

**Village of Upper Nyack
Planning Board Meeting
Wednesday, May 16, 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 **7:30pm** by the Chairman, William Pfaff.

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

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

Others in attendance: Lee-Ann Taylor, Miles Taylor and Kier Levesque.

7:30pm The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on April 11, 2018.

7:32pm: Approval of Minutes: Member Ellen Simpson moved to approve the minutes from January 17, 2018 as amended; SECOND: Karen Olson by email dated May 16, 2018; unanimously APPROVED.

Approval of Minutes: Member Ellen Simpson moved to approve the minutes from April 18, 2018 as amended; SECOND: Danielle Watson; unanimously APPROVED.

7:45pm: Miles Taylor, 422 Glen Avenue, County Map No. 60.13-01-53.

Said property is located in Office Business (OB) district.

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

The APPLICANT was represented by Kier Levesque, Architect and Lee-Ann and Miles Taylor, Homeowners.

The APPLICANT is here to review the plans to legalize an existing side yard deck. The Applicant reviewed the various items on the plan. The garage received a variance in 1997. There are several portable sheds that are going to be removed. The Architect presented the Board with larger scaled drawings for review.

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 617.5c10, the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

- a. *Setbacks to the garage and the sheds should be shown on the plan and added to the bulk table.*
- b. *Rear yard setback should be shown on the plan.*

- c. *The Building Inspector letter refers to “assessment records ... to the 1950’s”; when were the buildings constructed and were the non-conforming conditions indicated as existing prior to the Village Zoning Code?*
 - d. *Variance for sideyard setback to deck required. Additional variances may also be required depending on the response to item c above.*
 - e. *“Principle” in the bulk table should be “Principal”.*
2. *The site plan is difficult to read, it should be enlarged to 1”=10’ and text adjusted if needed.*
 3. *It appears a wall is shown below the shed at the south side of the garage; was this removed to install the shed and the retaining wall south of the property line? Please clarify.*
 4. *An easement should be secured for the improvements encroaching on property to the south; Mr. Lewis should opine if any Board can grant approval to a site with such encroachments.*
 5. *As indicated by the Building Inspector, the improvements in the Village ROW should be referred to the Village Board for license agreement.*

The BOARD discussed the submitted plans and report.

The license agreement with the Village was reviewed by the Village Attorney. The Village Engineer was able to find that it was filed on 3/28/18, instrument #2018-00010138. The document will be added to the file.

The Applicant has added the dimensions onto the plan and bulk table. The rear set back has been added. The deck and patio was discussed. The garage was existing the Applicant left one wall up when rebuilding it. They did not need a variance for it. The Applicant states that the deck was on previous plans. Previous permits and timelines were reviewed. If the two sheds are to be removed it should be noted on the plan.

The Village Engineer suggests that the garage should be approved at the Zoning Board of Appeals meeting for the existing non-conforming set back.

The Applicant stated that they have done beautiful things to the house. They are trying to sell it.

The Applicant explained that the walls on the south side of the property line were existing. It was originally made from railroad ties and was rotten. They split the cost with the neighbor to construct a stone wall and plant trees. The Chairman asked if there was an agreement with the neighbor. The Applicant stated that the wall is holding up the neighbor’s yard.

The BOARD discussed the extra two sheds. This issue should go away after the sheds come down.

The Village Engineer suggested that the plan be revised to take off the piece of the wall that doesn’t exist, leave the field measurement, and add the features that have changed since the survey was done.

The Chairman would like the wall to be shown as a different shade for each property. The license agreement with the Village should be noted on the plan with the filing date, recording date and instrument number.

The hot tub has already been removed.

The BOARD reviewed the GML responses received. The Town of Clarkstown and the Rockland County Planning Board deemed the application for local determination. There was no response from the NY State of Transportation.

The Chairman reviewed all of the items. The 10'H fence on north and west side was previously approved. Please add a note regarding the variance date.

The Applicant stated that they were in a B1 zone when the garage was done. How will that affect them now that they are in the OB zone using an R-5? The Board discussed it and decided that adding a note to the plan regarding the garage instead of asking for a variance would be fine.

There were no comments from the public.

MOTION: Member Ellen Simpson moved to close the public hearing. **SECOND:** Danielle Watson: Unanimously APPROVED

The Chairman noted that a lot has accrued over time on the property. A narrative on the plan identifying the items granted variances would be helpful.

The Board moved to approve the Taylor site plan last revised May 16, 2018 by Kier Levesque, RA subject to the Village Engineer's notes specifically #1d, #1e, #4 and also the items noted below. Subject to ZBA approval for the deck.

- indicate on the plan the license agreement filing information
- remove the wall on the plan that is no longer existing by garage
- show that the wall stops at the property line; shade differently
- note the variances for the 10'H fence
- note that the two portable sheds are to be removed
- add note regarding that the pre-existing non-conforming garage was re-constructed prior to the enactment of the OB zone; was in the B1 when constructed

MOTION BY: Ellen Simpson

SECOND: Bruce Biavati

VOTE: Unanimously APPROVED

There was no Other Business:

The meeting was adjourned at 8:32pm.

Respectfully submitted,
Jillana Sinnott, Secretary