

**Village of Airmont  
Zoning Board of Appeals  
Tuesday, October 25, 2022  
In Person Meeting**

MEMBERS PRESENT: Arthur Katz, Chairman  
Scott Meier  
Jacob Simonovits (Arrived at 8:14pm)  
Robin Luchins, Ad Hoc

MEMBERS ABSENT: Richard Berger  
Sheldon Mayer  
Daniel Friedman, Ad Hoc

PRESENT: Robert Zitt, Acting ZBA Attorney  
Louis Zummo, Building Inspector  
Suzanne Carley, P&Z Secretary

OTHERS ABSENT: Dan Kraushaar, ZBA Attorney

The meeting was called to order at 8:00pm by Chairman Katz which was followed by the pledge of allegiance and roll call. Chairman Katz appointed Ad Hoc Robin Luchins as a voting member for the evening. Scott Meier made a motion to approve the minutes from July 14, 2022, which were seconded by Robin Luchins. All in favor motion carried. There were several ZBA members absent this evening and there were not enough of the members present this evening to approve the minutes from the September 8, 2022, that had attended that meeting. Therefore, the minutes from the September 8, 2022, meeting will need to be approved at a future ZBA Meeting. The order of the agenda is being changed due to an adjournment and a conflict that an applicant's attorney had and will be arriving late.

The public hearing on the application of **Cherry Lane Airmont LLC** was read into the record for variances to build a new single- family residence. This parcel was part of a prior 4 lot subdivision in 2005. The lot has wetlands, and the house is proposed to be situated to avoid the wetlands. Variances are being sought from Article IV §210-15; 210 Attachment 5 of Bulk Requirements Table 2: R-40 Residential District of Airmont's Zoning Code as follows:

Minimum Front Setback	50 ft. required	43.6 ft. proposed
Minimum Front Yard	50 ft. required	43.6 ft. proposed
Minimum Rear Setback	50 ft. required	34.8 ft. proposed

The property is located on the east side of Feller Court approximately 120 feet south of Phillips Drive. The lot is designated as Section 56.13 Block 1 Lot 4.4 on the Town of Ramapo Tax Map. The property is located in R-40 zoning district. The property is located at 9 Feller Court Airmont, N.Y. 10901.

The applicant was asked to provide paperwork affirming who the person was representing the LLC and signing off on the application at the July 14, 2022, ZBA Meeting. The applicant could not provide the corporate affidavit requested for the October 25, 2022, meeting, as such the applicant's representatives requested an adjournment to the January 12, 2023, ZBA Meeting. The Zoning Clerk verified that the public hearing mailings & notifications for the meeting went out on October 7, 2022. Chairman Katz made a motion to continue the public hearing for Cherry Lane Airmont LLC to the January 12, 2023, ZBA Meeting which was seconded by Scott Meier. All in favor motion carried.

The public hearing on the application of **Judah Herschkowitz** was read into the record for a variance for pavers around the existing pool as well as a new pool cabana. The cabana is 238 sf and includes a sauna, bathroom, and a storage room for pool equipment. The cabana also has a covered patio of 235 sf. Variances are being sought from Article II Section 210-5 Attachment 5 of Bulk Requirements Table 2: R-40 Residential District of Airmont's Zoning Code as follows:

Maximum Development Coverage: Required 20 % Proposed 26.9 %

The property is located on the east side of Post Lane approximately 590 feet north of Christmas Hill Road. The lot is designated as Section 56.17 Block 2 Lot 22 on the Town of Ramapo Tax Map. The property is located in R-40 zoning district. The property is located at 9 S. Post Lane Airmont, N.Y. 10952.

The applicant was represented by attorney David Ellner who was filling in for Kevin Conway who was in the midst of attending another meeting. The applicant was requesting variances for the unlawful installation of a patio and pool cabana. The pool was constructed at the same time as the cabana. The pool had a permit the cabana did not. They are asking the ZBA to approve the developmental coverage of 26.9% when the code allows for 20%.

Chairman Katz inquired as to why it wasn't built smaller and if it could have been built without requiring a variance. The Building Inspector noted that the patio is bigger than the original design. Chairman Katz noted that he is not comfortable with why it was done this way and not done in a different way, and wanted to know why the applicant was not present. The applicant's attorney indicated that neither the applicant's engineer, architect nor the applicant were in attendance, and he would request that they return to the ZBA at a future meeting. The zoning clerk verified in the record that the mailings for the public hearing notification of the meeting were mailed out on October 7, 2022.

Member Luchins noted she had a concern as to the history of this parcel and that they are being asked to approve the variances after the fact. She indicated that this sets precedence, and they did not get a permit before doing the work. She wanted to know why they didn't come for the variances before the work had even started. Scott Meier agreed and inquired about any violations and any other future work. He also asked if this was the only variance that they needed. The building inspector noted that he cannot advise if other variances are required until he inspects the property.

Scott Meier made a motion to open the public hearing for 9 S. Post Lane which was seconded by Robin Luchins. All in favor, motion carried. Mr. Ellner noted the applicant intended to beautify his property and the neighborhood. There was no one present at the meeting to provide any comments and no one requested to speak at the public hearing. The applicant did not provide any basis for the issuance of the variances.

It was noted by the Village's ZBA Attorney that it behooves the applicant to return to the ZBA to answer their concerns. Scott Meier made a motion to continue the public hearing to the next ZBA Meeting, which is scheduled for January 12, 2023, at 8:00PM at Airmont's Village Hall and to have the applicant, the applicant's attorney and the applicants engineer architect resent to answer the ZBA's questions. Jacob Simonovits' seconded the motion. All in favor motion carries.

The continued public hearing on the application of **Jacob Bleich** was read into the record for variances for an addition to the left side of the house for a dining room as well as an addition to the second story on the right side of the house which will include 3 bedrooms. 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	21 ft. proposed
Total Side Setback	60 ft. required	55 ft. proposed
Side Yard	10 ft. required	7.5 ft. proposed
FAR	20% required	25% proposed

The property is located on the south side of Burriss Court approximately 170 feet east of Park Avenue. The lot is designated as Section 56.19 Block 3 Lot 47 on the Town of Ramapo Tax Map. The property is located in R-35 zoning district. The property is located at 2 Burriss Court Airmont, N.Y. 10952.

Chairman Katz opened the continued public hearing on the application of Jacob Bleich 2 Burriss Court which was seconded by Scott Meier. All in favor motion carried. The applicant appeared by representation of attorney Kevin Conway. No one was present for the public hearing, and no one spoke.

As the discussions on the variances continued the Building Inspector noted that the plans that were provided were missing pages 5 and 6, which contained the FAR calculations and FAR was one of the requested variances. The Applicants engineer Anthony Celentano was not present at the meeting. Everyone agreed that the applicant would need to return to the ZBA once the missing information was submitted

Scott Meier made a motion to continue the public hearing for the application of Jacob Bleich 2 Burriss Court Airmont NY to the next ZBA Meeting on Thursday, January 12, 2023 at 8:00PM and to have the updated plans with the FAR calculations submitted in advance of the meeting along and would like to have an engineer present at the next meeting along with the applicants' attorney. The motion was seconded by Robin Luchins. All in favor, motion carried.

Scott Meier made a motion to adjourn the meeting at 8:40pm which was seconded by Jacob Siminovits. All in favor motion carried. Meeting ended.