

**Village of Airmont  
Planning Board Meeting  
Via Zoom  
Thursday  
March 25, 2021  
7:30pm**

**Members Present:** John Cornelius, Chairman  
Russell Hock  
Joseph Toss  
Dennis Cohen  
Doug Whipple, Ad Hoc

**Members Absent:** Joel Shandelman, Ad Hoc  
William Philip

**Others Present:** Scott Ugell, Village Attorney  
Eve Mancuso, Village Engineer  
Valerie Monastra, Village Planner  
Lou Zummo, Building Inspector  
Suzanne Carley, P&Z Secretary

**Others Absent:** Dan Kraushaar, Deputy Village Attorney

The meeting was called to order at 7:35 pm followed by the pledge of allegiance and roll call. Chairman Cornelius made a motion to approve the minutes from the February 25, 2021 PB Meeting which were seconded by Russell Hock. All in favor motion carries. Chairman Cornelius appointed Ad Hoc Member Doug Whipple a voting member for the evening. Russell Hock seconded it all in favor motion carries.

**CONTINUED PUBLIC HEARING – 282 Route 59 Suffern LLC  
282 Route 59 LLC  
Proposed Office Building  
Site Plan**

Applicant requested an adjournment to the April 22, 2021 PB Meeting as he did not receive the required final comments from the DOT. Chairman Cornelius

**CONTINUED PUBLIC HEARING – 14 Woodland Place  
14 Woodland Place  
Proposed Residential Place of Assembly  
Revised Site Plan**

Terry Rice applicant's attorney explained that they have been before the PB several times and have made all the recommended changes. As per the Village Planner's letter dated 3/23/2021 the lighting plan is 15 ft and exceeds 12 ft from ground to their tallest point in residential zoning districts. Applicant is being asked to reduce the height. The PB can also consider putting the

lighting on timers and motion detectors. The height should be a condition of approval. The hours of in the evening that the lights will be on needs to be noted on the plans as a map note. Although the intensity of the lights has been reduced and the proposed lumens meets the code there should still be a further reduction in the amount and intensity. The revised plans add (7) lights to the site.

Village Engineer noted in her memo dated 3/23/2021 that the spot elevation is needed along the driveway to ensure a 2% positive pitch towards the road for the first 10feet of the drive and still has not been addressed. A stormwater maintenance agreement will be required to be executed with the Village, hours of operation on the lighting needs to be provided and shown of the plan. Erosion control practice shall be installed and maintained during the period of construction.

Terry Rice recommended that these items be a condition of approval including lighting hours for the holidays and then off by 10pm. Chairman Cornelius opened the public hearing at 7:44pm Dennis Cohen seconded it. For the record there no comments from the public. John Cornelius made a motion to approve the application for 14 Woodland Place for a residential place of assembly subject to the lighting, grading and map note items as discussed. Dennis Cohen seconded it. All in favor 5 to 0 motion carries. The application was approved.

**Letter from Young/Sommer LLC for RWE Solar Development - 375 Route 59  
Proposed Independent Battery Energy Storage Consultants and a BESS Facility Site Visit**

Village Planner explained that at the January PB Meeting the PB asked that a Battery Consultant be hired and paid for by the applicant to review the application for a Battery Energy Storage System as this is a new field and there was little expertise and information in the Village code on this type of application.

The Village Planner and Village Engineer looked internally and externally as this is a new specialty field and could not find one. The attorney representing the applicant provided a letter to the Village identifying two battery energy consultants in this field that had absolutely no association with the applicant submitted for the PB to review and accept. Village Attorney agreed that it was a good idea to have experienced consultants review the application and asked that the proposed consultants advise the Village Planner on other projects that they have reviewed as part of the process. He also requested that the consultant take a look at the proposed location of the project and take a look at other locations within the Village. He noted he did not think the current location was appropriate for the project.

Chairman Cornelius also asked that they provide information on the surge power needed. The attorney with Young Sommer fire safety expert would do so. The PB unanimously agreed to move forward with securing the one of the two consultants. The Village Planner and P&Z Secretary would work on getting the BESS Consultant proposal and documentation in process so that the battery consultant could have their review completed when the applicant returns for the May PB Meeting.

**CONTINUED PUBLIC HEARING**  
**Stage Associates LLC – 130 Route 59**  
**130 Route 59, 22 & 24 Stage Street**  
**Proposed Office & Warehousing**

Applicant is seeking a site plan approval for construction of a new warehouse space. There are seven units proposed contained within four separate buildings. The site is located on the north side of Route 59 and also has frontage on Stage Street. It is in the LO – Laboratory Office Zoning District. The site is currently developed with a single structure. The existing structure is proposed to be removed. The project falls under the Special Use Permit by the PB requirement of the zoning code. The existing lot is substantially undersized for a lot in this zone and as such many variances are required. Variances were granted by the ZBA on August 31, 2020.

Village Planner noted in her letter dated March 23, 2021 that the Applicant is requesting the Planning Board to override comments 1, 2, and 18. Comments 1 and 2 refer to zoning variances that were obtained from the Zoning Board of Appeals and comment 18 refers to the turnaround space provided on the site plan. She recommends that the PB override these three comments. All other comments can be accommodated and incorporated into the project and the adherence to the other GML conditions should be made a condition of approval. Conditions of the DOT yet to be received as well as a response to their 2/11/2021 letter. This includes the identification of the owner of the 8” ACP sewer line on the site plan. A work zone traffic control plan with notes and the posted speed limit is not provided. Sidewalk details do not meet NYS DOT design standards for both the max cross slope and max run slope. NYS DOT easement(s) are not labelled. Please revise showing all utility work required with the NYS DOT easement. Shoulder work is not labelled. The applicant needs to appear before the ARC. A wetlands permit was submitted to the Village.

Village Engineer noted she had most of the same comments as Valerie. They need the DOT permit status, and confirmation that the entrance to the driveway is acceptable. The applicants engineer confirmed that the DEC wetlands was re-submitted as the limits of approval along Rotue 59 ties into the DOT. Limit of privacy fence on eastern retaining walls. Chain link fence in grading area. Applicant’s engineer noted they will extend the fence. She also noted that the intensities of lighting is a little high and hours of operation needs to be noted on the plan.

Village Planner noted the PB can consider closing SEQR with a Negative Declaration and refer the applicant to the ARC for review prior to site plan approval. They need to meet all the DOT comments when they are received as part of the final determination. This project is categorized as an Unlisted action under SEQR, and at the July 25, 2019 Planning Board meeting the Planning Board classified the action and declared themselves Lead Agency for an uncoordinated review. The Applicant has provided adequate responses to our Part II EAF comments. A draft Negative Declaration has been submitted.

The Applicant is seeking a waiver for loading berth length where 50 feet is required, and 25 feet is provided. A note was added to the plan that limits the truck size to 28 feet. It was recommended to grant this waiver. The Applicant has provided an updated lighting plan, thus complying with the light pole height requirement in a nonresidential district.

The landscaping plan should be reviewed with the Planning Board. It appears that the Applicant is proposing a robust and diverse planting palette. They also need to identify the RC Sewer District's 16-inch sewer main and easement on the utilities plan, as it is not shown. No permanent structures are permitted within the easement. Also of note, Rockland County Sewer District requests that an as-built drawing of the proposed sewer extension be submitted to District No. 1 as a condition of granting certificates of occupancy.

Dennis Cohen asked about the GML and if the well water and pretesting was resolved and addressed due to the distance and grade. It was noted that there is no chance for water or run off to get into the wells. It is not a contaminated site and there are no records of such.

Paul Baum noted that the ZBA granted relief proven to the ZBA not to impact the neighborhood. Eliminated issues of objection to county and shrunk the project and relocated the parking. They have mitigated impacts with screening, planting buffering and lighting.

Chairman Cornelius opened the public hearing at 8:17pm. Joseph Toss seconded it. All in favor motion carries. Shania Peattie - Stage Street noted she still wanted to see the coordination of the Boards with the clause of no parking lot being built on the lots at 22 & 24 Stage Street. Concerns with cleanup, downed trees, lighting and sounds. Felt that the traffic study did not include peak hours. Concerned about the wells and what happens if the water gets contaminated.

Chairman Cornelius made a motion to continue the public hearing to the April 22, 2021 PB Meeting at 7:30pm via zoom unless the meeting is in person. Dennis Cohen seconded it. All in favor motion carries.

Paul Baum requested a Negative Declaration as they have environmentally responded to everything and the Village Planner acknowledged that she was directed to prepare a Negative Declaration. Dennis Cohen inquired about the wells and protection of the water to the residents. The Village Engineer noted that the storm water system is designed to have a pretreatment before it goes into a filtered system. There is no septic and no drilling and not adding any additional wells.

Chairman Cornelius noted that no significant adverse impacts were found, a storm water system is recommended. Chairman Cornelius made a motion it issue a Negative Declaration for Stage Street LLC – 130 Route 59 for the Village Planner to submit the documents for signature. Dennis Cohen seconded it. All in favor, no opposition, Motion carries 5 to 0.

It was also noted that the applicant is limiting the size of the trucks and in control of the property and the leases. The maximum size of the truck should be on the map. ARC dates were provided.

**CONTINUED PUBLIC HEARING – 14 N. Airmont Road**  
**V3 Real Estate LLC - Dunkin Donuts**  
**Proposed Drive -Thru for Existing Dunkin Donuts**  
**Amended Site Plan**

Applicant made revisions to their plans. They are proposing to add a drive thru at a current Dunkin Donuts location located on the corner of N. DeBaun & N. Airmont Road which is inside a Gulf gas station. They noted that they do need a large number of variances but it is due to the fact that the drive thru is classified as a fast food in the bulk table therefore adding 9-10 more variances vs. its current status as a local convenience store. The applicant's attorney noted that their proposal actually improves the traffic flow to the site as demonstrated in the traffic engineer's letter in regards to the traffic study. They noted that the project is good tax revenue for the Village, will provide jobs, a safer and better traffic flow of the site and that everyone benefits.

Dennis Cohen asked about the status of the agreement with Airmont Gardens. Jeff Stewart the Dunkin Manager noted that they are in support of the project working on getting the easement granted but they need to get to the ZBA to argue for their variances. The easement is contingent on receiving the variances. They are looking for a referral from the PB to go to the ZBA to be heard. He noted that the only residential area is behind the site in excess of 250 ft with a road in between and they have the cooperation of the owners of Airmont Gardens.

A review of the Village Engineers memo dated 3/3/31 indicated that the yards, setbacks and Bulk Table have been revised. The applicant has submitted a narrative indicating the revisions are in accordance with the Building Inspectors determination. This is to be confirmed by the Building Inspector. As this property is adjacent to a residential zone, RSH, the required buffers shall be in accordance with 210-21-E (1) which reflects twice the required setback but no greater than 75 feet. AS per the definition of setback, the setback is then measured from the buffer. The applicant has stated in the narrative that the 75 feet required buffer will not be provided on the subject property due to the limited size of the property; 75 feet required, 0 feet proposed. The applicant is also requesting a rear setback variance; 60 feet required, 37 feet proposed, and a rear yard variance, 30 feet required, 13 feet proposed. The buffers are not to be used or encroached upon. The plan indicates development within the required buffers.

The parking calculation notes 5 spaces required for the gas pumps;  $12 \text{ pumps} / 4 + 2 = 5$ . The parking requirement for the fast-food customer service area and the local convenience floor area has been revised. The plan notes the net structure square footage is 2317 SF; the parking calculation now reflects 139 SF (fast food) + 826 SF (convenience store). The total required parking is 15 stalls; 12 stalls are proposed. A parking waiver is now being sought from the Planning Board.

A Landscape Plan has been provided. Though it appears to be extensive, the vast majority of the proposed landscaping is not within the subject property. The landscaping is within the N Airmont ROW, the potential future ROW of DeBaun Ave (if and when dedicated) or off site on the adjoining property owners' lands. As shown, the ability to provide adequate buffers and landscaping of this proposed drive thru use, as per code, is extremely limited. The applicant has provided a letter stating the adjoining property Owner is in agreement with allowing the applicant to utilize a portion of their property to provide some vegetative buffering. The intent is

to provide supplemental vegetation to the existing green space which measures approximately 24 feet wide. The relationship of the person signing the letter with regard to the applicant shall be clarified and reviewed by the Planning Board attorney. All erosion control measures shall be installed prior to any land disturbance commencing, maintained throughout the period of construction and removed when completed. A Stormwater Maintenance Agreement will be required. Rockland County Highway approval is needed for modification to the curb cuts.

The Village Planner memo dated 3/23/21 reviewed and in summary noted the following.

The Project Site is located in the VC zoning district. The Applicant provided an updated zoning table with their submission that corresponds to the Building Inspector's zoning review letter dated February 17, 2021. This project is categorized as a Type II Action under SEQR for the "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communications or microwave transmission facilities". No further action under SEQR is required. This application will require an Architectural Review Board recommendation.

This project was referred to Rockland County Planning Board per Section 239 L, M and N of the New York State General Municipal Law and a response was received on December 21, 2020. Rockland County Planning Department disapproves of the project due to traffic impacts and variances required. The Planning Board will need to override conditions of the GML, should it wish to approve. The applicant requires 13 area variances for the implementation of the proposed drive-through. The number of variances requested are excessive and do not seem to meet the intent of the VC zoning parameters for a lot of this size and current configuration of the site. The current proposed parking lot does allow for internal circulation and the dimensions of the parking spaces meet the requirements of Chapter 164, Site Development Plan Regulations. The six parking spaces along DeBaun are located within the drainage easement. The Planning Board attorney should confirm this parking is not in conflict with the terms of the easement.

The applicant is seeking a waiver from parking requirements to reduce the parking from 16 spaces to 12. This is within the 25% threshold. The Planning Board will have to decide if it will be willing to provide this waiver. The VC standards states "a buffer equal to twice the respective required setback, but not to exceed 75 feet, shall be provided between any special permit use and a lot in a residence district." The Applicant does not meet this condition and will need a variance. The Applicant is proposing landscaping on the adjoining property and the Applicant states that they reached an understanding with the adjoining property owner for the additional landscaping. The Applicant provided a signed agreement for off-site plantings. The Planning Board attorney should review the agreement.

In regards to signage, the Applicant is proposing to resurface the existing pylon sign. Dimensions of the existing pylon sign were added to the site plan and exceed the maximum total sign area of 136 square feet as required in §210-65 (B)(6)(g). An adjustment of the size of the sign must be made unless a variance is obtained from the Zoning Board of Appeals. A digital menu board and drive-through directional sign are also proposed as part of the site plan. These signs appear to be exempt from the sign regulations. The Planning Board should review the proposed locations and size of the digital menu board and drive-through directional sign. The lighting plan meets the foot-candle requirements.

John Cornelius opened the public hearing, Dennis Cohen seconded it. Migdalia Pesante a resident at Airmont Gardens expressed concerns about the entrance and exit and asked where would all the trucks go that park along there currently? It was discussed that the Village Board can recommend private driveway and Airmont Gardens as property owner could enforce it all the way down to Airmont Road. The Village Engineer indicated that this area was never dedicated to the Village and it's all Airmont Gardens property. Chris Vasti the owner of the gas station stated that the trucks do not park on his property. Any trucks that come in for gas or coffee do not go on the Airmont Gardens property. Dennis Cohen suggested that they put no parking signs on the property. Jeffrey Stewart indicated he would work with the owners of Airmont Gardens to look into these issues. Migdalia again noted that she is very concerned for the safety of the residents.

Danielle Meehan 18 Ackerman Avenue noted that although the traffic study does look nice it is not showing the same traffic requirements as pre covid. The intersection is a grid lock 4:30-6:30pm and they should really look at the historical traffic not what it is like now. Dave Panella indicated that they are restricting the entrance to be one way in and a right turn only exiting with no left hand turn permitted. He indicated that the study did take into account recent and pre-covid counts. The DOT reviewed the study and agreed including the number and volume of cars per day. He noted that they will be handling the traffic on the site in a much more efficient manner.

John Cornelius made a motion to refer the 13 items to the ZBA along with the concerns and the GML forwarded. Russell Hock seconded it. All in favor motion carries. Applicant will apply to go to the ZBA for the May 13<sup>th</sup> ZBA Meeting.

**Letter from the NYS Thruway Authority – 3 College Road  
Proposed Extension of Approved Site Plan for NY Thruway Project**

Applicant's site plan expires April 8<sup>th</sup>. A minor field change was approved 8/2019 for the configuration along the frontage as the Thruway is putting in a new overpass from College Road over the Thruway to the Monsey side right next to the applicant's site. The applicant started the work two days ago so his site plan would not expire after the three-year expiration date however he is willing to put the work on hold until the Thruway completes its work which would be approximately January 2022. The Thruway is requesting a two-year extension on the building permit and site plan for 3 College Road also waiving any additional building permit fees. With this request it provides adequate time for the Thruway to complete their project and for the applicant to then complete his project.

It was determined that the PB can not act on the building permit only the site plan. Per Village Code only the BOT has the authorization to extend and/or waive a permit beyond the normal six-month extension. It was requested for the record that the PB supports the extension of both the building permit and the site plan. PB recommended that this be sent to the Village Board of Trustees asap with all supporting documents as time is of the essence for the Thruway. P&Z Secretary will send everything to the BOT and get this on the 4/5/2021 BOT regular meeting agenda. Chairman Cornelius made a motion to adjourn the meeting at 10:33 pm Russell Hock seconded it. All in favor motion carries. Meeting ended.