

**Village of Upper Nyack Planning Board Meeting
Wednesday, June 21, 2023 7:30 p.m.**

MINUTES

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date and called to order at 7:33 p.m. by the Chairman, William Pfaff.

Other Board members present: Karen Olson and Zara Crowley

Absent Board members: Joseph Heider and Cynthia Turner

Also present: Dennis Letson, P.E. Village Engineer/Zoning Inspector; Janet Guerra, Board Secretary; Noelle Wolfson, Esq., Consulting Village Attorney.

7:33 p.m. The Chairman reviewed the agenda.

7:35 p.m. Review of the minutes from the May 17, 2023 meeting.

There was not a quorum of members present who participated in the entire May 17th meeting. Review and approval of the minutes was tabled until the July 26, 2023 meeting.

7:35 p.m. **Gloria Janata, 202 Hilltop Drive, County Map 60.09-01-43.** Continuation from May 17, 2023. Application for amended site plan approval for modifications to a site plan approval granted November 18, 2009 on property improved with a single-family residence located in the Residence R-20 District.

Procedural History: This application was reviewed at the February and March meetings. It was adjourned at the April and May meetings. GML review not required.

The application is generally to legalize improvements that were not constructed in accordance with a previously approved site plan. The primary issues raised at the prior hearings involved screening around the air conditioning unit and a generator installed on the Property. At the prior meetings, the applicant agreed to consult with the neighboring property owner regarding screening.

Presenting for Applicant: Jorel Vaccaro, Krypton Engineering

Applicant Presentation: Mr. Vaccaro reviewed the previously approved landscaping plan and indicated that he consulted such plan when preparing the proposed landscape plan. Per the previously-approved plan, the applicant was required to plant 12 inkberry shrubs to buffer the view of the residence and air conditioning units from the property to the south. In consultation with the adjacent neighbor, the applicant is now proposing to install 9 American Holly in a configuration similar to the original inkberry proposed in that portion of the Property. The applicant is also going to retain the existing Arbor Vitae around the air conditioning unit (the condition of which has improved since the installation of deer fencing on the Property) and add one additional Arbor Vitae in that area.

The Village Engineer's memorandum was read 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.

Zoning

1. Zoning R-20 as shown on the plan.
2. Bulk Table
 - a. Please indicate the 31.3 ft building height as existing non-conforming.
3. Lot is conforming with the Zoning Local Law.

Site Plan

1. Screen plantings have been revised. An additional green giant arborvitae is added at the a/c units to bring the total to 4. Nine American holly have been added at the south side of the house generally in the vicinity of the property line.
2. The Board asked for top and bottom of wall elevations to be added to the plan, this is outstanding.
3. No additional comment.

Mr. Vaccaro indicated that he would add the top and bottom of the wall elevations to the plan and the nonconforming building height to the bulk table.

Member Olson indicated that it appears that the comments from the neighbor at the prior hearing were addressed.

There were no members of the public who wanted to speak on the application.

Motion to Close the Public Hearing

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes) – 0 (no), 2 (absent)

Motion to approve the site plan titled *Final Site Plan, 202 Hilltop Drive (C-100.00)*, prepared by Krypton Engineering, dated 9/22/21, last revised 5/31/23 (the "Site Plan")

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 June 21, 2023 and which are specifically set forth herein as conditions of approval. *Zoning Comment 2a, Site Plan Comment 2 (add top and bottom of wall elevations)***

3. **Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of 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.**
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. **The Applicant shall comply with the requirements of the New York Uniform Fire Prevention and Building Code, all Village of Upper Nyack laws and ordinances, and all other applicable laws and regulations of any governmental entity or agency with jurisdiction over the Property or its use.**
6. **Unless otherwise specifically modified by this Resolution or the plans approved hereby, all conditions of any prior approval of any board, department or officer of the Village of Upper Nyack shall remain in full force and effect.**
7. **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.**
8. **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 18 months of the date that the Site Plan is signed by the Planning Board Chairman, 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.**

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes) – 0 (no), 2 (absent)

7:50 p.m. Vallex Herard, 514 N. Broadway, County Map No. 60.13-03-14 Continuation from May 17, 2023. Application for site plan approval for interior and exterior renovations including kitchen, primary bedroom and bathroom renovations; new stairs, windows, dormer and siding; new deck, fencing and pergola on property improved with an existing single-family residence located in the Residence R-20 District.

Procedural History: This application was before the Board in May and the ARB on June 5. GML review not required.

At its meeting of June 5th, the ARB recommended approval of this application subject to

compliance with certain conditions.

Representing the Applicant: Maren Robertson, Architect

Ms. Robertson explained that the applicant had scaled back the scope of work from the last Planning Board review due to the cost of the work. She explained the revisions as follows: The proposed garage is slightly smaller than as originally proposed and it is now flush with the back of the house; the bump-out near the deck has been removed; the conversion of the lower level space to habitable space is no longer proposed; and the scope of work near the entrance door has been reduced such that the applicant is no longer reconfiguring the stairs, but rather is only adding a small side wall to improve the aesthetic of the entrance. Ms. Robertson also explained the proposed changes to the window configuration from the prior Planning Board meeting.

The Village Engineer's comments were read into the record as follows:

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617.5c11 and 12, the project is a Type 2 action. No further review under SEQR is required.

Zoning

4. Zoning district R-20 as indicated on the plans.
5. The project is compliant with the Zoning Local Law.

Site Plan

4. Zoning height dimension is to the mid-height of the roof, please revise the dimension shown on sheet A-6.
5. No further comments.

The recommendation letter submitted by the Architectural Review Board was discussed.

There were no members of the public who wished to speak on the application.

Motion to Close the Public Hearing

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes) – 0 (no), 2 (absent)

Motion to approve the following site plan for the *Herard Residence, Interior & Exterior Renovations & Additions, all prepared by Maren Robertson Architecture and dated 6/4/2023, last revised 6/21/23: Site Plan Bulk /Table (SP-1), Proposed First Floor Plan (A-3), Proposed Second Floor Plan (A-4), Proposed East & South Elevations (A-6), and Proposed North & West Elevations (A-7)* (collectively, the "Site Plan")

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 June 21, 2023 and which are specifically set forth herein as conditions of approval. *Site plan comment 1.*
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 June 5, 2023), which requires *compliance with the architectural plans and finish schedule referenced in such letter, except that the chimney shall be painted white or covered with white stucco at the applicant's election, replacement windows shall match the proposed windows in color (black frames), and the garage door (black inlaid panels) and front door (onyx inlaid panels) will have frosted white glass panes (finishes on the frosted white glass panes on the front door and garage doors to match to the maximum extent practicable) as presented to the ARB at its meeting of 6/5/23.*
4. Prior to the issuance of a Certificate of Occupancy the Applicant shall provide 2 copies of an as-built survey signed and sealed by a licensed professional.
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. The Applicant shall comply with the requirements of the New York Uniform Fire Prevention and Building Code, all Village of Upper Nyack laws and ordinances, and all other applicable laws and regulations of any governmental entity or agency with jurisdiction over the Property or its use.
7. Unless otherwise specifically modified by this Resolution or the plans approved hereby, all conditions of any prior approval of any board, department or officer of the Village of Upper Nyack shall remain in full force and effect.
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 18 months of the date that the Site Plan is signed by the Planning Board Chairman, 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.

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes) – 0 (no), 2 (absent)

8:03 p.m. Nyack Field Club, 335 N. Midland Avenue, County Map 60.13-03-58. Continuation from May 17, 2023. Application for Special Use Permit for use of the property as a general recreation and social use on property located in the Residence R-30 District.

At the May Planning Board meeting this application was referred to the Zoning Board of Appeals for consideration of variances needed for certain improvements. The Zoning Board of Appeals meeting in May was cancelled so no review occurred. No substantive review of this application occurred and the public hearing on this application was adjourned to the Board's July 26, 2023 meeting.

Board member Crowley disclosed that she is a member of the Club but can be impartial in the review of the application.

8:08 p.m. Motion to adjourn the meeting.

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes) – 0 (no), 2 (absent)