

**Village of Airmont
Zoning Board of Appeals
Wednesday March 8, 2023
In Person Meeting**

MEMBERS PRESENT: Arthur Katz, Chairman
Richard Berger
Joel Strulovitch
Robin Luchins, Ad Hoc

MEMBERS ABSENT: Jacob Simonovits
Daniel Friedman, Ad Hoc

PRESENT: Dan Kraushaar, ZBA Attorney
Louis Zummo, Building Inspector
Suzanne Carley, P&Z Secretary

The meeting was called to order at 8:05 pm by Chairman Katz which was followed by the pledge of allegiance and roll call. Chairman Katz appointed Ad Hoc Robin Luchins as a voting member for the evening. Jacob Simonovits made a motion approving the minutes from February 9, 2023, ZBA Meeting, which were seconded by Richard Berger. Joel Strulovitch and Robin Luchins abstained as they were not at that meeting. The remaining members in favor, motion carried.

Public Hearing on the application of Jacob Guttman 95 Smith Hill Road for variances for a proposal to construct a side and rear addition to an existing single-family residence. The addition will include a new dining/living room and two new bedrooms on the second floor. Variances are being sought from Article III Section 210-Attachment 6 of Bulk Requirements Table 3: R-35 Residential District of Airmont's Zoning Code as follows:

Side Setback	25 ft. required	8.9 ft. proposed
Total Side Setback	60 ft. required	19.4ft. proposed
Floor Area Ratio	20% required	27% proposed

Variance for parking in the front yard in regard to Village Code §210-48 (C)

The property is located on the south side of Smith Hill Road approximately 175 feet East of Amanda Court. The lot is designated as Section 61.08 Block 2 Lot 15 on the Town of Ramapo Tax Map. The property is located in R-35 zoning district. The property is located at 95 Smith Hill Road Monsey, N.Y. 10952.

Paul Chiarmonti present for the applicant until Kevin Conway arrives. Noted that the applicant is seeking an 1868 sf addition to the current house as the family has outgrown the home with 6 children in the R-35 zone. It is an undersized lot. The Guttman's want to remain in their neighborhood. They are good with the developmental coverage but need a FAR variance, side setback variances and a variance for parking in the front yard. The calculations are shown on the plan. They are adding a driveway, removing the current one. They tried to preserve the neighbor's view. They are more than doubling the side of the house.

They are going above what the standard size is which is approximately 3300 sf. Mr. Chiaromonti noted that they are trying to be compliant for neighbors around them.

The Building Inspector noted that they plan to build on pilings as there is not a basement and there is no vicinity map shown on the plans which needs to be added. Mr. Conway arrived and replaced Mr. Chiaromonti for the remainder of the meeting.

Mr. Conway noted that the existing traffic won't change. The tree is on the property, but they are operating as a small turn around by putting the addition on the side to avoid the neighbor in the rear. The application itself is an undersized lot, and they cannot develop without going to the ZBA. They have 8 people living in a 1400 sf home which is why they need to increase by 1868 sf. No one in the area could develop without ZBA approval.

It was suggested that they put a basement in the back approximately 150sf ft. back and less in the front to avoid parking in the front yard. The ZBA asked how wide the addition is off the house. Mr. Conway noted it was 14 ft. The ZBA suggested that they build up and put the garage underneath the house, put a basement in the back and a one car garage.

Richard Berger made a motion to open the Public Hearing which was seconded by Joel Strulovitch. The Zoning Clerk advised that she received several emails with public comments for both for and against the project that were distributed - approximately 15 emails against the project, and approximately 24 emails in favor of the project. It was noted that more emails were sent in during the meeting that will be distributed for the next meeting.

Lisa Lockyer –91 Smith Hill Road neighbor directly next to applicant and has no issue with the addition and is not opposed, the only concern is the parking in the front yard. They need to have a clear view to get in and out and are worried that the parking in the front yard will obstruct their view. As it is they have a big tree in the front yard already making the sight distance difficult. She is worried about safety and accidents. Understands that they need to expand due to the family size.

Chuck Lockyer – 91 Smith Hill Road lives next door and is not opposed to the addition. Lives 10 ft from the property and is concerned about water issues that may arise. Wants assurances that the proposed addition will keep zero net run off. Very concerned about parking in the front yard. As it is there is no should, no place for delivery trucks, there is potential for many accidents and is concerned from a safety standpoint. Do wish that parking could be elsewhere and not in the front yard. Also concerned about the number of vehicles and where they would park during construction.

Jacob Guttman – 95 Smith Hill Road Applicant indicated he is looking to stay in Airmont has 6 children and has been a 6-year resident. Needs to expand his home and is hoping that the ZBA approves his application.

Theresa O'Leary – 57 Church Road lives around the corner and her concern is the parking in the front yard as it is a very narrow space and has many blind spots. Has lived here since 1994 and has seen an enormous increase in traffic and there have been many accidents. Very concerned about parking in the front yard creating more accidents would like to see parking kept in the driveway.

Zisha Rubin – looking for the ZBA to approve since it is a tiny house with 6 kids and an addition will increase the value of the homes. It is an odd sized lot and would like to see if they could work out the addition with the neighbor so they can expand.

Danielle Meehan – 18 Ackerman Avenue she indicated that in a NY State report that can be obtained online - 4,340 cars drive on Smith Hill Road as of 2019 on average between Amanda Court and the end of Smooth Hill Road by Cherry Lane. That was 4 years ago, and the traffic has increased overall since then. The 2 variances in the front of the house are less than 10 ft. from the property line which creates a legal precedence once it is set. The health and safety of residents is important. Shared a video with the ZBA on how dangerous it currently is with views on getting out of their property as it is. Will send video to the Clerk to forward to the ZBA.

Moshe Pinkasovits – 4 Amanda Court neighbor in the rear and side yard and has seen the Guttman's' family grow. Their children play together in each of their back yards so he would like to see the ZBA grant the variance. He is a contractor and feels it doesn't matter that the neighbor has a tree on a lot that's 38 ft when a car is only 20 ft. He also doesn't think that the neighbor should be concerned about cars parked during construction.

The Building Inspector inquired as to how many cars could park in front of the house based on the submitted drawings. He noted that it appeared that only 3 cars would fit based on the proposed plans, so where would many people that visit where there could be more than three cars park? He noted that the existing driveway currently holds up to 25 cars, and with the proposed changes now there would only be enough space for 3 cars. The applicant did not have his engineer Paul Gdanski present for the meeting. The Building Inspector asked that the applicant's engineer Paul Gdanski show how the drainage will work on the plans with measurements which need to be added to the plans if they could be discussed at the next meeting. He also noted that he needs to add a vicinity map to the plans, currently none is on the plans which is a standard requirement according to the code. The ZBA requested that the applicant's engineer be present for their next ZBA meeting appearance so that the engineer could review the stormwater and answer their questions.

The ZBA asked that they try to re-work the plans for the parking in the front yard. Perhaps investigate the suggestions that have been brought forth at the meeting and revise the plans and return to the ZBA. Talk with the neighbor to see what could be worked out. If any of the variances change in terms of an increase, the application will need to be re-noticed and re-advertised.

Chairman Katz made a motion to continue the public hearing with the requested changes and updates regarding 95 Smith Hill Road to Wednesday April 19, 2023, at Village Hall 251 Cherry Lane at 8:00PM which was seconded by Joel Strulovitch. All in favor motion carries.

Richard Berger made a motion to adjourn the meeting at 9:08pm which was seconded by Robin Luchins. All in favor, meeting ended.