



Village of Nyack Planning Board

April 8, 2024

Members Present:

Laura Rothschild – Chair - present
Peter Voletsky – present
Matthew Croussouloudis - present
Samuel Hart - present
Jennifer Knarich -present
Catherine Friesen (Alternate) - present
Taylor Light (Alternate) - absent

Also Present:

Dennis M. Michaels, Esq. Village Attorney - present
Manny Carmona – Building Department - present
Bob Galvin – Village Planner - present

COVID-19 PANDEMIC STATUS~ IN PERSON. Meeting opened by The Chair at 7:00pm.

Conflict Check: The Chair polled the members of the Board regarding the issue of possible conflicts of interest regarding the application. Catherine Friesen stated that she was a neighbor to 47 Fifth Avenue, but since we had 5 Board members, she would not be voting.

Other Business: The Chair stated that the Minutes for the March 4, 2024 meeting were distributed and approved by Planning Board Members prior to this meeting.

1. 84 Piermont Avenue. Hannah LaMoy. Application for tree removal.

Hannah LaMoy, owner, is requesting to remove 2 decaying trees that she has safety concerns about. Both trees hang over where her tenant parks.

The Chair states that Planning Board typically asks that another tree/trees be planted to replace trees taken down. Owner does not wish to plant more trees as lot size is small. Option is given to make donation to Tree Committee. After much back and forth about the amount of donation needed and the size of trees to be replanted, owner agrees to plant 2 evergreen trees on her property to replace trees taken down.

The Chair asks Board for any comments/concerns. Hearing none, she opens for public comment. No comments.

The Chair states that this application is a Type II action under SEQRA.

Matthew Croussouloudis makes a motion to approve this application with the condition that owner agrees to plant 2 nursery-grade evergreen trees with a minimum caliper of 2 ½". This is seconded by Peter Voletsky. Vote passed 5-0.

Village Planner

The subject property is a small 7,122 sf property located on the west side of Piermont Avenue opposite the American Legion Hall in the TFR zone. The Applicant is requesting the removal of two significant trees on the north side of the property. The trees include a 26" Walnut tree and a 5.8" Maple. The Walnut tree is in the back yard near the rear fence and the Maple tree is on the north side of the house.

The applicant is represented by James Michael Dillon, a certified arborist with Perfect Cut Tree Service. The arborist's review dated 3/6/24 has been provided to the Board. It indicates that the Walnut tree has mechanical damage to the anchoring roots. There are cavities and decay in the roots with the entire trunk pitched 61° over the neighboring structure. The 5.8" Maple has girdling roots and poor structure and an unbalanced crown.

SEQRA – *The proposed action is a Type II action.*

LWRP – *based on the Village Code, as a Type II action, this is consistent with LWRP policies.*

2. 47 Fifth Avenue. Gail Monaco. Application for addition of three season room over part of existing deck.

Jackie Urra, Architect, is representing this application. She states that deck is existing and owners would like to enclose half of the deck with a three-season unconditioned room. The backyard is very enclosed and not visible from the street. No variance is required.

The Chair clarifies that this “townhouse” is not governed by an HOA where permission would be necessary.

The Chair opens for public comment. **Member Friesen** speaks as a neighbor, not as a Board member. She indicated that you cannot see this area and she lives upwards of this property. She fully supports this application. **The Chair** closes public comment.

Jennifer Knarich makes a motion to approve application as per plans dated 1/26/24. **Matthew Croussouloudis** seconds the motion. Vote passed 5-0.

Village Planner

The 6,500-sf subject property is located on the south side of Fifth Avenue near the

intersection of Fifth Avenue and North Franklin Avenue. The corner property has 50' frontage along Fifth Avenue and 130' along North Franklin Avenue. It is in the SFR-1 zone. in the SRF-1 zone. The property is occupied by a existing 2-story townhouse.

The Applicant is represented by Jackie Urra, her architect. Applicant is seeking site plan approval for the construction of a new three season, 165-sf sunroom at the rear of the house. It is proposed to be constructed on a portion of the existing rear deck. There are no variances being sought from the ZBA. The Applicant has provided plans, elevations, zoning table and color photographs of the site and surrounding properties.

The existing footprint of the covered structures on the site is 1,143-sf. and the proposed footprint would be 1,308-sf. The footprint of the proposed deck is 169-sf. The Applicant has provided color photographs of the site and views into the rear yard from the surrounding neighboring properties. The house and rear yard is well surrounded and protected from view at grade level by mature plantings and mature trees.

The ARB reviewed and approved the application on 2/21/24.

SEQRA – The proposed action is a Type II action under NYS DEC 617.5 (c) (12) *“construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”* and, therefore, no further SEQRA review is necessary.

LWRP – *based on the Village Code, as a Type II action, this is consistent with LWRP policies.*

Recommendation – There does not appear to be any issues relative to site plan approval by the Planning Board.

3. 188 North Broadway. Kelly Colquitt. Site Plan application for the construction of a rear deck, pergola, new steps and plunge pool.

Bill Pfaff, Architect for Kelly Colquitt, states the project is located at 188 North Broadway. Project originally submitted in January 2023, which has been completed. ARB has given approval for the lap pool, large deck, and new steps. The Koi pond is 70" in diameter. They are keeping the existing shed, but moving it. They are putting in several rain gardens for run off.

The Chair states that she went for a site visit. She saw lots of downspouts on property. She asked the applicant if there is an issue with water? And now we are adding more water? Mr. Pfaff explains that the rain gardens are to collect stormwater and have it remain on property and reduce runoff from the site. Dennis Ledson, the Engineer, can provide stormwater calculations on the plans. Engineer will provide information. Laura Rothschild and Peter Voletsky would like to have more information about stormwater. Peter states that site is

very wet. He has concern about adding more water to project. Bill Pfaff states that this project is not adding more roof area water.

The Chair questions the fencing – not continuous. Bill Pfaff states that fencing will be addressed with self-locking swing gates. Swimming pool will be protected. Height of fence will be correct by State Code (54"). Any doors leading out to pool will be alarmed. Fence will be black.

The Chair questions the fireplace. Will it be used for cooking? Bill Pfaff states that this is meant to be a gathering place and not used for cooking. Chair asked how far away is fireplace from property line? It is 5 feet from property line. The shed will be moved to location shown on plan.

Catherine Friesen feels project has improved the streetscape. There was no further comment.

Application is held over until next meeting on Monday, May 6th at 7:00pm awaiting additional stormwater information.

Village Planner

The 13,530-sf subject property is located on the west side of North Broadway, approximately 1,000' from the intersection of Sixth Avenue and North Broadway in the SFR-1 zone. The property is occupied by a 1-story frame and brick single-family residence.

The project is zoning compliant and does not need variances from the ZBA.

The Applicant is seeking site plan approval for the following work: new wooden deck along west side of the house with wood pergola on portion of the deck and wooden stairs along the west side of the deck and two pairs of French wood patio doors on the south side. New stone stairs will be constructed on the south side and northwest corner of the house. New 19'.8" x 11'.8" sized in ground pool will be installed in right side of the rear yard. A new garden area with fish pond will be built and centered on the rear deck leading from the house through the garden to a stone paver outdoor seating area. The plans show two new rain gardens in the rear yard. The applicant has provided site plan, elevations and color photographs of the site and surrounding properties.

The ARB reviewed and approved the application on 2/21/24.

SEQRA – The proposed action is a Type II action under NYS DEC 617.5 (c) (12) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;” and, therefore, no further SEQRA review is necessary.

LWRP – based on the Village Code, as a Type II action, this is consistent with LWRP policies.

Recommendation – There does not appear to be any issues relative to site plan approval by the Planning Board.

4. 15 Orchard Street. Maryann Bartels. Continuation of Site Plan application for the construction of a 32" high retaining wall and flagstone patio.

Don Feerick, Attorney, is representing this application. He states that Ms. Bartels purchased the property in March 2019. The steps and walls were in disrepair. The violation charge was that Jay Theis of Jakla Construction built a retaining wall without a permit and land use approval and that it was built on an easement. Historically, other things have been built on sewer lines.

They went back and forth with Orangetown. Orangetown created an addendum that states that the charges were resolved in civil compromise. What remains is the building permit, land use approval and CO.

The Chair asks about the status of this property. Applicant responded that It is a legal two-family.

Manny Carmona, Building Inspector, states that Engineering is not required since the wall is less than 36" and is not truly a retaining wall. He is satisfied with all documentation that has been submitted.

Don Feerick states that a \$5,000 escrow is being held by the Town of Orangetown and that the escrow runs with the land if the property is ever sold. Drainage runs east/west on property and sewer runs north/south.

The Chair states that this is a Type II action under SEQRA. No members of the public were present.

Matthew Croussouloudis makes a motion to approve site development application at 15 Orchard Street owned by Mary Ann Bartels, consisting of existing 32" high retaining wall and existing patio. The is seconded by Jennifer Knarich. Vote passed 5-0.

Village Planner

The 0.37-acre subject property is located on the east side of Orchard Street at the intersection of Orchard Street and Tallman Place in the SRF-1 zone. The Applicant is seeking site plan approval to legalize a 32" high decorative stone facing concrete wall and flagstone patio over a sanitary sewer pipe on the east side of the premises. The Applicant previously appeared in front of the Planning Board on 10/7/19, 11/4/19, 12/2/19, 1/6/20 and 2/3/20.

During the course of these meetings, the Building Inspector indicated that the stone wall had been built over two easements: one sanitary sewer easement running north to south and one

easement to the Village of Nyack heading east to west for sewer and water pipes. It was not possible to determine the depth of footings for the wall without having topographical elevation of the ground level on either side of the retaining wall. The Applicant needed to provide the plan with the requested topography and elevations around the proposed wall for the Building Inspector. Needed elevations and engineer study.

The Village Engineer provided the Planning Board with a review dated 11/25/19. It was determined that the Town of Orangetown took over the sewer system from the Village. It was suggested that the owner enter into a License Agreement with the Village, in perpetuity, and deed be filed with Rockland County.

The application provided the legal documents including the filed deed regarding the easement approved by the Town of Orangetown.

SEQRA – During the course of the public hearings on this application, the Planning Board determined that the application was a Type 2 action during the hearings under SEQRA NYS DEC 617.5 (c) (10} "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" LWRP - based on the Village Code, as a Type II action, this is consistent with LWRP policies.

Recommendation - The Applicant has provided the legal documents including the proof that the deed was filed regarding the easement approved by the Town of Orangetown. The Planning Board can provide the approval for the legalization of the 32" high decorative stone facing concrete wall and flagstone patio over a sanitary sewer pipe on the east side of the premises after checking with the Building Inspector for the record that he has been satisfied that the necessary documents have been approved, and properly filed with the Rockland County Clerk.

5. 55 Catherine Street. Shaban Sinanaj. Continuation of application for subdivision for merger of two lots and the construction of a two-family dwelling.

This item was on the Agenda for Adjournment Purposes only due to the unavailability of the Village Engineer, Eve Mancuso. The Public Hearing is being held open until the next Planning Board Meeting on Monday, May 6, 2024 at 7:00 pm in Nyack Village Hall.

6. Review of local Zoning Code changes for administrative purposes only – Recommendation to the Board of Trustees.

- **Veterinary Office – text change to allow veterinary office use in the downtown area which includes DMU-1 and DMU-2 zones. The Village has received several requests for this use in the downtown. The use is defined as an office where animals are given medical care. It does not provide for the boarding of animals. The current**

code allows animal hospitals and kennels as a special permit only in the CC (Commercial Corridor zone) along Rte. 59.

- **Lot Line Change** – text change – is defined as a change of lot line, where only the dimensions of two existing lots are changed and additional building lots are not created. In most communities, lot line change (lot apportionment) would be handled administratively by the Building Department and Assessor's office. However, it is a minor subdivision in the Village of Nyack which requires that the application go through the subdivision process including SEQRA review.

PLEASE SEE ATTACHED RESPONSE FROM PLANNING BOARD

The Chair moves to close meeting at 9:00 pm.

The Clerk/Secretary to the Planning Board of the Village of Nyack is hereby authorized, directed and empowered, by the Planning Board, to sign these Minutes, and to file a copy thereof in the office of the Village Clerk:

Mary Screene, Clerk/Secretary

TO: Village of Nyack Board of Trustees

FROM: Village of Nyack Planning Board

CC: Village Attorney, Village Planner, Chief Building Inspector
Re: Requested Recommendation/Advisory Opinion from Village Board of Trustees

In response to the Village Board of Trustees's request for a recommendation/advisory opinion regarding the proposed Local Law to amend Village Code Chapter 360 (Zoning), relating to the allowance of Veterinary Offices in the DMU-1; the Planning Board offers the following comments:

The Planning Board is not in favor of adopting the proposed local law because of the following: noise, quality of life and sanitary concerns.

In response to the Village Board of Trustees's request for a recommendation/advisory opinion regarding the proposed Local Law to amend Village Code Chapter 360 (Zoning), so as to exempt lot line changes to abutting real property that do not create a new lot, and lot mergers, the Planning Board offers the following comments:

The Planning Board is in favor of the above-mentioned code change with the exception of the lot merger aspect. The Planning Board wishes to retain all of its current review jurisdiction and review authority relating to lot merger.

Sincerely,
Village of Nyack Planning Board
Mary Screene, Secretary to Land Use Boards