

**Village of Upper Nyack
Planning Board Meeting
Wednesday, November 17, 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 **8:08pm** by the Chairman, William Pfaff.

Other Board members present: Karen Olson, Cynthia Turner, Joseph Heider, and Pat Esgate.

Also present: Dennis Letson, Village Engineer; Noelle Wolfson, Esq., Consulting Village Attorney; Janet Guerra, Board Secretary

8:08pm. The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on November 10, 2021.

8:10 pm. Motion for approval of minutes from September 22, 2021 meeting: Member Karen Olson moved to approve the minutes; **SECOND:** Cynthia Turner. Unanimously APPROVED.

8:12 pm. Motion for approval of minutes from October 27, 2021 meeting: Member Joseph Heider moved to approve the minutes; **SECOND:** Pat Esgate. 3-0, 2 abstained. APPROVED.

Chairman William Pfaff provided an update on the 617 North Broadway application for Stuart and Jennifer Chaitin. The Chairman stated that the Applicants came before the Board in April for approval for structures accessory to a single-family residence. More information was requested to be included on the site plan. The application has been held open over several months. The Planning Board visited the site in June. The application is still being held open. On October 28, 2021, in conjunction with the Applicants, Dennis Letson, Village Engineer, Noelle Wolfson, Esq., Consulting Village Attorney and the Applicants' surveyor and engineer, met at the site. It was discussed in detail what the Board wanted to see with respect to stabilization plans for the existing slope. The Applicant indicated that it would take some time; so, the Board will continue to hold that application open. It would appear it's going to be January before the Board has the requested information. The Chairman requested a motion to continue the Application until the January meeting.

Motion: Joseph Heider

Second: Karen Olsen

Unanimously APPROVED

8:17 pm: Kristi and Paul Bouzakis, 600 Palmer Drive, County Map No. 60.09-01-04. Application for semi-inground pool and fence on property improved with an existing single-family residence.

Said property is located in the Residence R-3 District.

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

The APPLICANT was represented by Jordan Bari from Westrock Pools.

The representative, Jordan Bari, explained that the plan is to install a semi inground pool. A 4-foot

panel gets buried 2-2.5 feet into the ground with the majority of the pool above grade. Mr. Bari indicated that there will be decking around the pool at some point, but right now the pool has to be approved along with fencing. He further indicated that they will need a self-latching gate. He concluded that that is a basic overview.

Chairman Pfaff read the Village Engineer's report dated November 16, 2021 (revised):

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617.5c12, the project is a Type 2 action. No further review under SEQR is required.

Site Plan

1. Zoning

- a. *The parcel is actually in the R-3 zone, correct bulk table notation of zoning district. The entries for Permitted/Required values shown in the bulk table are correct for the R-3 zone.*
- b. Rear yard setback should be to the deck, add to plan and revise bulk table entry.
- c. Show both side yard setbacks in the bulk table, for both the house and the proposed pool.
- d. *The project is compliant with the R-3 zoning requirements.*

2. The project application indicates Anthony Celentano as the engineer, plans are by Paul Gdanski, please coordinate and correct.

3. The plan indicates 12x25 pool, pool drawing indicates 12x24, please coordinate.

4. The pool plan indicates the pool construction uses ribs and buttress members, while the grading indicates the pool will be approx. 2.3 feet above the patio elevation. Will the pool ribs and buttresses be above grade?

5. The plan appears to indicate steps in the patio area, please show spot elevations if there are different levels proposed.

6. Is the slotted drain to be continuous on the east side of the proposed patio? If so, show as hidden line below existing deck. If not, show how the north side drain will be connected to the proposed drywell.

7. Infiltration rate calculation should use the bottom area only, per NYSDEC regulation.

8. Infiltration volume calculation should also use bottom area of drywell only, not sidewall area.

9. Indicate stone void percentage in drywell volume calculation.

10. Infiltration test shall be performed to verify the assumed design infiltration rate.

11. Infiltration rate is based on bottom area only, revise infiltration rate calculation.

12. Existing contour lines are hardly visible and should be darkened for clarity.

13. No grading is indicated on the plan, add note that all excavated material shall be removed from the site or indicate proposed grading.

14. A stormwater maintenance agreement shall be executed for the site.

15. The existing shed should be relocated out of the easement area.

Discussion about various items from above:

Chairman Pfaff asked Dennis Letson to clarify item #1a. Dennis Letson commented that the existing rear yard setback that's shown in the bulk table is noted to the house at 84.8 feet, shown on the plan it's just above the 66.7 foot to the pool. But, the rear yard setback should be measured to the wood deck not to the corner of the house, so it will be slightly less; but it will still comply with the zoning rear yard set back

Chairman Pfaff asked whether that's a deck that goes to the top of the pool. Dennis Letson replied that there's an existing deck with a wooden ramp that will be removed and it appears the pool will be at a lower elevation than the existing wood deck.

Jordan Bari affirmed that the pool will be set lower than the existing deck.

Dennis Letson commented that the setback dimension that shows the corner of the house, the deck scales about 12 feet so the rear yard setback to the house structure, including the deck, would be roughly 72.8 feet.

There was discussion about a patio and steps up to the pool.

Jordan Bari confirmed that there will definitely have to be some steps down to a patio area of some sort or steps up to the pool.

Chairman Pfaff inquired about the upper patio level. He asked if the top of the pool structure is essentially level with the patio and then, the steps down are effectively above the level of the patio.

Jordan Bari commented that they will try to do a patio that matches the grade at the high point. He said that a lot of times, they will build a retaining wall around the exposed steel that is still above grade with some sort of steps that work into a patio so it almost looks like an extension of a retaining wall that hides the exposed steel and looks like the extension of a retaining wall.

Chairman Pfaff asked whether the rib structure of the pool will get finished off with some stone.

Jordan Bari said that he believes that is how they are going to finish it.

Dennis Letson commented that it looks like the ribs on the radius sections are built into the thickness of that panel; but the straight sections are shown on the drawing as four buttress panels that come off the wall. He inquired how they were going to hide that.

Jordan Bari replied that it comes out 18 inches off the wall and it's on a pretty steep diagonal slant so that when you backfill, you can backfill enough so that enough of the brace is covered so you still have room to create that wall with backfill enough so that the base is covered

Dennis Letson asked if the wall may be 18" or 2 feet out of the interface of the pool.

Jordan Bari replied that when they dig the pool itself, they will dig roughly three feet in every direction larger than the pool itself and then those buttresses get encased in concrete along with the entire footing

of the pool so that is like the focal point of the structure, the concrete holding that down, and then that gets backfilled and becomes like existing grade to however deep they go.

Dennis Letson asked if what it on the site plan really represents just the thickness of the basic metal panel and not really the complete width of the pool frame and the retaining wall and backfill will be to hide those braces.

Jordan Bari replied that it would be probably another 18 inches outside the pool with the coping and the wall would come down from that coping between 12-18 inches depending on what they choose.

Dennis Letson directed that the Applicant would have to coordinate with Mr. Gdanski to show the proper sizes on the site plan. He continued that right now he is showing about 6" wide total.

Jordan Bari said that would make sense if you did a 12" coping.

Dennis Letson said that maybe to clarify this then you generate a cross section through that pool wall showing the middle pool wall, the buttress, the retaining wall and the backfill that you're going to be constructing to get a total thickness for that construction.

Jordan Bari agreed that he will have to coordinate that with the landscaper; but he will do so.

Member Karen Olsen commented that the drawing on the site plan is so small that she is having a hard time figuring out where the wood deck/patio is in relation to the pool. She continued that right now it looks like the patio goes underneath it; but she cannot tell what the dimensions are in relation to each other due to the small size.

Chairman Pfaff suggested that this site plan which is 1 inch = 20 feet be used as a basic layout plan; but the area we are talking about, the pool and retaining wall and how it interacts with the wood deck and whether the slot drain continues underneath, should be blown up to a larger scale so it's clear for the Board and heights are clear.

The Applicant, Kristi Bouzakis, commented that to be clear, it looks the patio and the wood deck overlap; but they don't because the wood ramp is being removed.

Member Karen Olsen commented that it still appears that the patio runs under the deck. She asked if the patio stops. She further commented that she cannot tell from this drawing and that's why blowing it up makes sense.

Discuss about item #2. Dennis Letson indicated that if Anthony Celentano is going to be engineer of record, plans should be under his title blocks; and not Paul Gdanski.

Regarding item #3, Jordan Bari confirms the pool is 12x24. Chairman Pfaff requested that change be made on the drawing.

Item #6, Chairman Pfaff asks the Applicants if it is a continuous drain that runs under the deck. The Applicant said it is not.

Chairman Pfaff asked Dennis Letson to clarify Item #7 and #8. Mr. Letson explained that in the past, the majority of calculations for dry wells and infiltration work was done under what was referred to as

the Westchester method. The New York State DEC revised the methodology when they issued the general permit in 2010; and they only allow the use of the bottom area of an infiltration structure so all of the rates and the volumes for the filtration should be calculated using only the bottom area of the proposed dry well the sidewall areas are not permitted to be used as the infiltration areas.

Chairman Pfaff asked Dennis Letson to clarify #10. Mr. Letson said that with a project of this size, given that it's you know relatively small, it could be done during the excavation for the pool, and if the drywell calculation has to be revised, it can be revised, at that time.

Chairman Pfaff asked about item #13 and whether it was the intent that there's no other regrading being done on the site, so that any material excavated as part of this construction will be removed. Jordan Bari replied that since the Applicants are doing a patio, they'll remove the dirt and bring in other material such as item four or other top grade. The Chairman indicated that this should be noted on the site plan.

Chairman Pfaff read the GML review from Rockland County Planning into the record:
Upper Nyack Planning Board

328 North Broadway
Upper Nyack, NY 10960

Tax Data: 60.09-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 9/29/2021

Date Review Received: 10/15/2021

Item: **BOUZAKIS - 600 PALMER DRIVE (UN-57B)**

A site plan application to construct a semi-in-ground pool and patio at the rear of an existing single-family residence on 0.47 acres in the R-3 zoning district.

The western side of Palmer Drive, opposite Jewett Road

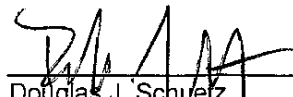
Reason for Referral:

Town of Clarkstown, Long Path Trail, North Highland Avenue (US Route 9W)

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 2 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4 The bulk table label indicates that the property is located in the R-1 zoning district. The bulk table label must be corrected to R-3.
- 5 The portions of the stone wall to be removed must be labelled as such.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Taraneta, Upper Nyack

Chairman Pfaff read an email from the Applicant's neighbor, Diana Calhoun, into the record:

Hi

Janet Guerra, Upper Nyack, Board Secretary,

I am writing to you to give my support to my neighbor, Kristi and Paul Bouzakis, at 600 Palmer Dr, Map #60.09-01-04 who have submitted an application

for a semi-inground pool and fence. In that myself as well as several other neighbors on my block who have homes built by the builder Fox and who

also have in-ground swimming pools, I see no reason why they should not also enjoy being a pool owner.

Regards,
Diana Calhoun

Chairman Pfaff asked if there were any other points of discussion.

Member Karen Olsen moved to open the public hearing.

Member Joseph Heider: Second.

Unanimously APPROVED.

Member Karen Olsen moved to continue the public hearing to the December 15th meeting.

Member Karen Olsen: Second.

Unanimously APPROVED.

Chairman Pfaff reiterated that this matter is continued to the December 15th meeting. He further commented that what should be submitted is a larger scale of drawing or having this site plan and identify a detailed blow up of where the work is being proposed so that the board can adequately evaluate. It's further requested that the revised site plan include a cross section that establishes the elevations west to east through the proposed work area. The Chairman asked if this was clear.

Jordan Bari asked for further clarification on the cross section. Chairman Pfaff replied that that should be a cross section through the proposed pool patio area, up to and just including the profile of the existing wood deck so that so that it's clear. The cross section should show the heights and proposed elevations of the upper patio area, the pool and the lower patio area. He further commented that it would appear that the lower proposed patio area partially runs under the existing wood deck; so, in conjunction with a larger scale plan of this area, that should be hopefully sufficient for the board to finish its review of the application. The Chairman indicated that should anyone have any further questions, they can contact Village Hall and speak to the Board Secretary, Janet Guerra.

Chairman Pfaff indicated that the Applicants can call Village Hall to verify the submission deadline date.

There was no other business.

Member Joseph Heider moved to adjourn the meeting.

Member Karen Olsen: Second.

Unanimously APPROVED.

The meeting was adjourned at 9:04 pm.

Respectfully submitted,

Janet Guerra, Board Secretary