

**Village of Airmont
Zoning Board of Appeals
Thursday, January 12, 2023
In Person Meeting**

MEMBERS PRESENT: Arthur Katz, Chairman
Richard Berger
Jacob Simonovits
Robin Luchins, Voting Ad Hoc

MEMBERS ABSENT: 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 8:02 pm 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. Chairman Katz made a motion to approve the minutes from October 25, 2022, which were seconded by Robin Luchins. Richard Berger abstained as he was not at that meeting. Remaining members in favor, motion carried. Chairman Katz advised that member Scott Meier had recently moved and resigned from the ZBA. He thanked Scott for his many years of service as a ZBA member. Arthur Katz made a motion to approve the meeting minutes from the October 25, 2022, ZBA Meeting which were seconded by Robin Luchins. All in favor motion carried.

VEIOLA WATER (formerly SUEZ) NEW YORK INC. – PFAS COMPLIANCE -TALLMAN WATER WELL #26

239 Route 59

Request for extension of previously approved variance

Adam Wekstein, Attorney for the applicant explained that the site plan with special permit had been approved in 2022 and they had also been previously granted a variance for separation of two water treatment buildings from the ZBA which was filed 12/21/21 and expires within a year. He also explained that this project is in litigation and is in the process of being resolved. One of the conditions of approval from the PB was approval from O&R utilities as there are high tension wires and the project is in their right of way. They are working diligently with O&R and seeking to adjourn the litigation once all the issues are resolved. In the meantime they need an extension on the variance and are appearing before the PB in February.

The ZBA Attorney explained that this is not a new application and that there is no public hearing as it is a request for an extension of the previously approved variance. Robin Luchins made a motion to approve the one-year extension on the variance nunc pro tunc from 12/21/21 which was seconded by Jacob Simonovits. All in favor motion carried.

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 Burris 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 the R-35 zoning district. The property is located at 2 Burris Court Airmont, N.Y. 10952.

The applicant appeared by the representation of attorney Kevin Conway, engineer Anthony Celentano and Rabbi Bleich was also present. The plans had been updated with the FAR calculations and the prior missing pages from the plans had been submitted as requested at the October ZBA Meeting. Kevin explained the lot was quite large and that the family required more living space. The house is 5100 sf proposing an addition of 3500sf for a total of 8600sf in R-35 Zone on a cul de sac.. They are requesting 3 variances. They have the support of the surrounding neighbors, there is no negative impact or effect on the neighborhood, the number of variances requested are not numerous nor are they extreme variances.

Robin Luchins inquired if the square footage included the basement, and the applicants engineer responded yes. Chairman Katz opened the continued public hearing on the application of Jacob Bleich 2 Burris Court which was seconded by Robin Luchins. All in favor motion carried.

S. Jurvel -7 Fosse Court spoke and was in favor of the variances being granted. Yehoshua Kamensky -5 Burris Court who is the neighbor directly opposite the property and indicated he is for the variances and does not see this as a huge change. Richard Berger made a motion to close the public hearing which was seconded by Jacob Simonovits. All in favor motion carried.

GML dated 8/30/22 was read into the record by Mr. Conway. He requested and read into the record his letter dated 9/8/22 that they override GML #1. Overall, the GML was recommended to make modifications, but it was not disapproved. Richard Berger made a motion to override GML #1 as there were no objections from the neighbors and the change will increase the look of the homes and prices. Motion was seconded by Jacob Simonovits. Roll call vote on the override for the reason as stated in Mr. Conway’s letter for GML #1 dated 9/8/22.

Roll Call

Berger- Yes

Simonovits – Yes

Luchins -Yes

Katz – Yes believe the proposal is not changing the nature of the neighborhood.

Robin Luchins made a motion to grant the requested 3 variances which was seconded by Richard Berger. All in favor motion carried. Variances granted 4 to 0.

Arthur Katz made a motion to authorize either Robert Zitt acting ZBA Attorney or Dan Kraushaar, ZBA Attorney to complete a written resolution in accordance with the Law. Jacob Simonovits seconded it, all in favor motion carried.

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 was submitted to the ZBA’s satisfaction. Rachel Barese was in attendance as the engineer on the project along with Shimiel Sand from Hartman Design the architect. Rachel explained that the FAR complies with the Villages code and a new denial letter was issued and they still need 3 variances. Chairman Katz asked the Building Inspector if he agreed, and he responded yes, the FAR is now correct. It was discussed that the request is not a detriment to the neighboring properties, the applicant is committed to minimize the stormwater to zero net run off and there are no environmental impacts. Based on the placement of the house as they are trying to work with what they have the need the variances in order to build.

Jacob Simonovits opened the public hearing which was seconded by Richard Berger, all in favor motion carried. No one spoke at the public hearing. ZBA had no further comments. Richard Berger made a motion to close the public hearing which was seconded by Jacob Simonovits. All in favor motion carried.

There is no GML required for this project. It was discussed that the variances were needed for the lot with zero net run off in terms of drainage, the architectural provided minimum variances required, there is no other method for building, no environmental impacts as they plan to build further away from the wetlands.

Richard Berger made a motion to approve the 3 requested variances for Feller Court which was seconded by Robin Luchins. Roll call vote:

Berger- Yes, well thought out and sees no reason not to grant.

Luchins -Yes, they did their best under the circumstances and tried to comply.

Katz – Yes believe it is the best use of for the property.

Simonovits – Yes for all the reasons previously stated.

All in favor motion granted. Variances granted 4 to 0.

Arthur Katz made a motion to authorize either Robert Zitt acting ZBA Attorney or Dan Kraushaar, ZBA Attorney to complete a written resolution in accordance with the Law. Jacob Simonovits seconded it, 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 Kevin Conway. He explained that the applicant has constructed a new pool, cabana, sauna, bathroom, storage facility and patio. They are seeking 26.9% in developmental coverage when 20% is approved by code. The applicant was requesting variances for the unlawful installation of these items and is trying to legalize it to get a proper CO. The pool was constructed at the same time as the cabana. The pool had a permit the cabana did not. ZBA inquired 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. He noted that the pool failed but has no way of knowing if any other variances are required.

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.

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 and did not come for variances prior to the work starting. She indicated that this sets precedence.

Tony Celentano, the engineer for the project noted that he surveyed and measured the area. The Building Inspector noted that the pool is functioning but no one inspected it and that there is no UL. The ZBA requested that a full report is sent to the Building Inspector to show that the work was done up to code. A full report and a UL must be sent to the Building Inspector for review. The ZBA inquired as to the number of pavers that were put in the response was 10,977 sf. The Building Inspector noted that they were 2800 sf over in pavers. The ZBA requested that they look into making this project smaller and propose a smaller variance. It was noted that the deadline to submit new plans or anything additional is two weeks prior to the meeting on 1/26/23. They did the work without checking first. Items must be sent to the Building Inspector for review. It was also noted that the five factors needed to be addressed for the ZBA to be able to make a determination.

Chairman Katz made a motion to continue the public hearing to the next ZBA Meeting, which is scheduled for February 9, 2023, at 8:00PM at Airmont's Village Hall. Jacob Simonovits' seconded the motion. All in favor motion carried.

INTERPRETATION REQUESTED AN ADJOURNMENT TO THE FEBRUARY 9, 2023, ZBA MEETING – Application for an appeal from Simon Apel challenging the denial of an application for a new tenant operating certificate for Banya 59 to operate a spa at the premise located at 321 Route 59 made by the Building Inspector in his letter dated October 20, 2022. The property is located on the south side of Route 59 approximately +/- 160 feet East of Cherry Lane. The lot is designated as Section 56.09 Block 2 and Lot 77 on the Town of Ramapo Tax Map. The property is located in the NS zoning district and is comprised of 1.1 acres. The street address 321 Route 59 Airmont, NY 10952.

Arthur Katz made a motion to adjourn the interpretation for the appeal from Simon Appel to operate a spa at 321 Route 59 to the February 9, 2023, ZBA Meeting at Village Airmont Village Hall located at 251 Cherry Lane at 8:00pm which was seconded by Jacob Siminovits. All in favor motion carried. Robin Luchins made a motion to adjourn the meeting at 9:35pm which was seconded by Richard Berger. All in favor motion carried. Meeting ended.