

**Village of Upper Nyack Planning Board Meeting  
Wednesday, September 20, 2023**

**MINUTES**

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date and called to order at 7:30 p.m. by the Chairman, William Pfaff.

**Other Board members present:** Karen Olson and Joseph Heider

**Absent Board members:** Cynthia Turner and Zara Crowley

**Also present:** Dennis Letson, P.E., Village Engineer/Zoning Inspector, and Noelle Wolfson, Esq., Consulting Attorney.

**7:30 p.m.** The Chairman reviewed the agenda.

**7:30 p.m.** Review of the minutes from the May 17, 2023 and July 26, 2023 meetings.

There were no comments from the Board members on the May minutes.

**Motion to approve the minutes of the May 17, 2023 meeting.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

There were no comments from the Board members on the July minutes.

**Motion to approve the minutes of the July 26, 2023 meeting.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

**7:32 p.m.** Gregory Fisher for NBroadway LLC and 603 North Broadway LLC, County Map 60.10-01-08 and 60.10-01-10. Application for lot line merger between the two subject adjacent lots; Lot 8 being vacant and Lot 10 having been improved with a single-family residence located in the Residence R-30 District with Hudson River Overlay District.

The public hearing on this application was opened at the Board's July 26, 2023 meeting.

At that meeting the application was referred to the ZBA for the consideration of required variances.

The applicant was scheduled to appear before the ZBA in September, but requested an adjournment of both the ZBA and Planning Board hearings.

**Motion to adjourn the Public Hearing on this application to the Board's October 18, 2023 meeting.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

**7:32 p.m. James and Paula Grant, 102 Locust Drive, County Map 60.09-03-11.** Application for site plan approval for installation of front walkway and entrance way; paver driveway and Belgian block border; deck; expansion of bluestone patio; and replacement of chain link fence on property improved with a single-family residence located in the Residence R-20 District.

Applicant Representatives: Matthew Fierman, Contractor; James Grant, Property Owner.

Mr. Fierman distributed a handout summarizing the proposed work. The renovations are to the landscaping, walkways, driveway and pool area. The applicant will also be replacing fencing near North Broadway.

The property owner is proposing to remove the asphalt driveway and replace it with permeable pavers. It will be slightly smaller than as existing, but the general layout will remain the same.

There is currently a walkway in the front of the house, which is being replaced with a bluestone walkway. The pieces of bluestone will be larger than in the current walkway. The feature labeled as a 56 sf deck on the site plan is not a traditional deck, it is a larger piece of stone to anchor the steps at the end of the walkway.

Mr. Fierman explained the modifications to the walkway and pool area in the rear of the house. The applicant is proposing an IPA deck. The deck is a low profile, platform style deck. Mr. Fierman presented a rendering of the proposed deck to the members of the Board. There will be a planting box near the deck, and then additional landscaping is proposed around the entire property.

Mr. Grant is also proposing a six-foot high aluminum fence for additional privacy along the Property's North Broadway frontage. He explained that he is going to clear out some of the existing vegetation (much of which, he explained, is in poor condition) in the area between the proposed fence and North Broadway and plant grass in that area to give the area a clean look. There was a discussion about the existing and proposed vegetation in this area and in other portions of the Property.

The Village Engineer's comment memorandum dated September 20, 2023 was read into the record as follows:

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Items Reviewed

"Grant Residence" site plan prepared by Kier Levesque, RA, dated 8/23/2023.

Renderings and material information, 9 sheets, untitled.

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.

### Zoning

1. Zoning district R-20 as indicated.
2. Livable area requirement has been removed from the zoning criteria, this line should be removed.
3. Please clarify if shed is existing non-conforming with site plan approval or if a variance has been granted.
4. The increased development coverage is in compliance with the zoning code.

### Site Plan

1. The site plan shows the Development Coverage will increase by approx. 530 s.f.
  2. Note indicates driveway will be replaced with pervious pavers, please add a detail to the plan to show the pervious materials and subgrade layers.
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The Board's counsel asked the applicant to remove the note in the signature block indicating a three-year duration of the site plan approval as it no longer aligns with the Village's Zoning Law.

The Chairman asked about the location of existing fencing on the Property, particularly on the west side of the Property near Locust Avenue. Mr. Grant confirmed that the location of the fencing was accurately depicted on the plan and that there is no fence on the west side of the Property that extends from North Broadway

There were no further comments from members of the Board.

### **Motion to open the public hearing.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

The Chairman noted that there were no members of the public in attendance at the hearing.

### **Motion to close the public hearing.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

**Motion to Approve the Site Plan titled *Grant Residence, 102 Locus Drive, Upper Nyack, New York*, prepared by Kier B. Levesque, RA, dated August 23, 2023, 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 comments raised in his report dated September 20, 2023 and which are specifically set

forth herein as conditions of approval as follows: Zoning Comments 2 and 3 (clarify and change note to whichever is applicable); Site Plan Comment 2.

3. The applicant shall remove the note on the site plan which reads “Upper Nyack Planning Board approval is valid for 3 years.”
4. Prior to the issuance of a Certificate of Occupancy the applicant shall provide 2 copies of an as-built survey signed and sealed by a licensed professional.
5. The Site Plan shall be revised to include an entry in the revision note section to indicate the date that the plan is submitted for Planning Board signature. The description for the revision date note shall read “For PB Signature.”
6. The Applicant shall comply with the requirements of the New York Uniform Fire Prevention and Building Code, all Village of Upper Nyack laws and ordinances, and all other applicable laws and regulations of any governmental entity or agency with jurisdiction over the Property or its use.
7. Unless otherwise specifically modified by this Resolution or the plans approved hereby, all conditions of any prior approval of any board, department or officer of the Village of Upper Nyack shall remain in full force and effect.
8. 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 final site plan endorsed by the Planning Board Chairman. Any changes or modifications to such plan require amended site plan approval from the Planning Board.
9. Except as otherwise provided in Village of Upper Nyack Zoning Law Section 10.4.1, this approval shall expire if it is not signed by the Planning Board Chairman within 90 days of the date hereof, if a building permit for the work proposed herein is not issued within 18 months of the date that the Site Plan is signed by the Planning Board Chairman, or if a Certificate of Occupancy or Certificate of Compliance has not been issued within 2 years of the date that the building permit is issued.

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

**7:55 p.m. Other Business:**

**7:55 p.m. Melodi Pomeroy, 500 Camboan Road, County Map 60.09-02-85.**

Modification of condition to resolution granting a waiver of site plan approval pursuant to Zoning Law §10.4.3.1 for a temporary above-ground swimming pool.

The property owner appeared before the Planning Board in May and received a waiver of site plan approval to install and use a temporary above-ground swimming pool on the Property.

A condition of the site plan waiver was that the pool was to be removed by October 1, 2023 and that the waiver of site plan approval expired on October 1, 2023.

The applicant would like to make the pool a permanent installation on the property. She has applied for site plan approval to do so, and that application is scheduled for the Board's October agenda.

At this point, she is looking for a modification of the condition of the original site plan waiver, extending the date by which the pool must be removed and the length of the approval.

The Village Engineer indicated that a preliminary submission has been made, but it has not been reviewed yet.

**Motion to amend the Waiver of Site Plan approval granted to the Applicant pursuant to Zoning Law Section 10.4.3.1 on May 17, 2023 for the temporary installation of a maximum 20 foot by 12 foot by 48 inch above ground swimming pool on the Property. The conditions of that waiver requiring the pool to be removed by October 1, 2023 and terminating the waiver on October 1, 2023 are hereby amended to provide that the subject pool shall be removed from the Property on or before December 1, 2023 and the site plan waiver shall expire on such date. All other portions of the May 17, 2023 site plan approval waiver resolution shall remain in full force and effect.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**

**8:00 p.m. Motion to close the meeting and adjourn.**

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 3 (yes) – 0 (no), 2 (absent)**