

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, May 20, 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, Karen Olson, Danielle Watson and Cynthia Turner.

**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 May 13, 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 Noelle C. Wolfson, Esq. as the new Consulting Attorney for the land use boards as Robert P. Lewis has retired from the land use boards.

**7:40pm: Approval of Minutes:** Member Karen Olson moved to approve the minutes from February 19, 2020 as submitted; SECOND: Danielle Watson; unanimously APPROVED. Member Simpson was not present at the February Meeting, therefore she did not vote.

**7:45pm: Reform Temple of Rockland, 330 North Highland Avenue, County Map No. 59.20-02-01.**

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

The BOARD reviewed the Resolution for a Special Permit for Section IV, Article 15:88.4; Place of Assembly, prepared by Village Attorney, Robert P. Lewis that is posted on the Village Website.

The BOARD had no comments.

**MOTION:** The Board moved to approve the Resolution for a Special Permit for Section IV, Article 15:88.4; Place of Assembly for the Reform Temple of Rockland.

**MOTION BY:** Ellen Simpson

**SECOND:** Karen Olson

**VOTE: Unanimously APPROVED**

**7:46pm: Louie, Elvira & Aasin Ahmetaj, 606 Palmer Drive, County Map No. 60.05-02-34.**

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 Paul Gdanski, Architect; and Louie and Elvira, the Homeowners.

The APPLICANT reviewed the submitted site plan for a cabana and a shed. The plans shows the pool as proposed which has already been approved because the Applicant wanted to only do one as-built.

The BOARD read and reviewed the report from Dennis Letson, Village Engineer, whose comments were entered into the record as follows:

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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. Side yard variances for both the cabana and shed are required.
2. The agenda description states the application is for a cabana and shed, while the site plan also indicates proposed pool, patio piers and equipment pad. Applicant should clarify the scope of work being proposed.
3. Proposed slotted drain shows grate elev. at 289.8 and invert of 287.8, while the detail shows a 6 inch deep drain, please clarify. Also clarify is the drain is proposed on all sides of the proposed patio.
4. The drywell location is in line with construction vehicle traffic to the site. How will soil compaction be avoided to insure percolation?
5. Infiltration test shall be performed to verify the assumed design infiltration rate.
6. Infiltration rate is based on bottom area only, revise infiltration rate calculation.
7. Show how 10 foot separation between proposed water and sanitary lines to exist house will be achieved.
8. Intermediate contours should be darkened for clarity, it is difficult to see if the proposed drywell grate elevation requires grading on the site.
9. No grading is indicated on the plan, add note that all excavated material shall be removed from the site or indicate proposed grading.
10. A stormwater maintenance agreement shall be executed for the site.

The BOARD reviewed the report. Items #2, #3, #4, #5 and #6 were waived as they were addressed on the previous application that was approved. The items that are being reviewed with this application should be bubbled, so not to be confused with what was previously approved. There was a discussion of the allowable shed height of 12' above the adjusted grade.

The BOARD reviewed the GML response from the Rockland County Department of Planning. There was a discussion of recommendation #3 regarding the map date. The Secretary will clarify what date they are referring to. There was no response from Clarkstown Planning Board. The Village Clerk received a message from the NY/NJ Trail Conference which deemed the application for local

determination as long as a visible barrier of trees and greenery between the trail and what is being built is kept.

An email from Diana Calhoun, 614 Palmer Drive was read into the record that she fully supports the application.

There were no comments from the public.

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

The BOARD had no further comments.

**MOTION:** The Board moved to approve the site plan for the Ahmetaj application, last revision dated January 25, 2020 by Paul Gdanski, PE, PLLC on the following conditions:

1. The applicant shall address the following items from the Village Engineer's report: #1a, #7. #8. #9. #10 and #3 should be corrected on the as-built
2. Compliance with the County Mosquito Code
3. A Stormwater Maintenance Agreement in a 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.
4. The above referenced plan shall be modified to bubble the cabana and the shed and a note shall be added to the plan regarding the height of the shed.
5. The applicant shall maintain a visual barrier of trees and greenery between the Long Path and the improvements that are the subject of this approval.
6. This approval is subject to the applicant seeking and obtaining an area variance from the applicable side yard setback requirements from the Village of Upper Nyack Zoning Board of Appeals. If the variance is not granted, the applicant shall return to the Planning Board for further review.

**MOTION BY:** Karen Olson

**SECOND:** Cynthia Turner

**VOTE:** Unanimously **APPROVED**

**8:21pm: Comito Homes LLC, 205 Wanamaker Lane, County Map No. 60.13-02-94.**

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 Jay Greenwell, Land Surveyor and Marc Comito, property owner.

The APPLICANT reviewed the submitted site plan. The previously approved dwelling is under construction and the utilities have been installed. The owner felt that a third garage would be a good selling point. There are no variances needed. The wall will be higher than originally approved and a

fence will be installed at the top of the property line. The slope of one on three with a swale to carry drainage from the backyard to the street. This will not be used as a main garage. The west to east is fairly steep.

The Chairman inquired where the cut in the grade is. The Applicant replied that it is 15'-20' west of the house.

The BOARD read and reviewed the report from Dennis Letson, Village Engineer, whose comments were entered into the record as follows:

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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. *Proposed garage addition complies with zoning.*

2. *The site plan appears to indicate the west wall of the garage will be a part of the retaining wall, while the architectural drawing indicates the walls will be separate. This should be coordinated.*

3. *I would prefer to see the detail for the proposed retaining wall added to the site plan rather than be submitted with building permit.*

The Applicant stated that regarding #2, the architectural plan is correct and the site plan will be changed. The wall will be a couple of feet west, not part of the garage wall. The Village Engineer noted that the applicant should give enough room for the finish of the wall.

The Board reviewed the GML review responses. The Rockland County Department of Planning notes #1 and #2 were addressed on the prior site plan approval. The date of the plan has been corrected and should read 2/21/2020 as per the Applicant.

The Board noted that hip roof and gable roof lines should be shown correctly on the site plan. Member Watson inquired why the proposed 3' fence at the top of the property is a chain link fence. The Applicant stated this was just to show the property line to the neighbors. The Village Engineer asked whether 3' fence on top of the retaining wall was adequate, it should be 42'H minimum.

The Chairman read a letter received from Patricia and Jerry Greenberg into the record.

The Board listened to comments from the public.

**Patricia Greenberg, 205 Wanamaker Lane** inquired what the actual space between the west side of the garage and the engineered or rock wall is. Why is there a fence that was not previously there? The Applicant replied that it is an engineered wall not a boulder wall.

The Chairman inquired about the changes on the west side. The Applicant noted that the wall is being moved west and will be 30" higher because of the garage.

There was a discussion regarding the chain link fence along the edge of the property. The Applicant noted that they will remove it. There was a discussion regarding encroachment of the driveway per Ms. Greenberg, the Applicant is not aware of this. The Village Engineer suggests that they work it out.

The Chairman inquired about the height of the garage. The proposed garage elevation was discussed with the applicant and the Village Engineer. The garage will not have any impact on the view of the Greenburg's.

The Chairman would like to see all the heights and elevation points on the site plan. The structural retaining wall should be shown on the site plan.

**Joe Menschik, 209 Wanamaker Lane** spoke about the visual effects of the driveway from his house. He will be looking at blacktop more than shrubs.

Member Olson inquired what landscaping is going to be done. The Applicant stated that they will carry out the existing landscape plan. Ms. Greenberg noted that it will look like a parking lot. The Applicant could not locate the landscape plan to share. The Village Engineer showed an overview of the properties and suggested that three to four evergreens be planted between the macadam and the property line on the northwest corner to block the Menschik view of the blacktop. The Applicant stated that this could be done.

The Board would like to see the following items done to the site plan:

- Landscaping on the west side
- Additional screening in the front
- Actual elevation and heights
- Design of the retaining wall
- Guardrail height at the top of the wall
- Drainage calculations
- Resolve the macadam issue with the neighbor

There were no other comments from the Board.

**MOTION:** Member Karen Olson moved to Continue the public hearing to the June 17, 2020 meeting:  
**SECOND:** Ellen Simpson; Unanimously APPROVED

**9:24pm: Mark and Carmen Bowen, 114 Old Mountain Road, County Map No. 60.13-03-24.**

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 and Carmen Bowen, Homeowner.

The Applicant reviewed the site plan for a new one story dining room, a deck to the rear of the house, and a second floor bedroom addition. No variances are required. The plans have been revised with the Village Engineers comments.

The BOARD read and reviewed the report from Dennis Letson, Village Engineer, whose comments were entered into the record as follows:

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State Environmental Quality Review (SEQR)

*Under the provisions of 6NYCRR Part 617.5c11 and 12, the project is a Type 2 action. No further review under SEQR is required.*

Site Plan

1. Zoning

*a. The 29.58 ft height shown on the architectural elevation should be shown as the building height in the bulk table.*

*b. The project complies with zoning.*

2. *A detail for the proposed pervious pavers should be added to the drawings.*

3. *Plans show roof leaders to be disconnected and outlet to grass at grade. This is acceptable for mitigation of increase impervious surface.*

4. *No additional comments.*

The Board noted that all the comments on the Engineer's report have been addressed.

There were not comments from the public.

**MOTION:** Member Danielle Watson moved to close the public hearing: **SECOND:** Ellen Simpson; Unanimously **APPROVED**

The Board had no further comments

**MOTION:** The Board moved to approve the site plan for the Bowen application, last revision dated March 16, 2020 by Kier B. Levesque, RA. The Board referred the Applicant to the Architectural Review Board for approval.

**MOTION BY:** Karen Olson

**SECOND:** Cynthia Turner

**VOTE:** Unanimously **APPROVED**

**9:35pm: Lewis Maresca, 505 Spook Hollow Road, County Map No. 60.09-02-25.**

Member Danielle Watson has recused herself from this application.

The Board discussed with the Applicant's architect Kier Levesque the application for Lewis Maresca. It has been months since the Applicant has appeared before the Board to clear up the open permits on his property. Since the last meeting Kier has had a meeting with the Building Inspector, Roy Wanamaker and Donna Albert of the Building Department regarding the numerous open permits. There are several

revised drawings that still need to be changed. Moving the shed has been discussed with the Applicant and he has not responded to Kier.

Member Olson inquired how long can the application be continued. The Chairman asked Counsel what the options were. Counsel responded that the application can be either be withdrawn or at the next meeting the Board can issue a denial if the application remains incomplete.

**MOTION:** Member Karen Olson moved to schedule the application of Lewis Maresca, 505 Spook Hollow Road, on the June 17, 2020 agenda subject to confirmation from the applicant that he wished to proceed.

**SECOND:** Ellen Simpson; Unanimously APPROVED

The meeting was adjourned at 9:48pm.

Respectfully submitted,  
Jillana Sinnott, Secretary