

**Village of Airmont  
Planning Board  
January 28, 2016  
Village Hall  
8:00pm**

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

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

**Members Absent:** Helen Schwabacher

The meeting was called to order at 8:01pm by Chairman Whipple which was followed by the Pledge of Allegiance and roll call.

Chairman Whipple appointed both Jeff Kirby and Doug Hook as voting members.

Anthony Santucci made a motion to approve the November 23, 2015 meeting minutes. Tom Gulla seconded it. All in favor. Motion carried.

Anthony Santucci made a motion to approve the December 14, 2015 meeting minutes. Tom Gulla seconded it. All in favor. Motion carried.

**Lubavitch of Monsey  
25 South Monsey Road  
School  
Amended Site Plan  
Continued Public Hearing**

Present: Ira Emanuel, Attorney for the applicant; Tom Skrable, Project Engineer; Avraham Hayman Applicant

Here last month PB at that time it was determined that this was a Type II action however the GML had not been received as of yet from RCP and we have since received it.

They also received a memo from the Tallman Fire Department dated 1/23/16 requesting a Knox Box and the location. They have no issue at all and they will work with the Fire Department on the location of it as well.

Letter from Eve Mancuso, Brooker Engineering 1/29/16. Noted that all items have been addressed. Eve had a question on the plan about a stair case with a landing that is off the second level. Where are those stair cases going to land?

Tom Skrable – It's a secondary means of egress for emergency purposes and they were not proposing anything. Eve advised that they note it and put a landing on the bottom for emergency egress purposes.

Letter from Rockland County Planning (RCP) dated 12/17/16 which for the most part applicant has no problem with their comments.

Ira Emanuel had a question of the Clerk if we heard back from the office of Rockland County Emergency Management in regards to the letter she sent. The Clerk advised she had not and that the 30 days has passed as the letter was sent 12/22/15. Ira noted it wasn't unusual for them not to respond.

Ira Emanuel - Only other item is #12 on the GML which refers to moving the dumpster enclosure and they will ask for an override on this one.

Tom Skrable – for practical reasons it's been moved and works better in the new location and they do not have it near the play area where activities are going on. We request it be overridden by board.

Ira Emanuel noted that RCP responsibility is to be looking at regional and county wide issues. Does not know how this location of a dumpster would affect any county wide planning issues, which is another reason for the override as they have over stepped their bounds.

Kristen O'Donnell- Applicant made changes they asked for as they widened the parking spaces. RCP probably did not look at the overall original approval in terms of the rationale of #8 of GML in saying that for future parking spaces the applicant would have to come back for PB approval. Kristen looked at the prior original plan and resolution of approval and that was covered at time of original approval asked applicant to design their drainage system that the spots be paved. Therefore does not believe you will need to come back to PB. This would require an override this as it is in the original resolution and you would not have to come back to PB. On the issue of pervious pavement this Village does not have anything in the code that requires a reduction or factoring in of pervious pavement. Therefore it does not count towards overall developmental coverage so it's not required. It's not enforced. Any SWPP's designed with DEC regulations that do require that.

Tom Gulla – was their additional parking needed as a result of additional classrooms and is that that shown?

Tom Skrable – note that the site is functioning properly with the current parking. At the last meeting there was a discussion of overlap of classes and that issue will go away as they are meeting internally to change the scheduling. They probably don't need these nine spaces that have been there with gravel but are formalizing with pervious pavement in case.

Ira Emanuel– noted there are plenty of parking spaces that have already been approved if more are needed.

Tony Santucci - concerned about them being in compliance with the fire code.

Ira Emanuel – explained that in order to get a CO you need to be in compliance as part of the requirements with the building department.

Dan Kraushaar – if they don't have it from the previous approval we need a fire lane enforcement agreement as a condition of approval.

Ira Emanuel– he believes there is one if not they will provide one.

Chairman Whipple opened the public hearing at 8:10pm. No one responded.

Chairman Whipple made a motion to close the Public Hearing at 8:11am. Tom Gulla seconded. All in favor. Aye Motion carries.

Kristen O'Donnell - For the record this application is a Type II action for SEQRA. She also asked if the lots were formally merged.

Tom Skrable– Lots were merged will have to updated the plan to show this.

Dan – note that this is a condition approval to have the lots merged and noted on the plan.

Ira Emanuel requesting final approval with overrides on the RCP GML for items #7 pervious pavement calculation, #8 no additional PB approval to develop originally approved parking spaces and #12 Dumpster locations.

Chairman Whipple makes a motion to approve the application for amended site plan approval for Lubavitch of Monsey 25-27 South Monsey Road subject to the following:

- Comments in letter from Brooker Engineering dated 1/27/16
- Comments of the Village Planner Turner Miller 1/26/16
- Letter from Tallman Fire Department dated 1/23/16
- Compliance with all conditions not overridden by RCP dated 12/17/15
- Revision of the map to reflect that all lots have been merged under lot 35
- Confirmation or execution of a fire lane enforcement agreement

In addition Chairman Whipple makes a motion to override the following items from RCP GML letter dated 12/17/15:

#7 Reason: Village of Airmont does not require pervious pavement to be calculated as part of Developmental Coverage.

#8 Reason: Original approved site plan contain plans for the future build out and based on the original approval no additional PB approval required to develop these parking spaces.

#12 Reason: Dumpster is a matter for local determination and one that does not fit within the criteria of a GML review as it is not a matter that would have county wide significance.

Jeff Kirby seconded the motion. All in favor Aye. Motions carries. Application for Lubavitch of Monsey is approved.

**Brach**  
**4 Larissa Court**  
**Clearing, Filling & Excavating**  
**Site Plan**

Anthony Celentano, PE represented the applicant. Explained applicant is looking to legalize the swing set area and ball court.

Eve Mancuso, Village Engineer:

-read into the record her memo dated 1/28/16. (Attached)

-Storm Water Management Addressed

No comments from the Village Planner. No GML is required.

Chairman Whipple Opening the public hearing at 8:24pm which was seconded by Jeff Kirby. All in favor. Aye.

Laura Magna 35 Christmas Hill Road – addressed the issue with the Village that they came to the Village after the work was done and completed. Concerned work was not done in the right way since no one could oversea things it was done late in the afternoon. Looks great but wishes they got the approval in advance of doing the work.

Anthony Auriemma live behind on 15 Alpha Lane. Most of the work was done late in the afternoon after the code enforcer was off. This was done behind everyone's eyes. Feels the fence should be 6 ft. high not 4 ft. in case a child runs out after a ball it's unsafe and there is no gate. Feels the applicant should have come to the Village first not after the fact. What are they going to do about all the trees will they be replaced? Is this a safe plan.

Ralph Bracco 30 New County Road -Ordinances should be followed; people went to Village several times about this project. Concerned about the retaining wall and the additional run off. They did not follow the process. Was the electrical work done properly and were permits needed and sought? Process not followed.

Follow up Items:

- Engineer needs to update the plans with shading/clouding on the area of area of disturbance and put calculations on the plan for review.
- Was the soil tested?
- Want proof of what was built and copies of any receipts and electrical permits

Chairman Whipple made a motion to continue the Public Hearing until 3/24/16 at the 8:00pm Village Hall per the request of the Anthony Celentano the Engineer as he asked for an additional month to compile all items. Donald Hook seconded the motion. All in favor. Motion carries.

**Culinary Depot  
357, 363, 365 Routes 59  
Office Building  
Revised Site Plan**

Leonard Jackson and Rhonda Smith, Engineers from Leonard Jackson Associates and Attorney Ken Moran present for the applicant. The applicant/owner Max Paesch and Mr. Potash also present.

Leonard Jackson advised that they are here tonight to:

- Request a Negative Declaration for SEQRA
- Final Approval on Site Plan
- It's a Conforming Plan and the use is for an office building permitted in the zone
- No variances being requested
- Parking and land bank parking make up parking requirements with a waiver if ever needed at a later date
- Addressed comments from: NY State DOT, Tallman Fire Department, Sewer Department and many other agencies.
- There is a 250 ft. buffer with trees with as many evergreens as they could fit and a fence
- Prepared renderings to show how it would look with a view from Glenmere Court showing current and proposed
- Met with RCP on 1/2/16 and reviewed all the comments on the GML and they revised the one comment about a needing permit from the Army Corps of Engineering which is no longer needed.
- Have met with Planning Board and CDRC several times and revised plans on all their recommendations.
- Two biggest concerns – Neighbors do not want to see an office building near their home and there is a floodplain defined by FEEMA on some of the adjacent properties. They have supplemented the trees, they are not taking any trees down and plan to put in as many as possible in the existing open areas which is on the landscaping plan.

On the site:

Floodplain defined by FEEMA

Stream that runs through the site

They are not allowed to increase the flow rate so it doesn't make it worse which they are not doing.

Also went to ARB for suggestions and will go back with additional renderings and recommendations.

Eve Mancuso Village Engineer read into the record her letter dated 1/27/2016. She read and reviewed items 1 – 15.

Leonard Jackson noted they will take care of all the requested items as well as those addressed in the letter from the Tallman Fire Department.

Kristen O'Donnell – objective is to complete the SEQRA process for this evening. Received renderings which are the last piece. Biggest impacts are the visual impacts from the neighbor – Route 59 cul de sac with rendering from the rear. Leonard Jackson noted that the doors meet ADA requirements

Dan Kraushaar asked for the applicant to summarize from where they were to where they are now. He indicated that they have tried to make this as palliative as possible as it has been going on for 1 ½ - 2 years to make it acceptable to the neighbors. They have substantially reduced the size of the building to make everyone happy. Project derived from many alternatives to make it acceptable to the neighbors

Clerk advised that this application was re-noticed. Chairman Whipple made a motion to open the public hearing at 9:11 am, seconded by Tom Gulla. Upon vote, this motion carried unanimously.

Lou Carterro- 9 Glenmere Court. He noted that if you look at photo and go west and down to the south near the plots near the river you see that the trees are nowhere near these renderings. Therefore there is a probability of seeing the lights and hearing the trucks. Understand that all the evergreen trees are 7-8 ft. and need to grow in. I would imagine that the Village will re-inspect it and put money in reserve to ensure it's done appropriately. Around the end closet to Laura Drive there is a retaining wall and 4 ft. fence so cars can't get through but the homes are exposed for people to walk through homes and are exposed for robbery. At the corner ends there are already footprints through his yard and he has called the police. He asked if there will be a 7-8 ft. fence with barbed wire if people try to come through. In terms of drainage – wetlands will absorb some of the water before it runs into the stream. He discussed that there is an open pipe onto Laura Drive at the beginning of the hill where there are rocks onto Laura Drive and into Glenmere and this will add again to the drainage problem with a heavy rainfall. This will add again to the amount of water flowing. If we say there won't be any additional water problems can't something be put into escrow should there be an issue so these properties are taken care of? The property where the stream lies has a sewer drain low area water bubbles up and goes forward.

Leonard Jackson asked for him to show which area he is referencing. Leonard explained that every drop of water from the new developed area goes into the drainage system. Whatever local drainage problems exist have nothing to do with the water from this project. There is a 5 ft. buffer adjacent to the surrounding property plenty of room to fit in between.

Lou Carterro – mentioned that there are not many trees by the 3 houses not looking at the lot.

Leonard Jackson – shows building parking underneath and the purpose of the fence is to block the light to minimize the effect on the property owners.

Ken Moran - Choose this house as it is the closest to the building and because at prior meetings the homeowner stressed concerns about this project and take care of his house.

Lou Carterro – Asked if the Town is there for the Village taxpayers or a new developer? Are they bending rules?

Dan Kraushaar – reminded everyone that this is the PB, issues with the DOT, lighting, planting, architectural are not just thrown to PB on the 1<sup>st</sup> blush. This applicant is following the rules and complying with the law as they also try and accommodate the rights of the property owners, and rights of neighbors. They have been before the PB several times for over a year which is why he asked Leonard to explain where they were and where they are now.

Leonard Jackson – the light is 15 ft. high and also shielded. We can't turn off all the lights we need to keep minimal lighting. There is currently a 4 ft. opaque fence.

Lou Carterro – there is a need for protection fencing. There currently is an opaque fence 4 ft. high. Could you put in a 7-8 ft. fence, or 6 ft. if that is the village code? The Fitness center has a higher fence which is interesting.

Joan Ascolese – 7 Glenmere Court. Lives at bottom where there is a stream at the end coming through. There is a culvert behind the house that belongs to the railroad with drains. It's always flooding the yard. What happens if it gets flooded again?

Leonard Jackson Associates – I'm sure it will be flooded again. The drainage feeding into the property is a half sq. mile, but our site 5 acres and has a massive detention system. Culinary Depot is not increasing the flow and that's all they are charged with ensuring that occurs for the application.

Chairman Whipple – did you go to Village Board meetings? Have you voiced your concerns with a letter?

Joan Ascolese – I've asked for them to come look at it.

Dan Kraushaar – who regulates the stream?

Leonard Jackson– if the stream is on her property she does. No agency does from a jurisdiction standpoint.

Joan Ascolese – you are putting more water onto my property

Leonard Jackson –There is no choice where the water goes. The water goes where it is naturally goes. We haven't even built yet.

Joan Ascolese -Wants to know where water will go.

Efraim Gottdiener - 6 Hidden Glen Road- right now that property is a real eyesore. Feels this will help the Village with taxes. In terms of security anyone could get through whether they built an office building or a pizzeria. It's abutting a commercial district and is zoned commercial so he feels this is the best solution.

Mike Pappini 16 Glenmere Court – Totally against the project. The pictures Leonard Jackson is showing are of his home. Feels this project will make his market value drop. He does not want to see trucks and lights. Said he you should see the view from his deck. He discussed the water being a big problem. They are building this project 50 feet from his home and he will have a full view of the building from his bedroom window which is an eyesore. This is not a stream area but a wetlands area which brings mosquitos, noise, light and trucks. When the trees have no leaves you can see everything. Concerned trees that are currently there will eventually fall on his property. Don't want to hear trucks and see lights. Have no problem with the fence. The woods have become a swamp wetlands it's no longer a stream. This project will be a physical eyesore.

Lou Carterro – where does this leave us tonight?

Chairman Whipple - we have not made any decisions as of yet.

Dan Kraushaar – there are additional issues that were brought up such as the height of the fence.

Leonard Jackson- In terms of the drainage problems there is no basis. The analysis shows that they will not increase or exasperate their current water problems. They have no problem in providing higher fences and comply with a 6 ft. height. Does not know what else we can do to mitigate this process.

Joan Acoloses – so no one cares if we get flooded again. So what will happen when it really rains and my property is flooded.

Chairman Whipple – The water can't go under the railroad tracks fast enough. You have no jurisdiction with the stream since you own it. You'll have to fight it with the railroad.

Dennis Cohen – 4 Sumter Road. Since we have water issues maybe we should hear from our Village Engineer Eve Mancuso to discuss and explain what she has discovered on this plan. He feels we should hear from our engineer Eve to discuss the water issues.

Eve Mancuso - There is a very extensive underground drainage system that complies with their regulations designed for this site and it addresses quantity and quality for water that the DEC requires. There is an extensive system, soil tests have been performed and the percolation rate is very good. Unfortunately as Leonard Jackson pointed out they are not correcting any existing problems coming from the upstream drainage area which is called a pass through flow. A number of years ago the town did go in and clear boulders. The culvert is probably under sized and underdeveloped. This site is not adding water they are actually reducing the flow slightly by slowing it down. They are not obligated to correct what is coming through the site only what is generated from their particular site.

Chairman Whipple - Go to the county, town and village board to seek relief. You will probably need to follow up with a letter with each organization possibly through an attorney.

Lou Carterro- asked for overflow statistics so that they would know what to anticipate.

Chairman Whipple asked for additional comments from the consultants:

Eve Mancuso -Engineering items have been addressed.

Kristen O'Donnell- Given fact meets the zoning and with supplemental buffer and also the applicant revised architectural they have supplemented the landscaping the buffer. The board needs to make a determination if the visual impact has been mitigated. There is proposed banked parking.

Tom Gulla - will reserved parking affect the wetland

Eve Mancuso – regulated wetlands delineated by dash line not encroached

Tom Gulla -No need for wetlands there? How many banked spots?

Eve Mancuso – 34 banked spaces but doubt they will ever develop them

Mike Papini – height of the trees over towing house and they are leaving the 50 ft. buffer, these trees are double height of house and you will kill the roots of the trees and then trees will fall on my house or on your building.

Chairman Whipple made a motion to close the public hearing, Tom Gulla seconded it. All in favor. Aye.

Anthony Santucci made a motion to adopt a negative Declaration for SEQRA. Tom Gulla seconded it. All in favor. Aye.

Dan Kraushaar – Noted the following items need to be in place:

- Storm Water agreement will need to have security associated with it.
- Trees if not planted right away to be insured 2 planting seasons beyond C of O.
- Fire Lane Enforcement Agreement
- note that the building is to be used as an office not a warehouse

Kristen O'Donnell – need to add landscape note of language in Village Code

Dan Kraushaar – resolve conservation easement over the wetlands

Chairman Whipple – wants to see it indicated on the plan

Dan Kraushaar – a conservation agreement is to be filed

Chairman Whipple made a motion to approve Culinary Depot subject to the conditions indicated in the following:

- 1/23/16 letter from Tallman Fire Department
- 1/26/16 letter from RCP for the record explaining their original comment to the prior GML with regard to the wetlands and their revised comments and agreeing to all conditions from prior GML dated 1/6/15.
- Storm Water Management Agreement with appropriate security amount determined by the Village Engineer
- Mount an appropriate solid 6 foot fence around the parking lot on top of the wall
- 3 lots to be merged and proof of same to be supplied to P&Z Clerk prior to the Chairman signing the final site plan.
- Fire Lane Enforcement Agreement before receiving a Certificate of Occupancy
- Trees insured for two planting seasons if not planted right away
- 1/27/16 letter from Eve Mancuso, Brooker Engineering
- Lighting conditions to be noted (i.e. perimeter lights off at 9pm)
- Landscaping note
- Note that the building is an office building not to be used as a warehouse
- Conservation easement over the balance of the wetlands to be noted on plan
- Conservation agreement

Kristen O'Donnell – will send a revised Negative Declaration with conditions.

Anthony Santucci seconded the motion. Roll call by the PB Members for the motion to approve the application of Culinary Depot:

PB Members:

Tom Gulla-No, intent to preserve 100 foot wide Village regulated wetland area

Jeff Kirby-Yes

Chairman Whipple – Yes

Donald Hook – Yes

Anthony Santucci – Yes

Motion is approved 4-1. It was noted that the application will also need to go back to ARB.

**Saddle River Road LLC.  
424-426 Saddle River Road  
Office Building  
Amended Site Plan**

Ryan Karben, present for applicant. At the November PB meeting Kristen O'Donnell questioned as how project was classified so they met with CDRC on December 12, 2016 and submitted a revised narrative. Thought they may need a lot area variance however it was determined by the Building Inspector that they did not need it. They are still seeking approval to use this as storage. The attorney brought the 2015 Certificate of Occupancy appropriate for storage. Provided a sketch requested and reviewed by the Consultants and believe they are ready to recommend a negative declaration. Addressed technical issues requested at CDRC. We have agreed to put in any additional storage and clean up any debris. Looking for approval to no longer have this use solely for storage.

Eve Mancuso – no letter required no site modifications suggested dealing with the interior of a exiting approved site. She did a 2<sup>nd</sup> egress door and this is a matter which needs to be dealt with in to do with Fire Code and Building Inspector.

Kristen O'Donnell – Feels this application ready for SEQRA prepared a Negative Declaration. Change of use simple application. No cosmetic or changes to the building proposed. The question about 2<sup>nd</sup> egress door required is a fire and building code issue. No building changes requested. They updated the zoning tables on the plans.

Dan Kraushaar-This map note was developed from a prior map note plan. This all developed because of a map note on a prior plan and reference should be made to that for the record.

Kristen O'Donnell-This is an amended site plan and will not have that map note restriction any longer

Chairman Whipple noted this is a continued Public Hearing and opened it to the public at 10:20pm.

Dennis Hunter 2 Long Meadow Drive lives directly behind and backyard borders. Strongly objects to the change. Feels it's a commercial business, truck on site and equipment on site. This storage should not be approved for an office for a business that shouldn't be there to begin with in an NS Zone. It's been rough living at his residence for the last three years and he can't use his yard and the noise is horrific. Does not see why it should be approved.

Tom Gulla – asked if he had been to Village Hall in the past for his complaints?

Dennis Hunter – no he did not and could not with his ill wife which was the priority.

Ryan Karben -Located in a commercial zone. Building department in regular touch with the owner and there are no violations on the property./ Happy to reinforce any screening and add any additional plantings if need for aesthetic purposes.

Chairman Whipple – is this still a legal use Kristen?

Kristen O'Donnell -Yes, Building Inspector advised this use. Two uses constitute a shopping plaza and that is permitted in this zone.

Kristen O'Donnell -Will ask Building Inspector if any equipment is kept on site. The reason this application is in front of the Board is that there was a restriction for their use on the prior approved plan which is why they are here.

Chairman Whipple - would like to see an opinion in writing from the building inspector

Ryan Karben –Applicant looking to override the prior conditions

Kristen O'Donnell-Basement may only allow for 1<sup>st</sup> floor tenants for storage previous/current tenant. There is a current restriction for only storage and for storage by the one tenant.

Ryan Karben – requesting that he be permitted to leave as he needs to go back to a Zoning Board Meeting in the Town of Ramapo and if this needs to be continued we do so.

Dennis Cohen – 4 Sumtner Road. Find out why the restriction was put on the map note in the first place. Find out the reason and see if it still applies.

Doug Hook- find out if the fence was a 4ft. cyclone fence or a wire chain link fence.

Chairman Whipple made a motion to continue the public hearing to the 2/25/16 PB Meeting at the Village of Airmont for the applicant to have the:

- Building Inspector to provide a written opinion of proposed use and whether or not it complies
- Confirmation that the change in note imposed by previous PB and use proposed by applicant conforms to the NS Zone.
- a plan for a solid fence where the chain link exists and additional buffer plantings are installed.

Tom Gulla seconded it. All in favor.

Chairman Whipple made motion to adjourn at 10:45pm. Anthony Santucci seconded it. All in favor. Aye. Meeting concluded.