

**VILLAGE OF AIRMONT
PLANNING BOARD
April 23, 2015 8:00 P.M.
Village Hall**

MEMBERS PRESENT: Doug Whipple, Chairman
Edward Kennedy
Thomas Gulla
Anthony Santucci
Helen Schwabacher
Jeffery Kirby, Ad Hoc

MEMBERS ABSENT: Donald Hook, Ad Hoc

OTHERS PRESENT: Dan Kraushaar, Deputy Village Attorney
Eve Mancuso, Village Engineer
Kristen O'Donnell, Village Planner
Camille Guido-Downey, P&Z Clerk

Chairman Whipple called the meeting to order at 8 pm followed by the Pledge of Allegiance.

Chairman Whipple made the following announcements:

Welcome to Anthony Santucci and Helen Schwabacher as full members, welcome to our new Ad Hoc members Jeffery Kirby and Donald Hook and finally a thank you to Ken Rosen and Kirk Budnick for their many years of service. Chairman Whipple thanked the Clerk for her many years of service as she has resigned from her position.

Ed Kennedy made a motion to approve the minutes of February 26, 2015, seconded by Tom Gulla. Upon vote, this motion carried unanimously.

**Berk Homes
330 Spook Rock Road
Office/Warehouse Use**

Larry Marshall, Applicant's Engineer was present and presented to the Board and the public the proposed project. Mr. Marshall stated that the Applicant is proposing to build a 10,980 sf office/warehouse building on Spook Rock Road next to the I-87 corridor. The entrance will be located off of Spook Rock Road just passed the residential driveway. The code requires 17 parking spaces and the Applicant is proposing 17 parking spaces. Applicant stated that due to the snow on the ground an onsite assessment was not completed until now. Based on the current onsite inspection there is wetlands located on the property. The Applicant has delineated the wetlands and determined that they were man-made probably from the Thruway construction and further determined that the wetlands are not regulated by the State or Federal, they are regulated by the Village. A grading plan was provided and the calculations will be provided as soon as possible. Applicant has developed the truck turning radii analysis for review by the Fire Department. Applicant has further developed an interior layout concept plan, landscaping and

lighting plan. Mr. Marshall stated that the proposed landscaping plan consists of one tree and a few shrubs due to space limitations. Mr. Marshall stated that Mr. Torgensen is present to discuss the wetlands.

Peter Torgensen stated that he recently delineated the wetlands on the property which is approximately over 1, 000 sf, manmade and most likely created by an excavator. Mr. Torgensen stated that the wetlands do not connect to any piping and does not flow to any other neighboring area. Mr. Torgensen stated the area does have plants and soils which are common with wet areas. Mr. Torgensen stated that he doubts it supports any notable wildlife and there is no evidence of any habitat on site. Mr. Torgensen stated that the site is mostly dry during the year. The wetlands is not Federal or State, it is under the jurisdiction of the Village.

Larry Marshall stated that the Applicant is proposing to place a parking lot over the wetlands area.

Kristen O'Donnell, Village Planner stated that the Applicant has submitted a short EAF form which is acceptable. Ms. O'Donnell stated that the wetlands were just flagged and just placed on the plan. The Village has jurisdiction over the wetlands and the Applicant is required to show the Village regulated area and apply for a wetlands permit which requires a public hearing. The Planning Board can reduce the regulated area if they feel that it is suitable.

Larry Marshall stated that the Applicant will be seeking a permit from the Village.

Ms. O'Donnell stated that the Village code does not allow for any disturbance and also requires a 100' regulated area. The Applicant needs to show the regulated area on their plan and how the regulated area would impact their plan.

Eve Mancuso, Village Engineer stated that the Applicant just delivered the wetlands and it is Village regulated. Ms. Mancuso stated that as stated by the Village Planner the Applicant needs to show the regulated area on the site plan. Ms. Mancuso stated that she agrees that the wetlands area was manmade. Ms. Mancuso stated that the Applicant will have to see if the contours work for the site.

Larry Marshall stated that the Applicant is proposing to fill a portion of the wetlands and allow for another area onsite that will be used onsite to maintain the stormwater facilities.

Dan Kraushaar, Deputy Village Attorney questioned if the Applicant will be selling the units like condos?

Abe Berkovic, Applicant answered that they will be renting out space to tenants.

Dan Kraushaar, Deputy Village Attorney stated that the Applicant will be required to provide a stormwater agreement with security, fire lane enforcement agreement and the Tallman Fire Department should review for access.

Abe Berkovic, Applicant stated that they are open to share the driveway with the neighboring home and by sharing the driveway that would allow for a buffer to the school of 6-8 feet. The neighbor and Applicant's Attorney are in discussion for the proposed agreement.

Ms. O'Donnell stated that she would be in favor of the shared driveway even though it is not the norm as it would offer the buffer to the school and cut down on the pavement.

Tom Gulla questioned what is the width of the driveway?

Larry Marshall answered that would be 18' and provide the buffer area.

Tom Gulla questioned if the Applicant has the proper frontage?

Larry Marshall answered yes.

Chairman Whipple made a motion to declare the Planning Board lead agency for SEQR purposes, seconded by Ed Kennedy. Upon vote, this motion carried unanimously.

At 8:19 Chairman Whipple opened the public hearing.

Ken Rosen, 249 Cherry Lane questioned what the use of the space will be?

Abe Berkovic answered that his proposed idea for the space is office and warehouse for small "amazon like" business people. Mr. Berkovic stated that he also understands that in the future if the office space needs to be enlarged he would have to come back to Planning as that changes the parking requirement.

Clerk read into the record the following memos:

Rockland County Highway review memo dated 4/17/15

New York State Thruway review memo dated 4/6/15

Ed Kennedy questioned how high would the building be to the Thruway?

Larry Marshall answered approximately 20' or level with the Thruway.

Ed Kennedy questioned what will happen if there are two tractor trailers that deliver at the same time?

Larry Marshall answered that there is room to stage and feels that the Applicant will not have large tractor trailers making deliveries as they would be UPS and FedEx type of shipping happening.

Tom Gulla questioned if the Applicant is seeking a variance or a Planning Board waiver for parking?

Larry Marshall answered no variance or waiver is being requested for the parking. The required is 17 parking spaces and there are 17 parking spaces shown.

Helen Schwabacher questioned that since the Applicant does not know what tenants will be in the space, how does the Applicant know that there will not be multiple trucks delivering at once?

Abe Berkovic answered that when someone looks at the space and sees the limitation on trailer truck deliveries they will see that this space may not be good for them. This location is for a start-up business like a plumber who needs a small office and a small warehouse to put parts.

Helen Schwabacher questioned what are the hours of operation?

Abe Berkovic answered that this has not been determined but would conform to the code requirements.

Chairman Whipple stated that noise may be an issue for the neighboring house and the school.

Chairman Whipple, Members and Village Professionals discussed zone requirements and tractor trailer movements.

Ken Rosen, 249 Cherry Lane questioned if the Applicant or Planning Board will be restricting overnight parking of trucks? Mr. Rosen stated that since the site is restricted with truck movability he is concerned with a fire overnight and a trailer that may be in the way.

Larry Marshall answered that they will abide by any restriction that is in place. Mr. Marshall noted that the building will be sprinklered.

Tom Gulla stated that overnight parking is already in the code.

Dan Kraushaar stated that this is one important reason why the fire lane enforcement agreement is important. Mr. Kraushaar stated that there must be a plan for the protection for the school.

Larry Marshall stated that if the driveway is combined the Applicant will install a fence with a retaining wall.

Ms. O'Donnell stated that the Applicant should review §210-35 and §210-29.

Dan Kraushaar stated that the Applicant will be seeking variances for lot area, lot width, and street frontage.

Abe Berkovic questioned if the Planning Board can provide the referral to the ZBA.

Ms. O'Donnell stated that she did not feel comfortable with advising the Board to do that as there is no wetlands application, no mitigation on the plan, and the regulated area was just delineated.

Dan Kraushaar stated that the Applicant should attend CDRC in June and the Applicant must apply for the wetlands permit.

Tom Gulla made a motion to continue the public hearing to the June 25, 2015 at 8pm at Village hall, seconded by Ed Kennedy. Upon vote, this motion carried unanimously.

At 8:54 pm Chairman Whipple made a motion to adjourn, seconded by Tom Gulla. Upon vote, this motion carried unanimously.