Permit was public record and if the Board was able to review it. The Village Consulting Attorney will review the resolutions and the plans associated with the Special Permit and report back to the Board her findings.

The Village Engineer will review the short EAF Part II and III. The description on the EAF should be stated as a 20 x 20 foot addition to the cafeteria seating area, not the kitchen.

Member Olson noted that information asked for at the last Planning Board meeting has not been addressed. The EAF and the letter from Director Goldsmith of the Summit School, was emailed to the Board two hours before the meeting. Receiving the information requested this late is grossly unfair to the Board. The Applicant apologized for the late submittal.

Member Heider questioned if the impact on the Village with cars coming and going on the property not just the use of the property, was part of the Special Permit and lawsuit. The Village Engineer agreed that this is why the number of students and staff is important to see the impact it would have on the Village. All SEQR issues and the 1981 lawsuit predated SEQR which started in 1984. Therefore any environmental review the Village is doing is on the table at this point.

There was a discussion of the next submittal date of February 25, 2021 for the March 17, 2021 meeting and whether the Applicant would be able to make that deadline. The Applicant felt they could make the deadline.

The BOARD had no further comments at this time.

There were no comments from the public.

MOTION: Member Karen Olson moved to continue the public hearing to the March 17, 2021 meeting: SECOND Joseph Heider; Unanimously APPROVED

Other Business:

Member Olson received an email from resident Linda Bean regarding surface water at 113 Larchdale Avenue being directed into the street and down the road into her yard. The Village Engineer noted that the CO was held up until a perforated pipe was installed and tied into the underdrain to correct the problem. Also, the retention pond in the rear and front are functioning correctly. The site is in conformance with what the Board approved.

The meeting was adjourned at 8:11pm.

Respectfully submitted,
Jillana Sinnott, Secretary