

**Village of Airmont
Zoning Board of Appeals
January 13, 2022
Via Zoom**

MEMBERS PRESENT: Arthur Katz, Chairman
Martin Kivell
Sheldon Mayer
Scott Meier
Robin Luchins, Ad Hoc
Jacob Simonovits, Ad Hoc

MEMBERS ABSENT: Richard Berger

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

The meeting was called to order at 8:00 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 December 7, 2021 were seconded by Scott Mayer. All in favor motion carried. Chairman Katz read the public hearing meeting notice into the record.

Dan Kraushaar indicated that this application was before the board in December and the measurements were calculated incorrectly according to the GML dated 12/2/2021. The applicant re-submitted using the R-15 bulk table when the parcel resides in the R-40 zone. There have been discussions back and forth as to whether this was noticed properly and if the request in the notice is not what they should actually apply for. Only area variances are being sought no use variances. It's a procedural call for the applicant. The applicants Attorney will speak on this issue and if required, argue why this relief is necessary.

Kevin Conway Attorney for the applicant noted that they need to clarify and amend. There was some confusion by Fast Forward Permits as to what bulk table they are following. The correct submission is for front setback and front yard. The remaining is not required, and they are not seeking anything further. They are only proposing a small foyer in the entrance way. They can amend the request and the bulk table.

Dan Kraushaar asked the Building Inspector Lou Zummo if he agreed that it is not accurate, and that they don't need a use variance. Lou noted that the property is in the R-40 zone and was denied 10/27/21 for two area variances for front yard relief. Dan Kraushaar indicated that the proper bulk table needs to be used.

Can the applicant apply the R-15 bulk table even though the parcel is in the R-40 Zone? What exact bulk table applies here? Per the Building Inspector he noted that the

R-15 applies although the zoning is R-40. Because according to Section 210-132 D it's for non-complying lots. In the first section it's a non-complying bulk regulation. Dan inquired of Lou why does R-15 apply here if the use is a conformity?

It's 104.9 on the east end and exceeds according to Paul Gdanski's plans who is the applicant's engineer. The notice is incorrect R-15 Section A goes to a decreased bulk table. They used 100 ft require, its 104.9 ft and is existing and provided.

In further discussions the applicant's attorney Kevin Conway, Dan Kraushaar and the Building Inspector all agree that it should now actually be the R-40 bulk table that should be used. It requires a bigger variance, as the sf of 35 becomes 50 and the existing condition is 31.2 requesting 7 ft. of 25 ft. They were asked to check with Paul Gdanski to see if using the R-40 bulk table triggers other variances or greater variances. Kevin Conway explained that the late submission letter is due to Paul being unable to attend at the last minute, The variance needed is much larger due to the different bulk table (R-40).

The applicant will need to submit a revised application, EAF, narrative and a new GML and agency comments need to be sought. A new notice will need to go out and it needs to be re-advertised. There are two distinct areas of relief and they immediately got rid of one.

The applicant's Attorney asked to withdraw this application without prejudice and will resubmit a new version and have it re-advertised.

Martin Kivell made a motion to accept applicant's withdrawal without prejudice as per the applicant's attorney request and to submit a revised submission with a new application and request for variances. Sheldon Mayer seconded it. All in favor motion carries.

Ab Fischer – 21 Overbrook Drive contractor on the case noted that the reason they considered it a non-conforming lot was due to the square footage of the property not the width. Once the square footage gets adopted its 104 ft instead of the larger 100 ft being considered. Look at other reasons other than lot width.

Chairman Katz asked the Building Inspector if he agreed. He responded that it is not just based on the square footage of lots, as a lot of lots are undersized. They need to do a full work-up and re-submit. Chairman Katz noted that the application is withdrawn and has been properly reviewed.

David Solomon – lives around corner on Beaver Hollow and asked aren't the rules spelled out. The They are laid out with the permit.

Dan Kraushaar advised that based on the information and the withdrawal either way it needs to be re-submitted and re-noticed and codified. Marty Kivell made a motion to adjourn the meeting at 8:30pm which was seconded by Scott Meier. All favor meeting ended.