

**Village of Upper Nyack
Planning Board Meeting
Wednesday, September 22, 2021, 7:30pm**

Minutes

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date via videoconferencing and called to order at **7:38pm** by the Chairman, William Pfaff.

Other Board members present: Karen Olson, Cynthia Turner, and Joseph Heider. **Also present:** Dennis Letson, Village Engineer; Noelle C. Wolfson, Esq., Village Consulting Attorney; and Janet Guerra, Board Secretary.

7:38pm: The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on September 14, 2021.

7:41 pm: The Chairman commented that the Village's Comprehensive Plan was approved.

7:46 pm: **Approval of Minutes:** Member Karen Olson moved to approve the minutes from July 21, 2021 as amended; **SECOND:** Cynthia Turner; unanimously APPROVED.

7:47 pm: Member Karen Olson inquired about the Chaitin application not being on the agenda as it was continued to this meeting. Chairman William Pfaff inquired as to whether we had any correspondence from the Applicant. Noelle Wolfson, Esq. said that there was no application to the ZBA and the application has to be adjourned to the November Planning Board meeting because they didn't have time go to ZBA and Janet Guerra commented that no correspondence was received. Dennis Letson commented that he had one conversation with Jay Greenwell to clarify what we were looking for in terms of geotechnical and slope analysis. Chairman William Pfaff asked Janet Guerra to reach out to the Applicant and let him know the application was adjourned to the November meeting and to inform the Board of his schedule.

MOTION: Member Karen Olson moved to continue the Chaitin application to the November 17, 2021 Planning Board meeting and refer the application to the ZBA: **SECOND:** Cynthia Turner; Unanimously APPROVED

7:50 pm: **Brookfield Nyack, LLC, 519 North Midland Avenue, County Map No. 60.09-03-48.** *Continuation from July 21, 2021.* Application for revised site plan approval for a new single-family residence.
Said property is located in the Residence R-3 District.
The APPLICANT was represented by the Homeowner.

The Applicant thanked the Board for their help and for their public service. The Homeowner described plot plan and updated renderings of the house. He also shared the updated SWPPP and the updated and notarized Stormwater Agreement. Chairman William Pfaff asked if there was any new data to be presented. The Homeowner commented that there was some new data. They were previously going to increase the wells to 7 from 5; but because the perc test results came out fairly well, they decreased it to 2 wells; and he stated that Jay Greenwell indicated that on the revised plans.

Chairman William Pfaff asked Dennis Letson for the Engineer's Report. Mr. Letson indicated that there were no additional comments; but asked the Homeowner to send him the perc test results, the updated SWPPP and the updated and notarized Stormwater Agreement.

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

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.

Site Plan

1. *No additional comments on this application.*

There were no comments from the public.

MOTION: Member Joe Heider moved to close the public hearing; **SECOND:** Member Karen Olson; Unanimously APPROVED.

MOTION: The site plan approval is based on the following:

- Plot Plan for Brookfield Nyack LLC, by Jay Greenwell, PLS, LLC, dated February 5, 2021, last revised August 18, 2021.

The BOARD approved the application for Site Plan approval for a new single-family residence on the Property subject to the following conditions:

1. Under the provision of SEQR this is a Type II action requiring no further review.
2. 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 dated September 13, 2021, which requires compliance with the architectural plans and finish schedule referenced in such letter.
3. A Stormwater Maintenance Agreement in the 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 filed with the Board. The applicant shall pay all applicable recording fees.

4. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide: (1) An as-built survey, including topographical information, signed and sealed by a licensed professional, and (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. This approval shall be void and of no effect if a building permit for the work proposed herein is not issued within 3 years of the date of this resolution.

MOTION BY: Joseph Heider

SECOND: Karen Olson

VOTE: Unanimously APPROVED

8:03 pm: Stanley and Dorit Kramer, 520 N. Midland Avenue, County Map No. 60.09-02-37.

Application for site plan approval for an inground pool on property improved with an existing single-family residence.

Said property is located in the Residence R-3 District.

This APPLICATION submitted to the clerk the Certificate of mail receipts of neighbor notification.

The APPLICANT was represented by the Homeowners, Stanley and Dorit Kramer, Kathleen McHugh from Anthony Sylvan Pools, and Stephen Collazuol, Engineer.

Stanley Kramer, the Applicant, thanked the Board for reviewing the application and thanked Dennis Letson for his communication.

Kathleen McHugh explained that the Kramers were looking for something where they could have dinner with the family and some yard activities. She shared her screen to show the renderings; but explained the pool is somewhat smaller now due to required setbacks. She explained the pool is 5 feet deep. She also responded to queries from Mr. Letson that the filtration was a cartridge system and that

there would be a stabilized construction entrance from Foss Drive, the only option; and they would install a tire wash, if necessary.

Stephen Collazuol, Engineer, explained the site plan to the Board. He explained that the proposed pool is moderately small—14 feet wide by 24 feet length. The pond and the shade tree will remain. There is a proposed fence and the entire pool and yard will be closed off. The front yard setback is being met which is 35 feet. Mr. Collazuol explained that there is a net 0.69% increase in coverage. They are requesting conditional approval and will seek the variance at ZBA.

Dennis Letson, Engineer, asked Mr. Collazuol to make the existing conditions less grayed out and more legible. Chairman William Pfaff commented that he agreed and said there really needs to be a distinction between the existing conditions and proposed new work.

Mr. Collazuol continued by addressing all of the comments in Dennis Letson's memo dated September 21, 2021. Mr. Collazuol affirmed that the staging area will have silt fencing. He explained the pond is re-circulating. He proposed that the fencing will be shown and labeled on the property line; and that the existing gate should be removed. Mr. Collazuol agreed that door alarms would be added. Mr. Letson said they could set self-closing springs for the stockade fence. Mr. Collazuol mentioned an outdoor shower and Mr. Letson said that the Building Inspector should comment on that.

Chairman William Pfaff asked if the outdoor shower was existing and Mr. Collazuol said the previous owner put it in +/- 3 years ago. The Chairman stated that it wasn't germane to this application so the Applicant can get it resolved with the Building Inspector and the Building Dept.

Chairman William Pfaff commented that with such a small increase in ground coverage, couldn't the Applicant make it work without a variance. Mr. Collazuol said it's a "shoe horn" as it is.

The Chairman then asked if there were recorded variances on existing non-conforming items. Dennis Letson, Engineer, stated that the parcel had not been before the Board in the 20 years he's been here.

The Chairman explained to the Applicant that they have go to the ZBA and should note on the drawings any non-conformances. Mr. Collazuol agreed.

Dennis Letson commented that if the Applicant didn't use the 2 backarounds, the Applicant could save a trip to the ZBA; but the Applicant stated that their driveway is narrow and they do use the backarounds.

Chairman William Pfaff asked if there were any comments from the Board.

Member Karen Olson asked to see the renderings of the pool. Ms. McHugh shared the rendering. Ms. Olson asked where the pumps and mechanicals were. Ms. McHugh replied that they were on the side of the shed.

Ms. Olson said she wanted to make sure there was a buffer.

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

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. *Project requires a variance for increase in existing non-conforming Total Lot Coverage as indicated in the bulk table.*
2. *Provide additional information on the filter type proposed, cartridge or one that requires backwash? If backwash, specify backwash outlet.*
3. *Note indicates grading not affected, add note that all excavated material is to be removed from the site.*
4. *While it appears the pool is not completely located on the area of existing pavers (note 8) it will not impact stormwater run-off.*
5. *It is difficult to jump between the existing conditions plan and the proposed plan, suggest the washout level of existing conditions be reduced on the proposed plan to better compare on one drawing.*
6. *A stabilized construction entrance will be needed.*
7. *If there is an outlet from the existing pond it should be added to the plan; relocation possibly required?*
8. *Proposed fencing is shown; existing fence being tied onto should be shown and labeled.*
9. *The existing fence at Foss Dr should be relocated to the property line. In addition the gate in that section of fence should be removed, as it is located where it will provide access to the pool area.*
10. *Door alarms will be needed at any doors which could access the pool area, add note to the plan.*
11. *There was a building code issue regarding an outdoor shower on a previous application, the Building Inspector shall provide an opinion on the outdoor shower.*

MOTION: Member Joseph Heider moved to open the public hearing; **SECOND:** Member Cynthia Turner; Unanimously APPROVED.

Dennis Letson, Engineer, asked if this application had to go to ARB.

Noelle Wolfson, Esq. stated that it didn't need ARB review; and explained the Board's options of either holding the hearing open subject to ZBA review or approving the application on the condition that the necessary variances are granted.

Chairman William Pfaff asked to hear from Dennis Letson, Village Engineer.

Mr. Letson commented that the consultant has complied and that the Applicant doesn't have to come back.

There were no comments from the public.

MOTION: Member Karen Olson moved to close the public hearing; **SECOND:** Member Cynthia Tuner; Unanimously APPROVED.

The BOARD approved the application for Site Plan approval for an inground pool on property improved with an existing single-family residence subject to the following conditions:

MOTION: The site plan approval is based on the following:

- The following plans referred to collectively below as the “Site Plan”.
- 520 North Midland Avenue, Proposed Pool Plan, Site Plan, (Sheets 1 & 2), prepared by Stephen Collazuol, PE, dated July 16, 2021, last revised August 26, 2021.

1. Under the provision 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 comments of the Village Engineer in his report dated September 21, 2021, and which are specifically set forth herein as conditions of approval. Specifically, items #1a , #3, #5, #6, #7, #8, #9 and #10 and an outdoor shower needing Building Inspector clarification.
3. This approval is subject to the applicant seeking and obtaining a lot coverage variance from the Zoning Board of Appeals. If the necessary variance is not granted, the applicant shall return to the Planning Board for review. If approved the applicant may apply for a building permit.
4. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide: (1) An as-built survey, including topographical information, signed and sealed by a licensed professional And (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. This approval shall be void and of no effect if a building permit for the work proposed herein is not issued within 3 years of the date of this resolution.

MOTION BY: Karen Olson
SECOND: Cynthia Turner
VOTE: Unanimously APPROVED

Chairman William Pfaff thanked the Applicant and wished them good luck at the ZBA.

8:40 pm: Gregory and Cynthia McCarron, 421 Tompkins Avenue, County Map No. 60.13-02-42.
Application for site plan approval for free standing deck on property improved with an existing single-family residence.

Said property is located in the Residence R-5 District.

The APPLICANT was represented by the Homeowners, Greg and Cynthia McCarron.

The Applicant, Greg McCarron, explained that their property is 50 x 200 and they are proposing a free-standing deck to the east of the house. The key characteristic of the property is that it's very sloped. They don't have a lot of flat ground—only 13 feet. By putting the deck in, they will be able to enjoy more of their property. Mr. McCarron shared Sheet 1 of the site plan on his screen and explained they are meeting all setback requirements of the zoning ordinance. Existing lot coverage is 16% and by adding a 400 sq. ft deck, it's 20% which is still below the 40% maximum. On Sheet 2, Mr. McCarron explained that to address Dennis Letson's comment on his Engineer's Report dated September 21, 2021, they are adding 12 angle braces. Lastly, Mr. McCarron explained that Sheet 3 is the construction details.

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

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. Rear yard setback should be measured to the proposed deck.*
- b. It appears that the value shown for existing Primary Bldg Coverage may include some elements that should be included in lot coverage and not accumulated into building coverage, please check and revise as needed.*
- c. There are slopes over 40% in the area of the proposed deck. Provide slope calculations.*
- d. Variance for disturbance of slope over 40% required.*

2. Lateral bracing should be provided in deck construction.

Chairman William Pfaff addressed Dennis Letson's comments from his Engineer's Report—#1a and #1b.

Dennis Letson, Village Engineer rescinded comments #1c and #1d.

Chairman William Pfaff stated that the drawings need to be revised in scale and re-submitted together with the existing survey. For example: Drawing D1 is 1"=29 feet. He stated that the first point on the site plan checklist is that the site plan needs to be 1"=20 feet. Chairman William Pfaff also commented that page D1 should be titled "Site Plan" and that the color site plan location map, is overly large although less important. He suggested it be reduced and the site plan enlarged to 1"=20 feet.

Chairman William Pfaff asked for comments from the Board.

Member Karen Olson inquired to make sure that the deck is 13 feet off the house. The Applicant agreed that it was. Ms. Olson asked how close the deck would be to the neighbors. Mr. McCarron said that Warren Brandt is the closest (419 Tompkins Ave.) which is about a 10-foot setback from the property line.

Member Joseph Heider said that he found the larger map too macro and the smaller map too micro and said that the satellite view that Dennis Letson shared was helpful.

Chairman William Pfaff agreed that the satellite view was helpful. He commented that the bulk table needed to be revised to indicate: "House—no change. Deck 10/15 feet".

Member Joseph Heider asked how high off the ground the deck would be and whether there would be rail requirements. There was discussion among Chairman William Pfaff and Dennis Letson, Village Engineer about building department requirements; and the Chairman asked the Applicant to add that railing and spacing requirements would be code complaint to the site plan and the Applicant agreed.

MOTION: Member Karen Olsen moved to open the public hearing; **SECOND:** Member Joseph Heider; Unanimously APPROVED.

No comments from the public.

MOTION: Member Karen Olsen moved to close the public hearing; **SECOND:** Member Cynthia Turner; Unanimously APPROVED.

Chairman William Pfaff reminded the Applicant that the site plan has to have the appropriate scale. The Applicant said he would work with Caesar Engineering to modify the site plan.

The Chairman asked the Board what they thought of continuing the application. Dennis Letson said he deferred to the Board. Member Joseph Heider said it was a tough call because it was a straightforward application; but they didn't have the drawings in a way we can actually see them. Member Karen Olson stated that once the drawings are changed to scale, there are no other changes required; and there are no variances.

The Chairman said he was comfortable taking action on the application with conditions as long the Applicant understands the required drawing changes the board has requested. He noted that if the engineer needs further clarification, he can call Village Hall to contact either himself or Mr. Letson.

The Applicant stated that he understood and will revise the drawings accordingly.

The BOARD approved the application for Site Plan approval for a free-standing deck on property improved with an existing single-family residence subject to the following conditions:

MOTION: The site plan approval is based on the following:

- The following plans referred to collectively below as the “Site Plan”.
- 421 Tompkins Avenue, Proposed Free Standing Deck, Site Plan, (Sheets D1, D2 and D3), prepared by Nicholas Caesar, PE, dated June 25, 2021, last revised September 27, 2021.

1. Under the provision of SEQR this is a Type II action requiring no further review.
2. The applicant shall address to the reasonable satisfaction comments of the Village Engineer in his report dated September 22, 2021 (date revised), and which are specifically set forth herein as conditions of approval. Specifically, items #1a, #1b, #2, the bulk table; lot coverage and revise the location map to show Tompkins Ave and Oak Street with neighboring properties indicated. (Dennis Letson, Village Engineer, rescinded comments #1c and #1d.)
3. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide: (1) An as-built survey, including topographical information, 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. 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. This approval shall be void and of no effect if a building permit for the work proposed herein is not issued within 3 years of the date of this resolution.
7. Prior to the Chairman’s signature on the site plan, the following changes shall be made to the plans:
 - (a) both the survey and the site plan shall be revised to a scale of one inch to 20 feet.
 - (b) Sheet D1 shall be titled: “Site Plan”.

- (c) The height to the top of the railing and the note: “Railings will be code compliant”
Shall be added.

MOTION BY: Karen Olson

SECOND: Cynthia Turner

VOTE: Unanimously APPROVED

Other Business:

Member Karen Olson said she likes getting the extra information from Donna and Roy. It’s helpful to know what’s required for the building permit application.

Noelle Wolfson, Esq. explained that the legislation allowing us to meet remotely will expire January 15, 2022; so, the January meetings will likely be in person.

Discussion about the Tom Place application coming back to the October meeting.

The meeting was adjourned at 9:28pm.

Respectfully submitted,

Janet Guerra, Secretary