

**Village of Airmont
Planning Board Meeting
Thursday
October 28, 2021
7:00pm Via ZOOM**

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

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

Absent: Maurice Roth

The meeting was called to order by Chairman Friedland at 7:32 pm followed by the pledge of allegiance and roll call. Chairman Friedland made motion to approve the minutes from 7/22/2021 which was seconded by John Cornelius. Russell Hock abstained and all other members were in favor, motion carries. Chairman Friedland made a motion to approve the minutes from 9/20/2021 which was seconded by John Cornelius. Russell Hock abstained and all other members were in favor, motion carries. Chairman Friedland made a motion to appoint Ad Hoc Morris Friedman a voting member for the evening. John Cornelius seconded it. All in favor motion carries.

CONTINUED PUBLIC HEARING – Prime Pro Management LLC

194 Route 59
Reinstatement of Gas Station
Amended Site Plan

The applicant's attorney Ira Emanuel requested an adjournment to the November 22, 2021 in an email dated 10/23/2021. Chairman Friedland made a motion to continue the application for Prime Pro Management LLC to the next PB Meeting via Zoom on Monday November 22, 2021 at 7:00PM which was seconded by John Cornelius. All in favor motion carries.

CENTRAL UTA of MONSEY – Ministerial Amendment Change to previously approved PB Resolution for a previously approved Amended Site Plan

236 Cherry Lane
Approved Amended Site Plan for Site Improvements
Ministerial PB Amendment Resolution

Ira Emanuel, Attorney for the applicant explained that they are appearing in front of the PB for a minor amendment to the previously approved resolution on the approved amended site plan.

Purpose of the amendments to provide additional time to get the project moving. The school has been diligently trying to obtain necessary permits. It's all due to bureaucratic lagging and things take time. Typically permits must be obtained prior to signing of the site plan by the Chairman.

They had been waiting on the RC Highway for new emergency exit and entrance and ESA Waiver for water connection and connection to sewers from RC Sewer, TOR DPW and the Dept of Health. Two days ago, they received a work permit from RC Highway.

They are requesting that the site plan be endorsed yet no C of O issued until those two permits are taken care. Neither are matter of safety issues. Unless they have permits and connections for water and sewer Ira noted that they cannot have a school anyway.

Looking to get the Site plan signed so that construction can begin. No C of O will be issued until permits are taken care of. Again, without water they can't get do anything. By allowing this amendment the school will be saving 2-4 months on construction. They are anticipating 8 months of construction in total. The school wants to get in and use the building for 9/2022 and may not make the deadline without this relief which is why they are requesting the amendment.

Chairman Friedland asked if they understand that they may be starting to construct at their own risk and Ira Emanuel agreed that they are aware and feel it is a low risk it more of a timing issue. He does not feel that they aren't any reasons that they will not get them. Ira Emanuel explained that that they feel that it is a minimal risk given that connections already exist and there is no reason to delay.

Chairman Friedland noted for the record that this issue is not a public hearing as it is an amendment to what was previously approved. Outside Counsel for the Village, Jody Cross explained that is it a ministerial issue, doesn't change the project and is just a sequencing issue which is why the public hearing does not apply. No public hearing was required for this application as it is an amendment. Nothing is changing on the drawings.

John Cornelius inquired as to exactly which agencies they are waiting on. Ira advised that they are waiting on the US EPA for ESA Waiver which then translates to RC Sewer and TOR DPW for sewer connection and Suez Water and RC Health Department for the water.

The only two conditions will be specified in the resolutions however it is not limited to those two. Jody Cross explained that the way it is written is for sewer and water only and is based upon on this understanding and if there are any others the PB will need to take Health and safety issues with the connections. The applicant's attorney Ira Emanuel explained that is all he is fully aware and if anything else pops up they will have to return to the PB as only these two agencies are mentioned in the resolution.

Chairman Friedland clarified that the only change is related to water and sewer and read into the record from the proposed resolution. **WHEREAS**, the Applicant has requested in the Narrative that Condition 2 be amended to from the following: *A certificate of occupancy for new Building #14 is conditioned upon Applicant complying with all outstanding conditions from any other governmental agency, as well as*

receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans. Evidence of compliance with conditions and any such approvals must be submitted to the Village Planning and Building Department

Chairman Friedland made a motion to approve the ministerial amendment change and the resolution was read into the record by Chairman Friedland: Now therefore be resolved that the PB hereby amends condition 2 be stricken and amends as follows #2 replaced with **WHEREAS**, *the Planning Board has considered the Applicant's request, and has determined that the remaining outstanding governmental approvals relate only to the water and sewer connection to the new Building #14, and thus do not present any issue of safety that would preclude proceeding with construction the project prior to the Applicant receiving all approvals required for said project by any other outside governmental approving agencies; and*

John Cornelius seconded it. All PB members other than Russell Hock agreed. Motion carried with 4 Yes and 1 not in favor.

PUBLIC HEARING – Yeshiva Eitz Chaim/Skill Building Center

99 Oratam Road 98 & 100 Hillside Avenue

Merger of Three Lots, Site Plan and Special Permit for Construction, Development & Operation of a new Elementary School & Building
Site Plan & Map of Lot Line Adjustment

The applicant's attorney Joe Churgin introduced the project which is a for a religious school with growth to about 200-240 children. A Subdivision, Site plan and Special Permit application were submitted to merge three lots with a total area of 11.34 acres and construct an 11,000sf elementary school with 37 parking spaces in the RR-50 zoning district, an existing residence and accessory structures are to be removed, but one existing residence is to remain as a caretaker's residence. The northern side of the property is +/- 170 east of the New York and New Jersey border and the eastern side of Oratam Road is approximately 340 feet north of the New York/New Jersey border. There 37 proposed parking spaces and no more than three full size and one small bus will be on-site at any given time. Existing dwellings on the northern portion of the project site will remain and serve as the caretaker's dwelling, while the existing dwelling near Hillside Avenue will be demolished along with the kennels, pool house and a shed.

Joe brought up that they had been to several CDRC meetings and that it was brought up during the planning review that they will need an area variance for lot width. The Building Inspector indicated that while they are going to the ZBA that they may want to look at the number of accessory structures they want to keep as the maximum is three. The applicant's attorney noted that they would look into this matter.

The Village Planner noted that this is an Unlisted action under SEQR. The PB will be the lead agency for this application and should declare its intent to be Lead Agency. She also noted that they will need to go to the ARC for review. They need to submit a full site plan and many items are missing – location and use of any new building or structure including the occupancy, approximate locations of existing structures, and a detailed list can be found in her memo dated 10/26/2021. A grading, drainage and utilities plan with erosion and sediment control notes needs to be submitted along with a landscaping and lighting plan, a profile and detail plan sheet. Storm water management and a pollution prevention plan will also be required. All these items are needed for a full site review. They also need to address the Tallman Fire Department letter regarding the water source which was dated 10/4/2021. It was also discussed at CDRC that a traffic study would be needed for cuing of the buses, site distance turning radius and staff circulation being incorporated. The Village Engineer reviewed her letter and much of it was the same comments as the Village Planner.

The P& Z Secretary read into the record that the following letters were received:

- GML dated 10/28/2021
- Tallman Fire Department dated 10/4/2021
- RC Sewer dated 10/22/2021
- Village Planner memo dated 10/26/2021
- Town of Ramapo dated 10/20/2021
- Village Engineer letter dated 10/28/2021
- RC Health dated 10/14/2021

Chairman Friedland opened the public hearing which was seconded by John Cornelius all in favor motion carries. Dan Finley 4 Oratam Rd noted he was opposed to the project as they are land locked with the Upper Saddle River Bridge being closed and had concerns for emergency vehicles. He mentioned that Oratam Road is a private road and would not be good for an emergency access road as only car could barely pass the road as it is. Concerned with liability issues with any children that could leave the site and requested fencing. Also concerned about the water issues. Danielle Meehan 18 Ackerman Avenue on behalf of CUPON inquired as to what type of children would be attending. Heather Federico 30 Tartan Road Mahwah mentioned children under the age of 4 could not take a bus. Joe Churgin advise it is a K-8 school. Heather mentioned the need to look at the traffic with all the other projects on Hillside the Cemetery and the Mikvah across the street part of the TOR. Ms. Goldson at 2 Oratam Road noted that she had no problem with the school.

The Planning Board discussed that additional information would need to be submitted – traffic study, response to Tallman Fire Department’s Letter, an emergency access road, full set of site plans, etc.. They also need to go to the ZBA for at least the variance for lot width. The Building Inspector mentioned that they should look at their number of accessory structures if already going to the ZBA and determine if they will require variances on that as well. John Cornelius made a motion to continue the public hearing for the Skill Building Center to Thursday December 23, 2021 at 7:00pm via zoom and to proceed with a traffic study and update the plans. Mordechai Grinberger seconded it. All in favor motion carries. Chairman Friedland made a motion to refer the application of the Skill Building Center to the ZBA which was seconded by John Cornelius. All in favor motion carried.

PUBLIC HEARING - Suez Water NY PFAS Compliance -Tallman Water Well #26

239 Route 59

Proposed New Building

Amended Site Plan

Appearing for the project are Adam Walker, Erin Albine and William Schumann all engineers with suburban engineering for the project for the client Mara Stephanacous. Erin Albine introduced the project for Suez Water New York Inc. which is land locked and is accessed by an access easement through lot 54 to the West of the site on South DeBaun. The existing site contains high voltage overhead wires which are under the ownership of O&R through an existing easement. The current facility operates a single water production well treatment facility as part of their distribution network. It currently houses the existing well, Tallman well #26 along with well treatment operations (in compliance with the NY State Dept. of Health regulations (NYSDOH) to deliver reliable and safe potable drinking water to their customers. The recent water quality sampling events are specifically targeted at the emerging contaminant Per- Polyfluoroalkyl substances know as PFAS, mandated by the NYSDOH in compliance with the EPA regulations. The detected levels resulted in regulated levels above the recently adopted drinking water standards. They are trying to comply with NYSDOH requirements and provided safe and reliable drinking water to the customer base. In order to do so, the installation of a new treatment process will be required under a deferral agreement with the NYSDOH for proper implementation of the treatment by the third quarter of 2022. As a result, several improvements will be required for the site.

The installation of a new treatment process will be need along with several improvements which includes the installation of a new treatment building to house the proposed treatment, modifications to the existing treatment facility to accommodate the new treatment, as well as site improvements to allow for adequate site access, operations, and maintenance of the entire facility. The property is owned by Suez Water NY Inc. and is in the NS zoning district where public utility buildings are a permitted use in this district. There is no special permit requirement for utilities, but the Planning board will need to determine that the project conforms to the conditions and standards as set forth in Section 210-97 of the zoning chapter.

The project improvements are centrally located to minimize the tree clearing and environmental impacts on the site, two trees are required to be removed and are noted on the plans. The total limit of disturbance is .10 acres. Portions of the site are located within the 100-year floodplain of the unmade tributary to Montebello Creek. The proposed project has no impact on the number of employees and vehicular traffic. A single employee will visit the site daily to perform maintenance and check residual levels. A lighting plan has been submitted along with a floodplain report, stormwater reports and erosion and sediment control plan. There are no existing or proposed sanitary sewer connections associated with this site.

The water system improvements are required to meet the necessary NYSDOH requirements and to provide safe and reliable drinking water to the SWNY customer base. Through investigations of the site and surrounding area, the location of the proposed building is situated such that to allow for proper connections to the existing well treatment building as well as to minimize the zoning and environmental impacts of the site. The proposed project is zoning compliant and meets all criteria for the zone however a variance from the requirements of Article VI section 210-42 for distance between principal buildings is being requested. This relief is being requested to avoid any negative impact to the surrounding wetlands and to minimize the amount of fill required. The proposed use of the site does not change from the existing use. The applicant is therefore appearing before the ZBA at the 10/14/2021 ZBA meeting to obtain this required variance.

Dan Kraushaar inquired if they are under a deferral agreement, or a consent decree and the applicant's representative responded a consent decree with NYSDOH. He also inquired with they need to comply with the High Voltage Proximity Act and asked them to check with O&R. Erin advised that they are in ongoing discussions with O& R.

Chairman Friedland ask if any machinery would be required, and the applicant's representative responded no that they are just upgrading the pumps and adding a building to house the new treatment. John Cornelius asked about any odors and the applicants representative noted that it is odorless and completely contained. There are no bacteria or contaminants.

Mordechi Grinberger asking if the pump is loud. It was explained that there is a pump already in place within the building and there will nothing louder as part of the project work. It was noted that the building is small, and the project meets the noise requirements within the Village Code. It was noted that there is one parking spot, but it is not clear if it will be paved or not due to the relay issue. The project is considered a Type 2 action under SEQRA and is in a non-residential zone.

Chairman Friedland asked about the one parking spot and if it is in the wetland buffer area. Erin explained that one spot exists with asphalt and is unstripped and that there will be no dripping or any form of contaminants. The Village Planner noted this spot is meant for automobiles to get in and out.

Al Fusco reviewed his letter of 10/25/2021 proceeded by the Village Planner who reviewed her letter dated 10/25/2021. The P& Z Secretary read into the record that the following letters that were received:

- Response from applicant dated 10-19-2021
- GML dated 8/12/2021
- RC Sewer dated 8/19/2021 & 10/14/2021
- DOT email dated 10/18/2021
- Town of Ramapo Dept of Public Works dated 8/17/2021& 9/20/21
- Orange & Rockland dated 8/26/2021 & 9/13/2021
- Village Planner dated 8/20/2021 &10/25/2021

- Village Engineer Fusco 8/24/2021 & 10/25/2021
- Tallman Fire Department Letter dated 7/9/2021
- RC Drainage Letter dated 8/16/2021
- RC Health Letter dated 8/17/2021

It was noted by the P& Z Secretary that the applicant went to ARC on 8/4/2021 and a memo to the PB will be provided.

Dan Kraushaar noted that they are under a consent decree which has been reviewed with the Dept of Health and they are looking closely at it for public health and safety interest.

Chairman Friedland opened the public hearing John Cornelius seconded it. All in favor motion carried. For the record there were no public comments from anyone on the meeting.

Chairman Friedland made a motion to continue the public hearing to the November 22,2021 PB meeting via zoom at 7:00PM. Mordechai Grinberger seconded it. All in favor motion carried.

Applicants Attorney noted that this is a Type II action requiring no further review for SEQR. He reminded the PB that this project is not in a residential area, and they are on a very tight timeframe to meet NYDOH requirements, He requested that a resolution be drafted as quickly as possible upon their return from the ZBA to keep the project moving as quickly as possible. Chairman Friedland made a motion to adjourn the meeting a 10:15 pm which was seconded by Mordechai Grinberger. All in favor meeting ended.