

**Village of Airmont  
Zoning Board of Appeals  
Village Hall  
Thursday, August 13, 2015**

MEMBERS PRESENT:      MICHAEL BERNSTEIN, CHAIRMAN  
                                 MARTIN KIVELL  
                                 LAURIE DIFRANCESCO  
                                 CHARLES PICARELLI  
                                 ARTHUR KATZ  
                                 RICHARD SCHONBERG, AD HOC  
                                 PETER BLUNNIE, AD HOC

OTHERS PRESENT:      DAN KRAUSHAAR, DEPUTY VILLAGE ATTORNEY  
                                 KRISTEN O'DONNELL, VILLAGE PLANNER  
                                 SUZANNE CARLEY, ZONING & PLANNING CLERK

The meeting was called to order at 7:58 PM by Michael Bernstein which was followed by the Pledge of Allegiance. Suzanne Carley introduced herself as the new Planning & Zoning Clerk. The roll call followed.

Arthur Katz made a motion to approve the minutes from June 11, 2015. Martin Kivell seconded the motion. All were in favor. Aye.

Arthur Katz made a motion to approve the minutes from July 9, 2015. Martin Kivell seconded it. All were in favor. Aye.

Chairman Bernstein read into the record the Notice of the Public Hearing for Berk Homes.

Chairman Bernstein swore in the applicants' engineer Zachary Peters.

Chairman Bernstein asked for confirmation that all proper notices pursuant to State and local law have been sent out appropriately and that they can review this application. Dan Kraushaar confirmed that GML was received from the County and notices were sent out from the Village Office.

The P&Z Village Clerk confirmed that the mailings and public hearing posters were completed on a timely basis and in accordance with the Villages' practices. All signed certifications from the applicant are on file.

Zachary Peters, the applicants' engineer described the application which is for a proposed flex-space building consisting of office space and warehouse space. The building will have two stories in the building and access off Spook Rock Road. The engineer explained that the project

involves a new shared entrance for the project site and adjacent parcel. The reason they are at the ZBA is because the existing parcel does not meet the current zoning standards and is deficient in lot area, lot width and street frontage which relates to the characteristics of the existing tax parcel and are independent of the site plan. They are working with the Planning Board on provisions to pursue waiving some of the requirements which relates to them.

Kristen O'Donnell clarified on the front of the site plan dated 3-26-15 revised 5-28-15 in the Zoning Legend LO the two footnotes existing of the plan.

Footnote 1) Village of Airmont of PB Modification per section 210-35E of the Village Code Requested. Footnote 2) Village of Airmont Zoning Board Of Appeals Area Required for Existing lot.

It was indicated that the Planning Board has the ability to modify the requirements for set back on the side and rear for industrial use only. It is a discretionary provision. Chairperson Bernstein asked to clarify that the ZBA is not being asked about the PB for Modification of these areas as of yet. Dan Kraushaar confirmed that was correct.

Chairman Bernstein swore in the applicant, Abe Berkovic and asked him when this property was purchased and what it is has been used for. Mr. Berkovic explained it was purchased back in the 1990's and has been vacant and that he is looking for a tenant. He is looking for an E-commerce business tenant.

Martin Kivell indicated that he doesn't have a finalized executed agreement, only a draft, on getting an easement from an adjoining property. Applicant Abe Berkovic explained it is an oral agreement and that the neighbor Mr. Remmer is here and can testify to that.

The applicant explained that the County didn't want to see two driveways and by having a combined driveway it created a buffer with plantings between the Goddard school and his proposed project.

The applicant indicated it would be more of a truck delivery type business such as UPS.

Kristen O'Donnell indicated that there are no uses in the LO Zone that require less than 40,000 square feet and this is currently a vacant lot.

Kristen reviewed the letter from the NY State Thruway Authority dated April 6, 2015.

Dan Kraushaar asked the Chairman if he could ask some questions. He asked if the property was posted for the record. Member Martin Kivell indicated he did see it posted.

Dan Kraushaar asked the following:

-Will this application impose a hardship on the emergency services in the community?  
Engineer indicated he didn't believe that there were any negative impacts

-Have you approached any of your neighbors other than Mr. Remmer to seek additional property to obviate the need for the variances sought? The engineer indicated that there wasn't anyone else other than Mr. Remmer that had available land.

-Are there any other means for you to build this project which would result in either not needing the variances or a reduction in the size of the variances you are seeking? The engineer and Mr. Berkovic indicated “ No” based on the review of the code and what the applicant is seeking.

-You’ve testified that you approached Mr. Remmer, the adjoining property owner, in regards to the shared driveway. You indicated that you could not reduce the size of the variances you are seeking? The engineer indicated that other than Mr. Remmer they have not because there is not anyone else. The applicant indicated he still needs a variance for frontage which will make a difference.

-Will this project have a negative impact on the surrounding area? The engineer indicated it would not and that it is consistent with what is in the surrounding areas.

Martin Kivell asked if the Town of Ramapo has reviewed this plan? Mr. Kraushaar indicated they were sent a copy. Kristen indicated they only recently received the revised site plan.

Chairman Bernstein indicated that they reviewed other correspondence provided in July. He read into the record the letter dated July 23, 2015 From the County of Rockland. The Board reviewed and discussed points 1 – 11.

Chairman Bernstein noted that the proposed easement was not shown well on the site plan. Demonstration of the feasibility for the fire and emergency vehicles isn’t clear.

Kristen O’Donnell noted that we don’t have a letter from Tallman Fire Department at this point. We need to ensure Fire Department accessibility.

Chairperson Bernstein read into the record the letter from the County of Rockland of County Department of Highways dated April 17, 2015. Kristen indicated the Agency has not seen the latest version of the plan with easement and different plan needs to go back to the highway Department with the changes.

Chairperson Bernstein read into the record the letter from the County of Rockland Sewer District dated April 20, 2015.

Dan Kraushaar indicated that the County of Rockland will need to review the new site plan for a new GML to the PB.

Chairperson Bernstein read into the record the letter from the NY State Thruway Authority Canal dated April 6, 2015.

Chairman Bernstein read into the record the letter from the Town of Ramapo dated June 8, 2015 from the Building of Public Works.

Laurie DeFrancesco asked if there will be revisions for the Board to be able to review and see the indicated revisions more clearly in order to make a decision. The engineer indicated that they are working on revising some of the outstanding issues and will resubmit.

Arthur Katz made a motion to open the public hearing at 9:32pm. Martin Kivell seconded the motion. All in favor. Aye.

The first member of the public that was heard was Mr. Aftab Dar, 20 S. Laurel Lane Airmont, New York. He is also the President of Spook Rock Industrial Park I which is located across the street at 431 Spook Rock Road. Chairman Bernstein swore him in. His concern is the additional trucks coming in and out and the ability of them turning around. They already have issues as it is. He was concerned that he was not notified about this and would like to be notified going forward.

The next member of the public sworn in by Chairman Bernstein was Eugene Parker, 12 Dix Hills Road New City. He is the VP of the Board of Managers of Spook Rock I located at 2 Spook Road Tallman, NY. His wife received the Public Hearing Notice because his wife owns a unit in the Condos.

Spook Rock Industrial Park is 11 buildings divided into Spook Rock 1 which is 6 buildings and Spook Rock 2 which is 5 buildings. He noted that neither Spook Rock Industrial Park I or II were notified.

Mr. Berkovic indicated he sent the notices based on the list he received from the Town of Ramapo. Dan Kraushaar explained how the process with the Town of Ramapo works in providing the list of those notified.

Mr. Parker's major concern is about the size and number of trucks coming out of the property in particular those going into oncoming traffic. Mr. Parker is very concerned about accidents that could potentially occur. He is also concerned about putting an industrial building next to a Nursery School - the Goddard School which is already there.

Dan Kraushaar indicated that the vast majority of their issues are Planning Board issues and advised both members of the public who spoke that the next meeting is September 10, 2015.

The engineer offered to make revisions to open up the entrance to the driveway and try to address how the trucks turns will look.

Chairman Bernstein indicated he needs to see revised site plans as they are uncomfortable making a decision at this point. He would like it to include a proposal of what the easement and entrance will look like.

Martin Kivell made a motion to continue the Public Hearing to September in order for the applicant to address the concerns of the public and the Board. Arthur Katz seconded it. All in favor. Aye.

At 10:01pm Arthur Katz made a motion to adjourn. Martin Kivell seconded it. All in favor. Aye.