

**RESOLUTION OF THE  
VILLAGE OF UPPER NYACK PLANNING BOARD**

**RESOLUTION OF MINOR SUBDIVISION APPROVAL**

**Property Address:** 603 North Broadway and 611 North Broadway, Village of Upper Nyack (the “Property”)  
**County Map No.:** 60.10-01-08 (611 North Broadway)  
60.10-01-10 (603 North Broadway)  
**Zoning District:** Residence R-30 and Hudson Riverfront Overlay District  
**Applicant/Owner:** NBroadway LLC (60.10-01-08) and 603 North Broadway LLC (60.10-01-10) (collectively, the “Applicants”)  
**SEQRA Classification:** Unlisted Action- Negative Declaration Adopted July 26, 2023  
**Date of Public Hearing:** July 26, 2023 and November 15, 2023

**SUMMARY**

The Applicants are seeking approval of a minor subdivision to merge existing tax lot 60.10-01-08 (Tax Lot 8) and tax lot 60.10-01-10 (Tax Lot 10) to be one lot. Currently Tax Lot 10 is improved with a single-family residence and related improvements and Tax Lot 8 is vacant.

No construction or physical alteration to the Property is proposed as a part of this application and no public improvements are proposed. The purpose of this application is solely to remove the lot line separating Tax Lot 8 and Tax Lot 10. This approval does not authorize any physical disturbance to the subject Property.

**PRIOR PLANNING BOARD AND ZONING BOARD OF APPEALS APPROVALS  
(2008-PRESENT)**

The following approvals were previously granted for the subject Property:

Area Variances for minimum lot width and front yard setback to cabana (ZBA 11/8/2023)

Site plan approval (Tax Lot 10) (Planning Board 5/18/2011)

Area variances for slopes disturbance and lot coverage (Tax Lot 10) (ZBA 4/19/2011)

Site plan approval (Tax Lot 10) (Planning Board 7/18/2008)

Site plan approval (Tax Lot 10) (Planning Board 4/16/2008)

**DOCUMENTS REVIEWED**

1. Memorandum of Village Engineer, Dennis Letson, dated January 5, 2023
2. Village of Upper Nyack Planning Board Application:
  - a. Submission Checklist
  - b. Land Use Board Contact Form
  - c. Planning Board Application Form
  - d. General Municipal Law 809 Statement
  - e. General Municipal Law 239 Form
3. Narrative Summary addressed to Village of Upper Nyack Zoning Board of Appeals, dated June 29, 2023
4. Photographs of the subject property, stamped received June 29, 2023
5. Short Environmental Assessment Form, Part 1, dated June 21, 2023
6. Property Deed- Tax Lot 10
7. Property Deed- Tax Lot 8
8. *Minor Subdivision Plat Merger of Tax Lot 60.10-1-10 & 60.10-1-8*, prepared by Atzl, Nasher & Zigler PC, dated June 24, 2023
9. Referral form for General Municipal Law reviews sent June 30, 2023
10. Letter from Town of Clarkstown Planning Board dated July 14, 2023
11. Letter from Rockland County Department of Planning, dated July 25, 2023
12. Memorandum of Village Engineer, Dennis Letson, dated July 26, 2023
13. Short Environmental Assessment Form Parts 1, 2 and 3
14. *Minor Subdivision Plat Merger of Tax Lot 60.10-1-10 & 60.10-1-8*, prepared by Atzl, Nasher & Zigler PC, dated June 24, 2023, last revised November 9, 2023.
15. Supplemental Narrative, dated November 13, 2023, prepared by J. David MacCartney, Jr. Feerick, Nugent MacCartney, PLLC
16. Memorandum of Village Engineer, Dennis Letson, dated November 15, 2023

**AGENCY REFERRALS AND COMMENTS**

Because the Property is located within 500 feet of the Hudson River, this application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law 239-m. It was also referred to the Town of Clarkstown.

By letter dated July 14, 2023, the Town of Clarkstown found this to be a matter for local determination.

By letter dated July 26, 2022 the Rockland County Department of Planning recommended two modifications to the proposed application. The Department of Planning’s comments are summarized below in bold italics and the Planning Board’s response appears below the comment.

***Comment 1: As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk an accept the plan to be filed.***

**Response 1:** This comment will be incorporated as a condition of this approval.

***Comment 2: Subdivisions are one method to show an intended lot line change between two or more parcel owners. However, once a subdivision has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Village must make sure that the deeds are properly filed with the Rockland County Clerk to ensure that the tax maps are properly updated.***

**Response 2:** This comment will be incorporated as a condition of this approval.

**BOARD FINDINGS (see VILLAGE SUBDIVISION LAW (LL 2 OF 2022) §4.1)**

1. The proposed lot merger is beneficial to the surrounding neighborhood, as it adds the area of Tax Lot 8, which is landlocked, to Tax Lot 10, which has frontage on the existing private street.

2. Variances for lot width, front yard setback and lot coverage have been granted for the subject Property.

3. No new building lots are proposed nor is any physical disturbance proposed or approved as a part of this subdivision. Therefore, existing means of access, utility services, and drainage facilities will not be negatively impacted by the subdivision.

4. Because no additional development is proposed and no new building lots are being created, the proposed subdivision will not have any negative impacts on traffic conditions

in the surrounding area, nor will it negatively impact views of or from the Hudson River or Hook Mountain.

**DETERMINATION AND CONDITIONS**

Based on the foregoing, the materials submitted in support of this application, and the information provided at the public hearing on this application, the Planning Board approves the *Minor Subdivision Plat Merger of Tax Lot 60.10-1-10 and 60.10-1-8*, prepared by Atzl, Nasher & Sigler, P.C., dated June 24, 2023, last revised November 9, 2023 (the “Subdivision Plat”), subject to the following conditions:

**CONDITIONS TO BE SATISFIED BEFORE THE CHAIRMAN SIGNS THE SUBDIVISION PLAT.**

1. The Applicant shall make the following changes to the Subdivision Plat, all changes shall be made to the satisfaction of the Village Engineer:
  - a. Clarify the surface materials and clearly delineate the transition between such materials to accurately reflect the existing condition, particularly in the area near the Property’s Hudson River frontage and the macadam driveway near the existing cabana.
  - b. Add the dimensions of the solarium on the existing residence and confirm that the area of the solarium is included in the building and development coverage calculations.
  - c. Add labels and dimensions to all the existing accessory buildings on the Property and provide the accurate area of each accessory building in the coverage calculations on the Subdivision Plat, with each accessory building listed separately in such calculations.
  - d. Add the existing gate.
2. The following note shall be added to the Plat: “A portion of the septic system serving the property labeled “Tax Lot 60.10-1-4 N/F Frederick & Jillana Sinnott” on the Subdivision Plat might be existing as of the date hereof on a portion of Tax Lot 60.10-1-8.”
3. The Subdivision Plat shall be signed by the Chairman of the Rockland County Drainage Agency.
4. The Subdivision Plat shall be revised to include an entry in the revision note section to indicate the date that the plan is submitted for Planning Board signature. The description for the revision date note shall read “For PB Signature.”
5. The Applicants shall file with the Board Secretary letters from the County Commissioner of Finance, the Receiver of Taxes of the Town of Clarkstown and the Village Clerk stating that all taxes due on the Property have been paid.

6. The Applicants shall file with the Board Secretary a statement from the project engineer or surveyor certifying the total acreage in the subdivision.

CONDITIONS TO BE SATISFIED SIMULTANEOUSLY WITH THE RECORDING OF THE SUBDIVISION PLAT.

7. Prior to or simultaneously with the filing of the Subdivision Plat in the Rockland County Clerk's Office, the Applicants shall file in the Rockland County Clerk's office a deed of conveyance conveying the property required to achieve the lot configuration indicated on the Subdivision Plat to a common owner. The Applicants shall provide a copy of the deed as recorded to the Board Secretary promptly following recording.

CONDITIONS SUBSEQUENT TO THE FILING OF THE SUBDIVISION PLAT IN THE ROCKLAND COUNTY CLERK'S OFFICE

8. The Applicants shall provide the Board Secretary with 4 full-size copies of the Subdivision Plat as filed and an electronic copy of the Subdivision Plat as filed.
9. The Applicants shall make all required applications to the Town of Clarkstown Assessor's office, the Village of Upper Nyack Assessor's office and/or the Rockland County Department of Finance as may be necessary to have a new tax identification number assigned to the newly created lot. A copy of all forms filed with the Town of Clarkstown Assessor, or the Rockland County Department of Finance shall be filed with the Village Assessor.

GENERAL OR ONGOING CONDITIONS.

10. This approval authorizes the Applicants to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Subdivision Plat endorsed by the Planning Board Chairman. Any changes or modifications to such plan require further approval from the Planning Board.
11. This approval does not permit the Applicants to undertake any physical disturbance or construction on the subject property.
12. The Applicants shall comply with the requirements of the New York Uniform Fire Prevention and Building Code, all Village of Upper Nyack laws and ordinances, and all other applicable laws and regulations of any governmental entity or agency with jurisdiction over the Property or its use.
13. Unless otherwise specifically modified by this Resolution or the plans approved hereby, all conditions of any prior approval of any board, department or officer of the Village of Upper Nyack shall remain in full force and effect.

EXPIRATION OF APPROVAL (SUBDIVISION LAW SECTION 6.8 AND 5.3.9)

14. This approval shall expire within 180 days of the date hereof (June 17, 2024) unless all of the Conditions required before the Chairman Signs the Subdivision Plat have been certified as completed, the Chairman signs the Subdivision Plat and the Subdivision Plat is filed in the Office of the Rockland County Clerk prior to such date.

**DATED:** December 20, 2023

**VOTE:** Motion to Approve Resolution:

Second:

Vote:

Village of Upper Nyack Planning Board

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William Pfaff, Chairman