

**Village of Airmont
Planning Board Meeting
Thursday
July 22, 2021
7:00pm**

Members Present: Yehuda Friedland, Chairman
John Cornelius
Mordechai Grinberger
Maurice Roth
Morris Friedman, Ad Hoc
Joel Shandelman, Ad Hoc

Others Present: Dan Kraushaar, Deputy Village Attorney
Eve Mancuso, Village Engineer
Valerie Monastra, Village Planner
Lou Zummo, Building Inspector
Suzanne Carley, P&Z Secretary

Absent: Russell Hock

The meeting was called to order by Chairman Friedland at 7:36 pm followed by the pledge of allegiance and roll call. Chairman Friedland made a motion to approve the minutes from the May 27, 2021 PB Meeting which was seconded by John Cornelius. All in favor motion carried. Chairman Friedland made a motion to approve the June 24, 2021 meeting minutes which was seconded by Mordechai Grinberger. John Cornelius abstained as he was not present at that meeting. All others in favor, motion carried. Chairman Friedland appointed ad hoc member Morris Friedman as a voting member for the evening. John Cornelius seconded it. All in favor.

CONTINUED PUBLIC HEARING – RUBIN

48-50 S. Airmont Road

Proposed Subdivision

Subdivision Map

Applicant's engineer Rachel Barese introduced the project and noted that this application is for a Subdivision for the properties known as Tax Lots 55.15-3-35 & 36. They are located at 48 & 50 S. Airmont Road. The applicant is seeking to move the lot line. The existing residences will remain as is. The driveway for 50 S. Airmont Road will be relocated to the other side of the house, but the change is minor. Due to the existing conditions, three variances will be required. Lot 35 will require a variance for lot width. The existing width is approximately 100' so the new width will be an increase, but still deficient from the required 160 FT. Lot 36 will require variances for the front setback and front yard. These variances are due to the location of the existing house. The house is approximately 14.2 FT to the DSL where 50 FT is required. These are existing conditions.

She explained that they are widening the lot and that these is a 50 ft. Right of Way that passes through the properties and the hold over deduction is shown on the plans. They a one and a half ft too short and the existing house is too close to the road.

The Village Engineer discussed that the project is on a County road and requires County approval for the turnaround curb cut and that backing out of the driveway is not permitted. It cannot be waived and it is not option. Applicant's engineer will re-work the plans to see if it can be configured better. The Village Engineer reviewed her letter dated 6/22/2021 and noted that the right of way needs to be cleaned up on the plans. Applicants Engineer will re-work the plans and re-submit.

Yehuda Friedland asked about the status of the pool. Applicant's Engineer explained the engineering was done. A full planting plan, drainage and the pool was under construction. The applicant had never applied for a County road opening permit. The Building Inspector noted that the Village is receiving nasty letters about it and it needs to be completed. The applicants engineer noted that they are working on it.

The Village Planner reviewed her comment letter of 6/21/2021 and pointed out that the comments on note 3 existing uses are vacant needed to be explained. She asked if there will be any update to the existing residence. The applicants engineer noted that there will one home on one lot and one home on the second lot both single family residences. The proposed use for the two-story frame barn is existing and is not proposed to change it's only for storage. It was recommended to have a map note to add that the barn structure cannot be used as a habitable structure, it can only be used for a storage/shed type purpose.

Applicant's Engineer Rachel Barese advised that the applicant was previously before the PB before for a full planting plan due to a number of trees that had been removed. The pool is in but they had never applied for a County Road opening permit which is required due to the property being on a County road so this is still an open item. The RC Highway was contacted in obtaining the pool permit.

Applicants Engineer noted that they are working on trying to get a permit as of 7/21/2021 it's not done as of yet. The county was sent the plans. Question was asked if there are any violations for the pool does it affect the subdivision? Dan Kraushaar advised that the municipality cannot prevent the applicant from applying for the permit even with violations.

The lot line is a Type 2 action for SEQRA and doesn't require coordination. John Cornelius opened the public hearing for the application of 48-50 S. Airmont Road. Mordechai Grinberger seconded it. All in favor motion carried. Danielle Meehan 18 Ackerman Avenue – had questions on the traffic and asked if the lot line change would increase the traffic at the intersection of Campbell Avenue and S. Airmont Avenue. John Cornelius advised the impact was looked at and the proposal of moving the lot line is actually further away from the intersection than it was so there wouldn't be an increase.

Applicant was advised by the PB to reinstate their permit and get that completed as soon as possible.

John Cornelius made a motion to continue the public hearing to a date uncertain so that the applicant can be referred to the ZBA for variances and the matter will be re-noticed when coming back to the Planning Board. Mordechai Grinberger seconded it. All in favor motion carries.

Chairman Friedland made a motion to refer the application for 48-50 S. Airmont Road to the Zoning Board of Appeals of the Village of Airmont for variances for the lot line width, front set back and front yard. John Cornelius seconded it. All in favor motion carried.

**DISCUSSION/DECISION – PANERA
15 N. Airmont Road
Fast Food Restaurant with a Special Permit
Reinstatement of Previously Approved Site Plan**

Deputy Village Attorney brought up that there was a provision in the Village code that predates covid-19 for a revoked or lapsed site plan in which the PB in its sole discretion can provide reinstatement pursuant to Section 210-79 (E). The applicant had previously received and extension on endorsement of the previously approved plans and then covid-19 hit. There was an Executive Order allowing an extension on all suspended and expiration dates of local land use approvals which expired on 6/14/19 of which this application falls under.

Applicant's representative Mike Amodio from Dynamic Engineering noted that nothing changed on the plans. They recently had attended a CDRC on 2/9/2021 to possibly put in a fast lane as part of the drive thru but the applicant decided not to do so nothing has changed since the previous approval. The subdivision process was fully completed and executed with everything filed. They are seeking reinstatement on the site plan and special permit for a fast-food restaurant with a drive through.

It was agreed that since nothing had changed, and everything had previously received approvals there was no reason for a public hearing especially since there was no one at all the previous public hearings at the PB meetings for the application.

John Cornelius made a motion to reinstate the previously approved site plan for Panera Inc subject to any conditions previously imposed which was seconded by Yehuda Friedland. All in favor, motion carries 5 to 0. Reinstatement approved.

John Cornelius made a motion to reinstate the special permit for fast food restaurant with a drive-thru for Panera which was seconded by Yehuda Friedland. All in favor motion carries 5 to 0 opposed. Reinstatement of Special Permit approved.

NEW BUSINESS

The Planning and Zoning secretary advised that they would be a PB Meeting for August and the Chairman advised that the meeting would start at 7:00pm. She also advised that the certificates are required for the Discrimination Class required by the Village. The 9/23 meeting falls during the Jewish holidays so the P&Z Clerk will take a poll to possibly move the September meeting to 9/30. Everyone will be advised.

Chairman Friedland made a motion to adjourn the meeting which was seconded by Mordechai Grinberger. All in favor meeting ended at 7:55pm.