

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, September 18, 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 **7:31pm** by the Chairman, William Pfaff.

**Other Board members present:** Ellen Simpson, Karen Olson and Danielle Watson.

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

**Others in attendance:** John Speer, Jamie Fox, Lewis Maresca, Jeff Grossman, Rudolph Zodda, Ray Meyerson and Glenn Meyerson.

**7:31pm** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on September 11, 2019.

**7:31pm: Approval of Minutes:** Member Karen Olson moved to approve the minutes from July 17, 2019 as amended; SECOND: Ellen Simpson; unanimously APPROVED.

**7:32pm: The Reform Temple of Rockland, 330 North Highland Avenue, County Map No. 59.20-02-01.**

Said property is located in the Split Zone of Residential Zoning District R-4 and Office District, OB.

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

The APPLICANT was represented by John Spear, Engineer; Jamie Fox, Architect; and Jeff Grossman, Trustee of the Temple.

The APPLICANT presented the plans. A waiver of Moratorium was approved by the Board of Trustees on September 12, 2019. The Applicant reviewed the plans. The land is 5.1 acres and the building is 12,900 square feet. There are 101 parking stalls. The proposed gabion retaining wall and the drainage was discussed. The concrete sidewalks will be replaced.

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 617.5(c)(1), "maintenance or repair involving no substantial changes in an existing structure or facility" the project is a Type 2 action.*

*No further SEQR is required.*

### Site Plan

#### *1. Zoning*

- a. The application is for site improvements and repairs with no changes to zoning related criteria. The facility was constructed under site plan dated 3-17-98 per note on previous drawing dated 2-18-10 for special permit related to the Summit School use of this facility.*
- 2. Grading plan should reference a High Point (HP) between the proposed basins and beehive inlets at the proposed wall at the west side of the building.*
- 3. Verify that the existing 8" PVC pipe shown to be connected to has adequate capacity to carry the roof drainage.*
- 4. The existing detention pond in the easement on the property to the north requires maintenance, that should be performed with the proposed work and maintained as needed in the future.*
- 5. Suggest 3" binder and 1-1/2" wearing course pavement in lieu of the courses shown on the detail sheet C-502.*
- 6. Suggest all new exterior concrete be shown air entrained.*
- 7. Sections on C-503 all appear to be drawn OH to section marks.*
- 8. New railings appear to be installed ground mounted. Verify that minimum ADA clearance between railings is provided.*
- 9. Catch basin converted at new accessible parking should be fitted with grate suitable for location in the discharge aisle.*
- 10. There is a new symbol for accessible parking stalls, this should be used.*

The BOARD discussed the GML referrals received. The Village of Nyack deems the matter for local determination. Rockland County Department of Planning made recommendations that the Board discussed. The Board will override comment #8. No review was received from Clarkstown Planning or the NYS Department of Transportation.

There were no comments from the public.

**MOTION:** Member Danielle Watson moved to close the public hearing; **SECOND:** Karen Olson; Unanimously APPROVED.

The BOARD had no further comments.

**MOTION:** The Board moved to approve the site plan for The Reform Temple of Rockland dated November 15, 2018 by McLaren Engineering Group with the provision that items from the Village Engineer's report be addressed #1, #2, #3, #4, #5, #6, #8, #9 and #10. Subject to approval and compliance with any recommendations from the County of Rockland Department of Health Mosquito Control, The Town of Clarkstown and the NYS Department of Transportation.

**MOTION BY:** Ellen Simpson  
**SECOND:** Karen Olson  
**VOTE:** Unanimously APPROVED

MOTION: The Board does hereby override condition #8 of the Rockland County Department of Planning in that the instant application is for the installation of drainage improvements and is not a complete site plan approval. The proper document for the provision of this information is the site plan to be approved concurrently with the Special Permit for the site, and the information will be required on that plan.

**MOTION:** Karen Olson  
**SECOND:** Danielle Watson  
**VOTE:** Unanimously APPROVED

**8:08pm: Lewis Maresca, 505 Spook Hollow Road, County Map No. 60.09-02-25.**

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

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

The APPLICANT was represented by Lewis Maresca, Homeowner.

The APPLICANT presented the plans to add a second floor single room for a master bedroom suite. The addition will be a master bedroom suite over the existing structure. The Applicant was to appear before the Board prior but states he did not have enough time to complete the neighbor notification.

A letter from the Village Building Inspector dated July 10, 2018 was discussed.

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 617.5(c)(9), the project is a Type 2 action. No further review under SEQR is required.*

**Site Plan**

*11. This application was previously presented in July 2018.*

*12. Zoning*

- a. Variance is required for the size of the second floor addition and for existing side yard as noted on the plan.*
- b. Additional variance required for the firepit, per letter from the Building Inspector.*
- c. Is the proposed building height, listed as "> 35'" a typo? Architectural elevation shows the height to be 25'-5", this should be used in the bulk table.*

*13. The Building Inspector's letter seems to indicate that some work which has been started or completed may have been subject to Planning Board review. The applicant's narrative indicates*

*what work has been done. These should be coordinated and any work which has been performed which was subject to Board review should be added to the application.*

- 14. The notation on the plan for "Garage" should be corrected to "Storage"; the garage has already been converted to living space.*
- 15. Similarly, the foundation plan indicates new foundation for what appears to be existing, please coordinate.*
- 16. Drain outlets may require level spreaders to prevent concentrated flow to downhill properties to the east.*
- 17. I suggest the application be clarified to the Board's satisfaction prior to action being taken.*

The BOARD discussed the plans and reports. The Applicant states that the generator is not there at this time, it is proposed. The shower and its drainage were discussed. The Applicant should get a formal easement from his neighbors to run drainage through their property. The use of an infiltration system was discussed.

There were no comments from the public on this matter.

**MOTION:** Member Karen Olson moved to continue the public hearing to the meeting on October 16, 2019; **SECOND:** Danielle Watson; Unanimously APPROVED

**8:39pm: The Reform Temple of Rockland, 330 North Highland Avenue, County Map No. 59.20-02-01.**

Said property is located in the Split Zone of Residential Zoning District R-4 and Office District, OB.

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

The APPLICANT was represented by John Spear, Engineer; Jamie Fox, Architect; and Jeff Grossman, Trustee of the Temple.

The APPLICANT discussed the request for a Special Permit for a Place of Assembly.

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. The Board must make a determination of significance based on the presented information. A Full EAF should be provided, per Section 15:83.1e, with the application.*

**Site Plan**

**18. Zoning**

- a. The application, it appears, is for special permit for the new entity, a merged group now operating as the Reform Temple of Rockland.*
- b. A Special Permit was issued in 2010 for use of this facility by the Summit School, that permit had an expiration date of 10-21-2012. It should be clarified if that permit is also being reviewed,*

*as a second note indicated that it would terminate on issuance of CO for the Summit School classroom building.*

- c. There are a number of principal and ancillary uses listed in the narrative, these should be described in more detail, i.e. number of students, capacity of halls and meeting rooms, hours that Nyack Hospital uses parking vs. other uses, etc.*
- d. The McLaren plan could be used to fulfill Section 15:83.5 if Zoning information is added. Similarly, the prior site plan referenced on the prior Atzl drawing could be updated and used.*
- e. Section 15:88.4, 15:88.6 and 15.89 should also be reviewed and narrative updated to indicate how those elements are addressed.*

*19. No construction is proposed with the application.*

The BOARD discussed the plans and reports. A full EAF would need to be submitted. There was a Special Permit issued when the Summit School used the Temple but it has since expired. A better narrative should be submitted clarifying the use and a site plan should be submitted.

The BOARD discussed the GML referrals received. The Village of Nyack deems the matter for local determination. Rockland County Department of Planning made recommendations that the Board discussed. No review was received from Clarkstown Planning or the NYS Department of Transportation.

There were no comments from the public.

**MOTION:** Member Karen Olson moved to continue the public hearing to the meeting on November 20, 2019; **SECOND:** Ellen Simpson; Unanimously **APPROVED**

The BOARD took a five minute recess.

### **Other Business**

**9:05pm:** Glenn and Ray Meyerson regarding Badi Drive, County Map No. 60.5-02-57.7 and lots County Map Numbers. 60.5-02-57.4 and 60.5-05.57.3 of the Badi subdivision.

The Meyerson's are in contract to purchase Badi Drive. They would like to know if the road could be kept private instead of dedicating it to the Village.

The Chairman responded that the Village does not want it to be a private road. There was a discussion of the private road.

The Village Engineer explained that they would have to go the Village Board of Trustees to ask to remap the road to private and the subdivision would need to be revised.

The meeting was adjourned at 9:40pm.

Respectfully submitted,  
Jillana Sinnott, Secretary