

**Village of Airmont  
Planning Board  
March 1, 2016  
Village Hall  
8:00pm**

**Members Present:** Doug Whipple, Chairman  
Helen Schwabacher  
Jeffrey Kirby  
Donald Hook, 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:** Tom Gulla  
Jaime Harsha Troy, Ad Hoc

The meeting was called to order at 8:00pm by Chairman Whipple which was followed by the Pledge of Allegiance and roll call. Chairman Whipple appointed Donald Hook as a voting member for the evening.

**Continued Public Hearing  
Saddle River Road LLC  
424-426 Saddle River Road**

Ryan Karben Attorney present for the applicant for the third time at PB. Here for removal of the site plan note for a two story building. Currently there is storage for a nail salon and now they want to remove the map note for storage as it not necessarily related to items of the nail salon. Asked for guidance from Building Inspector.

Eve Mancuso – No engineering items or concerns. Would like to clarify that you are not seeking the space for storage, you are seeking space for an independent office space. The relief you are seeking is for a new business with an office and storage. The matter before us is that the circumstances changed sufficiently, then the map note to change the use from the map note that was there to protect the original use and the residential intensity from then to now.

Ryan Karben- site plan has a map note that has a previous restriction and they are seeking for permission for storage not necessarily related to the current occupant. We all have a memo from the Building Inspector on the use in the zone.

Kristen O'Donnell – you need to be clear about the use and approval being sought. The Building Inspector feels it's an approved use and his opine is that he believes it is permit able use in that

Zone. From a site plan and planning perspective it appears it is fine with no other comments as long as the Building Inspector agrees.

Eve Mancuso –Building Inspector says the use is ok but the original approved map note changes the use. Ian is saying that the use may be considered if the PB chooses to override the map note.

Dan Kraushaar noted this is all confirmed with Ian’s memo.

Ryan Karben - It’s not a warehouse it’s a business. Applicant is looking for the relief to enhance value of the site and for the property to be fully utilized. Open to mitigate issues from public comments.

Dan Kraushaar – clarified what the site plan map note says – “basement may only be used for 1<sup>st</sup> floor tenant for storage no use is permitted without prior PB approval. So it is contemplated that the use could potentially change and that is what is before us right now.

While everything in the Building Inspector’s email is relevant before the Board the majority speaks to the question raised by the PB and the most affected resident. The Building Inspector has made that interpretation. Please note that this is a Continued Public Hearing.

Chairman Whipple – this is a Continued Public Hearing for anyone who wants to speak.

Dennis Hunter 2 Long Meadow Drive. Property adjoins the property in question. It’s inconvenient and not a pleasant situation. Back in 1997 unless you lived there you may not understand why the note is on the plan. This was a very contentious application and no one wanted it. It went to court and the plan was knocked down from four stories to two stories and the site we had to limit the impact on surrounding community. It was subsequently sold to a new developer. Then there were two store fronts and one rented it to a nail salon and a garage door business. Then they let nail salon get the other space.

Eve Mancuso - Only 10% can be used for the storage. The difference is now the business is in the back of the building not in the front. Dennis Hunter notes that the map note was an insurance plan by the PB and the Village to make good on all their promises. There were political issues and Village Board was very involved as no one wanted it.

Chairman Whipple – agree but it’s on there for a reason. At this point we don’t know why the map note was put there.

Dennis Hunter understands the PB has power to override the map note but doesn’t understand why they would. Feels owner knew conditions of site plan when he took it over. Wants the PB to know just because he is the only one present it doesn’t mean others don’t care but it’s difficult for them to be here this evening as they are getting elderly and also feel that you can’t do anything about how the neighborhood is changing. He is very against this map note being removed from the site plan. People of the community are owed this and this was a written guarantee and one would think you would honor it.

Chairman Whipple – Zalmen Rubin 8 Darby Road. I do not have any opinion. Did not like some of the statements made, I live in the area and do not have a personal preference and want no problems with neighbors.

Chairman Whipple – have been to site different days different times have yet to see smoke. Other parts of mall yes, parking lot half empty. No one in parking lot doing anything another time the party rental company was unloading chairs. At same time how do you override it and the Building Inspector's opinion? Don't feel comfortable with just the four of us here to remove the note. I would like to hear from the other members.

Don Hook – there were concerns of garbage in the last two meetings. Noted that the Attorney left before some of the Public Hearing concerns were addressed and felt he didn't think this was important enough to him.

Kristen O'Donnell – indicated they talked about plantings and a fence. Both were discussed but nothing has been formally submitted.

Ryan Karben – Don't have any issue in doing so. An interpretation from Building Inspector was requested. He is trying to find a solution. He sees the clause in two pieces #1 storage not be used for anything other than that. #2 Space not to be used for anything without PB approval. PB can honor the utilization of the space by retaining the right to decide who can use the space and if the space is warranted.

Dan Kraushaar – neither of us was around when the note was put there. Dennis Hunter testified that the note was put there for two businesses not just a nail salon. The first floor tenants use the basement for storage today and now the first floor tenant is asking for a second floor tenant with a business and storage.

Ryan Karben read the Certificate of Occupancy dated 7/22/15 - the use certifies that the premise conforms to the approved plans for use and for occupancy purpose for storage use only according to site plan. Viewing it as a retail operation vs. what was thought to originally be a one spot parking variance that was required. Then it was submitted for ZBA and the Building Inspector realized that it needs to go to PB to get the map note adjusted instead.

Eve Mancuso- the thought was because you wanted to add the office which is why Ian reconsidered his position.

Ryan Karben – Ian had thought we had to go to ZBA not here but to PB then had to go back to CDRC then back to PB.

Dan Kraushaar – have we looked at prior minutes from when the map note was originally put on the approved site plan back in 1997?

Jeff Kirby – are those minutes available? PB Clerk – indicated she will research and pull and send them to everyone including the client's attorney. Jeff would like to have them reviewed before any decision is made.

Dan Kraushaar -suggested would it be helpful for applicant to prepare a rendering for the fence and landscaping plans.

Don Hook– brought up the scheduling conflict that Ryan Karben had with having to leave last month's meeting before the application discussion ended. He feels that the Attorney didn't think this was important enough. He wants to vote on this application this evening.

Helen Schwabacher – I don't think we are really prepared to vote on this evening and would like to review the minutes from 1997 that will be researched.

Chairman Whipple – I agree about reviewing the prior 1997 minutes and agree with Don about Ryan leaving early.

Ryan Karben – apologized for leaving early and look forward sending in a rendering or a change on the site plan however you prefer.

Dan Kraushaar – how many and what kind of vehicles visit the site? Could you please find out for us? He would like to see the Board weigh the facts and the history behind this to determine the future. To do a fair and reasonable judgment is important for the Board to review how the note got there. Can this applicant improve the concerns from 1997 putting aside the fact that Mr. Karben had to leave a meeting early or ask us to have another meeting? We need to act on the facts.

Doug Hook – agree that years ago that the community made a decision for a particular number of businesses to take place and we have to look at it the prior information.

Chairman Whipple – does everyone agree to look at the minutes from 1997 before we make a decision? The four PB members all agreed.

Ryan Karben – will provide something to address the garbage, lack of trees, noise, and shrubbery.

Dan Kraushaar – asked if the landlord could possibly be here for the next meeting so that he can hear about the conditions of the property.

Chairman Whipple – did not see any garbage on this site and was there four times. He would like to see the prior 1997 PB minutes. Would also like to see a rendering of what you propose and some pictures of the property. Suggest for everyone to take a look at the landscaping and the fence and is it is adequate.

The PB Clerk advised that we need to come up with a date for changing the April PB Meeting due to Passover as the March 24<sup>th</sup> PB Meeting Agenda is full with 6 applications as it is.

Dan Kraushaar advised we need to come up with a date in April to continue the public hearing in April.

PB Clerk advised the dates available to the move the meeting would be either 4/18, 4/19, 4/20 if not the first week of May. The 20<sup>th</sup> was the only date available for all consultants and PB members.

Chairman Whipple made a motion to continue the public hearing to Wednesday, April 20, 2016 at Village Hall 8:00pm. Jeff Kirby seconded it. All in favor. Motion carries.

### **Continued Public Hearing**

#### **Interstate Toyota**

#### **411 Route 59**

Present for the applicant Ryan Karben – Attorney, Bryan Zelnick – architect, Bill Johnson-Sparaco & Youngblood Engineers; Jim McMahon – Toyota

Ryan Karben – we are here for the rebranding, enhancement and modernization of upgrades to the Toyota Scion site location on Route 59.

They have acquired two additional parcels to be part of the integrated the Monteith parcel and 40 New County Road the former Tallman Body Shop. We have been to CDRC many times. Proposing to combine these with their own existing site to the needs of its customer base.

There already is buffering on the site which will be maintained. They are respecting all the ingress and egress locations and easements. Confirmed in the map the areas marked of disturbance. Environmentally friendly lighting plan and remained on the site and does not spill over. Traffic flow will be better. Architecturals are a Toyota branded corporate concept.

Bill Johnson – one issue was the combination of three lots. All lots are to be combined on the planimetric plan. Made a composite map to show various operations of before and after. The flow of traffic will be completely around the building out to Rte. 59, Fire Department has reviewed plans so that emergency vehicles can access. Car wash has been added. Enhanced the site with islands and plantings. The right of way area and access is to remain. A lighting plan has been presented and I know there are some questions to review. Disturbance is less than an acre so no SWWP is required.

Bryan Zelnick – this is a National brand designed by Gensler and passed on to him to combine. Image 2 is an upgrade to what is there now and it's the new standard image. Corporate has set this as a standard.

Eve Mancuso – discussed her review letter dated 2/29/16. Items discussed were:

Limit of disturbance for an acre or more they will need to a SWPPP. If they disturb more than the acre it is better to advise now so they don't need to come back. Catch basins by New County Road are not permitted. Need soil test for percolation rates. SWPPP to be submitted.

By the auto body garage she questioned the septic tank and asked if it would be better to connect to a sewer system. There are parking calculations that need to be determined

There are four handicap stalls at the back of auto body shop and the door is in front. Is there another access point? The ADA stalls are to be in the closest proximity.

They never submitted a plan approving the parking against the residential zone and they are seeking relief from this and showing a fence and no buffer. The lighting plan shows a level of 2.73 at property line and our code is zero. Prefer buffering of headlights. Need to review any new signage if being proposed.

Kristen O'Donnell –discussed her letter dated 3/1/16. Need to change the analysis of the foot candle not just the note on the plan. Labels in the luminaire schedule and to the chart don't match need to be adjusted. Bulk table updates.

Building Inspector does not believe a use variance is required at this time and he submitted a letter. It needs to state the right of way needs to be labeled on the plan. Signage – PB will need to approve signage with respect to Zoning or sign approvals. Will need length of the entire façade of building to ensure the total square footage meets the Village Requirement. Signs never approved along Route 59 needs to be shown and approved. Architecturals – no rooftop or any other equipment that will be located on top of the building is permitted. It's not noted and if it will need to be added. EAF – refers to Village of Clarkstown needs to be changed to Airmont.

Dan Kraushaar – applicant indicates on its bulk table that a use variance or other may be required. Verbally opined that this was not the Building Inspector's interpretation. For the records we need to get this in writing and the bulk table needs to be reflective of this. There is a conglomerate of five separate tax lots. A requirement needs to be made that it be merged into one tax lot and proof of same supplied to CDRC prior to Chairman's authorization. We have not heard back from 4 of the 5 agencies. Most importantly are the RCP GML and the NY State DOT until we get these comments the PB is in no position to make any approvals or act and do SEQR. Need a SWM Agreement and appropriate security. Agree with Eve's conclusion that this project will disturb more than one acre and will require additional SWOP under NY State Law. Read into the record the letter from Kim Wepler Fire Inspector dated 2/15/16. Dan had a question about the two 16.5 ft. easements that will be abandoned – who were they in favor of?

Ryan Karben – Interstate is the beneficiary of the easement. Dan noted that it would go to the adjoining property owners if it's being abandoned. Ryan advised that Interstate owns it. Dan asked him to elaborate on it because usually when you disclaim something in Real Estate i.e. the lot lien and access you need to make it clear it's your own property.

Bill Johnson – Steve Sparaco indicated it's abandoned since it's not use.

Eve Mancuso noted that the stem is part of their lot of their property.

Ryan Karben– put it on a composite. We don't need an easement to abandon their own property. Don't need an easement for something they that they own from ourselves to ourselves.

Dan Kraushaar – concerned with wording about it being abandoned and disclaimed and what happens in terms of ownership. Asked Kristen if the signs conform? Kristen noted she already indicated that she needs additional information to see if the signs conform by the length of the façade.

Bryan Zelnick – as of two weeks ago they abandoned the sign but it was after they submitted for the meeting.

Kristen O'Donnell – all signs, including those on lamp posts need to be approved.

Dan Kraushaar noted that the parking stalls dimensions need to put it on the front page.

Ryan Karben – letter from RC Highway Dept. dated 2/25/16 needs to be read into the record and they will comply. Dan Kraushaar therefore read the letter from Sonny Lin RC Highway dated 2/25/16.

Chairman Whipple - opened the public hearing at 9:48pm.

Abraham Fischer – 10 New County Road lives back to back from Toyota. Have not seen measurements or the plan for the expansion. What are the required measurements to my property as it is right behind his gate? There was a previous incident where a car went into reverse and into my backyard. It was never repaired or touched but does not know how they can get any closer to him. What are the Villages requirements?

Eve Mancuso – pavement went up but the parking did not and this was on a previously submitted old site plan.

Abraham Fisher – still have Toyota people going through his gates. Why should I have to see Toyota from my back yard.

Schumel Lichter – 12 New County Road and lives next door. They are getting closer and they will get bigger and bigger and it's getting out of hand. Value of property will not go up with the commercialization.

Chairman Whipple – used to have another site plan where we had issues with signs. Interstate came in and said it's the smallest of signs. Now on Route 59 it's beaming with lights and its all lit up. Within last 4 months drove around up Laura Drive and it's all lit up. Can't see the stop sign at the end of Laura Drive or New County Road and with all the lights. There has always been an issue with lighting and they need to cut down on it and show the properties including Route 59. Not protecting other people's properties which you should be.

Ryan Karben – we will prepare and submit a revised clear lighting plan. Comments raised by Village Planner in her memo will revise #1 and #2, need a memo from the Building Inspector not requiring a use variance, right of way labeled, clarify architectural, detail all signage and correct the EAF. Asked Mr. Johnson to comment and address the Brooker Engineering letter and provide a SWPP.

Bill Johnson noted he is not sure that the acreage is actually different then what they have on the plan. The catch basin needs to be addressed why it's not connected, the soil testing and erosion control need to be done. The SWPP and maintenance agreement will be handled by the Attorney. Septic tank is the one used in the auto body shop in order to connect to the street. He understands that the parking calculations will need to be provided. Review ADA, relocate refuse area. New

lighting plan to ensure lighting would be lowered and adjusted will be submitted. A landscaping plan and signage needs to be submitted for discussion.

Bryan Zelnick –will provide a lighting proposal of LED lighting that will pinpoint and keep all lighting on site. It will not spill over its new and very unique and will ensure the lighting stays on the confines of the property. They will be able to provide Cre lighting and change the old lighting out.

Chariman Whipple - is the auto body shop in use?

Ryan Karben – they just moved out. They will also look at buffering the property.

Chairman Whipple made a motion to declare PB of Airmont lead agency. Jeff Kirby seconded it. All in favor. Motion carries.

Kristen O'Donnell – you will need to send a revised plan to DOT and Rockland County. Need the revised EAF referencing Airmont not Clarkstown.

Chairman Whipple made a motion to continue the Public Hearing to March 24, 2016 at 8:00pm. Doug Hook seconded it. All in favor. Motion carries.

### **Continued Public Hearing**

#### **Congregation Echo Ridge**

#### **3 Echo Ridge Road**

Ryan Karben attorney present for the applicant along with Tony Celentano Engineer for the applicant.

There was an original application for a residential house of worship and now they are proposing a small increase of worship are - 495 sq. ft. and addition to update the kitchen in the residence along with an additional prayer area for women. The original plan asked for land banking and they will wind up with 23 total parking spaces. They will need variances from ZBA. Saw comments from Village Engineer which they will discuss.

Tony Celentano – originally approved a parking lot to the West that serviced the residential place of worship for a total of 7 spots. Now that they are expanding the house of worship they propose and additional parking lot to the east that is with a full landscape plan and screened from neighbors. It's a very successful shul and it's growing. Parking lot has zero net run off and they submitted drainage calculations. Tested the area where original drainage was put in and will test the new area as well. Here for referral to ZBA for FAR, garage variance, developmental coverage, front yard and rear setback.

Eve Mancuso – prepared review letter from 2/25/2016 which she went through. One main item is the Worship area which has been discussed at CDRC and the total worship area needs to be calculated for the full parking and it is not shown the plan. Therefore the parking needs to be recalculated based on this change.

Kristen O'Donnell – Question about fence shown to cross driveway no note about it being removed. Any portions remaining? Ryan Karben noted it's coming down only in the access area. Celentano noted they are keeping the fence on the broader perimeter area. Kristen is concerned with the curb cut situation which is a ZBA concern to be discussed with the Building Inspector. They need the Building Inspector's opinion on it. The Village has the means to approve two curb cuts (30 ft.) and with a third however we have nothing in the code. The concern is the safety issue and if PB has ability to approve a minimum amount not met it's still too close. Concerned from both a planning perspective and from a ZBA perspective.

Tony Celentano noted he thinks they want all three curb cuts.

Dan Kraushaar - In terms of SEQR it was originally done before for the previously approved site plan. ZBA can't take action without PB taking action of SEQR. Dan also asks Ryan Karben to update the application and list the actual variances and amounts for each they are applying for so that they are properly advertised.

Kristen O'Donnell – No additional congregants were provided which will be needed in order to update for SEQR. We cannot do SEQR without this additional information.

Matt Ryan – map reflects 60 people which is different than the narrative.

Jeff Kirby – questioned the EAF form #9 and #1. How can this not affect the existing waste line if currently only 2 toilets exist? Ryan Karben advised that they used the online module for some of the data and will relook at it.

Jeff Kirby also noted that there is one means of egress in the women's shul on the architectural drawing. Will increasing the parking require a traffic study?

Kristen O'Donnell advised that SEQR takes this into account. Again, they need to update the number of congregants regularly and any busing if required.

Ryan Karben indicated that no busing is anticipated and they will review the EAF for any additional responses.

Tony Celentano noted that architectural will be updated when new additional congregants are on it. Waste water was originally approved but they are now increasing the capacity.

Clerk ensured copies went to Drainage and Sewer, Town of Ramapo and Environmental Health. The Tallman Fire Department already advised their comments.

Helen Schwabacher asked about the existing two car garage to be removed. Is it being removed and replaced? Ryan Karben responded yes asking them to remove and utilize. They plan to go to ZBA for variances. Helen noted it is not saying it on the plan.

Eve Mancuso noted that the plans are not clear and from an architectural standpoint need to be for completion. They need to ensure the narrative and plans have the total number of

congregant's. Ryan Karben said they would provide new plans by the March 11<sup>th</sup>. Once Eve is ok with them they will do the perc test.

Chairman Whipple opened the Public Hearing at 10:46 am

Anthony Auriemma – Alpha Lane. He has spent a lot of time and it's a public menace all over the street. If you go by it at 8:00am you would see and if it weren't there we all wouldn't be here. They are always adding something more – an addition, more parking and always want something else. Please go visit 7-8am in the morning too many cars and it's a blind curve. This area is zoned residential and they bought in the wrong area. They need to buy the right piece of property as there are cars all over the place. Where can they put more parking when it's already too crowded? I want them to live there too but it's a dangerous spot with the blind curve. Concerned for the safety of children and those walking. Do agree to provide the addition. In terms of parking they could use it but there is no space.

Zalmen Rubin – 8 Darby Road when they did the shul they did everything legally and were one of the few. Feels they should give leniency on the FAR for parking. The area is residential and they must walk. On the balcony for women they only come on Saturdays not during the week for services.

Michael Altman 9 Post Lane North – most congregants follow the signs and are obeying the law. The issue is the buses are driving too fast. It's a growing neighborhood and 85% of people do not drive. Services are during the week and it's a growing community.

Dan Kraushaar – if you listen to some of the public hearings there is no problem with the use, the issue they are discussing is that the site is too small and not suitable, The impact affects not just the person who brought it up, but in his opinion all residents. There is over utilization of the site based on the public comments.

Michael Altman- they fought for the Residential House of Worship. The minimum requirements for a Residential House of Worship to be legal have a smaller density. Because they are growing they need to increase it. It's more of an issue of occupancy. Echo Ridge is used as a main pray location. They are asking for additional parking to alleviate the parking on the street. They are abiding by all regulations. Even the Rabbi stands outside to ensure things are going properly. They have followed the law from the beginning and conformed.

Dan Kraushaar noted that these are excellent comments in the spirit for everyone to strive to live together and respect one another with no negativity.

Michael Altman – Buses need to be enforced and slow down.

Dan Kraushaar – The primary concern is the health, safety and welfare of residents.

Chairman Whipple made a motion to continue the public hearing to March 24, 2016 at 8:00pm at the Village of Airmont.

Don Hook made a motion to adjourn the meeting at 11:02 pm. Jeff Kirby seconded it. All in favor. Aye.