

**Village of Upper Nyack Planning Board Meeting  
Wednesday, April 19, 2023 7:30 p.m.**

**MINUTES**

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date and called to order at 7:31 p.m. by the Chairman, William Pfaff.

**Other Board members present:** Karen Olson, Joseph Heider, and Zara Crowley

**Absent Board members:** Cynthia Turner

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

**7:31 p.m.** The Chairman reviewed the agenda.

**7:32 p.m.** Review of the minutes from the March 15, 2023 meeting.

There were no changes to the minutes as drafted.

**Motion to approve the minutes of the March 15, 2023 meeting.**

**Motion:** Karen Olson

**Second:** Joseph Heider

**Vote:** 3 (yes)- 0 (no), 1 (absent- Turner), 1 (abstain- Pfaff)

**7:32 p.m.** **Vallex Herard, 514 N. Broadway, County Map No. 60.13-03-14 Continuation from February 15, 2023.** 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 did not post notice signage and the matter was adjourned.

**Motion to adjourn the application to the May 17, 2023 meeting.**

**Motion:** Karen Olson

**Second:** Joseph Heider

**Vote:** 4 (yes) - 0 (no), 1 (absent- Turner)

**7:33 p.m. Gloria Janata, 202 Hilltop Drive, County Map 60.09-01-43. Continuation from March 15, 2023.** Application for amended site plan approval for modifications to a site plan approval granted November 18, 2009 on property improved with a single-family residence located in the Residence R-20 District.

Procedural History: The public hearing on this application was opened in February 2023 and was continued to and heard at the March 2023 meeting. The primary issue was to identify the controlling landscaping plan from the prior approval and to provide an acceptable landscaping plan for screening the A/C and generator locations.

Adjournment Request. By email dated Friday April 7<sup>th</sup> the applicant requested an adjournment of this application to the Board's May 17<sup>th</sup> agenda.

**Motion to Adjourn the Public Hearing to the Board's May 17, 2023 meeting.**

**Motion:** Joseph Heider

**Second:** Zara Crowley

**Vote:** 4 (yes)- 0 (no), 1 (absent- Turner), 1 (abstain- Pfaff)

**7:33 p.m. Roberto Alpert, 419 Maple Avenue, County Map 60.13-02-01.** Application for site plan approval for a pool and supporting patio on property improved with an existing single-family residence located in the Residence R-7.5 District.

Representing the Applicant: Roberto Alpert

Procedural History: This is the first time this application has been scheduled on an agenda.

Applicant Presentation: The applicant explained that he wanted to install a 21 foot by 8 foot above-ground spa/pool in the rear yard of the property. The proposed pool will sit on a concrete pad in the rear yard of the Property

Dennis Letson, Village Engineer, report below.

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#### ITEMS REVIEWED

"Proposed Pool/Spa Site Plan" prepared by Robert Sorace dated 11/8/22, last revised 2/13/23 and received 3/10/23.

Planning Board application packet received 3/10/23.

#### COMMENTS

From review of the submitted information, the application will require several approvals:

Planning Board – Site plan approval for addition of the pool and supporting patio (Sections 4.5.1 & 10.1.1.1).

Architectural Review Board.

## SUGGESTED PROCESS

Site plan is in proper form for review by the Planning Board.

Application

Pg 4 must be completed.

Verify that applicaton fee has been paid.

Submit 10 copies of plan for scheduling to Planning Board.

There was a discussion about where the pool equipment would be located. Mr. Alpert explained that there are no outside pumps or filters, and that all pumps and filters are included as part of the pool structure.

There was a discussion about whether Uniform Code compliant fencing and a self-locking gate is required for the proposed pool or whether those requirements did not apply because the pool is an above-ground pool.

Mr. Alpert explained that the pool is approximately 5 feet high. There is a manual cover, and the pool will be covered at all times when not in use. There was a discussion about the ladder access to the pool and whether the ladder will be retractable to come up off the ground. Mr. Alpert explained that he did not think that the steps retracted up.

There was not conclusive evidence as to the applicable Uniform Code enclosure requirements for the pool. Accordingly, the Village's Code Enforcement Official will have to review this application prior to the issuance of a Building Permit and the applicant will have to provide enclosures or other safety measures sufficient to satisfy the requirements of the Uniform Code/Residential Code.

### **Motion to Open the Public Hearing**

**Motion:** Karen Olson

**Second:** Joseph Heider

**Vote:** 4 (yes) - 0 (no), 1 (absent- Turner)

Maria Manfredonia, 416 Centre Avenue (email submitted). Ms. Manfredonia indicated that her home is located two lots from the property. She expressed concerns about stormwater runoff and privacy.

Village Engineer Letson explained that the property slopes toward Oak Street, so drainage will be directed to the stormwater system in that direction and should not cause an issue towards Ms. Manfredonia's property.

As to concerns about privacy, Ms. Manfredonia asked about the elevation of the pool and the patio surrounding it.

The Chairman asked about the size of the footing pad. Mr. Alpert explained that the pool footing pad extends about 6 inches beyond the border of the pool; it's not intended to function as a patio. The chairman

explained that the slab is at grade and there is an approximately 7.5 foot opaque fence around the pool area and therefore such existing screening should buffer the view from Ms. Manfredonia's property.

A letter from Ellen Simpson, 417 Maple Avenue, in support of the application was submitted to the Board and entered into the record.

### **Motion to Close the Public Hearing**

**Motion:** Karen Olson

**Second:** Joseph Heider

**Vote:** 4 (yes) - 0 (no), 1 (absent- Turner)

**Motion to approve this Site Plan titled *Proposed Pool/Spa Site Plan Prepared for Roberto I. Alpert*, prepared by Robert E. Sorace, PLS, dated 11/8/2022, last revised 2/13/2023, subject to the following conditions:**

1. Under the provisions of SEQR this is a Type II action requiring no further review.
2. Prior to the signature by the Planning Board chairman, the Village's Code Enforcement Official shall review the application and determine what measures are required in order for the installation to comply with the safety requirements for pools under the NYS Residential Code.
3. 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.
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:** 4 (yes) - 0 (no), 1 (absent- Turner)

### **7:59 p.m. Other Business**

The Chairman advised that he, the vice chair, and the Village Engineer received packages containing materials in opposition to the use of the property located at One Van Houten Street for the North River Shipyard addressed to them personally at their homes.

Consulting Counsel Wolfson advised that she reached out to counsel for the party submitting the materials advising about the proper channels for the submission of materials to the Board.

The Chairman explained that it is anticipated that the Shipyard will be coming before the Board with an application and that a technical review meeting with the Shipyard's representatives was due to occur on April 20.

The Board members asked if they would be given an opportunity to visit the site and review a chronology of the Shipyard approvals history during the review process. Consulting Counsel Wolfson advised that both could be requested and considered once the formal application has been made.

Chairman Pfaff explained that all correspondence to the Board members must be directed to the Board members at Village Hall in their official capacity or the Board Secretary at Village Hall and that information provided to Board members through other means will not be considered. He also explained that the Board will not review submissions or hear public comment on matters that do not concern a pending application before the Board, as the Board has no jurisdiction to address any issues raised unless they are in the context of a pending application.

### **8:08 p.m. Stuart and Jennifer Chaitin, 617 North Broadway, County Map No. 60.10-01-09.**

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-20 District and Hudson River Overlay District.

Procedural History: The public hearing on this application was closed at the March 15, 2023 meeting. At that meeting the Board's counsel was directed to prepare a resolution of approval subject to conditions. The resolution was drafted and posted to the Village's website in advance of the meeting.

The Board members did not have any comments on the proposed resolution.

**Motion to waive the reading of the resolution and adopt it as drafted.**

**Motion:** Karen Olson

**Second:** Zara Crowley

**Vote:** 4 (yes) - 0 (no), 1 (absent- Turner)

**8:10 p.m. Motion to adjourn the meeting.**

**Motion:** Joseph Heider

**Second:** Karen Olson

**Vote:** 4 (yes) - 0 (no), 1 (absent- Turner)