

**Village of Upper Nyack  
Planning Board Meeting  
Wednesday, January 23, 2019, 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 **7:34pm** by the Chairman, William Pfaff.

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

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

**Others in attendance:** Larisa Schuckle, Jeff Seidel, Anna Gulino, Patricia Schuckle and Kier Levesque.

**7:34pm** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on January 9, 2019.

This meeting was rescheduled from January 16, 2019 which was cancelled due to not having a quorum available.

**7:35pm: Approval of Minutes:** Member Karen Olson moved to approve the minutes from November 28, 2018 as amended; SECOND: Ellen Simpson; unanimously APPROVED.

**7:3pm: Flora for Fauna as Lessee of CAG Properties, 366 North Highland Avenue, County Map No. 59.16-02-02.**

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

This APPLICATION submitted to the clerk the Certificate of mail receipts of neighbor notification.

The APPLICANT was represented by Kier Levesque; Architect, Patricia and Larisa Schuckle; Lessee and owner Anna Gulino.

The APPLICANT discussed the submitted Application for a Special Permit for a Café in the small building on the northeast corner of the property. The bulk table requires that thirteen parking spaces be added but they cannot add any more. In the 2014 revision 2 changed the parking with no parking in the front area. Parking will be where the commercial trucks are currently parked. The work was never done. They will remodel the existing building “D” where the Pie Lady was originally. There will be a Café and take-out food. The bathrooms will be updated. A wheelchair accessible ramp will be added.

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 the project is an Unlisted action. A determination of significance must be adopted by the Board as Lead Agency.*

*Section 15:8 requires a Full EAF be submitted for the Board’s review.*

**Site Plan**

**1. Zoning**

- a. *Applicant should review Section 15:6 for required landscaping.*
  - b. *As noted, a parking variance is required.*
  - c. *The possible movie screening etc. indicated in the narrative may change the classification of the use, this should be reviewed by the Building Inspector.*
  - d. *The site appears used for outside storage of equipment and material, not a permitted use in the OB zone. Will that use be discontinued or a variance for it sought?*
2. *15'-1" aisle may not provide adequate maneuvering room for the turn at the rear of the parking area. Please show turn radius for vehicles in this area.*
  3. *Similarly, the southerly 2 truck spaces may not be useable if the spaces opposite are filled.*
  4. *As noted by the County Planning Dept., the landscaped buffers on the north and south sides of the site do not fully exist. A landscape plan should be provided.*
  5. *While the site has functioned with similar uses (deli and bakery), the parking variance is significant. In addition, the use of the site for storage and construction vehicles may exacerbate this issue.*
  6. *Aerial photography indicates the shed is closer to the south property line, this should be verified and the bulk table modified as needed.*  
*Describe any new or modified site lighting or add note to plans that none is proposed.*

The BOARD read and reviewed the GML response from the Rockland County Planning Board. The recommendations were for the site plan to come into compliance, specifically parking, snow removal, lighting signage and landscaping. There was no response from Clarkstown Planning Board or the New York State Department of Transportation.

The BOARD discussed the plans and reports. There was a discussion of showing movies which may change the use to a place of assembly, which may not be allowable. The commercial landscape trucks parked in the back, which require a use variance, has been discussed previously with the owner.

There were no comments from the public.

Owner Anna Gulino, explained that there was a purchaser of the property recently but it fell through. Her husband passed away in 2008 and she has had some medical issues. She would like to correct the problems but the only money she has coming in at this time is from the landscape trucks, as the Pie Lady will be moving their retail store by the end of the month to Nyack. The Pie Lady recently moved their baking to the old bike shop north on 9W.

There was a discussion between the Chairman and Village Attorney about how the Board should proceed. The site plan has been in front of the Board two times for previous special permits and none of the requirements were completed after the special permit was approved. The Board could impose conditions that a building permit and special permit will not be issued until the site plan issues were completed.

The owner questioned what would she need to do? The Chairman responded that she would either need a variance for the parking of the landscape trucks in the back that are not allowed or she would have to ask them to leave. The Village Attorney also stated that the site plan would have to be modified and completed.

The Architect stated that there are a lot more issues than the applicants realize and there would be a lot of revisions. When Rockland County Planning recommends something it means it must be done.

The Village Attorney discussed the proposed use. The use complies with the OB Zone. The Board could discuss with the applicant if the special permit would be possible if the site plan was addressed by the comments from the Engineer and the Rockland County Planning Board.

The owner stated that her lawyer has letters for the landscapers that she was going to give them when the sale was pending. The Chairman stated that she could submit those to show the Board that things are progressing but the site plan would have to be implemented before the building permit was issued.

The Architect stated that he is working with the Applicant not the owner and the site plan has always been generated for the tenants.

The Village Attorney stated that there would need to be a commitment from the owner. The new business would not be able to operate without the work to the site plan done. The owner would have to submit a separate application.

The BOARD members feel that Applicant's use fits with what has been there before. They are not opposed to the Special Permit presented. The Board would look favorably to the use.

The moratorium on the Route 9W corridor was discussed. The Village Attorney thinks if the application between the Lessee and the Owner were submitted as a joint application and amended to a co-application they may not have to go to the Board of the Trustees.

The BOARD had no further comments.

**MOTION:** The Board moved to continue the public hearing to March 27, 2019. The Chairman asked the Architect to keep the Board informed on how they plan on proceeding.

**MOTION BY:** Karen Olson

**SECOND:** Ellen Simpson

**VOTE:** Unanimously APPROVED

#### **Other Business:**

**Ramah Day Camp Residence Hall, County Map No. 59.16-01-02.** Review of GML submitted for the modification of the special permit use condition previously granted to allow the operation of a day camp located in the R-160 district. The BOARD had requested more information at the last meeting to be able to make a more informed response and the materials were received.

The BOARD asked the Secretary to inquire if the window of time to comment has ended. There is a lot of information to read and the Board would like more time to review it before making their recommendation. The Secretary will find out and report back to the Board.

The meeting was adjourned at 8:50pm.

Respectfully submitted,  
Jillana Sinnott, Secretary