

**Village of Airmont  
Planning Board  
November 23, 2015  
Village Hall**

**Members Present:** Doug Whipple, Chairman  
Tom Gulla  
Anthony Santucci  
Doug Hook, Ad Hoc  
Jeffrey Kirby, Ad Hoc

**Members Absent:** Helen Schwabacher

**Others Present:** Dan Kraushaar, Deputy Village Attorney  
Eve Mancuso, Village Engineer  
Kristen O'Donnell, Village Planner  
Suzanne Carley, Clerk

The meeting was called to order at 8:00pm by Chairman Whipple which was followed by the Pledge of Alliance and roll call.

Tom Gulla made a motion to approve the August 24, 2015 meeting minutes. Anthony Santucci seconded. All in favor. Motion carried.

Anthony Santucci made a motion to approve the September 22, 2015 meeting minutes. Tom Gulla seconded it. All in favor. Motion carried.

Chairman Whipple advised that Edward Kennedy resigned as a Planning Board Member. He reminded everyone that the next meeting is December 14, 2015 due to the Christmas holiday.

Chairman Whipple appointed Jeff Kirby and Donald Hook as voting members.

**Ribiat  
61 Regina Road  
Site Plan  
Public Hearing**

Robert Menche, builder 241 Balor Road Monsey, NY present on behalf of the owners Laya and David Ribiat. Mr. Menche advised that the property is very sloped in their backyard and they cannot use it and would like to do so. They went to CDRC and did a new plan based on the CDRC comments.

Eve Mancuso did a brief letter dated 11/20/2015. They are the terracing the property to make it more useable. These were the items discussed at CDRC. She received a soil test from Environmental Labs Inc. and the results are suitable for residential use.

Dan Kraushaar asked about timing with planting and seeding. Robert Menche advised he would like to start ASAP and would be ready to go in a week or two. Dan asked if it is possible to do all this with the weather changing. Eve Mancuso said a good portion of the work has been done. Robert Menche responded that the soil is ready to move right away. Tree removal professionals are ready to go. An excavator will use actual boulders as the work will be done.

Kristen advised the application is not subject to SEQR as it is not constructing anything.

Dan Kraushaar asked if the application needed a Storm Water Management Agreement.

Eve Mancuso responded no, as it is a proposed graded terraced yard with landscaping.

Kristen O'Donnell asked if a GML was needed for a permit of this nature. The Clerk noted she sent it in and they responded with comments. Dan Kraushaar stated that we can do an override based on the fact that it will not impact county highways. Dan Kraushaar advised that this be read into the record along with the GML letter.

Eve Mancuso noted she had no other outstanding comments.

Chairman Whipple made a motion to open the public hearing at 8:06 pm. Tom Gulla seconded it.

Herbert Aponte – 31 Regina Road. His concern is how everything has changed. Mentioned how a great deal of garbage was out in the back of this property and affected him and he had to remove it. He also mentioned how water would run down from this property onto his. He started discussing the cost of the taxes and that people are walking through his backyard at all times.

Dan Kraushaar asked Mr. Aponte to please limit the comments to this application. Dan asked the Village Engineer to comment on the water issue.

Eve Mancuso - Have you seen the plans proposed for this property. He said he did not he was concerned that the house would be made larger. Eve advised that this has nothing to do with the house it only has to do with the backyard. They want to level it out by making a wall and terracing it. This will make the property level and usable.

Tom Gulla –Explained to Mr. Aponte that he needs to focus on the issue of this application 61 Regina Road nothing more. Not the surrounding properties.

Mildred Aponte – 31 Regina Road. Her concern is that this happened to the neighbor next door and they excavated, removed the trees and then the water came down and she finally had to move.

Tom Gulla explained that we have our own Village Engineer and it is their job to review this from an engineering standpoint. Eve Mancuso noted that their proposal can't make it worse or cause any hardship then what already exists.

Mildred Aponte – complained about all the garbage being dumped. Tom Gulla and Chairman Whipple advised that this is something they need to complain to the Village about.

Dan Kraushaar also asked for clarification if it is the current owner or prior owner that left the garbage. Mrs. Aponte advised it was the prior owner.

David Ribiat - applicant and owner of 61 Regina indicated that this is the first time they are hearing about these complaints and have not done any construction. They noted that when they moved in junk was left there which he removed. He invited members to come look for themselves. This is the first time he is hearing about construction noise.

Mildred Aponte – her concern is will they clean up and will there be a wall to ensure safety and no flooding. She is concerned for the family. Will the terracing slow down the water?

Laya Ribiat – 61 Regina. Thinks the changes of terracing will help the situation rather than worsen it. They are trying to make their backyard safe for her grandchildren due to the cliff that exists.

David Ribiat – with a cliff, there are safety issues as it is very steep and they are trying to level it. He is happy to cooperate with any legitimate concerns from anyone.

Betty Caplis – 29 Regina Road wanted to know how the water can be prevented from running down while the work is being done on this until the rock wall is in.

Eve Mancuso-we need to ask the builder how this would be done with the winter approaching.

Mildred Aponte –she just wants to ensure all the construction material will be removed when it is complete. Concerned about having truckloads of sand/dirt there.

Dan Kraushaar - the closet thing he could see occurring during the course of construction is that they put up a silk fence and hay bales on the bottom side of the slope on their side. This is done to protect your side. This is not a permanent feature. It's put there to block the outflow then the silk fence will be taken out.

Eve Mancuso – there will be a series of stone walls like steps which is terracing,

Dan Kraushaar – if you have questions on the plan you are entitled to look at the entire file. See the Clerk and fill out a F.O.I.L Request.

Eve Mancuso– addressed questions to the builder about timing and what they would use if the grass can't germinate. Robert Menche – noted that there are sprays or alternate means that he would use. Eve Mancuso reminded him that if he is to start work now it must be stabilized.

Dan Kraushaar – asked The Village Engineer, Eve Mancuso to figure out the inspection fees for her to check on the work. Dan recommended that this be a condition of the application as well.

Dan Kraushaar advised the builder that he would like him to consider naming the adjoining property owners on the insurance plans as additional insured and supply a copy to the Village. It does not cost the builder anything.

Tom Gulla advised any other concerns other than this application need to be brought to the BOT or to the Building Inspector. We are only here for 61 Regina.

Chairman Whipple closed the Public Hearing at 8:39pm. Tom Gulla seconded the motion. All in favor and motion carries.

Chairman Whipple made a motion to approve the application of 61 Regina Road for a Clearing, Filling and Excavating permit subject to the conditions discussed by the Board. Anthony Santucci seconded it. All in favor motion carries unanimously.

**Saddle River Road LLC  
424-426 Saddle River Road  
Amended Site Plan  
Public Hearing**

Ryan Karben, Attorney present for the applicant. This is the nail salon next to the strip mall on Saddle River Road. It's a 3000 sq. ft. upstairs and downstairs. The tenant in the downstairs wants to build an office. It currently stores chairs in this space downstairs. The Building Inspector noted that there is a note on the site plan that denotes that the storage can only be used by the nail salon. The nail salon does not have this extensive need for storage. They are here because they need a waiver for the map note. They are requesting removal of the map note. They will also be requesting a waiver of one parking spot as well.

Eve Mancuso – does not have a letter prepared. She does not see any impact at this point as the internal use of the building does not have an engineering impact other than variances or parking. Need to see a floor plan or square footage to see how they would be utilized.

Kristen O'Donnell –this application did not go to CDRC to discuss. Concern is the storage is not a principal use in the NS Zone. The storage use as a permitted accessory is

a separate issue. The note is not a restricting factor, it is the zone. Perhaps the proposal needs to be framed differently so you don't need to go for a use variance.

Ryan Karben - The restricting factor is the zone and it does not have a lot variance which they have no issue requesting.

Dan Kraushaar does feel that ultimately they need to go to CDRC so that everyone can discuss their position and the applicant has the opportunity to discuss their position. He would like to see the prior CFO's. He would like to note for the record that a municipality is never stopped from enforcing its zoning regardless of prior action.

Chairman Whipple opened the Public Hearing at 8:54pm and Tom Gulla seconded it.

Hyman Gubitz – 53 Lyncrest Drive Monsey, NY. Purchased the property four years ago and was sold to him as a rented property. Repaired and paid \$12k to cover the violation of his prior tenant. He then got a CFO for his tenant to store the chairs on weekends however he now wants an office.

Kristen O'Donnell – recommends for him to legalize the office which is the correct way to proceed. Need a floor plan to show the interior storage vs. office. Note it as an office with an accessory area and amend the bulk table. Request needed variances for lot area. Go to CDRC and come back to PB.

Dennis Hunter – 2 Long Meadow Drive. His property adjoins this property in question. He strongly objects. The noise of the trucks is intolerable. There have been a succession of tenants and the building is zoned NS. They are drawing a fine line between a storage and commercial use. It is a very active business without a storefront. The noise, the smoking, the smell and dirt along his property is intolerable and he can't enjoy his own property which goes right along his. The only separation of yard is a 4 ft. cyclone fence. He gets garbage, packing material etc. all on his property. The last couple of years it has gotten progressively worse. He received a letter about the public hearing and felt he had to say something. Concerned when the chair guy leaves what will be in there next. It is not a storage it is a business with trucks and loads that go in and out.

Kristen O'Donnell – haven't spoken to Ian about it and it hasn't gone to CDRC. We will look at any notes and any other requirements or conditions on the property that are required. Will look at the previous resolution of approval and what was accepted at the time as well as a site plan approval.

Hyman Gubitz – apologies for the inconvenience of this property. Purchased 4 years ago and has cleaned up all the violations since his purchase.

Ryan Karben – we were not scheduled to go to CDRC and will gladly go and address the concerns. Ryan Karben and the Clerk will coordinate dates for him to meet with the CDRC Members.

Kristen O'Donnell noted that they need a better narrative, existing site plan and pull the resolution.

Chairman Whipple made a motion to continue the public hearing to December 14, 2015 at Village Hall at 8:00pm and holdover to the January meeting should it deem necessary.

Dan Kraushaar explained the continued public hearing allows for no re-notice.

Tom Gulla seconded the motion. All in favor and the motion carried unanimously.

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

Abe Berkovic was present as applicant. The only outstanding item was the County Department of Highways and the entrance to the property. He and his engineer met this morning with Sonny Lin and Mr. Rizzetti the superintendent of the County Dept. of Highways. They came to a solution which is:

- 1) The existing light that is further down from the school and the industrial park. They want to do an arm bar at the exit with light activation with special sensors to give signals.
- 2) When making a left turn onto Spook Rock Road to work well they pull the stop bar back behind their property. This way people exiting the tunnel will have a clear path up Spook Rock Road.

Eve Mancuso – who is responsible for the design and who will pay for it? Abe Berkovic indicated he is responsible for all costs. He noted that the County approves the stop lights/sequence. The superintendent explained that the Town adjusts it. He explained that every County is based on a charter at the Local Municipality. In this case it's the Town's responsibility as there is no DPW for the Village to handle it. This is how it was explained to him. Chairman Whipple asked who is responsible for the maintenance if something goes wrong with the light. Abe Berkovic advised it is the Town's responsibility.

Dan Kraushaar asked who is taking the escrow, doing the calculations, the permits etc. for the light. Abe Berkovic indicated that it is part of the County. Dan noted to be clear no CFO is to be issued by the Building Department prior and until the signal is functioning.

We have a letter stating this in writing for the record dated 11/23/15 from The County of Highways which was read into the record.

Dan Kraushaar asked Eve Mancuso to review the two meets and bounds description and she said it was fine. Dan noted that the agreement will need to be filed prior to Chairman's endorsement on the map. Eve Mancuso noted it should also state that it is a

mutual access and utility easement as well a driveway maintenance agreement. There is also a spelling error.

Eve Mancuso noted she only has the second description for what will be utilized. There is currently no description of the full property. Mr. Berkovic asked if it was necessary and they responded it was. Eve noted that they also need a Storm Water Maintenance Agreement.

Dan Kraushaar also noted that they need:

- Fire Lane Enforcement Agreement
- Whatever conditions were reiterated by the ZBA
- Comments transposed and involved agencies are conditions
- Go to ARB for their approval
- When all of that is done they need to come back to CDRC to ensure that all the conditions are met before the Chairman signs off

Kristen O'Donnell noted that the conditions attached to the variances were:

- Execution of easement agreement
- ZBA recommends that the PB should review trucks and the possibility for restricting trucks greater than 48 ft.
- Wait for review by the highway department which was received
- These all should be on the site plan as a map note

Dan Kraushaar – noted you can add an additional condition of trucks no greater than 48 ft.

Chairman Whipple made a motion to close the Public Hearing at 9:30pm. Tom Gulla seconded the motion. All in favor and motion is carried.

Kristen O'Donnell - SEQR was completed prior to referral to ZBA.

Chairman Whipple made a motion to approve the application of Berk Homes with the conditions previously stated with the requirement to direct the applicant to ARB once the above conditions are met; that the applicant be placed on a CDRC Agenda for review and ensure all conditions are met for Chairman to endorse and sign. Anthony Santucci seconded. All in favor motion carried unanimously.

Chairman Whipple made a motion to adjourn the meeting at 9:41pm. Tom Gulla seconded it. All in favor. Motion carried unanimously.