

**Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, April 14, 2016**

MEMBERS PRESENT: MARTY KIVELL, ACTING CHAIRMAN
LAURIE DIFRANCESCO
CHARLES PICARELLI
ARTHUR KATZ
PETER BLUNNIE, AD HOC

MEMBERS ABSENT: MICHAEL BERNSTEIN, CHAIRMAN

RICHARD SCHONBERG, AD HOC

OTHERS PRESENT: DAN KRAUSHAAR, DEPUTY VILLAGE ATTORNEY
IAN SMITH, BUILDING INSPECTOR
SUZANNE CARLEY, CLERK

The meeting was called to order by Acting Chairman Marty Kivell at 8:00pm which was followed by the pledge of allegiance and roll call. Marty Kivell assigned Peter Blunnie as a full voting board member for the evening. Acting Chairman Kivell noted that there are four members present of a five member zoning board. Arthur Katz made a motion to approve the minutes of January 14, 2016 which was seconded by Laurie DiFrancesco. Marty Kivell abstained. Remaining members all in favor. Motion carries.

**Shlomo Daskal
30 Fawn Hill Road**

Marty Kivell read into the record the public hearing notice:

The application of **Shlomo Daskal** to receive a variance from Article III §210-18 Table 5 to authorize the construction of a new single family home. The proposed dwelling will have a .244 F.A.R. where the maximum permitted F.A.R. is .20. Therefore a variance of .044 is required. The property is located on the west side of Fawn Hill Drive approximately 50 feet west of Hidden Glen Lane. The lot is designated as Section 62.06 Block 1 and Lot 55 on the Town of Ramapo Tax Map. The property is located in the R-35 Zoning District and contains .59 acres. The street address is 30 Fawn Hill Drive Monsey, NY 10952.

Burt Dorfman – Filling in for the attorney on the record which is Ryan Karben.

Laurie DiFrancesco advised that she is a resident at 32 Fawn Hill Road and reviewed the application and found no reason not to be objective however she noted to the applicant if they have an issue with her being on the ZBA for their application she would recluse herself.

Mr. Dshal, the applicant advised he had no objection at all.

Dan Kraushaar noted that there are mandatory recluses a direct interest such as a relative or, financial interest or felt you couldn't be fair and impartial. In particular where the person could not be fair and impartial. For the records also one of the people notified as a neighbor however Ms. DiFrancesco stated that she can be fair and impartial as any other application before her.

Burt Dorfman noted he is representing the Daskal family and they have a single family home which is an allowable use. It's consistent with neighborhood as a single family home. There are different size homes in the area. They have 7 children ranging from age 14 to 5 months and are proposing a new six bedroom home in the R-35 zone but because it's a pre-existing undersized lot it falls into the R-15 regulations pursuant to Section 210-132.

Marty Kivell asks Ian Smith to explain this further.

Ian Smith- Section §210-132D applies to lots that are undersized. Ian read the code into the record. Residents with any land 100ft. for same or less lot width closet R-15 Zone applies

Burt Dorfman – Except for the variance requested for this evening. All requirements exceed or are equal to all bulk table requirements. Under building height and under the developmental coverage have FAR is 5,073 ft. based on 20% of lot size. They have the required parking. The proposed house is 6,183 ft. There is a home on Hidden Glen which is new construction and is comparable to what they are proposing.

Ian Smith noted that he is speaking about Howard Goldman's home. There is one house that is new construction right up to the FAR amount and one house with an addition.

Marty Kivell asked what the architect felt about it.

Burt Dorfman responded the only issue is the one car garage.

Ian Smith confirmed that the code requires two parking spots.

Laurie DiFrancesco noted that the existing home has a two car garage.

Marty Kivell asked if the basement is considered living space? Ian Smith confirmed that the basement furnished or unfurnished is considered FAR but crawl space is not considered for FAR.

Laurie DiFrancesco asked about the finished space with suka room with skylights that is fully enclosed. Is that considered FAR? Ian Smith confirmed that it is.

Shamel Galmdower – covered porch is also part of it.

Ian Smith – Village Code §210-56. A one family home requires at least 2 parking spaces per dwelling. Does not say it must be a garage.

Dan Kraushaar noted that if you have a garage and they get rid of it you have to replace it.

If someone wants to build a new house they don't have to? Dan asked Ian what the rationale was for this. Ian said the BOT passed the law keep it, replace it or get a variance to eliminate it.

Ian Smith – Code earth up for new construction states must have 2 parking spaces it does not say garages.

Burt Dorfman noted that they will do one garage and reduce it by 575 sq. ft. but they still need a variance.

Laurie DiFrancesco – client has 7 children so they will not need a garage when its winter? And use of having a garage will definitely raise the value where as a house without a garage will not.?

Yodel Yunger sworn in by Marty Kivell and is the father of applicant. He noted that they all live together for 12 years in a mother daughter with no garage it's a step in. A garage yes is a plus but they can manage without it. Want this to be a plus to the neighbors and an asset.

Ian Smith noted that there is a section of the code when they added part B that says every property of a residential zone or any other private residence shall maintain a garage if you rebuild. Code does contradict itself in 2 different sections – one says need 2 parking spaces and another sections states must maintain a garage.

Laurie DiFrancesco asked Ian can there only be one garage or do we need to go by what was there previously? Ian said it doesn't matter what was there before as it will be knocked down and

Burt Dorfman went through the elements: They have needs here as a family will visit & require storage. Don't believe the area variance is substantial. There is no environmental or physical impact on the neighborhood. This will benefit to the property owner or any future property owner.

Arthur Katz – so please confirm which application we are to now consider

Burt Dorfman will you accept if reduce for one garage? The client indicated he would.

Arthur Katz asked are they opposed to modifying the application? Client indicated they are not.

Dan Kraushaar but can we actually calculate the size of the variance we are now seeking? If the application is being modified for larger than sought then re-advise. For example if they applied for a variance which was advertised and now they are seeking to reduce it there is no need for re-notifying. Anyone who was interested in a 0.44 variance would be here or we need to put something in to the record.

Acting Chairman Marty Kivell made a motion to open the public hearing at 8:25pm. Laurie DiFrancesco seconded it.

Bonnie Quakenbush was sworn in by Marty Kivell. Stated she has no objection to the project and she lives on the other side of the property.

Vito Sarno – 23 Echo Ridge Road lives around the block. Don't see why they need to reduce the living space with seven kids they need to live comfortably. I feel they should submit the plans where they are.

Doug Quakenbush – agrees with Mr. Sarno. The original homes built for 3-4 kids and they have many more children so why go through all the aggravation as this will not make a significant difference visually.

Marty Kivell – to clarify my question which was to understand why an applicant could not comply with Airmont standards? We always asked why you can't meet the Village standards. We listen to the testimony and weigh it all for a decision. It's a question understand the though process.

Doug Quakenbush –6,183 is the size of the house where allowed 5,073 in chg. Proposing to possibly to reduce to 5, 895 if the board is requiring that..

Laurie DiFrancesco – It's the same exterior. Discussing whether the space becomes crawl space or garage space. Interior space to put bikes, room sizes reviewed. None of the bedrooms or the living room are not huge, they are normal size. It does not appear it could be shrunk 1100 ft. to accommodate people. Garage can be used for bikes, etc. and is a better source than not having the one required anyway.

Ian Smith – concerns with parking on the street. It is much more beneficial to have a 2 car garage which is the applicant's original request. There are concerns for on street parking as it is for emergency vehicles. It would be better to have a 2 car garage.

Laurie DiFrancesco – agrees that we need the cars off the streets.

Marty Kivell – we can consider the application with original request. Marty asks if anyone else has comments. No one responded.

Arthur Katz – made motion to close the public hearing at 8:36pm. Laurie DiFrancesco seconded the motion. All in favor motion carries.

Arthur Katz made a motion that the original application better serves the community.

Marty Kivell – agrees the same

Laurie DiFrancesco – agrees the same

Peter Blunnie –also agrees the same

Dan asked if a short form EAF was received. It was not so it must be a condition of the resolution. In terms of SEQRA it is a Type II Action.

Arthur Katz – Made a motion for Type II Action for SEQRA. No further action is needed. Laurie DiFrancesco seconded the motion. All in favor motion carries unanimously.

Acting Chairman Marty Kivell asks the Board to make a voting decision.

Arthur Katz makes a motion to approve the variance from Article III §210-18 Table 5 to authorize the construction of a new home. The proposed dwelling will have a .244 FAR where the maximum permitted FAR is .20 therefore a variance of .044 is required. Mr. Katz makes a motion to approve such a variance.

Laurie DiFrancesco seconded the motion. All in favor. Motion carries unanimously.

Marty Kivell asks for comments for Findings of Facts and Conclusion of Law:

Dan Kraushaar noted right now there is a house there no one lives in it. There will need to be a demolition and that CFO will need to be given up and then a new CFO will need to be provided for the new dwelling. There is no transition her.

Laurie DiFrancesco - I vote in favor of a .044 variance for construction of a new home at 30 Fawn Hill Drive for 6,183 sq. ft. including a 2 car garage. The home is designed to accommodate a family that if it was any smaller would need an addition put on it for the family. The neighborhood is not impacted by the additional FAR and there is no reason for a minor variance not to be approved in one meeting.

Peter Blunnie – Aye for all the same reasons as Laurie DiFrancesco noted.

Arthur Katz – also agree for approving the variance for those reasons and that it better serves the neighborhood and will be an asset to Airmont and the community.

Marty Kivell – agree for all the previous reasons discussed in particular that it is such a minor variance.

Motion carries unanimously. All in favor. Aye.

Marty Kivell makes a motion to adjourn the meeting at 8:45pm. Arthur Katz seconded it. All in favor. Aye.