

**Village of Airmont
Planning Board Meeting
Thursday
September 30, 2021
7:00pm Via ZOOM**

Members Present: Yehuda Friedland, Chairman
John Cornelius
Mordechai Grinberger
Russell Hock
Maurice Roth
Joel Shandelman, Ad Hoc
Morris Friedman, Ad Hoc (arrived 15 minutes late)

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:

The meeting was called to order by Chairman Friedland at 7:32 pm followed by the pledge of allegiance and roll call. Not everyone had the opportunity to read the minutes so they will be reviewed and approved at the next PB Meeting.

PUBLIC HEARING – Prime Pro Management LLC

194 Route 59
Reinstatement of Gas Station
Amended Site Plan

Ira Emanuel 4 Laurel Place New City, NY attorney for the applicant. Here to discuss the gas station at 194 Route 59 adjacent to Sterling Bank which is across Route 59 from a strip mall. It has not been operating for many years. Over two years ago sought for a building permit and removed the old underground storage tanks. Everything was completed and all is ok. The Building Inspector advised although they were remedied there is no permission to operate them.

On Route 59 by the gas station was a driveway entrance thought to be owned by the Village of Airmont and records should it was owned by the Village but it is actually owned by the Cheeseman's. It's on the far side of the property. There were a lot of questions as to really did own it and it took months to resolve the contract and the swapping of properties between the Village and the Cheeseman's which went back a number of years. The applicant tried to obtain an easement which never came to fruition. The applicant will work within their bounds instead to re-open.

The original gas station had two repair bays, a convenience store, a garage, a dwelling in the back and a shed. The residential portion is not sustainable as it's in the VC Zone and is not zoned for residential. Couldn't get sufficient parking but at the very least they want to be able to pump gas.

The plan before you show that there will be four dispersing stations and two parking spots to start to only operate gas from the pumps. Nothing else will be sold from the site. They only want to operate to pump gas with a portion of building for office and a bathroom for the attendant. A special permit for construction and reconstruction. No plans for new exterior construction but they acknowledge that the place looks horrible and needs to be beautified. Trying to attempt to get access from rear, then the rest of the building can't be properly used.

At CDRC there were Concerns whether or not a fuel truck can get in/out. Ira shared a video from 3/8/17 and in the second video you can see a truck leaving doesn't appear to have issues. There is a letter in the file from SOS Fuels dated 2/16/2021 indicating that they will not have an issue getting in and out of the site. The place needs to be re-beautified. They are looking at pumping gas for now as a precursor for something else later as they are still working on the access to the rear.

Village Planner comments: Noted that the this is a Type II action for SEQRA with no further action needed. From a zoning perspective 10 area variances are required and they will need a referral to the ZBA. The application will need to be reviewed by the Architectural Review Committee. There is a RC Planning County review and various RC agency comments. In terms of a wetlands permit it falls within NY State and it may be required if trigger DEC NY State and a permit from the PB as well.

Need to understand the re-issue of existing buildings better with an understanding if buildings are not to be used how the parcel will be stabilized. Would like to see everything in a memo. The property needs to look aesthetically pleasing as it's in a highly visible location. She recommended that both of these be conditions of approval.

Parking would be more accessible if one or more of the buildings is demolished as there are concerns with the two parking spaces and whether a car can safely pull in and out. Propose for them to look at the space and determine if additional variances are required. The environmental issues indicate current contaminated soil and it's been remediated would like the reports & permits will be submitted. Need an updated survey and site plan to be submitted. Need to reflect existing conditions. A lighting plan needs to be submitted if new lighting is proposed and well as any plans for signage. Provide details on how the applicant proposes to secure the two-story garage. Needs to see details on the one-story dwelling behind the garage, in addition to the one-story garage and shed in the rear of the property. Applicant should consider the demolition of one or more of the unused buildings to create more space for parking. Square footage of the proposed office space needs to be submitted and the location of the proposed parking area is questionable. A landscaping plan also needs to be provided. A storm water management or erosion and sediment control plan needs to be submitted for the Village Engineer to review. There are concerns with the proposed location of the parking spaces and its relation to the site access as it is required in Section 210-97 of the Zoning Code for Special Permit Standards for Gasoline Service Station (Section 210-100) and General Special Permit Standard (Section 210-97) of Airmont's Zoning Code.

Applicant's attorney in general agreed with report to the question whether to add a conditional space for local office/business will be determined. Proposing for an office for the gas station. Village Planner was fine with the response.

Intent is a place for an attendant to sit not for a separate or additional business. Limited scope of use of four parking spaces and the gas pumps. There is a limited scope of use of two -four parking spaces and the gas pumps. Most of the variances are for existing conditions.

There is a chain link fence that encroaches onto provident/Sterling Bank. The paved driveway encroaches on the same property. Dan Kraushaar noted that these need to be looked into. Ira Emanuel noted that the fence can be removed. The Village Planner noted that this is why we are asking for an updated survey and site plan.

Rachel Barese engineer for the applicant noted that she was just out to the site and she stated that the contaminated soil was removed and believes fence as well. Question is the shed and whether or not it is needed and Ira Emanuel noted that he didn't see a reason to keep it. Rachel Barese indicated that there is more work in the back more encroaching in the wetland region. Wetland Regulatory area within 100 ft. if go in the back. The one-story garage is part of the house and the area in the back in is horrible shape with grade 3 ft high. They have a permit for removal of old tank and installation of new ones. Trying to get something going so the property can start paying for itself

Ira Emanuel noted that that applicant will secure all buildings but may have a need for the shed and garage. Will do as little as can to other portion of the property while trying to obtain and gain use of the tanks. Will come back with updates and answers.

Chairman Friedland inquired as to what exactly they are seeking from the ZBA? Ira Emanuel noted that they technically don't need a referral but it is typically done and customary to the ZBA. They will list what they are requesting in their next PB submission.

John Nosek consulting engineer with Fusco Engineering introduced himself and noted that he has been working for Fusco Engineering for 5-6 years. Read his letter into the record dated 9/22/2021. Many of his comments overlapped to those of the Village Planner. Noted RCSD easement and need an updated licensed survey with exiting conditions. New or existing survey & plans to be submitted within compliance of Village of Airmont sign codes. Item #10 of his letter was clarified with the video. #25 even if not being used concern is to backout not. Its not the best location for the proposed parking spots. The DPW connection and easement shown on the plans and clarified with a secured permit new tanks and cleaned out. P&Z secretary will follow-up with the DOT for their comments.

Other letters received and read into the record were from RC Planning a GML dated 9-9-2021, Town of Ramapo Dept of Public Works, 9-8-2021RC Health letter dated 8-23-2021, Tallman Fire Department dated 5-4-2021; and RC Sewer dated 9-27-2021.

The Building Inspector noted that the location of the tanks needs to be noted on the plans which are under the pad and should be marked. Dan Kraushaar indicated that there should be a map note that the site is only to be used to dispense gasoline. Inspector also noted that the closure report about the soil be submitted and Ira indicated he would submit it.

John Cornelius noted that on a sunny day the fuel trucks can pull in and no one was at the gas station. What will happen on a busy day or a snowy day and when cars will be around. Applicant's attorney noted the fuel is done at night. Dan Kraushaar noted that they need to address Tallman Fires letter which and the same concern. John also inquired about a trash receptacle and Rachel Barese indicated it's really not needed for one person on the site and only one person using the restroom/office. Dan Kraushaar also brought up a snow storage area that they will need to consider. Rachel Barese stated that they acknowledge that the parking spot is not in the best location but they are trying to configure it so that the fuel pumps can be utilized. Russell Hock indicated he had concerns about the contaminated soil pile and how that could affect the neighbors. The parking is a significant concern in terms of inadequate spots and blocking, not a clear path. A place for garbage receptacles would be nice as well. The chain link fence needs to be addressed.

Chairman Friedland made a motion to open the public hearing which was seconded by Russell Hock. All in favor. Zalmen Rubin 3 Algonquin Circle noted that this should be able to be used as a gas station once the fuel pumps were remedied. He felt it was an injustice and blocked by the Fire and Building Inspector. As a resident he would like to see that it gets up and running asap and feels that the applicant should be granted the ability to open the gas station.

Danielle Meehan 7 Ackerman Avenue had a question as to whether diesel would be sold. It was stated that they will be keeping it as motor fuels. She also commented that she was concerned about the traffic from Stage Street as this is a heavily travelled corridor. She also inquired about motor oil and it was stated that will not be sold only fuel.

Dan Kraushaar recommended the application be continued to a date certain in light of the fact that they don't know when they can get the updates to us. They have to go to ZBA with updated plans which will also require a GML. Question is does the PB want them back again prior to going to the ZBA. Ira Emanuel indicated that they prefer to move along for the existing structures and conditions that are not changing and have no impact. Rachel Barese indicated that she could cleanup and update the site plan, look at the items in the GML & DOT comments and another location of the driveway. The P&Z Secretary stated that they would need the submission no later than Thursday 10/14 for consultant review for the 10/28 PB Meeting.

Chairman Friedland made a motion to continue the public hearing for Prime Pro Management LLC to Thursday 10/28/21 at 7:00PM via Zoom as per the Governor of NY's Executive Order for remote meetings. John Cornelius seconded it. All in favor, motion carries.

Chairman Friedland made a motion to adjourn the meeting at 8:45pm which was seconded by John Cornelius. All in favor meeting ended.