

**Village of Airmont
Planning Board Meeting
August 23, 2018
Village Hall
7:30pm**

Members Present: John Cornelius, Chairman
Doug Whipple
Russell Hock
William Phillip
Joseph Toss

Others Present: Dan Kraushaar, Deputy Village Attorney
Adriana Beltrani, Village Planner
Eve Mancuso, Village Engineer
Lou Zummo, Building Inspector
Shlomo Pomeranz, Fire Inspector
Suzanne Carley, P&Z Clerk

Others Absent: Ken Brezner, Ad Hoc
Pavle Lecei, Ad Hoc

The meeting was called to order at 7:30 pm followed by the pledge of allegiance and roll call. Chairman Cornelius made a motion to approve the meeting minutes from June 28, 2018. Doug Whipple seconded it. All in favor, motion carries.

**Public Hearing – Three Sisters
7 N. Airmont Road; 214 & 219 Route 59
Patio
Amended Site Plan**

Ken Moran attorney, Rachel Barese Engineer for the applicant and Mark Iodice applicant present. Ken described the project as outdoor seating for the rear of Sutters Mill Restaurant on the north west side of the building. Originally it was proposed a little larger with 6 tables and now it will be 4 tables. The State came back and commented that it was in their right of way so they made the areas smaller with bollards all around it so it will be fully enclosed. The customers would need to go through Sutters restaurant to get to the outdoor area. There will be a 4 ft. fence and pavers surrounding it. This would be deemed a seasonal area.

Rachel Barese noted that based on the number of seats they will need a parking waiver for 8 new additional spaces. The applicant is asking for a total of 16 spaces. The parking provided is 79% of the required parking, which falls within the 25% parking waiver the PB is permitted to grant. This will be in addition to the existing waiver they already have. The area will be well landscaped with additional plantings. It does require approval from the NY State Liquor Authority which was applied for and until that is approved it will be an area for eating only. The waitresses will take the orders and serve the drinks. The customers are not permitted to bring the drinks out to the area themselves. No variances are needed.

Dan Kraushaar wanted to speak to anything that may require an override which would require a super majority four out of five member votes to vote in favor of it and each PB Member must give a reason for each of the overrides before for final approval.

The applicants engineer advised that the plans have since been revised based on the comments from the DOT. It did originally cross over the designated street line (DSL) which is why they revised it and added the bollards to the property so that it does not cross the DSL. This area was always supposed to be landscaped as it was originally just land. The only reason for the parking waiver is to add 16 seats that were not originally there. No parking was removed to get the 16 seats.

Chairman Cornelius asked about the other stores that are in the shopping center currently. The original way it was calculated was based on general retail and because they knew they had an established restaurant it was included in what their use is and everything else is not as established as of yet.

Based on general retail and was include as what their use is. Everything else is not as established. Felt it was appropriate to add the additional parking. Rachel noted that if they disagreed she would make the adjust. Because calling Sutters as a use felt appropriate to demonstrate the additional seats in this calculation. Dan Kraushaar asked how much of a parking waiver they would be at and she advised at 21% of a parking waiver.

She also noted that the plans were revised before the GML comments came in. Plan approved revised patio and bollards located on the property and bollards located on the property does not cross designated street line (DSL). This area does not change driveways and does not change the configuration by adding 16 seats. No parking was taken away from the patio just the number of seats in order to make it smaller.

Rachel reviewed the GML comments:

- 1) Patio -RC Highway noted that it crossed the DSL – which has been changed
- 2) Parking waiver - RCP don't think it should be granted. Rachel noted that the difference is minimal (to 21% from 23% a difference of 8 spaces not full time use) and time frames will vary.
- 3) Images on Google Street View- Safety measures are in place. The plans clearly show bollards and a fence shown around the detail and now the revised plans show it in even further detail.

Dan Kraushaar noted that the comment appears that they are concerned that someone is actually using the patio based on a google map and saw that it was there. It appears to be poorly worded. Rachel Barese verified that is constructed but not in use and it sounded as if they believe its being used because they see it on google maps. It is absolutely not being used and anyone can go take a look and verify that.

Dan noted that if there is any objection of consistency with comment #3 of the RCP GML on this application dated 8/16/18 that the applicant shall not provide any seating or other activity to take place on the patio to ensure that safety measures are met. The Village can over ride #3 if they believe the safety measures, bollards and fences shown are in place around the detail satisfy that this is their reason for overriding the comment. This could be a condition of approval.

- 4) Comply with RC Highway – will comply with comment and obtain road work permit.

- 5) RC Health - No issue per RC Health and no permits required.
- 6) The initial plan was sent to the DOT and applicant is in compliance along with the drainage, and RC Health. The DOT did not comment on the plan that was sent by the P&Z clerk on 7/17/18. The DOT did not comment within the 30 day time frame which they are now past. Applicant is in compliance by having it sent to the DOT.
- 7) Updated landscaping plan - Landscaping is a local issue to be addressed by Planning Board and Village Engineer and Village Planner.
- 8) Lighting will be reviewed by Village Planner.
- 9) There is no increase in the peak rate of discharge as there are pavers. All calculations were previously provided along with drainage.
- 10) Not changing anything from original site plan for erosion control. Continues to follow the original site plan no changes.

Other Comment Letters received:

RC Sewer District commented with no issues in their letter dated 8/7/18.

RC Highway conveyed their concern was the patio in the DSL and the plans have been revised.

New Letter from Eve Mancuso dated 8/22/18 and there are no issues.

New letter from Village Planner – patio was built when it was in the right of way. Rachel noted they need to adjust the landscaping to the bollards.

Sprinkler will need to be ripped and everything will need to be re-arrange to make it all work per Mark Iodice.

Village Planner noted that it was built based on the first plan and they will need to move the landscaping and per Mark Iodice the applicant they will revise the landscaping recognizing to make it all work. Will try to camouflage polls. If this is the approved site plan need to see the revised site plan. Recognition that there will be a condition that it is currently in the DSL and the landscaping will need to be moved at the time the County requests it to be done so. Another condition will be a revised landscaping plan for Village Planner approval and correct parking variance to parking waiver on the plan to remain consistent. Mark Iodice noted that they know where the bus shelter will be located and will work to make the landscaping work.

Village Engineer asked if any additional freestanding lighting will be added or will lighting from building suffice. Mark Iodice noted that there is a light that shines already no additional lighting is necessary.

Chairman Cornelius asked how the parking calculation works. Rachel Barese advised that it is based on the number of seats in the restaurant. The patio is new and not part of the original calculation so by adding seating it requires additional parking. There is some seasonal use but there is a variety of uses for the shopping center. There are 9 stores all together and with a number of restaurants. The peak times for Sutter Mill is not the same as the peak times for other establishments with the shopping Center such as the Doctors office or Auto Zone. Therefore they do not anticipate a problem with the additional parking needs. The additional space will likely be required at times that extra spaces are available from a lack of use of other businesses.

Dan Kraushaar asked how you calculate this with changes in tenancy. Rachel advised that it was originally based on general retail and one established existing restaurant so Sutters was already calculated and then they divide it up. Since this plan is specifically calling out Sutters in use she thought it was appropriate to include it. The parking waiver was 23% now it is 21%.

Question was raised if there was ability to provide additional parking. Rachel specified that it was originally 23% and asking now for 21% which is within the 25% so you have the right to the difference of the 8 spaces but it is not a full time use. The Village Engineer noted that it is a unique ability for shared parking and peaks of hours and its shared so it balances it out. The only option would be a variance.

Chairman Cornelius wants to ensure that the Village is protected so he would like to see in the resolution that if the existing tenant space changes the Building Inspector should determine whether or not such use has to go before the PB for a use that requires more parking. This will be determined on a case by case basis.

Doug Whipple noted that he is not for the parking variance and asked if there is any place to put a reserve. Rachel Barese noted that it is not a lot of space but all the hours of use are different and length of stay. Drugmart closes at 8-7pm. Auto Zone hours are 8-10 and people are in and out quickly, the Sushi restaurant is closed and abandoned and the Pilates place only holds 12 at full capacity. Rachel noted that the Tallman Fire Department and John Hock gave it their blessing along the Village's Fire Inspector.

Russell Hock asked for clarification the use and to describe the patio. Will the sidewalk still be able to be used. Sidewalk is not affected. The patio has a 4 ft. fence around it with a gate. The sidewalk is open for the pedestrians to walk and the gate faces the sidewalk. Its not for back and forth traffic just to sit outside and eat and drink. Russell asked how you prevent people from going out the gate and Rachel advised that the gate will be locked and they will monitor it. Chairman Cornelius if they don't get the state liquor license they can not serve anything but food out on the patio. The State advised that the applicant needs to come here and they are in process while they review it. State wants to see that they are doing this as an action item. It is an extension of the liquor license Sutters currently has and they wanted to see the access of the patio for outside use.

Chairman Cornelius opened the public hearing at 8:10pm. There were no comments from the public for the record. Chairman Cornelius made a motion to close the public hearing at 8:12pm. Doug Whipple seconded it all in favor. Motion carries.

Chairman Cornelius made a motion for PB to be lead agency for the Village of Airmont for SEQRA. Doug Whipple seconded it. All in favor, motion carries.

Chairman Cornelius made a motion for a Type II Action requiring no additional review for SEQRA. Doug Whipple seconded it. All in favor, motion carries.

Chairman Cornelius asked for any any discussion from the PB. Doug Whipple indicated that he won't give in on the parking. Joseph Toss feels same as Doug but noted that if they go through the change of use each time it requires more parking then its ok. William Phillip noted he was comfortable with it.

From the GML comments:

1) The applicant has amended the plan to take the patio out of the DSL. No over ride required just within resolution. Not an over ride a condition of the resolution.

2) They are saying 23% since they have the first plan and did not see the new plan with the 4 seats. An override noting that the applicant has reduced the number of tables from previous reviewed plans. The waiver requirement has been reduced from 23% down to 21%. The prior approved plan already allowed for a waiver.

John Corelius made a motion to override reduction in the number of seats to reduce the parking waiver from 23% to 21%. Russell Hock seconded it. All in favor other than Doug Whipple who opposed.

3) Will be a condition in the resolution that the patio will be reduced and not used until all the changes are completed and the revised landscaping plan is approved.

4) Will be a condition.

5) Will be a condition.

6) At first it was discussed that it was a condition however Eve Mancuso noted that it was met. The plans were sent to the DOT on 7/17/18 for comments and they did not respond. The applicant does not propose any ingress or egress for any impact on the State Road. No permits re required from the DOT. There fore we are overriding this.

John Cornelius made a motion to the above, Doug Whipple seconded it. All in favor. Motion carries.

7) Condition for the Village Planner to review the final landscaping plan. Override for the PB to make the decision for the Village's Planner to review as she is most familiar with the project and the intersection. If you want RCP to receive a copy it can be a condition of the resolution. Chairman Cornelius made a motion to send copy to the county as a courtesy.

8) Will be an override as the original plan lighting has not changed that was previously approved.

Chairman Cornelius made a motion to approve. Russell Hock seconded it. All in favor.

9) & 10) Will be a conditions

11) Variances -Will be a condition- No variance required per Louis Zummo the Building Inspector.

Conditions of approval are to comply with the letters from the following:

GML from RC Planning dated 8/16/18

RC Sewer dated 8/7/18
RC Highway Department dated 7/23/18
Tallman Fire Department email with no objection dated 7/17/18
Town of Ramapo dated 7/24/18 and 8/20/18
Brooker Engineering 8/22/18
Nelson Pope Voorhis dated 8/22/18
RCH Health Department 9/10/18 (came in after the PB Meeting)

An additional condition is that if there is a change in any of the users the Building Inspector is to do a recalculation and the recalculation must demonstrate that it exceeds the 21% as a map note.

Chairman Cornelius made a motion to approve the plan for Three Sisters last dated 8/6/18 with the conditions of #1, 3, 4, 5, 7, 9, 11 others are an over ride, all letters and memorandums from consultants and outside agencies and if the use comes in over 21% they are to come back to the PB.

PB to send a copy of the resolution along with the overrides to RC Planning Department. Applicant to appear before CDRC prior to Chairman's Endorsement for all conditions.

Roll call vote:

Member Hock: approve based on seasonality and different peak times of other establishments as it will not have a significant increase.

Member Phillip: yes approve as we implemented conditions allowing for any numbers that increase.

Member Whipple: approved with the exception of the parking

Member Toss: Approve with one concern with the parking, looking at the numbers am comfortable.

Chairman Cornelius: Yes approve as over rides were reasonable, the rest are conditions; separate resolution on the waiver.

Motion to approve application 5 to 0. Motion carries.

Ramapo Pinnacle Properties

222 Route 59

Office Building

Request for an Extension of Revised Site Plan Approval with Ingress only off of DeBaun Avenue

Attorney Ira Emanuel present to represent the applicant. The site was approved on 2/2017. Obtained one extension and are asking for an additional six months to resolve the AC wetlands and drawings with the Army Corps of Engineers. He noted that the applicants engineer Leonard Jackson is working with the Village Engineer Eve Mancuso on the drawings. Ira Emanuel again reiterated that they are seeking a second six month extension to get the site plan finalized and the wetlands information resolved.

Chairman Cornelius made a motion to approve the application for 222 Route 59's request for a six month extension to get the site plan finalized for Chairman's Endorsement. Doug Whipple seconded the motion. All in favor. Motion carries. Application extended for an additional six month approval for the revised site plan.

The P&Z clerk advised that there were no submissions for the September 27th PB Meeting and she would advise when the next meeting will be. Chairman Cornelius made a motion to adjourn the meeting at 8:50pm. Doug Whipple seconded. All in favor motion carries. Meeting adjourned.