

**Village of Upper Nyack
Planning Board Meeting
Wednesday, February 21, 2018, 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 **7:36pm** by the Chairman, William Pfaff.

Other Board members present: Karen Olson and Michele McCarthy.

Also present: Dennis Letson, Village Engineer; Robert P. Lewis, Village Attorney; and Jillana Sinnott, Secretary.

Others in attendance: Kenneth J. Torsoe, Clair and Rod Merkley, Tom Knarich, Daniel Delossantos, Marc Comito, Jason Jacobson, Robert Hoene, Majid Bozorgomid, C. Elevjanu, Ray Meyerson, Erika Lively, Glenn Meyerson and Jay Greenwell.

7:36pm The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on February 14, 2018.

7:36pm: Approval of Minutes: The Minutes from January 17, 2018 were not approved as there was not a quorum present.

7:45pm: Comito Homes LLC, 409 North Highland Avenue, County Map No. 60.13-01-58 and 411 North Highland Avenue, County Map No. 60.13-01-59.

Said property is located in Office Business (OB) District.

The APPLICANT submitted to the clerk the Certificate of Mailing receipts of neighbor notification.

The APPLICANT was represented by Jay Greenwell, Land Surveyor, Robert Hoene, Architect and Marc Comito, Owner.

The APPLICANT is here to review the site plan in an Office Business (OB) District to take the two existing tax lots and subdivide it to make two building lots using the nearest adjoining Residential Zoning District R-5 as allowed by the OB district by Special Permit. The westerly lot will have a berm on the 9W side. Lot 2 originally had a buyer that needed handicap accessibility but the sale fell through.

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, the following apply:

The Special Permit and subdivision are Unlisted actions. The Board must make a determination of significance on these proposals. An EAF should be submitted by the applicant, none was received with the package. The SEQR for the subdivision and the Special Permit can proceed concurrently.

If the Board should approve the above, the individual lot site plan applications would be Type 2 actions which would require no additional review under the provisions of SEQR.

Subdivision Plan

1. Zoning

- a. Per 15:3c18, the R-5 zoning bulk requirements would apply to this subdivision.*

- b. *The proposed lots are in compliance with the R-5 bulk regulations.*
- c. *The Board should decide if the setback dimensions should be shown to reflect the proposed structures shown on the grading plan rather than showing "Min+".*
2. *Revise note 15 to refer to the NYS "Standards and Specifications".*
3. *The Board should note any special requirements they wish to apply to the subdivision, i.e. buffer along Route 9W.*
4. *If the Special Permit is approved, a note shall be added to the subdivision plat indicating the subdivision is subject to compliance with the covenant required by the Special Permit, including County Clerk filing information.*
5. *The applicant should consider changing the orientation of the structure on lot 2 to avoid removal of the 2 significant trees along the Elm St frontage.*
6. *The hydraulic analysis must be revised; as the previous structures have been removed the design must account for all new impervious surfaces.*
7. *That report refers only to building and driveway construction plans show patio and deck. All surfaces must be accounted for, provide total calculation of new construction in the report.*
8. *Clarify the statement in the report that the use of C soil is conservative in that it would understate the existing run-off from the lot. Also indicate the relative extents and plan areas of the referenced soil types; it would be helpful to include the full soil report generated by the USDA mapper.*
9. *It would be more accurate to prepare lot specific drainage report, recognizing that the total parcel is subject to mitigation of runoff due to disturbance of greater than 10,000 sf.*

Special Permit

1. *As indicated above, the Board should determine if any special conditions in accordance with 15:3c18d should be imposed.*
2. *A restrictive covenant in accordance with 15:3c18f would be required.*

Site Plan – Lot 1

1. *The screening berm at 9W is a good lot feature.*
2. *The berm planning plan is based on the subdivision grading plan structure, which differs from the site plan, these should be coordinated.*
3. *Additional columnar screening may be considered at the southerly side of the lot to screen it from the adjacent commercial use.*
4. *The planting plan indicates other trees, a legend should be added to show which are existing and which are new. If additional plantings are contemplated, they should be listed in the planting schedule.*
5. *Revise note 15.*
6. *Add note referring to subdivision and incorporating conditions by reference.*
7. *Provide lot specific drainage analysis.*
8. *The silt fence should not cross proposed contour lines.*

Site Plan – Lot 2

1. *Comments 2 through 7 of Lot 1 are applicable to Lot 2.*
2. *Consider re-orientation of the structure to preserve the 24/C and 20/M trees.*

Jay Greenwell submitted the Short Environmental Assessment Form to the BOARD.

The BOARD discussed the submitted plans and reports.

Zoning #1c was discussed with the Applicant. The subdivision map is generic usually and no exact dimensions are on it until the house is built. On sheet 2 the front access should be shown. There was a discussion about how other jurisdictions handle subdivision maps.

The buffer and the type of plantings along the berm on 9W was discussed. The Applicant wants to make it densely planted to help with the sale of the lot. The view West on Elm to 9W will not be affected by the plantings.

A covenant needs to be filed with the County and placed on the subdivision map for as noted in the Engineer's report Zoning #5.

There was a discussion about saving as many existing trees as possible as the residents feel strongly about this as heard at the Comprehensive Plan meeting. The Board inquired whether it would be possible to rotate the house on Lot 2 to save the two trees (Cherry and Maple) slated for removal. The Applicant does not want to rotate the house as it backs up to a commercial lot. The Applicant submitted a letter from O'Sullivan Tree Care regarding the two trees stating that removal would be best. The Cherry tree has significant hollows and the Pin Oak has significant damage from the Cherry lead. These trees are growing as a co-dominant stem. The Chairman asked if the West side 9" Maple could be kept and the applicant stated that it probably would not make it. The Board decided that the houses should face the way they are depicted on the plan.

The hydraulic analysis was based on what was previously removed not the redevelopment. It should be revised to reflect what is there now. The Village Engineer feels the lot will still be able to have stormwater and can be mediated. The Village Engineer would like to see the hydraulic analysis on both lots instead of the subdivision.

The BOARD reviewed the GML review responses.

The Town of Clarkstown Planning Board deemed the matter for local determination.

The BOARD reviewed the Rockland County Department of Planning GML recommendations.

Comment #4 is not applicable as the Village of Upper Nyack is serviced by the Orangetown Sewer District.

The Applicant stated that he sent a PDF to the NYS Department of Transportation as they requested after receiving the GML review request from the Village of Upper Nyack. The Applicant stated that there is nothing in the DOT right of way so no permit would be needed. The Applicant did not hear back from the DOT.

The BOARD listened to comments from the public.

Thomas Knarich, 411 Glen Avenue, would love to have two houses on the vacant land instead of a commercial property.

The Special Permit covers erosion, trees, visual, stormwater and impact.

The Chairman read the Short Environmental Assessment Form submitted. Answer #4 should be Commercial and Residential. All other answers were satisfactory. The Chairman then read Part 2 of the EAF and answered "No" to all the questions.

MOTION: Negative Declaration: Member Karen Olson moved to declare that under the provisions of SEQR the Board finds there are no potential significant environmental impacts resulting from the Site Plan presented; **SECOND:** Michele McCarthy; unanimously **APPROVED**.

The BOARD discussed the Special Permit. The parcels are in the OB Zone and the R-5 use is permitted by Special Permit. A 15' wide landscaped buffer along route 9W will be maintained by the owner of lot #1. Applicant to install a minimum of five street trees on Elm and Glen to be determined at site plan approval.

MOTION: The BOARD moved to grant the Special Permit per 15:3c18 for Comito-Elm Street located at 409 and 411 North Highland Avenue subject to the conditions set forth tonight and direct the Village Attorney to write the Special Permit based on comments made tonight.

MOTION BY: Karen Olson

SECOND: Michele McCarthy

VOTE: Unanimously APPROVED

MOTION: Member Karen Olson moved to close the public hearing on the Subdivision; **SECOND:** Michele McCarthy: Unanimously APPROVED

MOTION: The Board moved to approve the Subdivision for Comito –Elm Street located at 409 & 411 North Highland Avenue site plan dated January 15, 2018 by Jay A. Greenwell, PLS, LLC subject to the Village Engineer notes specifically #1c - remove (+) signs, #2, #3 - buffer 15'W on plat as requested, #4, #5 - leave orientation of structure but add replacement trees, #8, #9 - prepare individual lot drainage reports on Lot 1 and Lot 2. Also subject to Rockland County Planning GML comments dated 2/20/18 specifically #1, #2, #3, #5, #6 and #4 Applicant to request revised letter to change to Orangetown Sewer District as Rockland Country Sewer District #1 does not service the Village of Upper Nyack.

MOTION BY: Karen Olson

SECOND: Michele McCarthy

VOTE: Unanimously APPROVED

9:01pm: Comito Homes LLC, 409 North Highland Avenue, County Map No. 60.13-01-58.

Said property is located in Residential Zoning District R-5.

The APPLICANT submitted to the clerk the Certificate of Mailing receipts of neighbor notification.

The APPLICANT was represented by Jay Greenwell, Land Surveyor, Robert Hoene, Architect and Marc Comito, Owner.

The APPLICANT reviewed the submitted site plan for a new single family residence. The berm needs to be extended on the site plan to match the landscape plan. A legend will be added to the landscape plan.

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

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The Special Permit and subdivision are Unlisted actions. The Board must make a determination of significance on these proposals. An EAF should be submitted by the applicant, none was received with the package. The SEQR for the subdivision and the Special Permit can proceed concurrently.

If the Board should approve the above, the individual lot site plan applications would be Type 2 actions which would require no additional review under the provisions of SEQR.

Subdivision Plan

1. Zoning

- a. Per 15:3c18, the R-5 zoning bulk requirements would apply to this subdivision.
- b. The proposed lots are in compliance with the R-5 bulk regulations.
- c. The Board should decide if the setback dimensions should be shown to reflect the proposed structures shown on the grading plan rather than showing "Min+".

2. Revise note 15 to refer to the NYS "Standards and Specifications".

3. The Board should note any special requirements they wish to apply to the subdivision, i.e. buffer along Route 9W.

4. If the Special Permit is approved, a note shall be added to the subdivision plat indicating the subdivision is subject to compliance with the covenant required by the Special Permit, including County Clerk filing information.

5. The applicant should consider changing the orientation of the structure on lot 2 to avoid removal of the 2 significant trees along the Elm St frontage.

6. The hydraulic analysis must be revised; as the previous structures have been removed the design must account for all new impervious surfaces.

7. That report refers only to building and driveway construction, plans show patio and deck. All surfaces must be accounted for, provide total calculation of new construction in the report.

8. Clarify the statement in the report that the use of C soil is conservative in that it would understate the existing run-off from the lot. Also indicate the relative extents and plan areas of the referenced soil types; it would be helpful to include the full soil report generated by the USDA mapper.

9. It would be more accurate to prepare lot specific drainage report, recognizing that the total parcel is subject to mitigation of runoff due to disturbance of greater than 10,000 sf.

Special Permit

1. As indicated above, the Board should determine if any special conditions in accordance with 15:3c18d should be imposed.

2. A restrictive covenant in accordance with 15:3c18f would be required.

Site Plan – Lot 1

1. The screening berm at 9W is a good lot feature.

2. The berm planning plan is based on the subdivision grading plan structure, which differs from the site plan, these should be coordinated.

3. Additional columnar screening may be considered at the southerly side of the lot to screen it from the adjacent commercial use.

4. The planting plan indicates other trees, a legend should be added to show which are existing and which are new. If additional plantings are contemplated, they should be listed in the planting schedule.

5. Revise note 15.

6. Add note referring to subdivision and incorporating conditions by reference.

7. Provide lot specific drainage analysis.

8. The silt fence should not cross proposed contour lines.

Site Plan – Lot 2

1. Comments 2 through 7 of Lot 1 are applicable to Lot 2.

2. Consider re-orientation of the structure to preserve the 24/C and 20/M trees.

The BOARD discussed the submitted plans and reports

There were no comments from the public.

MOTION: Member Karen Olson moved to close the public hearing; **SECOND:** Michele McCarthy: Unanimously **APPROVED**

MOTION: The Board moved to approve the Comito-Elm Street site plan dated January 15, 2018 by Jay A. Greenwell, PLS, LLC, subject to the Village Engineer's notes specifically Subdivision Plan #6, #7, #8, #9, Site Plan #2, #4 add 5 new trees and foundation plantings, #5, #6, #7, #8 and #9 stormwater agreement. Subject to ARB approval and filing of subdivision map.

MOTION BY: Karen Olson

SECOND: Michele McCarthy

VOTE: Unanimously **APPROVED**

9:17pm: Comito Homes LLC, 411 North Highland Avenue, County Map No. 60.13-01-59

Said property is located in Residential Zoning District R-5.

The APPLICANT submitted to the clerk the Certificate of Mailing receipts of neighbor notification.

The APPLICANT was represented by Jay Greenwell, Land Surveyor, Robert Hoene, Architect and Marc Comito, Owner.

The APPLICANT reviewed the submitted site plan for a new single family residence.

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

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c. The Board should decide if the setback dimensions should be shown to reflect the proposed structures shown on the grading plan rather than showing "Min+".

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1. Comments 2 through 7 of Lot 1 are applicable to Lot 2.
2. Consider re-orientation of the structure to preserve the 24/C and 20/M trees.

The BOARD discussed the submitted plans and reports
There were no comments from the public.

MOTION: Member Karen Olson moved to close the public hearing; **SECOND:** Michele McCarthy: Unanimously **APPROVED**

MOTION: The Board moved to approve the Comito-Elm Street site plan dated January 15, 2018 by Jay A. Greenwell, PLS, LLC, subject to the Village Engineer's notes specifically Subdivision Plan #6, #7, #8, #9, and stormwater agreement. Subject to ARB approval and filing of subdivision map.

MOTION BY: Karen Olson
SECOND: Michele McCarthy
VOTE: Unanimously APPROVED

9:21pm: The BOARD took a five minute recess.

Other Business:

9:35pm Village of Nyack GML Review for 265 North Highland Avenue, County Map NO. 60.77-1-67.1 and 60.77-1-67.2. The Board reviewed the submitted GML for a Special Permit renewal to operate a daycare center. The Board deemed it for local determination.

9:41pm: Majid Bozorgomid, 314 North Midland Avenue, County Map NO. 60.17-01-17. The Applicant was represented by Anthony Celentano, Engineer and Majid Bozorgomid, Homeowner. The Applicant states that this is an existing three family house that fronts North Midland Avenue and continues to Front Street in the R-4 Zone. They are proposing a 6,250 square foot, three family house, facing North Midland and a 5,000 square foot single family house facing Front Street. There would be no use for the rear yard and feels it would become unsightly with trash if left as open space.

The BOARD reviewed the project. The parking was discussed. The single family house would be similar to lots on Front Street but there are multiple variances needed.

The Village Engineer reviewed the project and notes that there will be multiple variances needed. The procedure was discussed on obtaining the variances. The Planning Board would not make these decisions for the amount of variances required.

10:05pm: FIN, LLC as Contract Purchaser of Institute of Christian Doctrine, 4 Badi Drive, County Map NO. 60.05-02-56. The Application was prepresented by Ray Meyerson and Glenn Meyerson, Purchase Contractors and Kenny Torsoe, Builder. The Meyerson brothers are working on a deal with the Sisters of the Institute of Christian Doctrine for the property and Mr. John Badi regarding Badi Drive. The Meyersons met Mr. Torsoe through Beckerle Lumber. He has built a few thousand houses and Normandy Village. The Applicant walked the site today and hope to get 6 maybe 7 lots on the vacant 8 acre land. If the purchase of the land does not go through, the Sisters will donate the land to the long path.

The Village Engineer reviewed the stormwater regulations and how they have changed. The slope formula has also been enacted since the Badi subdivision was done. The slopes were discussed. The Village ordinance to reduce bulk was discussed. The Engineer suggests that Palmer Drive should get connected to Badi Drive.

The Applicant inquired how long the process of approvals would take. The Board could not give a definitive answer as there are a lot of factors to be considered.

The meeting was adjourned at 10:30pm.

Respectfully submitted,
Jillana Sinnott, Secretary