

**Village of Upper Nyack
Planning Board Meeting
Wednesday, February 19, 2020, 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 **7:30pm** by the Chairman, William Pfaff.

Other Board members present: Karen Olson, Danielle Watson and Cynthia Turner.

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

Others in attendance: Robert Knoebel, Jay Greenwell, Jorel Vaccaro, Jeff Grossman, Stephen Zashey, and Kier Levesque.

7:30pm The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on February 12, 2020.

7:30pm: Approval of Minutes: Member Karen Olson moved to approve the minutes from January 15, 2020 as submitted; SECOND: Cynthia Turner; unanimously APPROVED.

7:34pm: Adam and Abigail Winkel, 641 North Broadway, County Map No. 60.06-01-07.

Continuation from December 18, 2019 meeting.

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

The APPLICANT was represented by Jorel Vaccaro of Krypton Engineering.

The APPLICANT reviewed the revisions made to the site plan with the Board.

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. *Lot area reductions for steep slopes and areas under water have been calculated and coverage values recalculated.*
- b. *Livable floor area has been added to the bulk table.*
- c. *Detailed breakdown of coverage has been provided, coverages are below code allowables.*
- d. *The proposed project complies with zoning.*

2. SWPPP has been submitted and is generally acceptable.

- a. *Pg1 – Indicate 0 dwellings and that sitework is contemplated. GC personnel must be DEC trained individual.*

- b. *Pg 9 – Check fuels and lubricants, equipment will be used for grading operations.*
 - c. *Pg 10 – Inspection requirements per Village Code and NYSDEC GP. Complete Inspector name section. Frozen conditions to comply with DEC GP winter shutdown provisions.*
 - d. *Pg 11 – Use NYSDEC inspection formats.*
 - e. *Pg 12 – Provide trained individual certificates prior to construction.*
 - f. *Erosion control measure details should use the NYS “Bluebook” details.*
 - g. *Appendix E – Use NYS GP, new permit issued January 2020. Appendix F not needed, NOI in NY is for over 1 acre.*
3. *Stormwater maintenance agreement has been provided.*
- a. *Reduced size plan to be attached.*
 - b. *In paragraph 2, change “Schedule A” to “Schedule A-1”, and retitle the Schedule.*
 - c. *In the retitled schedule A-1, include the Cultec chambers and remove reference to drywell.*
 - d. *Include the Cultec inspection and maintenance requirements.*

The BOARD discussed the plans and reports. There was a discussion regarding no infiltration testing being required. The Army Corps of Engineers and NYSDEC permits have not been received yet. No maintenance of the seawall can be done until these permits are secured and submitted to the Village.

There were no comments from the public.

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

MOTION: The Board moved to approve the site plan for the Winkel residence, last revision dated January 6, 2020 by Krypton Engineering, with the provision that items from the Village Engineer’s report be addressed specifically #2, #3, #4, #5 and #6. Note that no seawall or riprap work can be done until the permits are obtained from the NYSDEC and the Army Corps of Engineers.

MOTION BY: Karen Olson

SECOND: Danielle Watson

VOTE: Unanimously **APPROVED**

7:41pm: The Reform Temple of Rockland, 330 North Highland Avenue, County Map No. 59.20-02-01. *Continuation from September 18, 2019.*

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

The APPLICANT was represented by Stephen Zashey, Engineer and Jeff Grossman, Trustee of the Temple.

The APPLICANT discussed the request for a Special Permit for a Place of Assembly. A full EAF has been submitted.

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.

EAF submitted indicates that no significant adverse environmental impact will occur as a result of the proposed action. We suggest a negative declaration is appropriate for this application.

Site Plan

1. 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. The narrative has been updated and describes the various uses and scope thereof.

2. No construction is proposed with the application.

The BOARD discussed the plan and reports. Changes to the EAF were made to pages 1, 2, 3 and 9 to make it pertain only to the Special Use Permit and Jeff Grossman initialed the changes. The site plan should be cleaned up to remove the contours and display the Zoning Districts.

The BOARD reviewed the GML's that have been received. NYS Department of Transportation anticipates no impact to the State's highway system and is unopposed to the project with no additional comments. The Town of Clarkstown and the Village of Nyack deemed the matter for local determination. The Board reviewed the Rockland County Department of Planning recommendations.

There were no comments from the public.

MOTION: Member Danielle Watson moved to Close the public hearing: **SECOND:** Cynthia Turner; Unanimously **APPROVED**

MOTION: Negative Declaration: Member Karen Olson moved to declare that under the provisions of SEQR the Board finds there are no potential significant environmental impacts resulting from the Site Plan presented based on the review of the EAF submitted; **SECOND:** Cynthia Turner; unanimously **APPROVED**.

MOTION: The Board moved to approve the Special Permit for The Reform Temple of Rockland, based on the site plan last revision dated January 2, 2020 by McLaren Engineering Group, in accordance of the uses and hours as stated in the narrative dated January 30, 2020 subject to the site plan being updated with the Zoning lot changes and the removal of unnecessary information.

MOTION BY: Karen Olson

SECOND: Cynthia Turner

VOTE: Unanimously APPROVED

Board Member Danielle Watson recused herself from the following application.

7:55pm: Lewis Maresca, 505 Spook Hollow Road, County Map No. 60.09-02-25. Continuation from September 18, 2019.

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

The APPLICANT was represented by Kier Levesque, Architect and Lewis Maresca, Homeowner.

The APPLICANT reviewed the revisions made to the site plan from an updated survey done. The application is for a second floor addition.

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

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

5. *Zoning*

- a. *Variance is required for the size of the second floor addition and for existing side yard as noted on the plan. Additional variance for extension of existing non-conforming wetback for second floor addition is needed and should be shown on the plan*
- b. *Additional variance required for the firepit, per letter from the Building Inspector.*
- c. *Architectural elevation shows the building height to be 25'-5", this should be used in the bulk table, not the <35.*

6. *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, but does not fully clarify what the Planning Board is being asked to approve. The BI letter indicates 8 items of comment under BP 1731, it appears bullets 1, 2, 3, 4, 6 and 7 would require action by Planning and/or Zoning Boards.*

7. *The plan notation "Garage" has been removed, overall structure is now shown.*

8. *Drain outlets may require level spreaders to prevent concentrated flow to downhill properties to the east.*

I suggest the application be clarified to the Board's satisfaction prior to action being taken

The Board reviewed the Building Inspectors letter from July 10, 2018. They have asked the Building Inspector to update the letter. The Applicant finds the Village's process impossible to complete a project. The Village Engineer discussed the building code with the Applicant. The open interior permit should be addressed. Mr. Levesque will work with the Building Inspector to address the issues in the letter.

MOTION: Member Karen Olson moved to Continue the public hearing to the April 15, 2020 meeting:
SECOND: Cynthia Turner; Unanimously APPROVED

8:22pm: David and Laura Neil, 637 North Broadway, County Map No. 60.06-01-10.01.

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 Jay Greenwell, Land Surveyor and Laura Neil, Homeowner.

The Applicant reviewed the submitted site plan for an in ground pool and cabana at the south end of the property. The pool will be level with the patio with an infinity edge.

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. *Cross symbol used in the provided column of the bulk table should be identified.*
- b. *Plan appears compliant with zoning.*

2. Note 10 should be changed to Suez.

3. Proposed paver area should be shown to meet existing, as there is a slight difference in elevations.

The Board discussed the required fencing and alarmed doors surrounding the pool.

The Board reviewed the GML responses that have been received. The Clarkstown Planning Board deemed the matter for local determination. The Rockland County Center for Environmental Health and the Department of Planning both recommend compliance with the County Mosquito Code.

There were no comments from the public.

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

MOTION: The Board moved to approve the site plan for the Neil application, last revision dated December 5, 2019 by Jay A. Greenwell, PLS, LLC, with the provision that items from the Village Engineer's report be addressed specifically #2, #4 and #1a; pool fencing is added with self-locking gates and compliance with the County Mosquito Code. The Board referred the Applicant to the Architectural Review Board for approval.

MOTION BY: Karen Olson

SECOND: Danielle Watson

VOTE: Unanimously APPROVED

8:41pm: 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, County Map No. 60.06-01-05.01.

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 Jay Greenwell, Land Surveyor; Tom Rybak, Architect; and Rob Knoebel, Attorney.

The Applicant reviewed the submitted site plan for landscaped gardens with hedge rows, a reflecting pond, landscaping and staircases over the three properties. The coverage was discussed for 649 North Broadway regarding a previous open permit. 645 North Broadway will be used as a guest house or caretaker house. There will be an elevated walkway to the southern lot which will increase the coverage on that lot. Photo renderings of the views were submitted. The wall in Photo #2 is not intended and the trellis is not part of the application.

The Board discussed the photos submitted. The Chairman would like to see an elevation view and an accurate view in 3D. The materials were discussed and will all be the same. The railings and stairs were discussed and should be shown on the site plan. The variances for coverage on the North and South lots were discussed, including the previous coverage on the North lot. Even if the three lots were combined a variance would be need for coverage. The Applicant inquired if the application needs to go to the ARB and the Board replied that it would. The Applicant stated that a seawall permit has been submitted to the DEC. the Board would like to review the application to see if there will be additional coverage.

The Chairman reviewed the concerns of the Building Inspector. There was a discussion regarding the two fence applications that have been submitted and why they are not part of this application. The Building Inspector will write a letter of his current concerns. There was a discussion regarding the 14 trees being removed and what the remediation will be. The Chairman requested that the Applicant submit a chart of the trees being removed.

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 617.5c8 and 617.5c12, the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

A. Variances are required as shown on the bulk table.

2. The area proposed for steps, fountain pool etc. may be visible from the surrounding area as was observed on the site inspection. Visual studies should be performed from the north (Nyack Beach parking area) and south (adjacent residence) to evaluate this and determine if screening will be needed.

3. Drainage report should be provided for the additional construction areas.

4. *Construction details (elevated walkway, walls, stairs, pavers, etc.) should be added to the plan set.*
5. *The proposed grass areas (6) with perimeter walkways appear to be landscaping which would not require Board approval. The applicant should describe in more detail for the Board to agree or disagree with this.*
6. *If additional landscaping is contemplated, a landscape plan should be prepared.*
7. *We may provide additional comments once the visual studies and details are added to the drawing set.*

The Board discussed the need for a landscape plan.

The Board reviewed the GML responses received. The Rockland County Center for Environmental Health noted that a review for the County Mosquito code needs to be done. The Rockland County Department of Planning recommendations were reviewed. The possibility of the override of #4 was discussed. The Applicant noted that he did get a temporary CO on 649 North Broadway's open permit and he will bring it to the Village tomorrow. The Applicant will also submit an as-built for 649's prior permit. There was a discussion of the Applicant going to the ZBA and then returning to the PB if they get their variances.

MOTION: Member Karen Olson moved to Continue the public hearing to the April 15, 2020 meeting:
SECOND: Danielle Watson; Unanimously APPROVED

The Applicant will proceed to the ZBA and return to the Planning Board if they receive the variances they are requesting.

Other Business: Nyack Community Ambulance Corp., 251 N. Midland Avenue, Nyack, County Map No. 60.77-02-7.1 and 7.2. General Municipal Review of a request for a Special Use permit under the "Apartments accessory for not for profit ambulance facility" under the provisions of VON 360.5.9. The Board previously reviewed this GML submission in 2016 and it is being resubmitted because the Approval has expired. The Board deemed the proposed the application for local determination.

The meeting was adjourned at 9:50pm.

Respectfully submitted,
Jillana Sinnott, Secretary