

**Village of Upper Nyack
Planning Board Meeting
Wednesday, September 14, 2022, 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 7:33 pm by the Chairman, William Pfaff.

Other Board members present: Cynthia Turner, Joseph Heider and Zara Crowley.

Absent: Karen Olsen

Also present: Dennis Letson, Village Engineer and Janet Guerra, Board Secretary.

7:33 pm. The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on September 7, 2022.

7:36 pm. Motion for approval of minutes from the July 20, 2022 meeting.

First: Cynthia Turner

Second: Joseph Heider

Vote: 3-0, APPROVED. (Zara Crowley not present at July meeting)

7:37 pm. Stuart and Jennifer Chaitin, 617 North Broadway, County Map No. 60.10-01-09. *Continuation from July 20, 2022.* Application for site plan approval for accessory structures (fencing, stone pillars and pool decking) on property improved with an existing single-family residence located in the Residence R-2 District.

Board discussion to adjourn the Chaitin application to the October 19, 2022 meeting as a request for adjournment was received via email from Rob Knoebel, Esq on August 25, 2022.

Public hearing kept open.

Jill and Fred Sinnott, the neighbors at 615 North Broadway, were present. The Chairman, William Pfaff, read a letter from the Sinnotts.

Motion to continue to October 19, 2022 meeting.

First: Joseph Heider

Second: Cynthia Turner

**Vote: 4-0, APPROVED, 1
absent.**

Jill Sinnott asked how many times an adjournment would be granted. Fred Sinnott said he was contacted middle of August and that it's hard to come to an agreement before they see something.

Dennis Letson, Village Engineer, commented that they have discussed the methodology for what would

be done.

7:53pm: Amy and Jason Haskell, 110 Castle Heights, County Map No. 60.17-02-1. *Continuation from July 20, 2022.* Application for site plan approval for a second-floor addition to an existing one-story family room; and a bathroom and kitchen renovation on a property improved with an existing single-family residence located in the Residence R-30 District.

Represented by Maren Robertson.

The comments of the Village Engineer, Dennis Letson, were discussed.

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. Bulk Table

- a. All of the non-conforming elements are pre-existing.

2. The plan does not create any new non-conforming elements and does not require variances.

Site Plan

1. There are no site related issues to comment on.

Board discussion that there were no further comments.

Motion to close the public hearing.

Motion: Joseph Heider

Second: Cynthia Turner

Vote: 4-0, APPROVED, 1 absent.

Motion to approve the site plan titled *Second Floor Addition and Renovations*, prepared by Maren Robertson, RA, dated 05/03/2022, last revised 07/27/22, 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 13, 2022 and which are specifically set forth herein as conditions of approval. #1a—All of the non-conforming elements are pre-existing.
3. The Applicant shall comply with the conditions and requirements set forth in the letter from the Architectural Review Board to the Planning Board submitted on this application (ARB Public Hearing Date 09.07.22), which requires compliance with the architectural plans and finish schedule referenced in such letter.
4. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of: (1) An as-built survey including topographical information signed and sealed by a licensed professional; (2) a certification signed and sealed by a landscape architect or other qualified professional certifying that all landscaping shown on the Site Plan was installed in compliance with the requirements of the Site Plan.
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. 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.
7. 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 3 years of the date hereof, or if a Certificate of Occupancy or Certificate of Compliance has not been issued within 3 years of the date that the building permit is issued. **The note about the site plan expiration on the site plan shall be revised to conform to this condition.**

Motion: Joseph Heider
Second: Cynthia Turner
Vote: 4-0, APPROVED,
1 absent.

8:00pm: Michelle Feit, 402 N. Broadway, County Map No. 60.13-03-37. Application for site plan approval for relocation of an existing railroad tie wall to allow for expansion of an existing driveway on a property improved with an existing single-family residence located in the Residence R-20 District.

The Applicant / Homeowner, Michelle Feit, represented herself.

Chairman, William Pfaff, asked Ms. Feit to give the Board an overview of the application.

Ms. Feit explained that they are fixing up their driveway area and want to re-do the existing wall which is currently old railroad ties. They would also like to widen their driveway since they currently have to back out and have no good line of sight. She continued that she presented to the Zoning Board of Appeals and they granted her variance. She said that she doesn't want to take down any shrubs or trees; and they are keeping the entrance the same. She summed up by saying that her neighbors won't see any difference.

The comments of the Village Engineer, Dennis Letson, were discussed.

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. Bulk table maximum building coverage allowed is 12%, please correct.
- b. Application required variance for extension of non-conforming setback for the driveway expansion. The application was scheduled for the 9/6/22 ZBA meeting.
- c. If the ZBA acted favorably, the "Variance Required" note should be revised to "Variance Granted by ZBA on (insert date)".

2. The application is for a minor widening of the existing driveway.

3. The Board should waive submittal requirements which are not shown on the plan; addition of the balance of submission information would not provide additional relative information needed for the review.

4. Elevations indicate the new area will be in a cut, add note that all excavated material will be removed from the site or indicate any proposed grading.

5. Please enlarge the driveway pavement detail on the plan.

6. Silt fence at the uphill side of the excavation area can be removed, it should be placed on the downslope area from the excavation (east side). If this was intended as a safety barrier orange snow fence is a better option.

Dennis Letson, Village Engineer, said that Paul Gdanski sent a new site plan directly to him addressing all of these concerns.

Motion to open the public hearing.

**Motion: Joseph Heider
Second: Cynthia Turner
Vote: 4-0, APPROVED,
1 absent.**

No public comment.

Motion to close the public hearing.

**Motion: Joseph Heider
Second: Cynthia Turner
Vote: 4-0, APPROVED,
1 absent.**

Motion to approve the site plan titled *Plot Plan for Tax Lot 60.13-3-37 FEIT*, prepared by Paul Gdanski, PE, dated 06/10/2022, last revised 07/12/22, 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 13, 2022 and which are specifically set forth herein as conditions of approval. #1a, b, c, #2-6. All resolved as per Village Engineer.
3. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of: (1) An as-built survey including topographical information signed and sealed by a licensed professional; (2) a certification signed and sealed by a landscape architect or other qualified professional certifying that all landscaping shown on the Site Plan was installed in compliance with the requirements of the Site Plan.
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. 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.
6. 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 3 years of the date hereof, or if a Certificate of Occupancy or Certificate of Compliance has not been issued within 3 years

of the date that the building permit is issued. **The note about the site plan expiration on the site plan shall be revised to conform to this condition.**

Motion: Joseph Heider

Second: Cynthia Turner

**Vote: 4-0, APPROVED,
1 absent.**

8:13pm: Vallex Herard, 514 N. Broadway, County Map No. 60.13-03-14. Application for site plan approval for interior and exterior renovations including kitchen primary bedroom and bathroom renovations; new stairs, windows, dormer and siding; new deck, fencing and pergola on property improved with an existing single-family residence located in the Residence R-20 District.

The Applicant was represented by Adra Bubesi from Lighthouse LLC.

Ms. Bubesi explained that the owner would like to do a full interior renovation including a facade update, new windows, new doors, a new path leading to the driveway, and a full landscape update. They would also like to have a pergola against the rear yard near their pool.

The comments of the Village Engineer, Dennis Letson, were discussed.

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. Bulk Table

- a. Rear yard accessory setback required is 25".
- b. Check, and revise if needed, the following:
 - i. Primary structure coverage proposed.
 - ii. Development coverage proposed.
 - iii. Floor areas proposed.
- c. Complete entries for the following:
 - iv. Building and development coverage existing.
 - v. Building coverage proposed.
 - vi. Building heights existing.
 - vii. Floor areas

2. Variance for rear yard setback for pergola and deck required as shown.

Site Plan

1. Show size and species of trees shown to be removed on the survey. Show these on the site demo plan, Sht. C-101.00.

1. The site demo shows the fence to be relocated; it appears that a portion of the driveway must be removed to accommodate the location shown on the site plan. Please coordinate and show, with notations, all demolition work.
2. Site plan should label N. Broadway.
3. Existing and proposed topography should be shown on the site plan.
4. Consultant should refer to Section 10.5 of the zoning local law for a complete listing of information to be shown on the site plan. If there are elements which the consultant believes are not needed to provide complete information on the application, a waiver of those requirements should be requested in writing.
5. Erosion and sediment control measures and details should be added to the plan set.
6. The line used to designate the new fencing should be a standard fence linetype. Also, please clarify if the narrower shaded line at the front of the site is the 4 ft. fence referred to in the narrative letter.
7. Stormwater analysis should be provided to determine need for any stormwater management to be included.
8. More detailed information on the proposed decks, pergola and fencing should be provided to give the Board a complete picture of the appearance of these elements.
9. Show the building height dimension on the architectural elevations.

Board discussion about bulk table needing to be revised with the correct numbers.

Chairman William Pfaff asked Ms. Bubesi if there was any comment on Dennis' report or on the bulk table comments about numbers being incorrect.

She replied that they will review the numbers.

The Chairman continued that when they look at the bulk table, there are a lot of areas that need to be filled in. He said that there are a significant number of comments regarding the site plan. The Chairman explained that the Board looks at the site plan as the main sheet so that the site plan should have the information shown and should have the zoning map and location map. He continued that the zoning chart should be given more space and that they may consider increasing to a bigger paper size. He explained that it's important that there should not be any blank spaces; and that topography needs to be represented for sure. Chairman Pfaff added that some elevations relating to the pergola in terms of development coverage would be helpful and it must be accurate. He concluded that the Board needs to see all the numbers broken out so we know the numbers are accurate.

Member Cynthia Turner mentioned that this application still needs to go to the Zoning Board of Appeals.

Chairman Pfaff directed that the application be more complete before the Planning Board sends it to the ZBA.

The Chairman asked Ms. Bubesi if she had any comments or questions. Ms. Bubesi said that they will go through carefully and make sure to address all concerns.

Motion to open the public hearing.

Motion: Joseph Heider

Second: Zara Crowley

Vote: 4-0, APPROVED, 1

absent.

No comments from public.

Public hearing to remain open.

Motion to continue to the October 19, 2022 meeting.

Motion: Joseph Heider

Second: Cynthia Turner

Vote: 4-0, APPROVED,

1 absent.

The Board also requested that the representative for the application be at the meeting in person.

Other business: The Board discussed requiring applicants to appear in person and made the decision to have only in-person meetings unless there are extenuating circumstances.

Motion to adjourn the meeting.

Motion: Joseph Heider

Second: Cynthia Turner

**Vote: 4-0, APPROVED, 1
absent.**

The meeting was adjourned at 8:37pm.

Respectfully submitted,

Janet Guerra
Board Secretary