

**Village of Airmont
Zoning Board of Appeals
Thursday, April 19, 2023
In Person Meeting**

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

MEMBERS ABSENT: Daniel Friedman, Ad Hoc

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

The meeting was called to order at 8:09 pm by Chairman Berger which was followed by the pledge of allegiance and roll call. The P&Z Clerk introduced the new ZBA Chairman Richard Berger. Chairman Berger thanked Arthur Katz for his years of expertise and guidance as the ZBA Chairperson. He welcomed the two new ZBA Members Joel Strulovitch and Joel Schaffer. Arthur Katz made a motion approving the minutes from the March 8, 2023, ZBA Meeting, which were seconded by Robin Luchins. Joel Strulovitch and Joel Schaffer abstained as they were not at that meeting. The remaining members all 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.

There was no GML required from RC Planning, the required agency letters from RC Health dated 3/3/23, RC Sewer District #2 dated 3/7/2023 and the TOR – DPW dated 3/6/23. At the last meeting the ZBA asked the applicant to try to re-work the plans for the parking in the front yard. It was suggested that they investigate the suggestions that

had been brought forth at the last ZBA meeting and revise the plans and resubmit. The ZBA asked that they talk with the neighbor to see what could be worked out. The applicant's attorney Kevin Conway did note that the applicant moved the addition approximately 6 feet back and now has room for two parking spaces in front of the addition in order to keep it at 8.9 ft, rather than at 8 ft from the side setback. The variance is still required for parking in the front-yard; however, it is to a lesser degree than previously sought and will not block the view of the neighbors or oncoming traffic.

Chairman 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 for both meetings and approximately 25 emails against the project, and approximately 28 emails in favor of the project in total.

Chuck Lockyer – 91 Smith Hill Road lives next door and is not opposed to the addition. He again reiterated his concern about storm water issues that may arise and wants to ensure that the proposed addition will keep zero net run off. He is happier with the changes that the applicant made in regard to parking in the front yard.

The P&Z Clerk advised there were no other names on the public hearing sign in sheet. Dan Kraushaar ZBA Attorney noted that this application is a Type II Action under SEQRA requiring no further environmental review. The ZBA discussed the application about having a map note that the front yard parking variance is for turnaround purposes only and is not to be used for parking. It was also determined by the Building Inspector that a Stormwater Management Agreement would be required. Chairman Berger made a motion to close the public hearing which was seconded by Joel Strulovitch. All in favor motion carried.

Chairman Berger made a motion to approve the application of Jacob Gutman for 95 Smith Hill Road for the following variances:

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 motion was made on the basis of community feedback and working directly with the neighbor; and they presented the issues with changes to address concerns. The motion stipulated that there be no overnight parking in the turnaround area and a Stormwater Agreement with escrow determined by the Village Engineer would be required as well as payment of all professional fees. The motion was seconded by Jacob Simonovits. All in favor motion carries 5 to 0 variances granted.

PUBLIC HEARING on the application of Martin Klein 35 Dawn Lane for variances for a proposal to renovate an existing single-family home with an addition where the walkway and carport currently exist. The applicant is proposing a larger deck and second story space. Variances are being sought from the requirements of Article III Section 210-15 (R-40) Attachment 5 Table 2: R-40 Residential District of Airmont’s Zoning Code as follows:

Minimum Front Setback	50 ft. required	35.2 ft. proposed
Minimum Front Yard	50 ft. required	35.2ft. proposed
Minimum Side Setback	25 ft. required	21 ft. proposed
Total Side Setback	70 ft. required	47.7 ft proposed
Floor Area Ratio	20% required	21% proposed

The property is located on the west side of Dawn Lane approximately 170 feet north of Twinkle Road. The lot is designated as Section 55.16 Block 2 Lot 42 on the Town of Ramapo Tax Map. The property is located in the R-40 zoning district. The property is located at 35 Dawn Lane Airmont, N.Y. 10901.

The attorney Amy Mele was present for the applicant along with the applicant’s engineer Rachel Barese. She explained that this is an undersized lot to begin with and is long and narrow. They are renovating the home to put a nice addition that requires five variances that are relatively minor. They designed plans to keep the variances at the very minimum. The proposed addition will not create an undesirable change or detriment to the neighborhood. They are using the current footprint with a slight increase in FAR. The overall appearance of the residence will be a favorable one and improve the overall look of the area. The proposed variances are not substantial due to the existing conditions. Although the house will be slightly larger there will be no impact on the environment and it will be more aesthetically pleasing. A short EAF was provided to support that there are no impacts. While most variances are arguably self-created, due to the minor nature of the variances this factor alone does not tip the scale against granting the variances. This is a large house on an undersized lot to begin with. Any addition would require variances. She noted that the FAR request alone was extremely minimal (1%), and the requested variances are beneficial to both the applicant and the community.

This addition is a Type 2 action under SEQRA requiring no further review. There is no GML required and there were two letters received; RC Health dated 4/17/2023 and RC Sewer dated 4/17/2023. The only letter not received as of this evening’s meeting is from the TOR – DPW.

Arthur Katz made a motion to open the public hearing which was seconded by Jacob Simonovits. All in favor, motion carries. No one from the public spoke about the application. Dan Kraushaar noted that on the EAF #12b. It noted that an SHPO request would be needed. Dan recommended that if the ZBA approves this request that be a condition. Arthur Katz made a motion to close the public hearing for 35 Dawn Lane which was seconded by Jacob Simonovits. It was also recommended by the Building Inspector that a Stormwater Management Agreement with escrow be required due to the size of the addition.

Chairman Berger made a motion to approve the requested variances:

Minimum Front Setback	50 ft. required	35.2 ft. proposed
Minimum Front Yard	50 ft. required	35.2ft. proposed
Minimum Side Setback	25 ft. required	21 ft. proposed
Total Side Setback	70 ft. required	47.7 ft proposed
Floor Area Ratio	20% required	21% proposed

With the conditions that an SHPO report be requested and submitted, a stormwater agreement with escrow and payment of all professional fees. He approved the said variances as stated according to the plot plan prepared by Rachel Barese last revised 1/17/2023. Joel Strulovitch seconded the motion. All in favor 5 to 0 variances granted.

P& Z Clerk reminded everyone of the RC Training requirements and briefly discussed the two applications that would be on for the May ZBA meeting.

Jacob Simonovits made a motion to adjourn the meeting at 9:15 pm which was seconded by Robin Luchins. All in favor, meeting ended.