

**Village of Upper Nyack
Planning Board Meeting
Wednesday, January 20, 2021, 7:30pm**

Minutes

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date via videoconferencing in accordance with the Governor's Executive Order 202.1 due to the COVID-19 emergency and called to order at **7:30pm** by the Chairman, William Pfaff.

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

7:30pm: The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on January 13, 2021. The Chairman also reviewed how the Zoom meeting would take place due to the COVID-19 emergency in accordance with the Governor's Executive Order 202.1.

The Chairman announced that long time member Ellen Simpson has retired from the Planning Board. She has been on the Board for almost 30 years. When things are back to normal we will give Ellen a proper retirement. Karen Olson has agreed to be Vice Chairman and will be appointed at the Board of Trustee meeting on January 21, 2021.

7:33pm: Approval of Minutes: Member Karen Olson moved to approve the minutes from November 18, 2020 as amended; SECOND: Cynthia Turner; unanimously APPROVED.

7:39pm: 645 North Broadway LLC, 645 North Broadway, County Map No. 60.06-01-06; 647 North Broadway LLC, 647 North Broadway, County Map No. 60.06-01-05.02; 649 North Broadway LLC, 649 North Broadway, County Map No. 60.06-01-05.01. Continuation from June 17, 2020. Application for site plan approval for landscaped gardens, renovations and site work across three tax lots of single family residences located in Residential Zoning District R-1. There has been a technical review of the application. As a result of that technical review the application was referred to the Village's Code Enforcement Official who issued a letter of denial on November 4, 2020 because the proposed use of Lot 647 North Broadway included an accessory use without a principal use. The Village Consulting Attorney, Noelle Wolfson has spoken to legal counsel for the applicant about whether they would be submitting for the February meeting or withdrawing their application, she has not heard back from him. The Board discussed the continuation of the application to the February meeting. Jay Greenwell, the land surveyor has had discussions with the architect Tom Rybak and they are looking to finalize the CO on the 649 North Broadway lot; however, the applicant has not decided yet whether to continue to pursue one site plan approval for the three lots, or whether it will withdraw this application and seek approval for the lots separately. Mr. Greenwell advised that the applicant is considering these options. The board discussed the timing and agreed to adjourn this matter to its April meeting. Unless the application is withdrawn, at that meeting the Board will review a substantive submission or make a decision based on the information currently before it. The Village Consulting Attorney will convey the Board's determination to counsel for the applicant so the applicant can decide how to proceed.

MOTION: Member Cynthia Turner moved to continue the public hearing to the meeting on April 21, 2021: **SECOND:** Joe Heider; Unanimously **APPROVED**

7:57pm: Louis Tharp and James Bumgardner, 515 North Midland Avenue, County Map No. 60.13-03-01.01.

Said property is located in Residential Zoning District R-3.

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

The APPLICANT was represented by Elizabeth Parks, Architect.

The Application is before the Board for site plan approval for an addition to and renovation of an existing single family residence.

The Applicant is returning to the Planning Board. The Zoning Board of Appeals has granted the applicant an area variance permitting the proposed vertical extension of the existing non-conforming side yard setback off 11.4 feet. The Architectural Review Board has reviewed the application and recommended approval as submitted. A letter of recommendation from the Architectural Review Board was entered into the record.

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 alteration to the second floor adds a dormer at the south side of the structure to the existing exterior wall. It appears this will require a variance for the vertical extension of the existing non-conforming side yard setback of 11.4 feet.*

2. *No additional comments on the application.*

The Village Engineer also asked the Applicant to note the variance received on the bulk table.

The BOARD had no further comments at this time.

There were no comments from the public.

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

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

- The following plans referred to collectively below as the “Site Plan”

- Site Plan for addition to and renovation of and existing single family residence, Brookfield Nyack LLC, Tharp/Bumgardner, prepared by Jay A. Greenwell, PLS, LLC dated September 30, 2020 last revised December 28, 2020, Job #22033
- Architectural Plan for existing single family residence, (Pages A001-A002, A100, A101, A200-A202, and A400-A401) Tharp Bumgardner Residence: Addition & Alterations, prepared by Elizabeth Parks, dated March 2020 last revised December 28, 2020.

The BOARD approved the Applicant's application for site plan approval for addition to and renovation of an existing single family residence on the Property 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 following comments set forth in the memorandum from the Village Engineer to the Planning Board dated January 20, 2021, which are specifically set forth herein as conditions of approval; add variance received from Zoning Board of Appeals to the Bulk Table.
3. The Applicant shall comply with the conditions and requirements set forth on the letter from the Architectural Review Board to the Planning Board submitted on this application, which include compliance with the architectural plans and finish schedule as indicated on such letter.
4. 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 Site Plan endorsed by the Planning Board Chairman. Any changes or modifications to such plan require amended site plan approval from the Planning Board.
5. 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: Joe Heider

VOTE: Unanimously APPROVED

8:06pm: Widewater Hudson River, 539 North Broadway, County Map No. 60.10-01-14.

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.

The application is before the Board for site plan approval for the addition of an in ground pool and cabana for an existing single family residence.

The Applicant reviewed the application for re-approval of a pool and cabana. The application is very similar to the last approved site plan but the pool has had a minor change in shape. The foundation of the cabana was started as per the submitted as-built. The three year approval of the site plan from the

Planning Board had lapsed before a permit was issued which is why the applicant is here, to request re-approval.

The Chairman discussed the three drawings submitted. The Amended Widewater Site Plan which is sheet 2 is the as-built of all the work that has been done with the location of the proposed pool and cabana added. Counsel noted that it will be the controlling site plan. The Cover Sheet which is sheet 1 has a chart that lists the previous plans reviewed and approved by the Planning Board. Sheet 9 is an information sheet. There was a discussion about which sheets the Board will be approving. Member Karen Olson questioned where sheet three through eight are, it is confusing. The Applicant stated that nine is a new sheet, if the application is approved he could include all the sheets. There was a discussion regarding the numbering of the sheets and the titles on the pages. The Chairman asked the Village Engineer if it would be beneficial to have all the information on the final signed site plan. The Applicant suggested taking the revision dates off. The Board asked the applicant to make the following changes to the plans:

1. Add sheet numbers to the table on the title sheet
2. Add a more complete bulk table to Sheet 2 and remove the bulk table from Sheet 9.
3. Indicate that this plan reflects amendment number 3 on Sheet 2 in the title block.
4. Label sheet 9 as a reference sheet provided for information only; it will not become part of the approved plan set.

The Chairman read the General Municipal Law reviews received. The Rockland County Department of Planning was discussed. The Village Engineer noted that item #3, regarding no net increase in the peak rate of discharge from the site at all design points the Board could override. The Town of Clarkstown deemed the application for local determination.

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. Variances were previously granted by the ZBA.
 - b. The project is compliant with zoning.
2. This is a request for re-approval of an expired approval.
3. Technical comments were addressed at the time of original approval.
4. On Sheet 9, the note regarding sheet modification on 11/9/20 should have "in red" deleted as the drawing is now submitted in black and white.

The Chairman felt that sheet 2 as-built is different from the sheet 9 site plan. The Village Engineer noted that the scale is different and the landing is different. The Applicant stated that the stairs have been changed. The Walkways were discussed. The Chairman questioned whether the pool house which has a permit for interior renovations and outside sheathing being replaced needs to go to the ARB. The Village Engineer noted that he only saw interior renovation going on last time he was there.

The BOARD had no further comments at this time.

MOTION: Member Karen Olson moved to open the public hearing: SECOND Cynthia Turner;
Unanimously APPROVED

There were no comments from the public.

MOTION: Member Karen Olson moved to refer the Application to the Architectural Review Board and to continue the public hearing: SECOND Joe Heider

7:57pm: Maria Reich, 530 North Broadway, County Map No. 60.09-03-46.

Said property is located in Residential Zoning District R-3.

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

The APPLICANT was represented by George Palladino, Architect.

The Application is before the Board for site plan approval for a detached two car garage on property improved with an existing single family residence.

The Applicant noted that the survey has been updated by Paul Gdanski. The applicant is proposing a new two car garage which will be 8' off from the existing house. The Applicant's representative said that there will be minimal tree removal, the play area will be removed and that the garage is approximately 696 square feet.

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. The bulk table should be revised to show the overall conditions for the site.*
- b. There should be an entry for the proposed total coverage including the proposed garage.*
- c. The proposed work conforms to zoning.*
- d. There are existing pavers (walkway) shown on the enlarged plan which do not appear on the Gdanski plan; verify that all existing surfaces are included in the coverage calculation.*

2. *The garage will add impervious surface and increase stormwater runoff; mitigation should be provided.*

3. *Drywell was installed as part of a prior site plan approval, this may have enough capacity to mitigate the increase, applicant's Consultant should verify and provide report. If not, additional mitigation design should be added to the plan.*

4. *The trees to be removed should be labeled for size and species.*

5. *Play area should be shown "To Be Removed" or "To Be Relocated". If relocated show where it will be relocated to.*
6. *Several feet of excavation will be required at the west side of the garage, no grading is shown. Show any proposed grading or add note that all excavated material will be removed from the site.*
7. *Most of the General Notes are not applicable to the site plan; revise for the Village standard site plan notes.*

The Village Engineer's note #3 was discussed regarding the drainage report done in 2011. The site plan should show what is proposed as to what is existing.

The Chairman said the site plan is undersized, he would like to see it 1" minimum = 20 scale. The vicinity map site locations should be revised so that it can be read. Also, the FOR is no longer and should be corrected. The size and species of the trees should be noted and what screening will be there after the trees are removed.

The Village Engineer noted that the water/sewer connections for the lavatory in the garage should be shown on the plan.

The BOARD had no further comments.

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

There were no comments from the public.

MOTION: Member Karen Olson moved to refer the Application to the Architectural Review Board and to continue the public hearing: SECOND Cynthia Turner

There was no Other Business.

The meeting was adjourned at 9:43pm.

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

Respectfully submitted,
Jillana Sinnott, Secretary