

**Village of Upper Nyack
Planning Board Meeting
Wednesday, March 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 March 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 Karen Olson moved to approve the minutes from February 17, 2021 as amended; SECOND: Cynthia Turner; unanimously APPROVED.

7:35pm: 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 although no submission has been received by the deadline for such meeting. The Chairman discussed with the Board how they wanted to proceed. Legal Counsel explained the Applicant could either withdraw the application or secure a denial from the Board. Jay Greenwell, Land Surveyor for the Applicant was present for another application and did not know what action they would be taking. Legal Counsel will send a letter to the Applicant's legal counsel to see how they will be proceeding.

7:38pm: Summit School, 339 North Broadway, County Map No. 60.18-01-01.

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

The Village's Legal Counsel has spoken to the Applicant's legal counsel and they will be making a submission for further review. No GML re-referral is required because the plan changes from the last referral were very minor. The submission date for the applicant to be place on the April agenda is April 1, 2021.

MOTION: Member Karen Olson moved to continue the public hearing to the April 21, 2021 meeting: SECOND Joseph Heider; Unanimously APPROVED

7:49pm: Maria Reich, 530 North Broadway, County Map No. 60.09-03-46.

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 George Palladino, Architect.

The Application is before the Board for site plan approval for a detached two car garage on property improved with an existing single family residence.

The Applicant is returning to the Planning Board. The Architectural Review Board has reviewed the application and changes were made to correct the elevations south to east and note #15 to be note #11 then recommended approval as submitted. A letter of recommendation from the Architectural Review Board was entered into the record. A 1,000 gallon drywell for runoff of the roof has been added. The vicinity map has been updated and the bulk table changes have been made.

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. Front setback and rear setback values appear to be reversed in the bulk table.
 - b. The proposed work conforms to zoning.
2. Drywell has been added to mitigate increased stormwater runoff.
3. Several feet of excavation will be required at the west side of the garage, no grading is shown. Show any proposed grading or add note that all excavated material will be removed from the site.
4. A stormwater maintenance agreement will be required for the site.

The Village Engineer withdrew item #1a.

The excavated dirt will be removed. The grading of the property was discussed.

The Chairman noted that the site plan should be a scale of 1" equals 20' which is the minimum requirement. The vicinity map can be smaller, move the drywell detail to another sheet.

The Board reviewed the Architectural Review Board recommendation form to the Planning Board from the Public Hearing of 2/8/21.

The Village Consulting Attorney noted that the second clause on note #5 should be removed as this application was not subject to 239M.

The BOARD had no further comments at this time.

There were no comments from the public.

MOTION: Member Joseph Heider moved to close the public hearing: SECOND Karen Olson;
Unanimously APPROVED

MOTION: The site plan approval is based on the following:

- The following plans referred to collectively below as the “Site Plan”
- Site Plan for a detached two car garage on property improved with an existing single family residence, Maria Reich, prepared by G. Palladino, RA, Architect dated November 18, 2020 last revised February 24, 2021.
- Architectural Plan for existing single family residence, (Pages A2-A4) Maria Reich, prepared by G. Palladino, RA, Architect dated November 18, 2020 last revised 11/18/2020.

The BOARD approved the Applicant’s application for site plan approval for a second garage on property improved with an existing single family residence on the property subject to the following conditions:

1. Under the provisions of SEQR this is a Type II action requiring no further review.
2. The Applicant shall address to the reasonable satisfaction of the Village Engineer the following comments #2, #3 and #4 set forth in the memorandum from the Village Engineer to the Planning Board dated March 16, 2021.
3. The Applicant shall comply with the conditions and requirements set forth on the letter from the Architectural Review Board dated February 8, 2021 to the Planning Board submitted on this application, which include compliance with the architectural plans and finish schedule as indicated on such letter.
4. A Stormwater Maintenance Agreement in the form acceptable to the village Engineer and the Board’s counsel shall be recorded in the office of the Rockland County Clerk and a copy of such agreement as recorded shall be file with the board. The applicant shall pay all applicable recording fees.
5. The final site plan shall be revised to a scale of 1” equals 20’;
6. The applicant shall revise Note #5 on the Site Plan to eliminate reference to the GML 239-M referral.
7. This final site plan approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Site Plan endorsed by the Planning board chairman. Any changes or modifications to such plan require amended site plan approval from the Planning Board.
8. This approval shall be void and of no effect if a building permit for the work proposed herein is not issued within 3 years of the date of this resolution.

8:00pm: Giuseppe and Denise Pagano, 309 North Broadway, County Map No. 60.18-01-42.1.

Said property is located in Residential Zoning District R-4.

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

The APPLICANT was represented by Jay Greenwell, Land Surveyor for Paul Gdanski, Project Engineer who is not able to make the meeting. Mr. Greenwell had done the subdivision map and recently updated the survey for the Applicant.

The Application is before the Board for site plan approval for the addition of an in ground pool with decking and retaining walls on property improved with an existing single family residence.

The Applicant reviewed the site plan and the detailed landscape plan with the Board. The pool and decking is between the house and the river. There is a sewer easement but there will be no impact on it. They will have to relocate the sewer line.

The Chairman noted that the Gdanski plan will be the governing one for this Board not the Carolle Huber, landscape plan.

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 617.5c9, the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

- a. Two site plans and bulk information have been submitted; they contain differing entries for several of the bulk values.*
- b. Applicant and/or Consultants should coordinate on which plan will be site plan of record; bulk table should be on the same sheet as the site plan.*
- c. Perhaps the Gdanski Site Plan can be used with sheet 2 of the Huber Plans appended and the landscape information removed from the Gdanski Site Plan.*

2. On the Gdanski Plan Set:

- a. Coordinate notes 13 and 16.*
- b. Indicate source of 1% Flood Elevation shown (2014 FEMA Maps?).*
- c. 20% slope area should be shaded or hatched on the plans.*
- d. The grading plan appears to show cut areas only, verify that no filling is to be performed using excavated materials or show all proposed grading.*
- e. Infiltration rate should be based on bottom area only. Infiltration test will be required to verify rate assumed for design and design revised if needed.*
- f. Drywell detail calls for 13'x13' excavation, plan shows annular gravel surrounding drywell, please coordinate.*
- g. The erosion control and stone wall details should be larger for clarity.*

3. On the Huber Plan Set.

- a. The planimetric and landscape plan does not contain information to comment on, planting is not in my specialty area.*

4. A stormwater maintenance agreement will be required for the site.

The Board discussed that notes #13 and #16 should be coordinated. The material removed from the pool was discussed. The Village Engineer noted that removing the dirt offsite would probably cause destruction to get it out. He suggested the possibility of using the dirt somewhere eels on the site. The East side of the sewer easement should be indicated on the map. The bulk table and details under it should be made larger.

The Chairman reviewed the GML responses. The Village of Nyack recommended permeable pavers to be used otherwise it is deemed for local determination. The Village Engineer noted that the property drains to the river and that permeable pavers will not make any benefit. This would not create any adverse drainage to the property or the Village of Nyack. Village Counsel stated there is no override necessary as it is only a comment; overrides are only necessary to act contrary to recommendations from Rockland County Planning

Vice Chairman Karen Olson read the Rockland County Planning GML response which recommend the compliance with Mosquito Control of the Rockland County Sanitary Code.

The Board had no further comments at this time.

MOTION: Member Joseph Heider moved to open the public hearing: SECOND Cynthia Turner; Unanimously APPROVED

There were no comments from the public.

MOTION: Member Karen Olson moved to continue the public hearing to the May 19, 2021 meeting and refer the Applicant to the Architectural Review Board: SECOND Joseph Heider; Unanimously APPROVED

8:31pm: David and Deirdre McLary, 122 Locust Drive, County Map No. 60.09-03-01.

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 Kier Levesque, Architect.

The application is before the Board for site plan approval for the addition of a rear deck on an existing single family residence.

The Applicant reviewed the application for a 315 square foot deck. They will be removing the existing small deck. It will have two sets of stairs. The sanitary sewer line will need to be relocated.

The BOARD read and reviewed the report form 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 SEAR is required.

Site Plan

1. Zoning

a. the proposed deck addition is compliant with zoning.

2. Mr. Levesque is overly conservative in his drainage calculation, the actual increase in run-off is approx. 12 c.f., not 89.

3. Stormwater management is not required for this application.

4. Erosion control measures are adequate.

The Chairman noted that the Architectural Review Board drawings do not show the correct openings for the spindles which should be a maximum of a 4" opening. The Village Engineer also noted that the posts are not secure to the framing and there are very long spacing of the railing which are probably not to code. The drawings should show how the posts will be connected to the railing in detail.

The BOARD had no further comments at this time.

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

There were no comments from the public.

MOTION: Member Karen Olson moved to continue the public hearing to the May 19, 2021 meeting and refer the Applicant to the Architectural Review Board: **SECOND** Cynthia Turner; Unanimously **APPROVED**

There was no other business.

The meeting was adjourned at 8:43pm.

Respectfully submitted,
Jillana Sinnott, Secretary