

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, July 20, 2022, 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 7:37 pm by the Chairman, William Pfaff.

**Other Board members present:** Karen Olson, Cynthia Turner and Joseph Heider.

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

**7:37 pm.** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on July 13, 2022.

**7:43 pm.** Motion for approval of minutes from the June 22, 2022 meeting.

**First:** Karen Olson

**Second:** Joseph Heider

**Vote:** 4-0, APPROVED.

**7:43 pm.** Stuart and Jennifer Chaitin, 617 North Broadway, County Map No. 60.10-01-09. *Continuation from May 18, 2022.* 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-2 District.

**Motion to adjourn the Chaitin application to the September 14, 2022 meeting.**

**Motion:** Karen Olson

**Second:** Cynthia Turner

**Vote:** 4-0, APPROVED.

**7:44pm:** 647 North Broadway LLC, 647 North Broadway, County Map No. 60.06-01-05.2.

*Continuation from June 22, 2022.* Application for site plan approval for construction of proposed single-family residence with free-standing carport, site grading and landscaping on a vacant lot in the Residence R-40 District.

Represented by Jay Greenwell and Greg Hasaj.

Mr. Greenwell explained that the proposed plan has been substantially revised to limit the amount of disturbance based on the Board's comments and the comments of Rockland County Planning. He explained that the originally-proposed fountain and stairs have been removed, and that an elevated walkway has been added to the plan. He credited Mr. Hasaj with coming up with the idea of creating a walkway on grade where the grade is level where the slope will only be disturbed for the installation of

utilities. He also explained that the proposed house has been rotated to further minimize disturbance on the property.

The comments of the Village Engineer, Dennis Letson, were discussed.

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617.5c11 and 617.5c12, the project is a Type 2 action. No further review under SEQR is required.

Zoning

1. The site plan has been extensively revised to address the Board's comments regarding the extent of slope disturbance.
2. Variances for slope disturbance required as shown on the bulk table
  - a. 24% of slopes 40% or greater where none permitted.
  - b. 17% of slopes 15%-24% where 35% permitted.

Site Plan

1. Notes section:
  - a. 13, 15 – Complete as application progresses.
3. As the project progresses a landscape plan should be provided for the proposed green roof and overall site.
4. Applicant has requested Village assistance in the verification of the location of the existing sewer line in N. Broadway, this is not critical to the review of application
5. A road opening permit will be required for the installation of the gravity spur if it does not already exist.
6. Proposed electric easement to be filed in the RC Clerk Office and filing information provided to the Board Clerk prior to endorsement of the site plan.
7. Additional details, i.e. pervious pavers, walkway construction, walkways and steps, retaining walls etc. will be required as the project progresses.
8. Hydrologic and hydraulic analysis will be needed for the development.
9. Stormwater Maintenance Agreement will be required for the site.
10. RC Planning comment
  - a. The County recommends disapproval of the project based on the slope disturbance proposed.
  - b. The applicant's Consultants have revised the plan to address this comment and comment by the Board.
  - c. I suggest that condition 1 of the RC Planning comment may be over-ridden by the Board.
11. Additional elevation views of the retaining walls should be provided.
12. Top and bottom of elevations of retaining walls should be added to the site plans.

Chairman, William Pfaff, initiated a discussion about what is on grade and what is elevated. There was discussion of vehicular access to the building in the event of an emergency.

Member Karen Olson inquired where the nearest fire hydrant is located; and asked about the locked gate at the top of the driveway and whether a knox box will be required. There was also a discussion about whether the house would include sprinklers.

Mr. Greenwell agreed that there would need to be an easement over the property to the north (649 North Broadway) for access for emergency vehicles.

Members of the Board asked for renderings of the house and walkway from the river and other perspectives for the next meeting. Member Karen Olson asked that there be a color version of the plan for review; and the Chairman added that it should be a three-dimensional rendering.

The Chairman asked again about the accessibility of the driveway.

Dennis Letson, Village Engineer, mentioned that the applicants were looking at a turnaround.

Noelle Wolfson, Village Consulting Attorney, commented that review of the form and content of the emergency access easement and its recording in the land records would be a condition if an approval is granted.

Member Joseph Heider asked about the slope disturbance and whether re-grading is still considered disturbance. Discussion followed.

There was a discussion about referring the application to the Zoning Board of Appeals and the Architectural Review Board. There was also a discussion about what information would be required for the next appearance before the Planning Board. Such information included: (1) a referral and comments from the Fire Department; (2) a three dimensional rendering of the house, including the view of the house from the Hudson River; and (3) detailed information on the material of the emergency access way between the driveway on the property to the north and the proposed house.

Motion to continue the public hearing to the October 19, 2022 Planning Board meeting and to refer the matter to the Zoning Board of Appeals so that the applicant may seek the necessary variances and Architectural Review Board so the applicant can seek architectural review.

**Motion: Karen Olson**

**Second: Joseph Heider**

**Vote: 4-0, APPROVED.**

**8:16pm: Soraya Scroggins and Adam Budgor, 11 Tompkins Court, County Map No. 60.14-01-12.7.**

*Continuation from June 22, 2022.* Application for site plan approval for renovations including: complete replacement of the east façade, replace the existing pool and landscaping on a property improved with an existing single-family residence located in the Residence R-30 District.

The applicants were represented by their attorney, Donald Brenner, Esq., Jay Greenwell, PLS, Lauren Richards, Barnes Coy Architects and Ken DeGennaro, PE, Brooker Engineering.

Donald Brenner, Esq. explained that the applicants have gotten Architectural Review Board approval and gotten the necessary variances from the Zoning Board of Appeals. Mr. Brenner continued that there were minor changes to the site plan based on comments from Village Engineer, Dennis Letson.

The comments of the Village Engineer, Dennis Letson, were discussed.

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617.5c11 and 617.5c12, the project is a Type 2 action. No further review under SEQR is required.

Zoning

1. Variances have been granted by the Village ZBA. Project is now compliant.

Site Plan

1. Infiltration tests will be required to verify infiltration rates.
2. Label the southeast rain garden on sheet SI-2 in the same manner as the north side rain garden.
3. The FEMA ABFE for this site are elev. 12 (100-yr) and elev. 17 (500-yr). Applicant may wish to revisit some of the proposed elevations in light of these BFE's.
4. SWPPP is undergoing detailed review, any additional comments will be forwarded to Mr. DeGennaro.
5. A Stormwater Maintenance Agreement will be required for the site.

Chairman, William Pfaff, stated that the Architectural Review Board had comments about the glass and inquired further about the proposed Starfire Low-E glass.

Lauren Richards, Barnes Coy Architects, showed the board photos that depicted what the neighbors would see and what the project would look like from across the river. She stated that it's the least reflective glass available and submitted a letter with additional glass specifications from the glass manufacturer.

Michael Williams, ARB Chairman, spoke and confirmed that the ARB approved the application based on the applicant's representations about the nonreflective properties of the glass.

Chairman, William Pfaff, stated that the bulk table references "filed map" and asked that a copy of the filed cluster subdivision plat be included as a sheet in the plan set.

The applicants' representatives confirmed that that will be included in the final plan set.

The Chairman continued that the font size is too small and that it should be increased to be readable.

Member Joseph Heider asked about the slope disturbance.

Village Engineer, Dennis Letson, said that it's less of an issue and impossible to do a renovation without disturbance. He continued that the building coverage and FAR are bigger issues.

Noelle Wolfson, Village Consulting Attorney, stated that the ZBA liked the terracing and recognized that this is an improvement over the existing condition and therefore granted the variance for the slopes disturbance.

No comments from the public.

**Motion to close the public hearing.**

**Motion: Cynthia Turner**

**Second: Karen Olson**

**Vote: 4-0, APPROVED.**

**Motion to approve the site plan for 11 Tompkins Court, which is comprised of the following plans:**

Site Plans

*Title Sheet (Sheet Si-1)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

*Site Plan (Sheet Si-2)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

*Existing Conditions and Demolition Plan (Sheet Si-3)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

*Grading and Utility Plan (Sheet Si-4)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

*Soil Erosion & Sediment Control Plan (Sheet Si-5)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

*Construction Details (Sheet Si-6)*, prepared by Brooker Engineering, PLLC, dated 5/3/22, last revised 7/6/22

Survey Drawings

*Existing Conditions Survey*, prepared by Jay A. Greenwell, PLS, LLC, dated 9/28/21, last revised 5/10/22

*Slope Category Map*, prepared by Jay A. Greenwell, PLS, LLC, dated 9/28/21, last revised 5/10/22

Landscape Plans

*Tree Removals Plan (L2.1)*, prepared by Laguardia Design Landscape Architect, dated 4/29/22, last revised 5/10/22

*Planting Plan (L5.1)*, prepared by Laguardia Design Landscape Architect, dated 4/29/22, last revised 5/10/22

*Electrical Plan (L6.1)*, prepared by Laguardia Design Landscape Architect, dated 4/29/22, last revised 5/10/22

Architectural Plan

*Cover Sheet (A1.0)*, prepared by Barnes Coy Architects, dated 6/24/22

*General Info (A1.2), prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed Basement Floor Plan (A3.0), prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed Lower Level Floor Plan (A3.1), prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed Upper Level Floor Plan (A3.2), prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed Roof Plan (A3.3), prepared by Barnes Coy Architects, dated 6/24/22*

*Lower Level Floor Plan Existing/Proposed (A3.4) , prepared by Barnes Coy Architects, dated 6/24/22*

*Upper Level Floor Plan Existing/Proposed (A3.5) , prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed North + West Exterior Elevations (A4.0) , prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed East Elevation (A4.1) , prepared by Barnes Coy Architects, dated 6/24/22*

*Proposed South Elevation (A4.2) , prepared by Barnes Coy Architects, dated 6/24/22*

*Building Sections (A5.0, A5.1) , prepared by Barnes Coy Architects, dated 6/24/22*

*Window Schedule (A8.0, A8.1, A8.2, A8.3, A8.4, A8.5) , prepared by Barnes Coy Architects, dated 6/24/22*

*Architectural Front Entry Rendering (R1.0) , prepared by Barnes Coy Architects, dated 6/24/22*

*Architectural Rendering From Northeast (R2.0) , prepared by Barnes Coy Architects, dated 6/24/22*

*Architectural Rendering from Southeast (R3.0) , prepared by Barnes Coy Architects, dated 6/24/22*

(collectively, the “Site Plan”), 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 comments raised in his report dated July 20, 2022 and which are specifically set forth herein as conditions of approval. #1, 2, 3 (advisory), 4, 5 and adding #6: Infiltration test may have to be delayed until after the east side is developed and after heavy equipment is done in that area—a note to that effect shall be added to the final site plan. Additionally, a copy of filed subdivision map #7279 must be included in the final Site Plan set and should be included in the plan list on the Title Sheet. The font size overall must be increased in size.
3. 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 (ARB Public Hearing Date 7.11.22), which requires compliance with the architectural plans and finish schedule referenced in such letter and the use of Starfire Low-E glass for the windows.

4. Comments from other Agencies commenting on this plan are herein incorporated as conditions of approval. Rockland County Planning, June 15, 2022: #2, #4, #5, #6. Condition #1 is overridden/satisfied, and #7 is not applicable.
5. 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.
6. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of: (1) An as-built survey including topographical information signed and sealed by a licensed professional; (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.
7. 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."
8. 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.
9. 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 3 years of the date hereof, 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. The note about the site plan expiration on the site plan shall be revised to conform to this condition.

**Motion: Karen Olson**

**Second: Cynthia Turner**

**Vote: 4-0, APPROVED.**

**8:42 pm: Amy and Jason Haskell, 110 Castle Heights Avenue, County Map No. 60.17-02-10.**

Application for site plan approval for a second-floor addition to an existing one-story family room; and a bathroom and kitchen renovation on a property improved with an existing single-family residence located in the Residence R-30 District.

The applicants were represented by their architect, Maren Robertson, RA.

Ms. Robertson explained that the applicants are proposing to add a second-floor addition with a woodburning fireplace and a walk-in closet; and do a kitchen renovation. The windows and trim will match exactly what is there now.

The comments of the Village Engineer, Dennis Letson, were discussed.

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.

Zoning

1. Bulk Table

- a. Min Parking setback, required column, should be "5 FT".
- b. Max Building Coverage of 31% in existing and proposed columns should also be marked with a "\*" to indicate existing non-conformity.
- c. Revise spelling at "Existing Non-Conforming" note.
- d. Building height dimension should be added to the architectural drawings on sheets A-6 and A-7.

2. The plan does not create any new non-conforming elements and does not require variances.

Site Plan

1. There are no site related issues to comment on.

**Motion to open the public hearing.**

**Motion: Karen Olson**

**Second: Cynthia Turner**

**Vote: 4-0, APPROVED.**

No comments from the public.

Motion to continue the public hearing to the September 14, 2022 Planning Board Meeting and refer the application to the Architectural Review Board for architectural review.

**Motion: Karen Olson**

**Second: Cynthia Turner**

**Vote: 4-0, APPROVED.**

No other business.

Motion to adjourn the meeting.

**First: Karen Olson**

**Second: Cynthia Turner**

**Vote: 4-0, APPROVED.**

The meeting was adjourned at 8:50 pm.

Respectfully submitted,  
Janet Guerra