

**Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, May 13, 2021**

MEMBERS PRESENT: CHAIRMAN ARTHUR KATZ
RICHARD BERGER
MARTIN KIVELL
SHELDON MAYER
SCOTT MEIER
JACOB SIMINOVITS, AD HOC

MEMBERS ABSENT: ROBIN LUCHINS, AD HOC

PRESENT: DAN KRAUSHAAR, DEPUTY VILLAGE 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. Martin Kivell made a motion to approve the minutes from February 11, 2021 which were seconded by Scott Meier. All in favor motion carries. Chairman Katz read the public hearing meeting notice into the record:

PUBLIC HEARING Application of **Mechon L'Hoyroa**, a religious corporation for variances from Article IV Section 210-8 of the Village of Airmont's Zoning Code for a variance for maximum developmental coverage where the required bulk dimension is 3% and the proposed bulk dimension is 9% for establishment of a cemetery. The plan provides for the formation of approximately 10,200 +/- grave sites in 20 sections and provides for 48 vehicles and ancillary driving lanes and walking paths to gravesites. The property is located on the north side of Hillside Avenue +/- 1730 ft west of Saddle River Road. The lot is designated as Section 62.14 Block 2 Lot 1 on the Town of Ramapo Tax Map. The property is located in the RR-50 zoning district and is comprised of 19.23 acres. The street address is 44 Hillside Avenue Airmont, N.Y. 10952.

Paul Baum Attorney for the applicant presented the project and explained that this was an introduction and that no action could be taken as they were returning to the Planning Board (PB) on 5/27 for Lead Agency and SEQRA. Without that and a referral the ZBA cannot act this evening. It is a 19.3 acre parcel proposing 10,200 gravesites in 20 sections with 6 groups involved including parking for 48 vehicles with circulation and a walking path. A large section of the property will be left alone. There are no proposed structures or signs. No extensive paving a very passive use. All services will take place at the synagogue and this property will be used for the gravesite only no other services. Looking to coordinate the process within 3 months. The environmental review needs to be done and to receive a variance for developmental coverage. The PB sent out the NOI and they anticipate Lead Agency for the PB and submitted information

to adopt a part 2 EAF and the Village Planner drafted a part 2 for SEQRA. The environmental review must be done before the ZBA can approve the variances.

The applicant will submit a traffic study and plan for high level burials at the next ZBA Meeting and share what they plan to present to the PB. Additional landscaping will be provided and Paul Baum noted that they will install a stone wall surrounding the property and there are opportunities to landscape on either side of the wall. The public will only be able to see open space.

There was a discussion on the wells which need to be shown on the plans going forward. A 100 ft buffer is required from each well site. Paul Baum noted that the Department of Health indicated that they had no jurisdiction. There was also a discussion on phasing the property starting with the entrance area.

At 8:42pm Chairman Katz opened the public hearing which was seconded by Scott Meier. All in favor motion carries. There were many comments from the public: clear cutting of trees was a concern, quality of life, drainage, the wells in the area, water, the number of graves being high, traffic during a high level burial, drainage, stormwater and run-off and lighting. It was noted by the applicant's attorney that most of these are all PB concerns and would be addressed by the PB. Ascension Cemetery noted that they were not notices but the P&Z Secretary advised that the notice is provided based on the address from the Town of Ramapo Tax Assesor and it went to their parent company St. Patrick's Cathedral on Fifth Avenue in NYC, NY.

Martin Kivell made a motion to consent to the PB to be Lead Agency with regard to this application of Mechon L'Horyroa at 44 Hillside Airmont NY. Scott Meier seconded it. Roll call was taken and unanimously all in favor and motion passes.

Martin Kivell made a motion to close the public hearing on the matter which was seconded by Scott Meier. On the advice of counsel Martin Kivell withdrew his motion as it was sought better to continue the public hearing to a date certain in light of the fact that the ZBA can not take action until the application returns to the PB as no one knows what will transpire.

Martin Kivell then made a motion to continue the Public Hearing for the application of Mechon L'Horyroa 44 Hillside Avenue Airmont, NY to Thursday June 10, 2021 at 8:00PM via Zoom as per the Governor's Executive Order. Scott Meier seconded it. Roll call, all Aye unanimously motion carries 5 to 0. Dan Kraushaar noted to the public that this is the only notification that they would be receiving for the next meeting.

PUBLIC HEARING -Application of **V3 Real Estate** for approval to add to a small drive-thru to the existing Dunkin Donuts and a small addition to the rear of the existing building, with a drive-up window, a walk-in box, additional signs for the drive-up service, and additional plantings and fencing. The application is considered a fast-food restaurant which will require a

special permit and will require variances from Article III Section 210-21-E (11); Article IV Section 210-28 attachment 11 Table 8; Article VI Section 210-56- A (19, 21 & 25) as follows:

Minimum Lot Area	Required 87,120 sq ft	Provided 32,092 sq ft
Lot Width	Required 300	Provided 164
Front Setback (N DeBaun)	Required 60'	Provided 40'
Front Yard (N. Airmont)	Required 20'	Provided 1'
Front Yard (N. DeBaun)	Required 20'	Provided 1'
Side Setback	Required 50'	Provided 36'
Total Side Setback	Required 100'	Provided 36'
Side Yard	Required 20'	Provided 2'
Rear Setback	Required 60'	Provided 37'
Rear Yard	Required 30'	Provided 13'
Developmental Coverage	Required 75 %	Provided 80%
Buffer from Residential Areas	Required 75'	Provided 0'
Parking Spaces (Parking Waiver)	Required 15 spaces	Provided 12 spaces

The property is located on the west side of North Airmont Road at the intersection of North DeBaun Avenue. The lot is designated as Section 55.07 Block 2 Lot 8 on the Town of Ramapo Tax Map. The property is located in the VC zoning district and is comprised of .74 acres. The street address is 14 N. Airmont Road Airmont N.Y. 10901.

The applicant's attorney reviewed the project along with their professionals. It was noted that this is a Type II action for SEQRA. The drive thru would improve the site both internally and externally and had no negative impact. A great deal of time was spent showing the traffic flow and what they felt was an improvement to what is there now which was also reflected in the traffic study, the traffic memo and the Village traffic engineer memo. Phil Greerly of Kaser Engineering explained in detail and presented on the screen how the traffic was directed to N. DeBaun and a bypass lane helped the flow with a right turn into the drive thru lane that circulated around a drive thru lane with a full bypass lane. The applicant's traffic engineer went through everything on the screen and showed how the traffic would be funneled into a lane on N. DeBaun with adequate site distance. The traffic study took into account pre and post covid counts along with assumed new trips. The RC Highway Department conceptually approved and agreed to the new flow with the required permits. There is only a right turn in and a right turn out at the north side of the property and proper signage with indicate the flow. The applicant noted that they feel it is an improvement to what is currently there and provides a total of 12 parking spaces and a loading area which is currently not in existence. The applicant explained the need for a drive thru and that majority of their sites are moving this way or closing down as this is the wave of the future, drive thru's which are now a necessity to businesses due to covid-19.

The applicant's attorney went through the screen along with the applicant showing the difference of the uses of convenience store vs. drive thru showing the different number of variances 3 vs. 12. It was noted that the additional variances had to be sought due to the Bulk Table. The applicants engineer reviewed what was existing vs proposed on the screen.

Arthur Katz read into the record the RC Planning GML dated 5/10/2021 which indicated disapproval. Dan Kraushaar explained that a disapproval required each and every item requiring a separate approval with a rationale in order to be overridden with a reason which requires a supermajority, 4 out of 5 Board Members vote.

Also read into the record:

Tallman Fire Department letter dated 11/2/2020

RC Highway letter dated 4/21/2021

Nelson Pope Traffic letter dated 4/21/2021

RC Sewer District #1 letter dated 5/3/2021

Town of Ramapo Public Works letter dated 5/4/2021

Martin Kivell made a motion to open the public hearing at 10:12 pm which was seconded by Scott Meier. There was discussion on the question of Martin Kivell on the number of vehicles on the drive thru line which would be 12 cars. The applicant's representatives reviewed the cueing and stacking. The applicants explained that they are not really cooking anything only heating up so anything prepared is done in under 150 seconds so the most would be a six-car stack at the menu board and pickup menu. It was also noted that there is a bypass lane which helps the traffic flow which was also concluded by the traffic study and the Villages traffic engineer.

Scott Meier noted a concern with coming in and out Airmont Road and cutting out cars. He also noted the number of variances appeared high however the applicant's attorney again explained it is because its due to the code going from convenience store of potentially three variances to fast food requiring twelve and one PB waiver for a parking space. There was a discussion on the buffering and the potential impact to the neighbors. The screen was shared and each view was shown on the screen of any potential impact and how it looked. It was shown that only one side is potentially affected and the neighboring owner is in agreement and in favor of the project. The neighbor has entered into an agreement permitting plantings for buffering on their property. The applicants also noted that they re-configured the plan several times based on the CDRC and PB Meetings taking into account the comments from the Tallman Fire Department which is now happy with the projects traffic flow. The RC Highway is also in agreement with them obtaining permits. The applicants offered to go through each of the variances and comments showing point by point each of the variances and the reasons they should be overridden. There were no comments from the public. The ZBA agreed that it was a good idea that they in particular respond to the GML as the applicant's attorney noted that RC Planning wasn't always looking at each item correctly and not taking into account existing conditions. It was also noted that the additional 7-8 variances are required due to the fact that the use changed from convenience store to a drive thru and some of the additional variances are minor in nature. The ZBA requested that they respond in writing to the GML and any other relevant County comment letters and submit it at least a week prior to the next ZBA Meeting.

Martin Kivell made a motion to continue the Public Hearing for the application of V3 Real Estate for 14 N. Airmont Road to Thursday June 10, 2021 at 8:00PM via Zoom as per the Governor's Executive Order. Scott Meier seconded it. Roll call, all Aye unanimously motion carries 5 to 0.

Chairman Katz read the public hearing notice into the record for the application of **24 S. Airmont Road** for construction of a new single-family residence requiring variances for lot width 160 ft required and 125 ft provided; street frontage 100 ft. required and 25.07 ft provided; developmental coverage 20% required and 50% provided; and maximum lot area 40,000 sq. ft. required and 29,539 sq. ft. provided, from Article IV Use Regulations Section §210-29 and 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.

Applicant's Attorney Kevin Conway provided a re-cap of the prior meeting and noted that the plans were adjusted to have the driveway shown and included in the FAR calculation as the configuration of the lot is a flag lot. The original plan had a three-car garage and the updated plan indicated two car as requested by the ZBA. The FAR was further reduced by cutting down the basement and making it non habitable which was suggested to be a map note. The site plan reflected a slightly smaller driveway and trees were added on the south side of the property as requested by the ZBA. Member Meier inquired if they reduced the size of the house which was also requested at the previous meeting to be more in line with the characteristic of the neighborhood and as per the GML. The applicant's attorney advised that it was not made smaller.

Arthur Katz made a motion to open the public hearing for 24 S. Airmont Road which was seconded by Scott Meier. All in favor motion carries. Martin Kivell made a motion to continue the public hearing to the Thursday June 10,2021 ZBA Meeting at 8:00PM in accordance with the Governor's Executive Order. Scott Meier seconded it. All in favor, motion carries.

Martin Kivell made a motion to adjourn the meeting at 11:15pm which was seconded by Scott Meier. All in favor motion carries. Meeting adjourned.