

**VILLAGE OF AIRMONT
PLANNING BOARD
SEPTEMBER 24, 2015 8:00 P.M.
Village Hall**

MEMBERS PRESENT: Doug Whipple, Chairman
Tom Gulla
Anthony Santucci

MEMBERS ABSENT: Donald Hook, Ad Hoc
Ed Kennedy
Jeff Kirby, Ad Hoc
Helen Schwabacher

OTHERS PRESENT: Dan Kraushaar, Deputy Village Attorney
Eve Mancuso, Village Engineer
Kristen O'Donnell, Village Planner
Lisa-Ann DiMarsico-Smith, Village Clerk

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

Chairman Whipple advised that the minutes could not be approved as Tom Gulla did not have an opportunity to read the minutes.

**Culinary Depot
Continued Public Hearing
37, 363 & 365 Route 59
Revised Site Plan**

Ken Moran, Attorney for the client. Here for site plan approval for an office building on the south side of Route 59 East of the Planet Fitness building. The proposed building has been reviewed by the PB before. We have incorporated all CDRC comments and have revised the site plan accordingly several times as requested. This is a proposed two story 50,000 sq. ft. building with an underground parking garage and the total height of 30 feet height meets within the requirements of the Village. There are 168 parking spaces provided. Of these 32 are in the underground garage of the basement and the rest are outside. We have shown 53 on the map in reserve but don't plan to be using them immediately so it brings the total up to 221 spaces. Due to the fact that they are in reserve we are requesting a 53 space waiver for these spots. We are looking for final approval of the revised site plan. We first need to get a Negative Declaration regarding the environmental impacts of application. We made a buffer increase all the way around and, added sidewalks to Route 59, and tried to revise all requested comments and requests of the Board. Leonard Jackson the engineer for the project is also present for any questions.

Tom Gulla asked if any of the banked parking fall within the buffer areas. Ken Moran responded that it is in the 100 foot area outside the wetlands.

Kristen O'Donnell reviewed plans EAF questions, comments with DOT are good and they are still waiting on comments from Fire Department. Requested some other way of blocking headlights onto Route 59 spoke to engineer Leonard Jackson about it and they are proposing a fence. Details of the fence and retaining walls will be needed as well. The reserve parking is in the front set back area and discussed at CDRC to move it to the back to review conflict. We have GML from County Planning. It looks like everything in there can be accomplished. They asked about snow removal and for an additional side walk which needs to be taken care of and put on the plan as well and can be conditions of approval. No signage detail. Need a detail and location of the plan. The bulk table variances required from earlier plan needs to be removed as its still on an earlier plan. Need to initiate SEQRA as we have an EAF although some minor changes need to be made.

Dan Kraushaar asked if there are any comments from Town of Ramapo. For the record there is an updated letter from the DOT. Leonard Jackson will provide since back on 1/22/15 there was not. Doug Whipple noted that we have a letter dated September 15, 2015 from the Sewer Department.

Leonard Jackson has a letter where they complied with all items that were outstanding. There is only one outstanding item which is to go to Corps of Engineers and get their approval. The fact is they are not in their jurisdiction. I would ask the Board to override that. Kristen pointed out we are not providing a final approval tonight. There are issues from the last public hearing we would like to address.

Leonard Jackson discussed that the neighbors have a drainage problem on their sites. We went to the FEEMA flood maps and got the flood zones. This project is only touching 2 of the 5 acres of the drainage problem from 400 acres originated in a different area. The drainage issues are not from this site.

Kristen advised that we can initiate Lead agency. There are still some outstanding issues we discussed and you are not in a position to complete SEQRA at this time.

Eve's major concerns are access to the site, geometry and projected sight distance. Eve did not have an opportunity to submit a letter but again her primary concern is the access onto the site as the position of the driveway doesn't line up with any access isle and is a very awkward entrance to the site. We are still waiting for additional comments from the DOT. The numerous retaining walls are also a concern. Along the eastern property line the large retaining wall varies in height and is immediately up to the property line. Leonard Jackson indicated he would be exploring sheeting. He is not sure what that is all about. Application is also seeking encroaching the wetlands regulated area of the Village. That regulated area provides some type of water storage even through the grading is not flat. The Western section currently has a dwelling and that area is proposed to be future parking. However, more concerned with the amount of fill that will coming into the site. Hoping for more investigation into the architecture to the building and to come up with some design better suited for this site.

Dan Kraushaar asked what the applicant meant by wedge property segment. Leonard Jackson advised it was a surveying label issue. Dan asked who is getting the deed. Ken Moran will

respond once he gets the report from the surveyor. Dan would like to see something from the title company that concurs they are the rightful owner. Dan asked if this will affect the bulk area in anyway? Leonard Jackson indicated very little. Tom Gulla asked how much area? Leonard Jackson noted 600 sq. feet of 220,000 sq. feet.

Leonard Jackson was hoping for a final approval tonight as this is the Final Plan. He will have a letter from DOT next time as the traffic and sight study analysis has been done.

Chairman Whipple opened the public hearing at 8:24pm.

Mike Papini, 19 Glenmere Court lives directly behind the property. He is against the project in general. Concerned home values will decrease. The hill is a hazard in itself especially in the winter. There are water issues at Tallman Pines; it used to be a lake now there are no overflow lakes left. The area was zoned for one family residence now its commercial doesn't understand how this happened after 50 years.

Lou Carretero, 9 Glenmere the sq. footage is a solid run off. The retention pond did not do the job and the runoff will run into the stream without a large retention basin area. It will go into our backyards and erode the land away. The lights, garbage trucks and traffic are also concerns. There is an entrance way on the hill with no lane to slow down and the turn is a danger area. We have pictures of last big rain storm put into the record. Dan indicated that they can go on record. Chairman Whipple noted that there is no date, place or time on any pictures to prove that these pictures are in that area. They have a date on the letter that was sent to the Board. Chairman Whipple asked for dates on the photos.

Dan asked if there was ever any insurance claim. Joan Ascolese advised she did put one in. Dan indicated therefore it is on record.

Joan Ascolese, 7 Glenmere Court Pictures taken from a phone can prove date. She is concerned about accidents and traffic safety issues. Chairman Whipple requested that she resubmit the photos with dates. Dan Kraushaar asked that the photos be shown to Village Engineer.

Dan Kraushaar addressed the zoning questions. It is zoned for Nonresidential – NS Neighborhood Shopping. Zoning as of right now is zoned for commercial use.

Kristen noted that all 3 lots all have been Non-Residential. There are a number of issues regarding retention issues on the site. Dan asked how the detention is being handled and how did it go from a one story to a 2 story building. Leonard Jackson indicated that the project conforms to the zone. Regarding flooding issue they do have a retention underground not exacerbating the flooding. Walls have to be there for the safety. DOT needs to provide comments.

Lou Carretero 9 Glenmere Ct asked if it was possible to get copies of the site plan to review areas of the parking lot to review how much run off there could be. Dan Kraushaar reminded them that they have the right to fill out a foil request and can review all documents to the site plan, reports from the various agencies, drainage, etc. He also recommends waiting for the engineer to produce her report with the drainage issues.

The public discussed not receiving a letter of notification Chairman Whipple advised it's a continuation of the public hearing you will not be re-notified with a continued public notice.

He made the recommendation to give their names and email to the clerk to ensure they are notified. Dan Kraushaar. Strongly recommends the PB require a new public hearing be sent out to everyone on the list with a re-notice. Chairman strongly agrees because it has been too long of time in between.

Mike Papini 19 Glenmere – question on what kind of security there will be. He is very concerned with the height of the wall.

Kristen O'Donnell - PB needs to needs to declare Village as lead agency for SEQRA and type of action. Do environmental studies.

Chairman Whipple made a motion to declare the Village of Airmont as lead agency for the application of Culinary Depot. It was seconded by Tom Gulla, all in favor. Motion carried unanimously.

Chairman Whipple made a motion for SEQRA purposes as an unlisted action. Tom Gulla seconded all in favor. Motion carried unanimously.

Eve Mancuso recommends that architectural renderings be shown from different elevations consistent with the construction.

Chairman Whipple made a motion to continue and re-notice the public hearing for PB for October 22nd at 8:00pm at Village Hall for Culinary Depot.

**Congregation Tifereth Israel
Public Hearing
4 Monsey Heights Road
Residential Place of Worship
Amended Site Plan**

Anthony Celentano from Celentano Engineering representing the applicant and they are here looking for a referral to the ZBA for a variance.

Eve Mancuso has a letter coming up. The plans have been revised to show that the boundary area from the thruway is clearly shown; sight lines are not on there from the driveway; the plan should show dimensions of sidewalks; finished floor show ADA requirements to be met; soil test needs to be done; need to show the utilities; retaining walls need to provide calculations; note trees to remain if any; lighting plan has been provided, the driveway light pole needs to shifted East so that the driveway can be better illuminated; a fence was provided but want to ensure it does not block sight distance; and need to show that erosion controls will be implemented.

Kristen O'Donnell – Need to ensure landscaping space is viable. The plan shows overkill not enough space for plants to live. Anthony will talk to landscape architects for recommendations. Questioned what path would pedestrians take to the site. They will need additional illumination

on path from the road. Kristen indicated that no action has been taken on SEQRA for this application. We have an EAF and the only changes are that they need to list the ZBA and Thruway Authority as involved agencies. Kristen advised that the Board does not need to do anything with GML until they return from ZBA.

Chairman Whipple made a motion to declare the Village of Airmont PB as lead agency for the application of Congregation Tifereth Israel. Tony Santucci seconded. All in favor motion carries unanimously.

Chairman Whipple made a motion to approve SEQRA as an unlisted action. Tom Gulla seconded. All in favor motion carries unanimously.

Chairman Whipple opened the public hearing at 9:02 pm. Tom Gulla seconded it. Public Hearing opened:

Kenneth Bresna, 54 Regina Road submitting for the record. Realized he is here for the wrong application so he withdraws as Karlin Stolin was removed from the agenda.

Chairman Whipple asked if anyone else wanted to speak on the application. No one responded.

Chairman Whipple had a question about the adjoining land owner fence and fill on the adjoining property. The applicant responded that the fence has been repaired and the fill removed.

Applicant asked to explain the status of the lease area since they are waiting for the Village to approve. Dan Kraushaar indicated that we are not in a great position because they don't have a lease for the area and we don't have a lease for the lease area in writing. The State has said to put in writing the willingness to give the lease area only and proof of same. Another issue is that the county wanted a road widening for Monsey Heights Road and they are not sure how it would be accomplished if they are not taking over the property. They will get the lease area only after the lease is approved.

Dan Kraushaar noted that the county wanted Monsey Heights Rd. widened but not sure how to accomplish this if they are not taking over the property. It is residual thruway property.

Applicant indicated they are in the process to buy it, but it takes 3 years. They are leasing it with a re-buying lease with approval from PB.

Dan Kraushaar Map Note - In the event the applicant or its successors or if someone ever acquires the lease area in fee that it be merged with the adjoining main lot. This would make it one parcel.

Fran Borman 20 Apple blossom Court – where is the lease in question. Tony Celentano – property land is set back. It's the land between Monsey Heights Road and Route 59 going Northbound which they want to acquire for additional parking. Dan Kraushaar indicated that the use already illegally exists.

Chairman Whipple made a motion for Negative Declaration under SEQR. Tony Santucci seconded it. All in favor. Motion carried unanimously.

Chairman Whipple made a motion to seek necessary variances through the Zoning Board. Tom Gulla seconded. All in favor. Motion carried unanimously.

Congregation Zemach David of Dinev
Public Hearing
10 Fosse Court
Neighborhood Place of Worship
Site Plan

Alan Strauss present as attorney for the applicant Zalman Rubin. They are seeking to build a Neighborhood Place of Worship at 10 Fosse Court which is on the corner of Darby and Fosse Court. The property is 1.28 acres, in the R-35 Zone and currently vacant. They are not seeking any variances and submitted drainage reports.

Dan Kraushaar pointed out there is no GML and Kristen O'Donnell confirmed that no GML is needed.

Steve Sparacco, Engineer noted a typo on the vicinity map which says 300 feet and it should be 500 ft. Changes were made since the last meeting with an amended application. It is a one story with a partial unfinished basement and an elevator and currently has 26 parking spaces. He provided some storm drainage, lighting plans, landscaping, and minimal grading. There is more than enough sight distance for 400 feet. They changed the walk area to a 5 ft. walk area from a 4 ft. walk for ADA compliance. There are no sidewalks that exist now or none that are proposed by the applicant. Drop off within the parking area would work for handicap accessibility. The walkway is more for aesthetic purposes.

Kristen O'Donnell indicated that this neighborhood place of worship is straightforward, landscaping is proposed properly in shade tree locations, grading in back so headlights won't be an issue.

Dan asked if the water department was contacted and the water service is United Water. The willingness to serve should be covered by the original site plan.

Eve Mancuso needs a storm water maintenance agreement, soil testing, and erosion control measures installed prior to starting work. She will write a letter indicating this.

Dan Kraushaar noted that there are 26 parking spaces shown as required. He asked if additional parking be needed. Applicant Zalmen Rubin indicated that he is comfortable with the number of spaces. Everyone will be walking to the site.

Chairman Whipple indicated that there is no area to park on the road or on the corner and they don't like to see over building of parking if not necessary. He also noted there is no need for a sidewalk.

Chairman Whipple opened the public hearing at 9:35 pm. No one spoke. Chairman Whipple closed the public hearing at 9:36pm. Tony Santucci seconded it. Dan indicated for the record there was no opposition.

Chairman Whipple made a motion that Airmont PB is the lead agency for Congregation Zemach David of Dinev. Tony Santucci seconded. All in favor, motion carried unanimously.

Chairman Whipple made a motion for SEQRA purposes that this is an unlisted action. Tony Santucci seconded. All in favor, motion carried unanimously.

Chairman Whipple made a motion to adopt a Negative Declaration under SEQRA. Tom Gulla seconded the motion. All in favor, motion carried unanimously.

Tom Gulla made motion to approve this application for Congregation Zemach David of Dinev at 10 Fosse Court subject to:

- ARB review
- The application is not subject to GML review and should be noted in the resolution
- A stormwater management report
- Soil testing
- An erosion control plan
- A Stormwater Maintenance Agreement
- No signs are being approved at this time but the applicant may submit a permit application for a compliant sign to the Building Inspector. If it does not comply applicant is to return to the PB.
- All subject to comments from the town, sewer, Monsey Fire department, ARB and the fire district.

Tony Santucci seconded the motion all in favor. Motion carried unanimously.

Berk Homes
Continued Public Hearing
330 Spook Rock Road
Revised Site Plan

Larry Marshall, Engineer from Mercurio, Norton, Tarolli & Marshall and last appeared before the PB at the 8/27 Public Hearing. Tonight is a continuation of that PH. Since that meeting they have resolved several outstanding items and most importantly received approvals for variances for lot area, lot width and street frontage, received variances on 9/10/2015 from the ZBA. In addition they have received the following:

- Letter of acceptance from Thruway dated 9/2/15
- Willingness to serve letter from United Water dated 9/4/15
- Letter of acceptance from Tallman Fire Department dated 9/8/15 which came with conditions and part of ZBA consideration in approving the variances
- Letter of acceptance from Rockland County Department of Health dated 9/22/15
- Correspondence from the County of Rockland Department of Highway dated 9/22/15
- Correspondence from the Town of Ramapo Department of Public Works dated 9/17/15

They responded to both the County of Rockland Department of Highway comments and the Town of Ramapo Department of Public Works as those letters just came in. The main provisions to the site plan are the entrance way for entrance and exiting which are demonstrated.

Widened the proposed entrance and increased the flares. The main concern is that it did not impact any movements on the adjacent lanes. The driveway concerns and turning issues have been addressed. A movement for the equivalent of the largest truck from the Tallman Fire Department utilizing a 45 ft. truck is also shown.

Larry Marshall again noted that the entry way was widened. They are still waiting for the Traffic Study as it was not reviewed by the Highway Department.

Kristen O'Donnell indicated that at the ZBA meeting the discussion was the access. This is why the truck analysis was redone and the entrance widened and revised. There were conditions from the ZBA. We are also waiting on the Traffic Study to be reviewed by the Rockland County Department of Highways as it needs to be analyzed.

Conditions of variances from the ZBA:

- Execution of agreement from the neighbor for easement
- Recommended that the PB look into putting a restriction on a maximum of 48 ft. trailer as this is what was analyzed
- PB is to await review and comments from the Rockland County Highway as the letter says it did not review the traffic study. They need the Highway approval on the entrance.

Dan Kraushaar noted that both the ZBA and PB after the fact received a letter from Eugene Parker, VP and Board of Manager of Spook Rock Industrial Park Condo 1 stating he represents the 17 properties and 25 business owners of Spook Rock Industrial Park 1. Mr. Parker attended the ZBA meeting and expressed his concerns. He sent a letter to the Mr. Rosetti, Superintendent of Highways where he listed 6 objections. Larry Marshall noted they received a letter from Sonny Lin at Rockland County Highway but not Mr. Rosetti.

Larry Marshall noted that they did revise the plans slightly to address the comments in their letter that afternoon and that most of the comments were clarifications not necessarily revisions. They mailed in revised plans to them this afternoon.

Kristen pointed out to Dan that there is a comment on the letter dated on the GML that indicated they need comments from the Army Corp of Engineering which is not required as they are Village wetlands. Dan indicated that it still requires override from GML. Abe Berkovic noted there was mistake on the plans initially saying it was Federal Wetlands when it was actually Village. Kristen noted that there are not enough PB members to do a super majority vote this evening.

Eve Mancuso prepared a letter. The outstanding issue is the access drive. They supplied a new diagram that we are just waiting for the County Highway response. A few housekeeping drafting items need to be clarified. The Storm Water Management Report and the Storm Water Agreement Plan don't match.

Eve Mancuso indicted that going forward it would be helpful if all sites post signs on the site as well as directly on the plan whenever permeable pavement is to be used. This would be similar as to what was done for the Jehovah Witness site as it would go a long way in maintaining it going forward. This will avoid areas inadvertently being damaged or dug up while plowing. A storm water maintenance agreement is also required as well.

Chairman Whipple opened the Public hearing at 10:02pm. Tom Gulla seconded the motion.

Eugene Parker - 12 Dix Hills Road New City. He is the person who wrote the letter to the Department of Highway indicating 6 of the major concerns from a safety standpoint and he understands that everyone is waiting for a response.

Kristen O'Donnell noted that SEQRA was completed. Variances have been received next step is to approve project.

Abe Berkovic noted that this is an existing driveway not a new one. Dan Kraushaar noted that with the variance letter a legal easement needs to be filed with the Rockland County Clerk.

Chairman Whipple asked if the agreement with the homeowner has been agreed to completely. Dan Kraushaar again stated that a proper legal easement that has to be filed with the Rockland County Clerk prior to Chairman Whipple signing a site plan and that it needs to be added on the final site plan. Abe Berkovic noted that it is signed. Chairman Whipple asked to see a copy to clarify who is responsible at what points.

Dan Kraushaar indicated that with only three PB members here tonight and a GML override that is needed; with the outstanding response from the RC Highway Department not noted yet from the 9/22/2015 letter; and the outstanding property owner easement agreement not able to be approved this evening that perhaps it should be a continued public hearing.

Chairman Whipple made a motion to continue the public hearing to 10/22/15 @ 8PM at the Village of Airmont for the purpose of the following:

- Receiving a response from Rockland County Department of Highways,
- To have enough members to consider overriding the decision on the GML
- A Storm Water Management Maintenance Agreement
- A finalized property agreement filed with Rockland County Clerk with the liber and page number and recording information noted on the site plan
- The driveway configuration plans last dated 9/1/15 needs to be in any resolution as this is what the ZBA acted on

Tom Gulla seconded the motion. Motion carried unanimously.

Dan Kraushaar indicated that Culinary Depot is to be re-advertised. When we get everything in for Karlin Stolin they also need to be re-advertised & re-noticed.

Chairman Whipple noted that the Planning Board Meeting for November has been moved to Monday 11/23 at 8:00pm due to Thanksgiving. Chairman Whipple made a motion to adjourn the meeting at 10:20pm. Tom Gulla seconded it. All in favor. Motion carried unanimously.

Transcribed by Suzanne Carley, Clerk