

Village of Airmont
Zoning Board of Appeals
May 12, 2022
Via Zoom

MEMBERS PRESENT: Arthur Katz, Chairman
Richard Berger
Sheldon Mayer
Scott Meier
Jacob Simonovits
Daniel Friedman, 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 8:00 pm by Chairman Katz which was followed by the pledge of allegiance and roll call. Scott Meier made a motion to approve the minutes from 3/10/2022 which was seconded by Richard Berger. All in favor, motion carries.

The public hearing notice on the application of **The Airmont Shul – 16 Murray Drive** was read into the record. Ryan Karben was present for the applicant and noted that they are only seeking one variance for developmental coverage: 35% required with 38% provided, a 3% variance to add a 600sf mikvah to the existing use of a previously approved residential house of worship. The property is located in R-25 zoning district and is comprised of .642 acres. They have been before the CDRC and PB several times and the PB reviewed SEQRA and declared themselves Lead Agency. The application was referred to the ZBA by the Planning Board for one required variance. He noted that the variance is not substantial, the house of worship is already in place and operating so not outside of the character of the neighborhood; that this is a minor addition to the use, this will benefit the neighborhood and less people will need to travel via car and can walk. This will benefit the community.

Rachel Barese, the applicants engineer was sworn in by the ZBA Chairman and testified that the proposed mikvah is in the back of the property and is not visible from the street on either side of the property, as it is on the corner of Laura and Murray Drive. They are also proposing a deck 31 x 24ft in the back of the property as well. No additional parking will be required as it will only be used for the current members of the shul. Scot Meier asked if an additional kitchen was put in on the House of worship and the engineer noted not to her knowledge and that nothing is being proposed as part of this application.

P& Z Clerk read noted that no GML was required and read into the record the following agency letters: RC Health Department dated 5/10/2022, RC Sewer letter dated 4/14/2022.

Scott Meier made a motion to open the public hearing which was seconded by Sheldon Mayer. Dorothy Murphy from 12 Eleanor Place was sworn in and commented that there is already a ton of traffic at 16 Murray and her concern is that the mikvah won't improve it, it will only get worse with the addition of the mikvah. She indicated that there is an auto repair at 9 Murray which is also causing traffic. She noted she has a large family, and it is very hard for them to park as it is when visiting and they are always dealing with a ton of traffic when trying to visit. Ryan Karben responded that this is a minor adjustment to a small community and that there will not be any consequential change to the neighborhood or to the traffic. He also noted that use is permitted by right. Dorothy indicated she did not understand why there are cars parked on each side of Laura Drive and Murray Drive if there is adequate parking.

Chaim Fried – 10 Farmer Lane commented that they are in walking distance and that most of the congregants walk to the house of worship. This will actually lessen the traffic as they don't need to drive and then leave to go elsewhere.

Danielle Meehan 18 Ackerman Avenue commented that if residents want change, they should be permitted to speak their opinion and have the right to speak.

Scott Meier made a motion to close the public hearing which was seconded by Sheldon Mayer. All in favor motion carries. Dan Kraushaar confirmed that the SEQRA was done by the PB on 3/24/2022.

Sheldon Meier made motion to approve the request for a variance for 3% where 35% required and 38% was provided. Scott Meier seconded the motion. All in favor motion carries.

Roll Call vote:

Richard Berger – yes approve the variance it is a small addition and will benefit the community

Jacob Simonovits – yes approve its not much of a variance and benefits the community

Sheldon Mayer – yes approves the variance as it is a minimal variance. Testimony from both the engineer and the congregants that attend that by adding the mikvah would have a positive effect by not having to go to two separate places for their religious services.

Scott Meier – yes approves it is a minor variance that will assist the applicant and will reduce the parking situation.

Chairman Katz – yes approve as it is de minimis in nature and it will help improve the congregants and the community.

Motion carries 5 to 0 unanimously. Variance granted.

The public hearing notice on the application of **Prime Pro Management LLC – 194 Route 59** for a special permit & variances for reinstatement of the property to be used as a gasoline service station requiring variances from Airmont’s Zoning Code was read into the record. The applicant was represented by Ira Emanuel. He explained that the property is located in the Village Center (VC) zoning district and is comprised of one (1) acre. Property dates back to 1939 and continued as a gas station until it lost its prior non-confirming use after the applicant got its DEC and building permits to replace the underground gas tanks and put in new pumps, lines and fuel tanks. They have appeared at several CDRC and PB Meetings to reinstate only the use to pump fuel at this time. Nothing else is to be sold and no services other than pumping gas will be provided. They do not know what the future of the remaining portion of the property will be at this point. They are trying to get their return on investment at this point and it would be a benefit to the Village to have it in use. Ira shared a video of how the fuel tanks would deliver gas to the site. He explained that they worked with Tallman Fire Department to get the site to work for their trucks to have access should a need arise. This is a Type II action under SEQRA not requiring any further action. There is no environmental impact. The DEC permit were installed. It is not self-created as it is pre-existing, and they are trying to revive it. They only need one parking space for an attendant, the fence is a request of the neighboring property owner and the special permit requirements for fuel pumps are pre-existing non-confirming variance requests. It will not change the character of the neighborhood as it already exists and has existed since 1939.

Scott Meier asked if it will be 24/7 operation. Daniel Friedman asked about the neighbor and the fencing. Ira explained that the fencing was at the request of the neighbor which is why it is on the plans.

Scott Meier made a motion to open the public hearing which was seconded by Jacob Simonovits. All in favor motion carries. No one spoke from the public for the record. Sheldon Mayer made a motion to close the public hearing which was seconded by Scott Meier. All in favor motion carries.

Richard Berger made motion to approve the application for the variances & special permit as listed, which was seconded by Scott Meier:

Article IV§210-28 Table 8

Minimum Lot Area: 60,000 sf required; net 39,628 sf provided
Minimum Lot Width:250 ft required; 100 ft provided
Minimum Side Setback: 40 ft required; 3 ft provided
Minimum Total Side Setback: 80 ft required; 14.7 ft provided
Minimum Side Yard: 20 ft required; 3 ft provided
Minimum Street Frontage: 150 ft required; 100 ft provided

Article VII §210-56. A(21)

Parking variance 5 spaces required; 3 spaces provided

Article V §210-35.C

Fence Height in front yard: 3.5 ft required; 6 ft provided

Special Permit Requirements:

Article XII §210-100.C

For fuel pumps within front yard 30 ft required, 16.9 ft provided

For fuel pumps within front setback 20 ft required, 16.9 ft provided

Article XII§ 210-100.D:

Landscape Screening 10 ft Required 0 ft Provided

Roll Call Vote:

Scott Meier-vote to approve all the requested variances so that it can become a functional gas station.

Jacob Simonovits-yes approve all variances as it is pre-existing and would be good for the Village once it's re-done

Sheldon Mayer –yes vote approve all variances for the continuance to a gas station in the Village

Richard Berger – vote yes to approve all variances for intended purposes for a gas station as there are very few options for the property.

Chairman Katz – vote to approve all the variances for a long-time existing property as the function will be a benefit.

All in favor motion carried unanimously 5 to 0. Variances granted.

The application of **Aryeh Klugman 32 Besen Parkway** for variances for an addition to a single-family house to extend the kitchen, dining rooms, bedrooms and add an additional bathroom. The property is located in the R-15 zoning district and is comprised of .28 acres. Applicant is being represented by Joseph Churgin. Mr. Churgin explained that the variances are required to expand the house due to the family size of nine members. All variances are individual and not substantial. He explained that the applicant is trying to enhance his property and be more in line with the other houses. He explained that the granting of the variances will not cause an undesirable change to the neighborhood and is consistent with the other homes, they can't expand without the granting of the variances, the variances are not substantial, there is no adverse effect on the environment, and you could deem it self-created, but the other factors are all reasons to grant the variances.

The ZBA asked if the basement was open and enlarged. Chere Lieberman the architect from New City, was sworn in and discussed the extension of the basement. Sheldon Mayer asked what was being put in the basement and she explained that it is remaining as an unfinished basement.

Letters read into the record were the GML from RC Planning dated 5/6/2022; RC Sewer dated 4/14/2022; RC Environmental Health dated 5/10/2022; TOR Department of Public Works dated 5/2/2022NY Parks, Recreation & Historic Preservation dated 4/11/2022.

Scott Meier made a motion to open the public hearing which was seconded by Jacob Simonovits. All in favor motion carries. There were no comments from the public for the record. Scott Meier made a motion to close the public hearing which was seconded by Sheldon Mayer. All in favor motion carries. The applicant's attorney advised that this is a Type II Action for SEQRA requiring no further action which was confirmed by Dan Kraushaar.

As for the reference in the RC GML dated 5/6/2022 item #5. There was a discussion held with the Building Inspector and the ZBA and the Building Inspector verified the 41.4 vs., the 31.4 calculation on the total side setback that the applicant submitted. Building Inspector agreed with the GML and that there was not a need for this variance. The applicant's attorney withdrew the need for this for the total side setback variance.

Scott Meier made a motion to approve the application for Aryeh Klugman 32 Besen Parkway for the following variances which was seconded by Sheldon Mayer:

	Required	Provided
Front setback	35'	29.2'
Front yard	35'	29.2'
Side Setback	15'	11'
Developmental Coverage	35%	41.6%
Floor Area Ratio (FAR)	.25	.33

Roll Call Vote:

Jacob Simonovits- Vote yes to approve. Did not see and major issues with the variances.

Richard Berger- Yes approve family has a need and its an asset to the community

Sheldon Mayer – Yes approve family needs a larger space, asset to the neighborhood and we did not have any pushback from the neighborhood.

Scott Meier- Yes vote to approve as it is as asset to the neighborhood, and he sees no problem with it.

Chairman Katz – for all the reasons previously stated and that it is as asset to the community, the family needs a larger space, and he sees no issue with it.

Dan Kraushaar noted that all meeting fees & professional fees need to be paid as part of the approval.

Motion carries unanimously 5 to 0. Variances granted.

P& Z secretary reminded the ZBA Members about the upcoming training sessions that are required by the RC Federation.

Scott Meier made a motion to adjourn the meeting at 9:31pm. Richard Berger seconded it. All in favor motion carries. Meeting Ended.