

**Village of Upper Nyack Planning Board Meeting
Wednesday, March 20, 2024**

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, Ellen Simpson, Joseph Heider and Zara Crowley

Also present: Dennis Letson, P.E., Village Engineer/Zoning Inspector; Janet Guerra, Board Secretary; and Noelle Wolfson, Esq., Consulting Attorney.

Applications:

1. **Shirley and Daniel Kramer, 602 Palmer Drive, County Map 60.09-01-03.**
Continued from February 28, 2024. Application for review of an amended site plan for an after the fact permit for site construction elements including but not limited to: gravel walks, boulder retaining walls and patio on property improved with an existing single-family residence located in the Residence R-20 Zoning District.
2. **Cynthia Turner, 204 Bliss Lane, County Map 60.09-01-40.** *Continued from February 28, 2024.* Application for site plan approval for a second story addition, rear addition, other alterations and a swimming pool on property improved with an existing single-family residence located in the Residence R-20 Zoning District.
3. **Holly Cullen and William Zobrist, 344 North Broadway, County Map 60.13-03-56.**
Application for site plan approval for the addition of a two-story garage on property improved with an existing single-family residence located in the Residence R-30 Zoning District.
4. **Vallex Herard, 514 North Broadway, County Map 60.13-03-25.** Application for amendment to a previously approved site plan for a roof deck area over a garage on property improved with an existing single-family residence located in the Residence R-20 Zoning District.

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

7:30 p.m. Review of the minutes from the February 28, 2024 meeting.

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

Motion to approve the minutes of the February 28, 2024 meeting.

Motion: Joseph Heider

Second: Zara Crowley

Vote: 3 (Yes- Pfaff, Heider, Crowley-) – 0 (No); 2 (Abstain- Olson, Simpson)

7:31 p.m. Shirley and Daniel Kramer, 602 Palmer Drive, County Map 60.09-01-03.

Continued from February 28, 2024. Application for review of an amended site plan for an after the fact permit for site construction elements including but not limited to: gravel walks, boulder retaining walls and patio on property improved with an existing single-family residence located in the Residence R-20 Zoning District.

Applicant Representative: Kier B. Levesque, Architect

Applicant Presentation: Mr. Levesque summarized the changes to the plan from the last meeting. He explained that the application was reviewed by the Zoning Board of Appeals and that the required variances were granted. He explained that he had listed the total side yard setback as the setbacks of the existing shed and patio. The Zoning Board of Appeals decided that the shed should not be included in the total side yard, and that the north side yard should be measured to the house, and therefore that is what is now reflected in the bulk table. He also explained that the grant of the side yard variance was conditioned on the prohibition of a structure or roof being erected over the patio.

The Chairman read the Village Engineer's report dated March 20, 2024 into the record.

Information Reviewed

Project description by Kier Levesque dated rev 3/13/24.

Site Plan by Kier Levesque dated 12/23/2015 and last revised 2/28/24.

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. The required variances were granted by the ZBA.

Site Plan

1. Mr. Levesque has revised the plan per the Board's request; the additional coverage areas are noted by number.
2. No additional comments.

Referrals

1. No new referral comments.
-

There were no additional comments from the Village Engineer or members of the Board.

The Chairman opened the hearing to the members of the public. There were no comments on the application from members of the public.

Motion to close the Public Hearing

Motion: Karen Olson

Second: Joseph Heider

Vote: 5 (Yes) – 0 (No)

Motion to approve the Site Plan titled *Site Plan, 602 Palmer Drive, Upper Nyack*, prepared by Kier B. Levesque, RA, dated December 23, 2015, last revised March 12, 2024, 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 March 20, 2024 and which are specifically set forth herein as conditions of approval.**
- 3. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of an as-built survey including topographical information, if applicable, signed and sealed by a licensed professional.**
- 4. 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.”**
- 5. 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.**
- 6. 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.**
- 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 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.**
- 8. 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: 5 (Yes) – 0 (No)

7:38 p.m. Cynthia Turner, 204 Bliss Lane, County Map 60.09-01-40. *Continued from February 28, 2024.* Application for site plan approval for a second story addition, rear addition, other alterations and a swimming pool on property improved with an existing single-family residence located in the Residence R-20 Zoning District.

Applicant Representative: Cynthia Turner

Applicant Presentation: Ms. Turner explained that the drawings have been revised to clarify the coverage information as requested at the February meeting. She indicated that the development coverage has been reduced to eliminate the need for the variance and the only variance required is for the encroachment into the rear yard setback.

The Chairman read the Village Engineer's report dated March 20, 2024 into the record:

Information Reviewed

Site Plan by Michael Esmay dated 12/27/2023 and last revised 1/22/24; a new revision date should be added to indicate revision(s) per the Board's previous request. Sheets 2 to 4 inclusive do show a revision date of 3/4/24.

State Environmental Quality Review (SEQR)

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

Zoning

1. Variance required for increase in non-conforming rear setback.
2. Variance required for total coverage.

Site Plan

1. The Chairman had requested the narrative be revised, no new narrative information was received.
2. The improvements shown in the legend have now also been coordinated to the plan by number. Does this clarify the coverage areas as the Board requested, or should additional numbering of the "New Coverage" areas be added as well?
3. Bamboo to remain is now shown west of the pool.
4. Building height of 21'-0" is now shown on the elevation, sheet 4.
5. Stormwater management area to be detailed as noted.
6. Stormwater maintenance agreement to be executed for the site.
7. Standard drawing notes should be added to the set.
8. Notes related to pool safety (gates and door alarms) should be added to the set.

Referrals

1. None.
-

There was a discussion about whether a variance is still required for coverage. Ms. Turner explained that the patio originally proposed was changed to a deck and that the size of the pool was reduced to eliminate the need for the variance. The Village Engineer indicated that the deck should

still be included in the development coverage (although it is not included as an impervious surface for stormwater management purposes).

The Chairman noted that an updated narrative was provided. For future reference the narrative should be dated.

There was a discussion about the pool's compliance with the building code requirements. Notes regarding such compliance must be added to the site plan.

There was an extensive discussion about the elements of improvements that should be included in the development coverage, how they are listed in the development coverage table, and how they should be depicted on the site plan. It was unclear to the Board members from the plans presented what coverage was proposed to be retained, eliminated, or added. That information must be clarified on the plan before the Planning Board can refer the application to the Zoning Board of Appeals.

Prior to the next Planning Board meeting Ms. Turner's design professional will meet with the Village Engineer and Board chairman to discuss revisions to the proposed plan to clarify the development coverage.

Motion to adjourn the public hearing on this application to the Board's April 17, 2024 meeting.

Motion: Karen Olson

Second: Ellen Simpson

Vote: 5 (Yes) – 0 (No)

8:01 p.m. Holly Cullen and William Zobrist, 344 North Broadway, County Map 60.13-03-56.

Application for site plan approval for the addition of a two-story garage on property improved with an existing single-family residence located in the Residence R-30 Zoning District.

Applicant Representative: Joral Vaccaro, P.E., Krypton Engineering

Applicant Presentation: Mr. Vaccaro explained that the applicants are proposing to construct a new garage and second floor addition over the garage on the south side of the house. There is an existing deck over pavement that is being removed for this addition and therefore there will be no increase in impervious surface or development coverage, although building coverage will increase. The addition will match the existing height of the building.

The existing lot has nonconforming frontage and lot width, but those features are not being affected by the proposed addition. There will be no change in the dimension of the rear yard. There will be a slight reduction in the side yard setback, however, the improvements will comply with the Zoning Law's side yard requirements.

Mr. Vaccaro explained that even though impervious surface coverage on the site is not being increased, they are proposing to add a single Cultex unit to capture stormwater runoff. Although no percolation tests have been completed to date, there is an existing watercourse adjacent to the

property so that if the soils are not suitable for infiltration the Cultex can outlet into the watercourse.

The Chairman read the Village Engineer's review memorandum dated March 20, 2024 into the record as follows:

Information Reviewed

Narrative cover letter by Jorel Vaccaro dated 3/8/2024.

Comment response letter by Jorel Vaccaro dated 1/29/24.

Planning Board application packet dated 1/23/24.

Short EAF dated 1/29/24.

Stormwater Management Plan Jorel Vaccaro dated 1/25/24.

Project plans, 5 sheets dated 1/18/24.

State Environmental Quality Review (SEQR)

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

Zoning

3. Previous (initial review) comments have been addressed by the Consultant.
4. It would be helpful to add a note that the addition area replaces existing asphalt surface. The notation to remove the deck gives the incorrect appearance that total coverage will increase.
5. It appears the is compliant with zoning.

Site Plan

9. Application is complete. EAF is not required for this Type 2 action.
10. Add initial and last revised dates to the drawing list.
11. The signature block should indicate Planning Board, not Trustees.
12. Area reduction table swatch patterns to be moved down one line.
13. Stormwater management plan is under review, any comments will be forwarded to Mr. Vaccaro.
14. Stormwater maintenance agreement to be executed and filed with the RC Clerk.
15. Architectural drawing referenced was not received; please verify height is shown on an architectural elevation.

Referrals

1. None
-

Mr. Vaccaro presented the elevation on which the height calculation is based and indicated that he will submit it to the Board for review. The Village Engineer asked that in addition to submitting the elevation that he include a reference to the elevation plan in a note to the bulk table.

There were no additional comments from members of the Board.

Motion to open the Public Hearing.

Motion: Karen Olson

Second: Joseph Heider

Vote: 5 (Yes) – 0 (No)

There were no comments from members of the public.

Motion to refer this application to the Architectural Review Board and to adjourn the public hearing on this application to the Board's April 17, 2024 meeting.

Motion: Karen Olson

Second: Joseph Heider

Vote: 5 (Yes) – 0 (No)

8:14 p.m. Vallex Herard, 514 North Broadway, County Map 60.13-03-25. Application for amendment to a previously approved site plan for a roof deck area over a garage on property improved with an existing single-family residence located in the Residence R-20 Zoning District.

Applicant Representative: Maren Robertson, Architect

Applicant Presentation: Ms. Robertson explained that the applicant would like to add a roof-deck over the garage that was part of the previously approved application for this property. He is proposing a shade structure over the new roof deck which implicates the need for site plan approval from the Planning Board because the roof-over area is considered Floor Area in the Village's Zoning Law.

Ms. Robertson explained that there will be no change to the rear yard setback, but that development coverage will increase and the side yard setback is decreased because the garage was built slightly larger than as depicted on the previously-approved plans. She noted that the site plan is slightly different than as approved because some improvements were not constructed and a deck, which did not require Planning Board approval, was added.

The Chairman asked if the proposed shade structure was comprised of a back screen wall that comes over the top with a slatted roof for shade and Ms. Robertson confirm that the Chairman's description was correct

The Chairman asked Ms. Robertson to reference the elevation drawing on the site plan.

The Chairman read the Village Engineer's review memorandum dated March 20, 2024 into the record as follows:

Information Reviewed

Narrative by Maren Robertson dated 3/13/24.

Site Plan SP-1 by Maren Robertson dated 2/20/24, last revised 2/20/24.

Architectural plans A-2 & A-2 by Maren Robertson dated 1/4/24.

State Environmental Quality Review (SEQR)

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

Zoning

1. The project requires amended site plan review due to the addition of the solid sunscreen roof area which increases the FAR. Absent this element, the plan could be constructed with only a building permit required.
2. The plan is compliant with zoning.

Site Plan

1. Please add zoning height dimensions to the existing roof and proposed sunroof structure to verify that the total building height will not increase.

Referrals

1. None.
-

The Village Engineer indicated that Note 4 on the site plan should be revised to indicate that the water service provider is Veolia, lighting is provided by the Clarkstown Consolidated Lighting District, and sewer services are provided by Orangetown.

There was a discussion about the color of the shade structure. Ms. Robertson explained that the house and the proposed shade structure have a black and white scheme. As to the shade structure, the posts are going to be black and the slats are white.

Motion to open the Public Hearing.

Motion: Karen Olson

Second: Joseph Heider

Vote: 5 (Yes) – 0 (No)

There were no comments from members of the public.

Motion to refer this application to the Architectural Review Board and to adjourn the public hearing on this application to the Board's April 17, 2024 meeting.

Motion: Karen Olson

Second: Joseph Heider

Vote: 5 (Yes) – 0 (No)

8:24 p.m. *James Bumgardner and Louis Tharp, 515 N. Midland, County Map 60.13.-03-01.01.*
Adjournment Request. Application for site plan approval to install ground mounted solar panel array on property improved with an existing single-family residence located in the Residence R-20 Zoning District.

Motion to adjourn the public hearing on this application to the Board's April 17, 2024 meeting.

Motion: Karen Olson
Second: Joseph Heider
Vote: 5 (Yes) – 0 (No)

8:25 p.m. Motion to close the meeting and adjourn.

Motion: Karen Olson
Second: Ellen Simpson
Vote: 5 (Yes) – 0 (No)