

**Village of Upper Nyack
Planning Board Meeting
Wednesday, October 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 **7:32pm** 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: Brian Powers, Dan Laub, Walter Lee, Meeka VanderWal, Jason Jacobson, Patrick Hatcher, Sally and Orville Mann, Tom & Pat Gaffney, Michael DeMarco and Anthony Celentano.

7:34pm The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on October 10, 2018.

7:36pm: Approval of Minutes: Member Ellen Simpson moved to approve the minutes from September 26, 2018 as amended; SECOND: Bruce Biavati; unanimously APPROVED.

7:39pm: Summit School, 339 North Broadway, County Map No. 60.18-01-01. *Continuation from September 26, 2018* has been moved to the March 20, 2019 meeting.

The BOARD had a brief review of what they would like the Applicant to submit for the next meeting. The preferred tree presented by the Applicant was the Regal Prince Oak. The Village consultant arborist and the Board agreed.

The Village Engineer stated that the Board cannot make them hire a Landscape Architect. Suggests they have their landscaper sketch something out.

The Chairman would like to see some sense of formal planting. Columnar trees with possible low landscaping at entrance way to more define the entrance.

The Board Secretary will pass this information on to the Applicant.

8:32pm: Kemp Realty Inc., 520 North Highland Avenue, County Map No. 59.12-02-03. *Continuation* of public hearing held on September 26, 2018.

Said property is located in Laboratory Office Zoning District LO.

The APPLICANT was represented by Daniel Laub, Attorney for Cingular Wireless/AT&T.

The APPLICANT discussed the revised plans and reports submitted. They have done the Short Environmental form, structural report and certification.

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)

A short EAF has been provided and reviewed.

Answer “no” to questions 9, 10 and 11 would indicate potential impact. In this case there is none due to the nature of the facility. These questions may be answered as “N/A”.

Potential impacts are visual only. Grade elevation at the site is approx. 292. Top of extended monopole will be approx. elevation 422. The top of the ridge to the west varies between 500 and 600 feet. There is no visual impact from properties to the west. The applicant has offered that the pole extension and related equipment will match the existing in color. This impact is mitigated.

Site Plan

1. Zoning
 - a. The ZBA has previously acted on this site.
 - b. The proposed installation is in compliance with zoning approvals.
2. Structural report and certification have been provided and are acceptable. It does appear however that the incorrect output sheets were attached to the report, this should be corrected for record.
3. A RF report and certification should have been provided and show the facility in full operation with all carriers will operate at RF levels below Federal standards.
4. The monopole extension color should match the existing; note 23 on sheet C-2 should be revised to indicate painting of extension after galvanizing.
5. The proposed panel antenna are shown (sheet C-5) to be grey, these should also be brown if possible.
6. In response to the Board's previous comment, additional screen plantings have been added to sheet C-2.

The BOARD discussed the plans and reports.

The VILLAGE ENGINEER said that C3 installation should match note #6 on plan.

The CHAIRMAN read the submitted SEAF. The BOARD discussed the SEAF.

There were no comments from the public.

Member Simpson thanked the Applicant for replacing the bushes that are there now. How big will they grow? The Applicant stated that they will be planted at the 4' to 6' range and will grow 8' to 10' high.

The BOARD had no further comments.

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

MOTION: Negative Declaration: Member Bruce Biavati moved to declare that under the provisions of SEQR the Board finds there are no potential significant adverse environmental impacts resulting from the Site Plan presented for the proposed monopole extension and related work; **SECOND:** Ellen Simpson; unanimously APPROVED.

The Board moved to approve the AT&T New Cingular Wireless PCS expansion of the existing monopole revised site plan dated October 14, 2018 by Com-Ex Engineering of NY, PLLC subject to the Village Engineer's notes specifically #1a, #2, #3, #4, #5 and #6.

MOTION BY: Ellen Simpson
SECOND: Bruce Biavati
VOTE: Unanimously APPROVED

9:20pm: Jason and Elizabeth Jacobson as Contract Purchaser of John Badi, 113 Larchdale Avenue, County Map No. 60.05-02-05.02.

Said property is located in Residential Zoning District R-1.

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

The APPLICANT was represented by Jason Jacobson, Contract Purchaser; Anthony Celentano, Land Surveyor; Meeka Vanderwal, Landscape Architect; and Patrick Hatcher, Westchester Modular.

The APPLICANT discussed the submitted plans. This is a previously approved subdivision and the Applicant will be building a modular single family home on the lot.

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 617.5(c) (9), the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

- a. Bulk table should show both side yard setbacks.*
- b. Total coverage should be revised to include all surfaces, Village Zoning does not consider gravel as pervious, similar to the pavers and stepping stones, fire pit area, etc. shown on the landscape plan.*
- c. Exact building height should be shown and should be added to the architectural elevations.*

2. The site plan and landscape plans should be coordinated.

3. The limit of disturbance may need to be adjusted to accommodate the work shown on the landscape plan.

4. The porch areas should be labeled on the site plan.

5. The swale proposed at the rear of the house should be flattened so as not to concentrate flow to the adjacent property. Grading should also be coordinated with the landscape proposal.

6. Top and bottom of wall elevations should be shown on the plan.

7. Provide stormwater analysis and design.

8. The site plan shows drywell gallery for management, landscape plan shows a rain garden. Please coordinate.

9. Rain garden, if used, should be contained within the lot.

10. Rain garden detail A is not shown on the landscape plan.

11. A detail should be added for the lattice and pillars shown.

12. Suggest deer resistant plantings be incorporated.

The BOARD discussed the plans and reports.

The BOARD discussed the landscape total coverage and what materials would not be considered part of the total coverage. The driveway would be considered a structure by definition. Raingardens were discussed. A rain garden would be better for the homeowner to maintain. The Applicant suggested using rain barrels and whether they would count as stormwater management regulations. The fence can only be 6' high, no deer fence at 7.5' is allowed.

The Chairman reviewed the GML reports received. The recommendations from the Rockland County Planning Board report should be addressed.

The BOARD listened to comments from the public.

Linda Bean, 111 Larchdale Avenue is concerned about the drywell on the east side and the runoff. The Village Engineer said it will be determined by the designers of where to put it. There should be no more runoff than there is now. There was a question of where the fire pit is located. The Applicant stated it would be on the east side and there will be screening. The fence location was discussed. It will be around the entire property and hidden by plantings, the varieties to be discussed. The size of the house was discussed. The Applicant said the 1st floor is 28x60 and the garage is 24x24, approximately 2900 square feet.

Walter Lee, 105 and 103 Larchdale Avenue, would like the water coming down the hill to be controlled. The water runoff was discussed. The Village Engineer said the cause is not this lot. An infiltration test will be done and an erosion control plan will be done.

MOTION: Member Bruce Biavati moved to continue the public hearing to the November 28, 2018 meeting. **SECOND:** Danielle Watson

9:17pm: Orville and Sally Mann, 659 North Broadway, County Map No. 60.06-01-02.

Said property is located in Residential Zoning District R-1.

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

The APPLICANT was represented by Orville and Sally Mann; Homeowners and Michael DeMarco; Contractor.

The APPLICANT discussed the plans submitted. They are proposing to build a staircase to the river. In the past they have been able to access the river with the goodwill of the neighbors. If they sell the property the purchaser may not be able to access the river. They feel that river access is important. There will be four platforms. The Applicant has tried to minimize the variances.

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 (SEAR)

Under the provisions of 6NYCRR Part 617.5(c) (10), the project is a Type 2 action. No further review under SEAR is required.

Site Plan

1. Zoning

- a. *Several bulk table entries appear to need correction, Frontage, Front Setback, Side Setback, Rear Setback, Max Coverage.*
 - b. *Variance will be needed for disturbance of 40% slope as indicated in the bulk table.*
2. *The water line should be labeled as low, high, or surveyed.*
 3. *The flood elevation should be shown.*
 4. *Provide jurisdictional determination from NYSDEC and ACoE.*
 5. *The proposed stair is a relatively minor structure, but the Board may wish to have additional information on colors and materials to determine appropriate appearance from the river.*

The BOARD discussed the plans and reports. The bulk tables were discussed.

The Chairman reviewed the GML reports received. The Town of Clarkstown deemed the application for local determination. The Rockland County Planning Board recommended that a review should be completed by the Palisades Interstate Park Commission.

The Applicant said that the staircase will be pressure treated yellow pine and they will let it age naturally.

The Village Engineer noted that the staircase should be anchored well because of the storm surge elevation.

There were no comments from the public.

The BOARD had no further questions.

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

The Board moved to approve the Mann site plan dated September 10, 2018 by Christian L. Martos Engineering, PLLC subject to the Village Engineer's notes specifically #1, #2, #3, #4, include macadam driveway and stone wall in bulk table and compliance with the Rockland County Department of Planning review dated 10/5/18. Subject to the Zoning Board of Appeals approval.

MOTION BY: Ellen Simpson

SECOND: Bruce Biavati

VOTE: Unanimously APPROVED

9:35pm: Thomas Gaffney, 121 Castle Heights Avenue, County map No. 60.17-02-37.

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 Thomas Gaffney, Homeowner.

The APPLICANT discussed the plans submitted. The house was purchased as new construction. There is no outside space other than a 4x9 outside deck that is too small. The new deck will give them room outside.

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. %(c) (10), the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

a. Variance required for rear yard setback as indicated in the bulk table.

2. *A note should be added to indicate that the area below the deck will remain pervious.*

3. *Clarify if additional material will or will not be brought in to the site to adjust the grade as indicated in the note.*

4. *The adjusted grade note should be modified to also indicate provide slope around deck to avoid pooling of water along the west side of the deck.*

The BOARD discussed the plans and reports.

There were no comments from the public.

The BOARD had no further questions.

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

The Board moved to approve the Gaffney site plan dated September 4, 2018 by Robert Hoene Architect, AIA subject to the Village Engineer's notes specifically #1, #2, #3 and #4. Subject to the Zoning Board of Appeals approval for a rear yard setback variance.

MOTION BY: Ellen Simpson

SECOND: Danielle Watson

VOTE: Unanimously APPROVED

There was no Other Business:

The meeting was adjourned at 9:44pm.

Respectfully submitted,
Jillana Sinnott, Secretary