

**Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, June 9, 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
JOSEPH TICHENOR, 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 April 14, 2016, seconded by Laurie DiFrancesco. All members in favor. Motion carries.

Congregation Echo Ridge

3 Echo Ridge Road

Acting Chairman Kivell read into the record the Public Hearing notice on the application of 3 Echo Ridge Road. Board Member Charlie Picarelli stated that as a citizen and a ZBA member he was called an anti-Semite at the last PB Meeting in regards to this application. He noted he was deeply offended because in all his years barely spoke about concerns as never has he been accused of this before. He brought this up because if Congregation Echo Ridge or anyone else feels that he could not be fair he would recluse himself. For the record Congregation Echo Ridge stated that they had no issue with him being on the ZBA and they were good with everything.

Dan Kraushaar pointed out that this application was also in front of the ZBA in January 2014 at which such time Charlie Picarelli voted in favor of numerous variances for this Congregation.

Rabbi Halberstram -Stated that they do appreciate his services.

Acting Chairman Kivell summarized ZBA Resolution #249 that they received on 1/9/14.

Ryan Karben attorney for the applicant stated that they received a referral from the PB based on the site plan discussion and state environmental review. The PB adopted a negative declaration after three PB Hearings and referred the applicant to the ZBA for consideration.

The existing Residential Place of Worship is within the Rabbi's residence. At one time it required extra parking capacity if necessary on the ¾ acre site. They have two daily worship sessions one the morning and one in the evening with 15-30 people. During Sabbath services there are typically 40-50 members including family in attendance.

The floor plan shows 60 seats for males and 9 for females to include future growth and new members. Parking lot is in use Sunday – Friday not on Sabbath and Jewish holidays. Main worship area size is currently 1100 sq. ft. looking to expand to 1595 sq. ft. along with an additional small area for Sabbath worship for the women approximately another 453 sq. ft. for a total worship area of 2048 sq. ft. They would like to add restrooms for a total of 7 restrooms, and expand the entry coatroom area. They are looking to develop 18 additional parking spaces for total of 25 parking spaces. A small addition to the residence is also requested to replace a portion of the existing kitchen and dinette area that will be converted to a worship area. A second curb cut PB waiver is requested. Here at ZBA based on a referral from the PB.

Congregants want the Board to how deeply they feel about an approval and the overview of the application. No GML is required. We need to show why the applicant is entitled to the variances:

-Statutory presumption of State & Federal Law;

- Layout and where situated present parking lot is consistent of an original approved package. The only practical place to put parking is in the rear of the building. Rear setback least of flexibility to build as it would be further into rear setback and reserved parking for future;
- Community character – balance dominant and supporting us as a community and religious laws have an increase for use of community of public need in hearing /harmony with community needs and character
- Developmental coverage –comply with Village of Airmont parking requirement. Need for more parking on site due to public discussions of justifying getting parking off the roads and being less obstructive. Providing for screening, landscaping and lighting for additional measures, two fronts on roadway don't want residential neighborhood issues. Need for flexibility under all potential Environmental Impact which was addressed sufficiently in three hearing with the Village Planner & Engineer.
- Negative Declaration for SEQRA was granted outside review on Village on behalf of these impacts and ability of the site.
- Requisite of law with respect of variance needs for the House of Worship to expand in order to pray together for the leadership of Rabbi Halberstram for the community. Therefore we request the Board look favorably upon this application.

Laurie DiFrancesco-Are you still on records as a Residential House of Worship?

Ryan Karben replies yes for the record.

Marty Kivell-1400 sq. ft. goes beyond all specifications and which has to go to PB for their approval. Get clarification on the needs to answer the defined use of religious intent not constitute a change in residential. There is no description other than bulk table requirements. There is neighborhood and residential houses of worship.

Site approval for that shows this is an allowance greater then, even then less need for site plan approval. In code details of distinction for 1400 sq. ft. lesser or greater than mere fact that it is allowed.

Laurie DiFrancesco-wants to ensure they will be going back to PB for approval.

Ryan Karben- we will be returning to PB for final approval.

At 8:25pm Arthur Katz made a motion to open the Public Hearing. Laurie DiFrancesco seconded it. All in favor. Motion carries.

Acting Chairman Katz read into the record emails and letters sent to the Zoning Clerk. The letters read were as follows: Israeli Manes dated 6/9/16; Lisa & Anthony Auriemma dated 6/9/16; Shimmel Doppler dated 6/8/16;Sholme Silbiger dated 6/5/16; Lisa Abate 4/20/16; Lisa Auriemma dated 4/20/16.

Members of the Public:

Greg Albare - 7 East Mayer Drive was sworn in. A student who opposes the variances as more parking will make the area less residential

Melissa Hessel Glandi-6 Eros Drive sworn in. Here for questions. In the request are there an additional 60 desks and commercial facilities.

Ryan Karen responded that 60 seats which is the traditional way as they are seat a long narrow table. Additional bathrooms are required and meet the fire code standards utilized by people. Commercial grade bathroom goes beyond building? Handicap bathrooms are required in Federal law under requirement imposed on the use. Addition put in rear and keep character. It's a code determination not just related to places of assembly but to all properties and you have to have handicap.

Melissa Hessel Glandi -Is there a limit for amount of people it can have?

???-No determination. Defines Residential House of Worship is Village of Airmont PB determination and needs that go beyond the Village Code go to the ZBA. Can be denied by the Building Inspector but it is up to the ZBA to establish facts to make an argument.

Melissa Hessel Glandi –Town of Ramapo concerned of overdevelopment of everything. Single family homes and the neighborhood is changing. Ask that you look at zoning variances that would impede neighbors look at what is being asked and upholding.

Dan Kraushaar-In terms of granting variances this Village has not had a tremendous amount of variances and you can't compare applications for the Town of Ramapo.

Melissa Hessel Glandi- The PB is not looking down the line. May be best for everyone else asking so that we can keep from overdevelopment.

Marty Kivell – there is no debate or comment statement for the record.

Dan Kraushaar-Pointing out that the Town of Ramapo is a large territory with numerous villages and homes. Village of Airmont is a separate political subdivision. This application is with the Village of Airmont. Town of Ramapo is a separate political submission. The history of the applications in the Village of Airmont have not been in the numbers as with the Town of Ramapo.

Melissa Hessel Glandi- I respectfully say not yet.

Dan Friedman-7 Eagleview sworn in. Stated that he is privileged to be a congregant by Rabbi Halberstram. He would like to see this granted to set an example for the town. The Rabbi has crossed all his t's and dotted all his i's and does things right so that things are not done illegally. With all due respect I live half a mile from it and do appreciate it as a legal synagogue to go to. Finally, to have one person against and 3 emails for to get another 16 parking spots is unreasonable.

Mike Amendis-Madison Hill Road. If you are stating that you are doing it legal then help understand that I had to get an approval for a deck.

Marty Kivell –You are going off on a tangent and need to focus on the application.

Michael Amendis – apologized

Marty Kivell – we are discussing building expansion, parking spaces, converting garages in living space.

Michael Amendis-if built what do we lose as Real Estate taxes? It affects the community.

Laurie DiFrancesco –on the original application the expansion was for residential house of worship. The Rabbi came for a variance. I am trying to clarify. The rumor that it wasn't legal is

not true. It's a home use and a private mikva h prior to completion. It did come to PB and ZBA for completion and was approved.

Michael Amendis-variances differ and change appearance.

Marty Kivell-Certain standards are looked at in deliberations. The benefits, changes to neighborhood; whether property variance in general will have an adverse effect; if alleged difficulty -was it self-created; can it be done by another way feasibly. We don't just give variances away we take in evidence to do the best for the benefit of everyone and it's not always easy.

Yuda 1 Alpha Lane sworn in. Comments agree with the application.

Joe Witt – 11 Alpha Lane sworn in. Agree with the application.

Ellie Solvaguanes 10 Elizabeth Court Village of New Hempstead.

Marty Kivell – Like each testimony to standard without debate. Goal is to take all in based on fact zoning and land. Zoning principle and land and without consideration of people. All has to do with development and Zoning Code.

Marty Kivell – the original zoning code required 2 acres if the land is going back to 1991 and the objection is of the history. The residential House of Worship was instituted in cooperation of the Federal Government as part of living dwellings and set-up. A free standing would require two acres in this Village did not have it in 1991 and has existed. Neighborhood House of Worship is less square footage and non-residential. A Residential House of Worship has residential use and is based on the zone.

Michael Altman 9 Post Lane sworn in. Actually have the Village of Airmont to thank for the RIPULA Law .

Dan Kraushaar – utterly false. Please re-read RLUPA . RIFRA was what it was before it was unconstitutional before Village of Airmont and subsequently RLUPA had to do with a small town in Texas.

Michal Altman- Focus on comments of overdevelopment. Most people are running away from overdevelopment. Asking for something legally built and approved and trying to make it more comfortable. The Rabbi is using his own money in a local small community to increase his area. Using his own house of worship and the least we can do is as a Village and people and make it more comfortable for use.

Marty Kivell- Anyone can come to the Building Department and apply for a Building Permit. If it does not conform the Building Inspector is obligated to review and advise and have the authority to deny. This application is asking for a lot line to consider for an addition; Addition of parking; asking to use the garage underneath the house to use as living space. However Village

Code requires you to replace it and it's in affect that needs consideration that that's what a Village Board felt appropriate for another variance.

Melissa Hessel –Can you approve partial submissions or is it approved as a whole package?

Marty Kivell-comes with a give and take with applications and it all depends on how the whole thing comes to a conclusion. We take each request piece by piece and put together to the best of our ability.

There were additional numerous comments opposed of and in favor of the application.

Acting Chairman Kivell-does anyone else have further comments for relevance of variances being requested?

Acting Chairman Kivell noted they are expanding the required coverage and asking for variances for Developmental Coverage 12.2%; FAR .04%; Rear setback – previously granted variance for 25.7 ft. updated variance requested for additional 11.7ft., Front yard variance - previously granted 16.7 ft. updated variance requested for additional 11.1 ft. and a garage variance.

Laurie DiFrancesco – for clarification you are making the garage living space? This Village has a standard requirement. 35% of garages were changes without permission then looking for a variance. We have a precedence and background affect 60% of the neighborhood with garages.

Laurie DiFrancesco – Made a motion to close the Public Hearing at 9:44pm. Arthur Katz seconded it. Motion carries unanimously.

Laurie DiFrancesco – I live in the neighborhood and am trying to where you are showing the seating of 60 people in the new expanded plans. Not counting women who get 950 sq. ft. The Congregation is well known and keeps growing. It doesn't appear that 60 is a real number? The biggest concern if the traffic on Fawn and Echo Ridge and it does not permit emergency vehicles. Many mornings it is over 30 parked vehicles. Can we eliminate parking in front of the synagogue?

Ryan Karben responded that it is nice to have the growth but there is no way that they will mathematically know the growth pattern. It is impossible to know the growth pattern. I don't think it will change the demographics. They are moving out the parking as much as possible in balance of developmental coverage and providing more parking and in theory they could squeeze additional spaces. Requesting a total of 52.2% of Developmental coverage and believe 25 spaces are adequate. If Board wants to consider more we could find room and trade off.

Laurie DiFrancesco – I apologize but it is not clear. A request has been made for 9 seats for women and you are now saying it is not enough and it's increasing to 40 congregants just during

the week. If we had the mind to grant the parking variance do you believe this would take the parking and traffic off the street? Currently there are signs placed 50 feet to corner from Fawn Hill but you have to be in the middle of the street to see. The intent of the additional parking would be to get the cars off the street.

Dan Kraushaar – the Rabbi agreed it would and would be a recommendation from ZBA to BOT. File a letter on behalf of the congregants with the number of congregants and spaces.

Laurie DiFrancesco- in terms of garages you currently use but it is often used as a spill over. Garages are typically used for storage and garbage pails. With more people there will be more garbage pails and they can be unsightly. Where will children put their bikes, where will the garbage go and would it be reasonable to ask for an enclosure?

Ryan Karben – agrees

Dan Kraushaar – you can leave the placement to the PB and it can be a condition.

Marty Kivell – in terms of parking you are asking for an additional 18 spaces for a total of 25. The PB approved this, Eve Mancuso and the Village Planner. Is there adequate drainage in adopting?

Laurie DiFrancesco- Landscaping subject to PB if ZBA has an additional request it would look favorable.

Marty Kivell –asked what evidence is there with respect to the parking lot and impervious pavement?

Ryan Karben- drainage is based on maintenance design proposals. The PB can't grant a Negative Declaration without compliance of the Village drainage requirements.

Marty Kivell- Concern is coverage and expansion. Variances granted in 2014 were given one aspect of parking spaces and the entire package was approved. We voiced concerns. Now you are asking for side rear parking lot proposal coverage of an additional 12.2%. I am not a water engineer but PB heard testimony in concerns of run off. The granted a negative declaration and took on the role of SEQRA.

Arthur Katz stated that remodeling the parking is creating a better way for the neighborhood to put parking in front of property and off the street.

Marty Kivell stated the rationale is good. They have to look at zoning the land granted in perpetuating and what the future holds.

Ryan Karben noted that they can't provide land that creates additional parking but they can create and design a system to deal with the drainage mitigation. The adverse impact of the impervious service.

Dan Kraushaar noted that the PB does agree with Ryan Karben as they wanted additional parking and take it off site.

Laurie DiFrancesco – the property could never be sold with anything other than what they and out in variances where tied to the owner. When another owner takes over and put it back.

Marty Kivell – we have to refer to the principles.

Laurie DiFrancesco – bigger concern is if you drive down the street with 50 people you don't have the lights on all the time.

Rabbi Halberstram stated the lights are on for the residence.

Laurie DiFrancesco noted that the lights are very bright and knows that the PB has asked for them to be dimmed.

Peter Blunnie – I understand the needs of the congregants to take the cars off the street but I also realize that as the Congregation grows if the cars go back to parking on the street the cops will called.

Laurie DiFrancesco noted that in front of any group there has to be guidelines you can't park on both sides of the street. May need to address this with the Village.

Peter Blunnie noted that as the Congregation grows the developmental coverage is going over more.

Marty Kivell – noted anyone can make an application for anything. Let's discuss the rear setback request for an additional 11 feet.

Joe Tichenor noted that the front setback is 5.6 ft. but the rear is 14 ft. which is not what they are asking for. It is 14 ft. from the property line to the structure. Reason for asking is show 5.6 ft. that I think are missing.

Ryan Karben noted that they measured to the side line.

Joe Tichenor – I'm talking about the rear lot line to Place of Worship. If you are counting it to the front setback.

Ryan Karben- the variances are based on the decision of the previous Building Inspector and its binding on this application.

Laurie DiFrancesco – line not showing on back of parking lot which visually extends to the rear of the property line.

Peter Blunnie - what are we giving a variance on, is it for what was requested? If it is not enough have to come back.

Marty Kivell - FAR parking lot in original application of CDRC and PB. Can't put parking anywhere to have a maximum number of spaces with corner and entrance. Most severe and safest ingress & egress.

Laurie DiFrancesco – 5.6 is very narrow for anything to grow if that's the buffer. If removed need to give 15ft to have something planted.

Dan Kraushaar- Ten spaces were approved originally as an overflow. If the board wants to grant a parking variance it is within your discretion. You can approve, deny or approve the application with modifications. For the record the board has 62 days to render a decision even through the Public Hearing is closed. Do you need additional information?

Arthur Katz – asked the applicant if you are satisfied with your submission.

Ryan Karben – does the Board want to remove 2 parking spaces for developmental coverage to avoid potential problems?

Dan Kraushaar – don't think that's what they want

Ryan Karben – the was defined at CDRC and determined by the Building Inspector

Dan Kraushaar – If the relief sought by the application is not needed y the applicant then they would have to come back. Don't know how it would benefit anyone if the there is an incorrect measurement. Need to clarify if it is not what PB is looking for then we re-advertise and have another Public Hearing if it turns out not done accurately. It may prevent the applicant from going to PB and put off for another month while PB gets new approvals for ZBA.

Ryan Karben – plan is signed and sealed and on this plan we would like a determination.

Laurie DiFrancesco – residential house needs expansion. Need to counter the space they are losing and increasing for 60 men and 9 women and the size what the space is being used for. The women only come on Saturday.

Arthur Katz – if it is wrong then come back if it's needed if you can't get what you want to get a decision.

Charlie Picarelli – Concerned that the measurements are wrong. We should approve something with the correct configurations. Shows 52 %need 55%.

Laurie DiFrancesco- If we approve what you are asking for it may not be enough. A dimension from the back parking lot is missing.

Charlie Picarelli – I don't want to approve knowing what is wrong

Ryan Karben – Again I am stating this is what we have and want an approval on. The PB, Village Engineer and Planner and the Building Inspector reviewed this. It is rightfully noted that it is a risk on the applicant and we would like to proceed and look at the four corners of relief.

Dan Kraushaar- For relief granted the burden lies on the applicant parameters

Marty Kivell noted that mistakes can be made we are all human beings. He agreed with Ryan that we have to vote on what is before the board then.

Laurie DiFrancesco – has a concern with front as it is 5 ft. from front yard. 10 ft. is the Village right of way. 15 ft. from curb to corner of the parking lot property line.

Marty Kivell asked if any member is ready or is additional information required

Arthur Katz Made a motion to approve the 52.2% Developmental coverage; .04% FAR additional 11.7ft rear set back; the 11.1 ft. added front yard and the garage variances.

Marty Kivell asked if anyone would second so the board could discuss. No board member seconded the motion.

Laurie DiFrancesco would consider it with terms and conditions with a resolution. Like the idea of all the parking spaces.

Marty Kivell – no guidance with the definition of Residential House of Worship.

Laurie DiFrancesco has a concern of the look and how it will affect the neighborhood as much as they do need it.

Joe Tichenor noted there should be a 9-12 distance between spaces.

Marty Kivell stated that they are not asking for additional information but need to ask for additional time to deliberate to come to a fair decision.

Laurie DiFrancesco made a motion to continue the matter to July 14th or a date earlier if scheduling permits for the record. Marty Kivell seconds the motion. All in favor. Motion carries.

Laurie DiFrancesco makes a motion to adjourn the meeting at 11:15pm. Marty Kivell seconds it. All in favor. Motion carries.