

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, January 17, 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 **7:33pm** by the Chairman, William Pfaff.

**Other Board members present:** Ellen Simpson and Karen Olson.

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

**Others in attendance:** Kostantine Gianakouros, John Sheehan, Michael Breganti, Jennifer Terranova, Petrina Koblin, Jerry Koblin, Robert Knoebel, Christopher Prentis and Jennifer Mallory.

**7:33pm** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on January 3, 2018.

**7:33pm: Approval of Minutes:** Member Ellen Simpson moved to approve the minutes and Resolution for VanHouten Holding Corp. for Installation of Fence and Gate from July 19, 2017 contingent on written approval by email quorum: SECOND: Karen Olson; unanimously APPROVED

**Approval of Minutes:** Member Karen Olson moved to approve the minutes from November 15, 2017 contingent on written approval by email quorum: SECOND: Ellen Simpson; unanimously APPROVED.

**7:45pm: Michael & Patricia Breganti, 228 Old Mountain Road, County Map No. 60.09-02-91.**

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

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

The APPLICANT was represented by Michael Breganti, Homeowner.

The APPLICANT is here to review the revised site plan to legalize decks, stairs, patio, stone walls and sheds. Mr. Breganti has moved the one shed to comply with the ordinance. His son is in the process of buying the property. There was a discussion of the two sheds and whether the ownership of the property can be transferred before they are moved. Mr. Breganti will bring a letter from the neighbor allowing him to have use of the driveway.

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 617.5c9 and 10, the project is a Type 2 action. No further review under SEQR is required.*

**Site Plan**

**1. Zoning**

- a. *Note 2 should have the date variances were granted added to it.*
- b. *Note 3 should be explained. Did the ZBA act on these issues and impose conditions?*

- c. If so, a covenant should be filed to memorialize the requirement to remove the sheds on transfer of the property. The shed to be removed should have a deadline date.*
- 2. It appears the driveway and fence encroach onto the lands n/f Bennet, an easement or license agreement should be sought*

The BOARD discussed the Submitted Plans and report. There was a discussion on whether the sheds could be moved to comply with the ordinance. The Village Attorney reviewed the Zoning Board of Appeals minutes from May 16, 2017. Mr. Breganti was informed that the sheds needed to be removed if ownership was to be transferred.

There were no comments from the public.

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

There were no further comments from the Board.

**MOTION:** The Board moved to approve the Breganti site plan last revised August 31, 2017 by Collazuol Engineering & surveying Associates, LLC subject to the Village Engineer's notes specifically #1a, #1c and #2 which can be a letter from the neighbor granting use of driveway, remove wording "shed to be relocated" on site plan and note 3-2. The two sheds must be removed before title of ownership can be transferred as stated in the ZBA approval on May 16, 2017.

**MOTION BY:** Ellen Simpson

**SECOND:** Karen Olson

**VOTE:** Unanimously APPROVED

**8:07pm: Christopher Prentis, 14 Van Houten Street, County Map No. 60.18-01-37.**

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

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

The APPLICANT was represented by Christopher Prentis, Homeowner.

The APPLICANT reviewed the submitted site plan to replace the one car garage with a two car garage. They are going to take down the existing 1920 original garage as it does not fit a modern day car.

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.c10, the project is a Type 2 action. No further review under SEQR is required.*

**Site Plan**

**1. Zoning**

- a. A note should be added to the bulk table to indicate variances granted under the prior Nazaroff application.*

- b. The 0.8 ft setback is to the existing garage, if the garage is extended to the rear as shown with the east wall line held, the setback will be reduced, clarify.*
- c. The rear yard setback to the garage (existing and proposed) should be shown.*
- d. The proposed garage will require additional variances for increase in non-conformity.*
- 2. *The stormwater analysis is completely incorrect.*
- 3. *Provide the source of the table submitted, it does not appear to have been prepared for this project.*
- 4. *The storm frequencies should be indicated in the table on sheet A-300.*
- 5. *The size of the existing tree “to be relocated or replaced” should be shown to determine if relocation is viable.*
- 6. *Erosion control measures are needed on the plan.*

The BOARD discussed the submitted plans and reports. The rear yard setback and east wall line were discussed with the Village Engineer. There was a discussion about the tree that is to be relocated or replaced. The stormwater analysis is not accurate and should be done by someone qualified to do so.

There were no comments from the public.

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

**MOTION:** The Board moved to approve the Prentis site plan dated October 18, 2017 by Degenshein Architects, subject to the Village Engineer’s notes specifically #1a, #1c, #1d, submit a corrected stormwater analysis, #4 and #6. Subject to ARB approval and ZBA approval for increase in non-conformance of front and side yard setbacks.

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE:** Unanimously **APPROVED**

**8:34pm: Kostantine & Michelle Gianakouros, 209 Hilltop Lane, County Map No. 60.09-01-47.**

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

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

The APPLICANT was represented by John Atzl, Engineer and Kostantine Gianakouros, Homeowner.

The APPLICANT reviewed the submitted site plan to square off the garage at the rear with an addition and add a second floor addition on the house.

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.c9, the project is a Type 2 action. No further review under SEQR is required.*

Site Plan

1. Zoning

- a. *Lot area should be shown as existing non-conforming.*
- b. *Both side yard setbacks should be shown on the plan and in the bulk table.*
- c. *The 89.2 ft rear setback should be shown in the proposed column also.*
- d. *The balance of bulk requirements appear to be conforming.*

2. *Building height should be shown on the architectural elevations.*

3. *The addition dimensions should be added to the site plan.*

4. *Given the nominal size of addition and direct drainage to the pond, rooftop disconnection will provide adequate stormwater mitigation.*

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:** Ellen Simpson: Unanimously APPROVED

**MOTION:** The Board moved to approve the Gianakouros site plan dated December 20, 2017 by Atzl, Nasher & Zigler P.C. subject to the Village Engineer's notes specifically #1a, #1b, #1c, #2 and #3. Subject to ARB approval.

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE:** Unanimously APPROVED

The BOARD took a five minute recess.

**Other Business:**

**8:46pm 649 North Broadway, LLC, 649 North Broadway, County Map No. 60.06-01-05-01.** Informal review of preliminary landscaping plan for the rear yard of an existing single family residence located in Residential Zoning District R-1.

The APPLICANT was represented by Robert Knoebel, Attorney; Stuart Strow, P.E, Brooker Engineering and Dmitry Dudnik, Architect.

The Applicant would like to keep the gardens with the Architectural look of the house. The lower level, visible from the river, will be natural and romantic with fruit trees. The Upper level, not visible from the river will be private and only visible from the house. The lower retaining walls will be 15'-16' high, the upper level wall will be 7' high. Mr. Strow has a proposed bulk table. The Applicant would need variances for the total coverage, side yard and the wall heights. The drainage easement was reviewed. Heights of the walls were discussed.

The Village Engineer discussed how the walls will be obtrusive to the neighbors. There is a six foot height requirement on walls. The slope disturbance was discussed.

The Chairman discussed the overall width of the landscaping. There is less than a 30' setback on the North side and not a lot of development coverage but the visual impact on the adjoining properties will be significant. The walls will be very tall and prominent to the neighbors.

Mr. Knoebel stated that in order to make the property flat they need to build the walls.

Member Karen Olson stated that the wall is very straight. She would like to see it have more of a shape so the neighbors are not looking at a solid straight wall.

The Chairman is struggling with the overall height and lot coverage on covering the property which will have a serious impact to the neighbors.

The variance on coverage would be around 85%.

Member, Ellen Simpson stated that it is gorgeous but the impact is huge to the neighbors.

The Village Engineer stated that the scale is significant and beyond the scale of the property.

The Board hopes the Applicant will rethink the scale of the project and also soften the edges. The Board thinks the neighbors will be upset with the project as presented.

#### **9:20pm: Comito Homes, LLC, 209 Jewett Drive, County Map No. 60.09-01-19.**

The neighbor **John Sheehan, 211 Jewett Drive** wanted to informally discuss the proposed application at 209 Jewett Drive. Mr. Sheehan contends that the approval was based on misinformation. The building should conform to the height and size. The roof will look like a 40' high flat roof. He would like to know what actions the Board can take.

The Chairman stated that Mr. Sheehan's correspondence was issued to the Applicant's site engineer and architect along with the Village Engineer for review. The Chairman asked them to re-evaluate the building coverage and the building height of the approved Application.

Mr. Sheehan discussed the porch area and whether it should be considered part of the coverage. It is not mentioned in the village ordinance but it is mentioned in the Clarkstown ordinance.

The Village Engineer discussed Mr. Sheehan's concerns. A structure must have three walls and a roof. Outside dimensions were used. The Village of Upper Nyack has its own ordinance and the Clarkstown ordinance does not apply. The height was discussed and seems correct. The contour lines were discussed. Mr. Greenwell had made a correction to a contour line and submitted revised plans. The shape of the roof was discussed. It was noted that per the re-evaluation by the Village Engineer the application complies with the height requirements of the Zoning Codes.

Neighbor **Jennifer Terranova, 207 Jewett Drive**, thinks the house is too big for the lot.

The Chairman responded that the Applicant's lot coverage and building height is within the requirements of the Zoning code. The building height was discussed.

The Chairman stated that the neighbors should come to the Comprehensive Plan open meetings to discuss what is important to them and the future of Upper Nyack.

The meeting was adjourned at 9:58pm.

Respectfully submitted,  
Jillana Sinnott, Secretary