

**Village of Airmont  
Zoning Board of Appeals  
July 14, 2022  
Via Zoom**

MEMBERS PRESENT: Arthur Katz, Chairman  
Scott Meier  
Robin Luchins, Ad Hoc

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

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

The meeting was called to order at 7:36 pm by Chairman Katz which was followed by the pledge of allegiance and roll call. There were several ZBA members absent this evening and not enough of the members present at the prior meeting were in attendance this evening to approve the minutes from the June 9, 2022, meeting. Therefore, the minutes would be reviewed and approved at a future ZBA Meeting. Robin Luchins was appointed a voting member for the evening.

The P&Z Clerk read into the record the public hearing notice on the application of Cherry Lane Airmont LLC 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.

Dan Kraushaar explained that the meeting started a few minutes late as he was in discussion with the applicants Attorney Ryan Karben prior to the meeting starting. It appears that that there may be a variance that was missed and may be required for FAR for calculation of the garage, first and second floors. No square footage was noted for the basement. The Building Inspector noted that the overall square footage of the house is listed at 8,072 sf but it appears another 3,000 sf is not included. The architect is not available for the meeting and could not be reached to affirm his calculations. The applicant’s attorney noted that he did not know the dimensions or if there is qualifying

square footage for a FAR variance. If it is required, he noted the Building Inspectors denial letter would need to be revised or they could seek an appeal but will not make an informal calculation.

The Building Inspector noted he needs to hear from the architect, confirm the ceiling height of the basement, what is or is not included in his calculation to understand what his calculations are based on before he can confirm the actual calculation for FAR. The basement is 6'8" and not habitable. Both Ryan Karben and the applicant's engineer Rachel Barese noted that they must speak with the applicant's architect.

It was discussed that the applicant needs to come back to the ZBA with the correct calculations noted on the plan. A new denial letter would be required by the Building Inspector if the numbers are deemed to have changed regarding the calculations on the FAR in the basement. If there are in fact changes a new application would need to be provided as well. Nothing can be determined until the applicant's architect is consulted.

Applicant was advised to discuss with the architect and revise the plans accordingly but first review with the Building Inspector as quickly as possible and then re-submit. If the calculations are in fact different, then the application will need to be re-noticed, re-advertised, and sent out for new RC Agency comments.

The ZBA Chairman inquired as to who is representing the Cherry Lane LLC, who is Moshe Gold that signed the application. He requested to see paperwork affirming who the person was representing the LLC and signing off on the application. He wanted affirmation as to what his/her position is the President, Chief Officer, etc. and would like to paperwork identifying and clarifying that they are authorized to sign on behalf of the LLC. Ryan Karben confirmed the membership of the authorized signer for the Cherry Lane LLC would get something in writing for when they re-submit. Scott Meier made a motion to adjourn the meeting to the 8/9/22 ZBA meeting which was seconded by Robin Luchins. Roll call vote was made and all three ZBA Members agreed there there was no point in reviewing the application in detail until the FAR calculations are confirmed. All in favor motion carried. Meeting adjourned at 8:03pm.