**Village of Upper Nyack**

**Planning Board Meeting**

**Wednesday, March 27, 2019, 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 **7:34pm** by the Chairman, William Pfaff.

**Other Board members present:** Ellen Simpson, Karen Olson, Bruce Biavati and Danielle Watson.

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

**Others in attendance:** Alice Bishop, Karen Hughes, Kier Levesque, Jay Greenwell, Marc Comito, Steven Yassky, Pat Esgate and Brenda Reichelderfer.

**7:34pm** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on March 20, 2019.

**7:36pm:**  **Approval of Minutes:** Member Karen Olson moved to approve the minutes from January 23, 2019; SECOND: Ellen Simpson; unanimously APPROVED.

**7:37pm:** **Pat Esgate and Brenda Reichelderfer, 314 N. Broadway, County Map No. 60.17-02-52.**

Said property is located in Residential Zoning District R-4.

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

The APPLICANT was represented by Jay Greenwell, Land Surveyor and Pat Esgate, Homeowner.

The APPLICANT presented the plans for a renovation and addition on an existing single family residence. If this lot was vacant it would be able to be subdivided. The gardens will be maintained. A two story addition in the rear is being added. The generator may move to the North East corner next to the covered porch. It is a 200 year old house that is very out of date. The last update was in 1967. The Applicant received approval from the Architectural Review Board previously because of the last Planning Board meeting being cancelled due to weather.

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*

*My previous comments of February 20, 2019, listed below for reference, have been addressed as indicated in italics.*

1. *Zoning* 
   1. *Street frontage should be shown for each street. Added to the bulk table*
   2. *Proposed side yard should be 25.3’ dwelling, 2.0’ garage. Added to the bulk table.*
   3. *Proposed project complies with zoning.*
2. *Additional silt fence should be installed at the south side of the work area. Added to the plan.*
3. *Verify infiltration rate at time of construction and amend the drywell design if/as needed. Added as note 22.*
4. *Note 13, guidelines are now standards. Note has been revised.*
5. *Stormwater maintenance agreement to be prepared, executed and filed per note 14.*
6. *The Board may wish to require screening at the proposed generator. Board on board screen fence has been added to the plan.*

The BOARD read and reviewed the GML responses. The Village of Nyack deemed the Application for local determination. The Rockland County Planning Board recommends the modification that a review should be done by the Rockland County Department of Health to ensure compliance with the Sanitary Code of the Mosquito Control.

The BOARD discussed the plans and reports. The Chairman noted that the stairs on the site plan and the architectural plan do not match up. The Village Engineer suggested the use of silt logs as they are easily shaped.

There were no comments from the public on this matter.

The BOARD had no further comments.

**MOTION:** Member Olson moved to close the public hearing: SECOND: Member Watson; unanimously APPROVED

**MOTION:** The BOARD moved to approve the site plan for Esgate and Reichelderfer, last revision date of March 6, 2019 by Jay A. Greenwell, PLS, LLC, with the provision that items from the Village Engineer’s report be addressed specifically #5, the porch steps are be moved on the site plan to match the architectural plan and the generator is to be relocated to the North East corner and compliance with the Mosquito Control code

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE:** Unanimously APPROVED

**7:51pm:** **Comito Homes LLC, as Contract Purchaser of Jerome Greenberg Family Trust, 205 Wanamaker Lane, County Map No. 60.13-02-94.**

Said property is located in Residential Zoning District R-2.

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

The APPLICANT was represented by Jay Greenwell, Land Surveyor, Kier Levesque, Architect and Marc Comito, Contract Purchaser.

The APPLICANT presented the plans for a new single family residence. This is the last unbuilt lot in the Windfield subdivision. It has a steep pitch west to east. The only level area is where the house is proposed. There are not many existing trees on the property. The back half will be untouched. A rendering of the house was submitted.

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. *Zoning* 
   1. *Note 22 as shown is correct, slope reductions do not apply to lots created before the adoption of the slope ordinance.*
   2. *The proposed construction complies with zoning.*
2. *Provide stormwater analysis for the drywells proposed.*
3. *Verify infiltration rate at time of construction and amend the drywell design if/as needed.*
4. *Note 13, guidelines are now standards.*
5. *Stormwater maintenance agreement to be prepared, executed and filed per note 14.*
6. *Additional silt fencing should be provided downhill of the area shown to be graded at the westerly side of the lot.*
7. *Suggest screen plantings at the east retaining wall to shield from the downhill residence.*
8. *I believe Mr. Greenwell’s letter of February 27, 2019 has significant merit.*

The BOARD discussed the plans and reports. Drainage on the property was discussed. The Village

Engineer discussed the slope ordinance. The fence on top of the 6’ retaining wall was discussed. Kier

Levesque stated that a 36” fence is required for whenever a walking surface is 30” higher than another walking surface in a residential application.

The Village Engineer discussed the hydraulic report from 2013 regarding the height of the drywell.

The BOARD read and reviewed the GML responses. The Rockland County Planning Board recommends the modification that a review should be done by the Rockland County Department of Health to ensure compliance with the Sanitary Code of the Mosquito Control. Clarkstown Planning Board deemed the Application for local determination.

The Chairman noted that the roof plan on the site plan does not match the architectural drawings. The Applicant stated that it was not meant to match.

The Applicant discussed the landscape plan. They will be planting Norwegian Spruce trees 8’ to 10’ high. Some may be relocated to be by the retaining wall. The Village Engineer suggested that they think about the height of the trees when fully grown so they don’t block the view from the windows of the house. The trees could grow 20’-25’ high.

The Board listened to comments and concerns from the public.

**Karen Hughes and Alice Bishop, 325 Front Street** live at the property located to the South of the Applicant. They would like to see what the back of the house will look at. The Application was reviewed on the Rockland County GIS map. There was a discussion about adding 10’ to 12’ Norwegian Spruce trees behind the house West to South.

**MOTION:** Member Olson moved to close the public hearing: SECOND: Member Watson; unanimously APPROVED

**MOTION:** The BOARD moved to approve the site plan for Comito – Wanamaker La., last revision date of February 13, 2019 by Jay A. Greenwell, PLS, LLC, with the provision that items from the Village Engineer’s report be addressed specifically #2, #3, #4, #5, #6, note that the fence on the retaining wall on the East side will be 3’ high, add the three 10’ to 12’ high Norwegian Spruce trees on the West to South elevation, additional planting on the East elevation by the retaining wall and compliance with the Mosquito Control code.

The BOARD referred the Applicant to the Architectural Review Board for approval.

**MOTION BY:** Karen Olson

**SECOND:** Bruce Biavati

**VOTE:** Unanimously APPROVED

Member Danielle Watson recused herself from the following Application.

**8:30pm:** **Bonnie Yassky, 212 Kuyper Drive, County Map No. 60.05-02-36.**

Said property is located in Residential Zoning District R-1.

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

The APPLICANT was represented by Steven Yassky, representative for the Homeowner. The APPLICANT presented the plans for a second floor addition on an existing single family residence. The house was built in the early 1970’s. They previously put on a new deck and replaced the windows. They would like to move the master bedroom upstairs so they have a better view of the hook. They will be combining two bedrooms into one which will leave the house with the same amount of bedrooms but with three baths instead of two. The trees on the property will remain.

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. *Zoning*

*a. The project is compliant with zoning.*

1. *Drainage report is acceptable.*
2. *Proposed drywell should have solid cover for access and maintenance.*
3. *Stormwater maintenance agreement to be prepared, executed and filed.*
4. *Verify infiltration rate at time of construction and amend the drywell design if/as needed.*

The BOARD read and reviewed the GML responses. The Rockland County Planning Board recommends the modification that a review should be done by the Rockland County Department of Health to ensure compliance with the Sanitary Code of the Mosquito Control. Clarkstown Planning Board deemed the Application for local determination.

The BOARD discussed the submitted plans and reports.

There were no comments from the public on this matter.

**MOTION:** Member Olson moved to close the public hearing: SECOND: Member Biavati; unanimously APPROVED

**MOTION:** The BOARD moved to approve the site plan for Yassky, dated of January 19, 2019 by Anthony R. Celentano P.E., with the provision that items from the Village Engineer’s report be addressed specifically #3, #4, #5, and compliance with the Mosquito Control code.

The BOARD referred the Applicant to the Architectural Review Board for approval.

**MOTION BY:** Ellen Simpson

**SECOND:** Karen Olson

**VOTE:** Unanimously APPROVED

**Other Business:**

**Summit School, 339 North Broadway, County Map No. 60.18-01-01.** The BOARD had a discussion regarding the replacement of the trees along North Broadway that the school had previously taken down. Summit School has submitted a tree that they would like to replant at the location. It is not the tree that the Board and Consultant Arborist had previously suggested. The BOARD also reviewed the letter received from resident Beverly Colgan regarding planting trees on the property by the Old Stone Meeting House.

The BOARD would like the Summit School to submit a site plan with the placement of the trees to be planted noted for the April 17, 2019 meeting. The Secretary will let the school know.

**Van Houten Holding Corp., 1 Van Houten Street, County Map No. 60.18-01-13**. The Board and Mayor Karen Tarapata had a brief discussion of the Zoning Board of Appeal application.

The BOARD had a discussion about the letter dated March 21, 2019 from the New York State Department of Environmental Conservation requesting Lead Agency Coordination. The boatyard had previously withdrawn the application. There was a discussion about the Planning Board being lead agency. The Village Engineer reviewed with the Board and the Mayor that the Village Board has no standing, no permitting authority and are not an involved agency. The Village Engineer recommends that we do not object to the DEC being the lead agency. The Village could submit items that we have of concern regarding hull painting and repainting. Only items regarding air quality issues should be addressed.

The BOARD asked the Secretary to contact Scott Ballard from Region 3 of the DEC as pages 5, 6, and 7 are missing from the document and to get a copy of the Draft permit from the previous submission. The Board will review the documents and respond to the letter by April 19, 2019.

The meeting was adjourned at 9:20pm.

Respectfully submitted,

Jillana Sinnott, Secretary