

**Village of Airmont
Zoning Board of Appeals
Village Hall
Wednesday, January 6, 2021**

MEMBERS PRESENT: CHAIRMAN MARTIN KIVELL
ARTHUR KATZ
LAURIE DIFRANCESCO
SCOTT MEIER
CHARLES PICARELLI
MATT RYAN, AD HOC

MEMBERS ABSENT: ROBIN LUCHINS, AD HOC

PRESENT: DAN KRAUSHAAR, DEPUTY VILLAGE ATTORNEY
LOUIS ZUMMO, BUILDING INSPECTOR
EVE MANCUSO, VILLAGE ENGINEER
SUZANNE CARLEY, P&Z SECRETARY

The meeting was called to order at 8:03 pm by Chairman Kivell which was followed by the pledge of allegiance and roll call. Laurie DiFrancesco made a motion to approve the minutes from November 12, 2020 which was seconded by Scott Meier. All in favor motion carries. Chairman Kivell read the continued public hearing meeting notice into the record:

Application for **24 S. Airmont Road** for construction of a new single-family residence requiring variances for lot width, street frontage, floor area ratio, maximum lot coverage and maximum developmental coverage from Article III Use Regulations Section §210-15 of the Village of Airmont's Zoning Code. The lot is designated as Section 55.11 Block 3 and Lot 23.2 on the Town of Ramapo Tax Map. The property is located in the R-40 zoning district and is comprised of 1.06 acres. The street address is 24 S. Airmont Road, Airmont, NY. 10901.

Chairman Kivell also read into the record the GML from RC Planning dates 12/4/2020. It was noted in the GML #7 the referral form had an error in the lot coverage calculation. There was a detailed discussion on the lot area calculation of 45,957sf - 16,418 sf (flag pole area) which comes to 29,539 sf. The variances noted in the narrative submitted thus the GML form were based on 25,439sf not 29,539sf as pointed out in the GML. This needs to be updated and corrected as everything needs to correlate. Applicants attorney noted that this would be corrected. The public hearing notice does not need to be re-noticed as it just lists the type of variance the applicant is seeking not the actual measurements. It was discussed that both the map notes and the bulk table needed to be updated.

Additional letters read into the record by Chairman Kivell:
-Building Inspector's denial letter dated 6/16/2020

- RC Sewer dated 12/8/2020
- RC Highway date 11/23/2020
- No RC Dept. of Health comments due to Covid-19 being priority will need to be a condition of approval
- Letter from Applicants Attorney Kevin Conway to the Building Inspector dated 10/12/2020
- Building Inspectors response to Kevin Conway dated 10/23/2020

Eve Mancuso Village Engineer summarized in her letter dated 12/30/2020 that the subject lot was created by a re-subdivision of Lot 3 which was initially created in the Willow Green Subdivision. In 2005 the Village Planning Board waived the initial 1983 Town restriction of no further subdivision of lot 3; thus lots 3A and 3B were created. (See Note 26 of Filed Map). The lot is considered a flag lot. Access to this lot is by means of a private drive currently shared by three existing dwellings. Cross access/egress easements and utility easements are noted on the Filed Map. The applicant is seeking to construct one new single-family dwelling on a vacant, undeveloped wooded piece of land. New variances are being sought for Development Coverage and Floor Area Ratio.

The filed map for this Subdivision in 2006 noted specific setbacks to the Bulk Zoning attached to the newly created lot 3B; a rear yard setback for lot 3B as 111.7 feet, a front yard setback of 87 feet, development coverage of 24.4 % and an FAR of .06. Clarification or interpretation is needed to determine if variances are also required for rear yard setback and front yard setback in addition to those requested. Eve Mancuso's letter had 13 engineering items that the applicant needs to comply with and respond to.

Attorney for the applicant Kevin Conway discussed the plans that his client submitted for a proposed single family residence which would increase property values. The home would include a foyer, small study, family dining room, kitchen dinette, large master bedroom and three bedrooms with a three car garage. There is private drive currently used with neighbors and a utility easement. Dan Kraushaar asked that they get the neighbor to agree to a Road Maintenance Agreement.

Laurie DiFranesco asked for clarification on the previous approval of 2005. It appears that the history of the previous approval was for a specific set back in size so that the person who owned it was going to build for a specific family member to live next to one another. The 16,000sf was FAR and developmental coverage and it changes the facts. The front yard went to 25 ft. Need to clarify if these variances are still required. Bill Johnson the engineer for the applicant explained that the developmental coverage in the original subdivision approval had a bulk table of 40% and now it is currently 20%. With the current plan the developmental coverall is 52% and if use the flag pole its 33%. The Building Inspector read the definition of a flag lot from the code. Arthur Katz brought up what was approved in the resolution of 2005. Dan Kraushaar explained that the approval in 2005 was for what was to be built then and it never was. Now they are coming in for new variances and the new updated code clearly applies.

There was discussion on the sf of the proposed home of 8,300 sf. Kevin Conway explained that it is due to the family size and what the applicant requires and that it is situated the way it is because it is on a flag lot. Chairman Kivell and the ZBA asked if the applicants representatives had information for the size/sf of the homes in the vicinity surrounding the application. He didn't have anything but would prepare it for the next ZBA Meeting. Dan Kraushaar explained

that the sf is part of the consideration on the impact of the neighborhood. Is it consistent with other houses in the neighborhood as part of the standards it needs to be demonstrated.

Kevin Conway also explained that part of the calculation with a flag lot drives the house to be larger, the new owner requires the size to accommodate his family and it is a unique situation due to the flag lot. It is not a negative change he believes it to be a positive change to the neighborhood and will raise property values.

Dan Kraushaar explained that there are five things to prove for an area variance: Undesirable change in the neighborhood, alternative strategies, substantiality, minimal impact on the environment and whether or not the variance request is a self-created difficulty. He also noted that in order to over-ride the negative GML comments these are things that need to be demonstrated in a resolution.

Eve noted that the pre-existing driveway up to the turn and continuing to the three car garage needs to be added on the plans. There was a discussion on if the driveway did not include a huge turnaround it may be better for drainage. The applicants engineer noted it cannot be done. Eve noted that she needs to review the drainage calculations as she only received them today. There was a discussion on the basement and possibly making it uninhabitable. Scott Meier pointed out that by eliminating the basement and not making it living space it only helps with the FAR it does not reduce the developmental coverage which is the biggest concern.

The ZBA asked if the architect was on the meeting as it appears the calculations do not add up properly. The elevations were unclear. The east elevation shows no flooding and they want to look at the south and east elevations. It says north but is incorrect. Laurie DiFrancesco reviewed the garage calculations and the code with the Building Inspector. The measurements do not meet the code 6 ft too narrow and 2 ft too short. Kevin Conway noted it that he would request the changes and come back with a revised plan and eliminate the basement and make it non habitable, they would discuss with the architect the garage stalls and look at the developmental coverage and all the engineering items. He would also prepare analysis on the size of the homes in the area for the ZBA to review.

Arthur Katz made a motion to open the public hearing at 9:17pm Scott Meier seconded it. All in favor.

Linda and Ed Vogel 12 Madison Hill Road – concerned with the size of the home as it changes the demographics and character of the neighborhood.

Deidre Young 10 Madison Hill Rd – concerned about the water and mentioned that there was a drainage easement and a natural spring and there is always water all over the roads concerned that this project will bring in more water.

Dorothy Wright 6 Madison Hill Road – biggest concern is the drainage. She read into the record a letter from Joseph Nuzzi who resides at 2 Madison Hill Road and he opposes the project.

Kevin Conway attorney for the client noted that he would provide more information for the next meeting and would have plans revised for the ZBA to review and ensure the architect and engineer are on the zoom meeting. Dan Kraushaar made a suggestion that the ZBA review the proposed changes at the February ZBA meeting. This way any further changes can then be re-submitted and be sent out for new agency comments especially for a new GML for the March 11th meeting. Everyone understood and agreed that this would continue to the March ZBA Meeting and agreed it was a better way to handle it. Laurie DiFrancesco noted that the biggest concern is the developmental coverage and lot area coverage and asked them to see if it can be reduced.

Chairman Kivell made a motion to continue the public hearing for 24 S. Airmont Road to February 11, 2021 at 8:00pm via zoom assuming the Governors Executive Order for remote meetings is extended. Laurie DiFrancesco seconded it all in favor motion carries.

Chairman Kivell made a motion to adjourn to the meeting at 10:07pm Scoot Meier seconded it. All in favor motion carries and meeting adjourned.