

**Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, February 11, 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 8:01 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 January 6, 2021 which were 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, maximum lot area 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 read into the record the Town of Ramapo Department of Public Works letter dated 12/15/2020 received 1/26/2021 due to an incorrect address. Also read into the record were four email letters opposing the project from D. Meehan dated 2/1/2021, L. Dispensa dated 2/9/2021, Quinn dated 2/9/2021, Jaffee dated 2/10/2021 and Nuzzi dated 12/10/2020.

The applicant's attorney Kevin Conway provided an overview of the project. The applicant is looking for proposed construction of a single-family residential home on the undeveloped lot of a plot plan of 36 of the Willow Green subdivision. 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 (on note 26 of the filed map). The lot is considered a flag lot with access 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.

Applicant has revised the proposed structure by way of the proposed basement by decreasing the ceiling height in order that it not be treated as habitable space thus decreasing the living space calculation from 8300 square feet to 5300 square feet thus reducing the FAR requirements as within code. Additionally, the applicant proposes to reduce the proposed garage bays from three to two along with reduction of pavement surface by approximately 200 feet.

The applicant's attorney noted the variances they are seeking are:

Lot width – Required 160 Ft. – Provided 125 Ft.

Street Frontage – Required 100 Ft. – Provided 25.07 Ft

Floor area ratio – Required .20 - Provided .20

New variances being sought are:

Maximum Development Coverage – Required 20% - provided 50%

Maximum lot area – Required 40,000 – Provided 29,539

Applicants Attorney did a comparable study of 5 large single-family homes located at 5 Biret Drive, 6 Dorchester, 8 S. Post Lane, 6 Cardinal Court. 21 Madison Hill Road and a large condominium complex Ramapo Housing apartments at 1 Pondview Drive which us at the rear of the applicant's parcel .

There was discussion that most of the residences were not in the immediate vicinity if the subject property. The Building Inspector noted that there was a monster addition at the Biret location. Chairman Kivell noted that the Biret comparison is not relevant to the application of 24 S. Airmont Road. Laurie DiFrancesco noted that as being a real estate agent that if you look at the developments of Stillo or Post Lane you would see the development of consistently larger homes. The only relevant house in the same market value would be 21 Madison Hill in the location of the subject application. All the homes can increase but it is not a good reflection of the neighborhood and in looking at comps would need to look in the immediate area to be able to determine value. For bank appraisals there is a three-mile radius. For the impact on the character of the neighborhood look at the neighbors, this section is not similar to the other home characteristics.

The Village Engineer reviewed her comment letter dated December 20, 2020 which noted the following:

-The signed, stamped Boundary and Topographic Survey is to be submitted as part of the plan set and this remains to be submitted.

-The limits of the existing drive and the proposed drive extension have been shown. The extension of the proposed drive is shown as the shaded area.

-The front entry walk has now been shown.

-Concrete curb is now proposed along a section of the driveway to direct stormwater flows into the proposed stormwater management system. Roof leader connections are now shown.

- Details of the outlet control structure are provided. The stormwater system consists of a series of (3) 36-inch diameter pipes connected to the outlet control structure.
- Percolation tests will be required to be performed to verify the assumptions made in the design of the system. Our office should be contacted to witness the tests performed by your engineer. Written results shall be submitted to the building department and to the Village Engineer.
- Spot elevations have been added around the perimeter of the structure to ensure positive pitch away from the foundation.
 - The proposed utility connections appear to be in conflict with existing features – electric box, stone planter wall and existing utilities serving the existing dwellings. Further evaluation and relocation may be needed to avoid these conflicts.
- The limit of disturbance has been clearly marked.
- A tree list has been provided noting those trees to be removed and those trees to remain. The trees to be removed have been indicated with an “X” placed over the tree. All trees to be removed shall be marked. Trees to remain shall be protected with construction fence installed at the drip line.
- Erosion control measures are to be shown on the plan with construction notes and details for the same provided.
- All erosion control measures shall be fully implemented prior to any site disturbance occurring. The measures shall be maintained through the course of construction and remain in place until all disturbed areas are stabilized.

There were discussions on the size of the garage and the FAR calculations. It appears on the architectural that only the garage bays were reduced nothing else. The development coverage is high indicating overdevelopment. There appears to be a discrepancy on the architectural and they will need to be revised. The submission shows it reduced the application from 8300 to 5300 but it appears to be closer to 5900. The exact calculations need to be shown taking into account variances that are being sought. The Building Inspector noted that the calculations were hard to read as the map was fuzzy especially for the room above the garage. It also appeared that the basement calculations need to be reviewed as it went from a basement to cellar. There was a question on the ceiling height to make it uninhabitable in the crawl space. The applicant needs to submit a hard number on everything on the plans and on what they seeking relief for in terms of variances. The number of trees to be removed need to be identified. The Village Engineer noted that they committed to a nice landscape design it is not shown anywhere on the plans. The other question is who would be reviewing it. There are a large number of trees being removed and need to ensure that the grading is functional. Deputy Village Attorney suggested that they put in a tree planting plan as part of the map notes since they will be returning to the ZBA. It was suggested that they explore shrinking the overall size of the structure itself.

Chairman Kivell opened the continued public hearing at 9:05pm. All residents that spoke were sworn in.

Danielle Meehan 18 Ackerman – concerns with the number of trees being removed and drainage and flooding issues. Asked for clarification on the square footage as it says went from 8300 to 5300 but appears to be higher closer to 5910 but it's still not clear.

Dan Kelemer – 7 Adams concerns with drainage with the downward slopes and all the

pools, , storm water issues.

Cam Lehova live parallel and knows they have a big family and is excited to have the family as a neighbor and feels the property values will go up.

Beryl – couple requesting the tree line between the houses and noted she was excited for a new tree line.

Rachel S. Adams Lane – knows the potential neighbor nice neighbor with young children and looks forward to having them in the neighborhood as it is up and coming.

Arthur Young – 10 Madison Hill asked about the architectural calculations and for them to be explained in detail.

The ZBA discussed that the architecturals needed to be clearly defined along with all the variances that they are actually seeking. It was discussed that the developmental coverage need to be reviewed and be provided with a full explanation in particular due to the flag pole lot.

Laurie DiFrancesco made a motion to continue the public hearing to April 8, 2021. Arthur Katz seconded it all in favor. Motion carries. Dan Kraushaar noted that there would not be another public hearing notice for the meeting in April as the application is continued to a certain date and time.

Laurie DiFrancesco made a motion to adjourn the meeting at 9:50pm. Arthur Katz seconded it. All in favor motion carries. Meeting ended.