

**Village of Airmont
Planning Board Meeting
June 28, 2018
Village Hall
7:30pm**

Members Present: John Cornelius, Chairman
Doug Whipple
Anthony Santucci
William Phillip
Ken Brezner, Ad Hoc
Pavle Lecei, Ad Hoc

Others Present: Dan Kraushaar, Deputy Village Attorney
Stu Turner, Village Planner
Eve Mancuso, Village Engineer
Lou Zummo, Building Inspector
Suzanne Carley, P&Z Clerk

Others Absent: Shlomo Pomeranz, Fire Inspector
Russell Hock, PB Member

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 May 24, 2018. Doug Whipple seconded it with one minor change to indicate North side vs. West. The P&Z Clerk will make the update. All in favor, motion carries. Chairman Cornelius appointed Pavel Lecei a voting member for the evening.

**Tallman Trust
241-257 Route 59
Drive Thru
Amended Site Plan**

Present for the application of Tallman Trust are Claudio Iodice applicant, Rachel Barese, Engineer for Civil Tech Engineering and Ken Moran, Attorney for the applicant. This is an application for an amended site plan to adjust the configuration for a previously approved drive thru on the site.

Rachel Barese read into the record the Village Planners letter dated June 28, 2018. It stated that PB granted a waiver of 25% back on 11/2013. Rachel read into the record the letter from the NY DOT dated 6/26/18, RC Sewer District #1 dated 6/26/18, and the letter from Ken Moran dated 6/28/18. Applicant and representatives noted that they are in agreement with the DOT letter dated June 26, 2018. The Sewer District noted that everything was taken care of previously. There were no comments from the Health Department.

Doug Whipple inquired about the driveway being 16ft. Rachel Barese agrees and will have it shifted and changes made. John Cornelius asked if they needed more parking do they have the space. Rachel Barese advised that they don't feel this tenant will need any additional space with the drive thru.

Review of the RCP GML dated June 20, 2018. Dan Kraushaar advised that item #2 which indicated that the previously approved site plan received a waiver of 30 out of 150 parking spaces or 20%. The current application proposes to increase the waived number of spaces to 37 out of 150 or 25%. RC is generally not in favor of granting parking variances or waivers for sites located on heavily traveled state or county roads. Dan stated that the engineer is not involved in that. He explained that if the PB decides to provide the waiver it would require an over ride which will need to detail the exact facts as justification for it once the public hearing is closed.

Over riding is a condition of compliance of the GML. We need to explain how the applicant will mitigate it and it will need to be addressed. Looking at the plans the original plan was dated 3/5/13, last revised 12/3/13 signed and approved 11/21/13 by Chairman Whipple on 3/13/14 the owner on 4/8/14 for a 25% parking waiver and that the number of spaces up to 120.

We need to file with RC Planning a separate resolution what is over ride and the rationale for one as the State is cracking down.

Going through the GML dated 6/20/18:

1) DOT comments required which we received.

2) Parking – where the 25% and if they come in within the allowance even with the reduction still within the amount granted.

3) Bollards will be 6 inches. Ken Moran advised the sidewalks are larger. Dan Kraushaar explained this will require an explanatory over ride if applicant removes 3 bollards which encroach upon two parking spaces to meet Village standards. Eve Mancuso, Village Engineer noted that the original plan & sidewalk were within the 6 ft. 3 inches requirement and are not changing. Rachel Barese advised that they are basically sliding them back.

Ken Brezner asked if the previous waiver was 30 spots or 25%. 120 spots were provided and a 25% waiver approved 11/21/13. Ken says that this seems to be contradictory from 150 to 120 parking spaces but that's how the resolution was written. He agreed that 30 of the 150 parking spaces calculate to 20% but on the plan itself is 15% from 150 to 120 or; 27 to 150.

Anthony Santucci asked why can't they use the extra spaces and put it in reserves. Rachel Barese advised that they show seven spaces as reserved if necessary.

John Cornelius asked about the traffic pattern. Rachel Barese advised that people are coming and going and not for long periods of time. Anthony Santucci asked about the number of seating spaces as most of the business around 65% is via automobiles.

4) The GML form was already corrected and re-sent by the P&Z clerk on 6/25/18 and the email to RCP was confirmed and received on 6/25/18. Applicant's engineer noted that they will add a scale and north arrow

5) Landscaping – Stu Turner Village Planner advised the 30 seagreen junipers will go in and did not change they have not been put in yet and are proposing the same.

6) Ken Brezner stated he wanted to ensure they comply with the updates to the soil and erosion control plan. The applicants engineer stated they will continue with keeping the plans in places and make any necessary changes as needed.

7) There are no impervious surfaces and there is no net increase in peak rate of discharge from the site at all points. The Village Engineer confirmed this as well.

8) All signage has been included and looked at by all the professional consultants.

9) Snow removal areas will be labeled in the rear and the balance of the conditions need to be listed in the resolution.

10) This will be need an over ride. They are not changing it and it was already previously based on a prior approved plan. Applicants will require the same although it was previously done and approved. Ken Brezner mentioned that they may want to consider the proposed new zoning code changes although the lighting was previously approved in 2013. It is not an over ride if they comply properly. Pavle Lecei requested that we put in a condition that if the lighting changes they follow the new code. John Cornelius asked them to confirm if there was any additional lighting needed for the drive thru. Rachel Barese responded that it is already there other than the menu board. Eve Mancuso noted that the wall mounted lighting is already on the plan. Stu Turner advised that the menu Board is considered part of the lighting and is 25 sq. ft.

Dan Kraushaar noted that the Village Board is going thru amendments with the Comprehensive Plan and there is followup currently going on with the Local Laws. One of those changes relates to the lighting and lumnes, the strength and the angles. Some applicants may be exempt if they have vested rights if the Village Board adopts some of the changes such as in the lighting. Since this building is already built and is up nothing necessarily will need to change on the items already in place if there are vested rights as an amended site plan.

11) Applicant is asking for an over ride and they are not increasing the developmental coverage in any way. They would have to remove areas of pavement and put in pervious pavement and feels it is not in their jurisdiction. The area is changing in the back and the customers come around to make an order. Tony Santucci asked if they are moving parking spaces. Rachel Barese advised that the pavement is already there and they are not making any pavement changes just stripping. John Cornelius asked if there were any agreements for other businesses to use spaces. Claudio Iodice advise that there are many businesses and they all use it. Doug Whipple noted he would like to see the handicap spaces in the middle rather than at the end. He prefers that they not need to walk. Chairman Cornelius would like to see seven reserved spots on the plan. Eve Mancuso asked them to confirm the location of the handicap spots on the final plan.

12) Both the Fire Inspector and the Tallman Fire Department have reviewed the plans to ensure that there is sufficient maneuverability on site for fire trucks in case of an emergency and everything is in compliance.

Chairman Cornelius made a motion to over ride the parking requirements as this is an existing building based on the prior plan approved in 2014 which showed that a 20% parking waiver was granted to provide 120 spaces for the 150 required spaces. The present plan will be amended by the applicant to add 7 additional spaces to be shown in reserve so the percentage of waiver will remain 20% complying with #2 of the RCP GML dated 6/20/18. Tony Santucci seconded it, all in favor motion carries.

Chairman Cornelius made a motion to override # 3 of the RCP GML dated 6/20/18 in regards to the bollards. The bollards will encroach on two parking spaces and as a result these parking spaces are not meeting Village standards. They are applying the bollards to the parking space so that the dimensions shall be met and can be counted toward the required number of spaces. Tony Santucci seconded it, all in favor, motion carries.

Chairman Cornelius made a motion to over ride #10 of the RCP GML dated 6/20/18 in regards to the lighting and fields of illumination and intensity as the proposal before the Board is an amended site plan to an existing previously approved and constructed site plan. Therefore the Board does not believe it would be proper to require the applicant to comply with this provision of the GML. Tony Santucci seconded it, all in favor, motion carries.

Dan Kraushaar recapped the conditions of approval:

- the parking spaces
- landscaping
- snow storage
- bollards
- compliance with the DOT and signage direction
- check the ADA status for compliance
- confirming that we have a Storm Water Management Agreement & security and a parking enforcement agreement, if not they are to be supplied.

Doug Whipple asked what the business hours will be and Ken Moran advised that they will comply with whatever the Village Code requirements are.

Ken Brezner noted that the lighting is pre-existing and non-conforming and that they should not make any changes on any pre-existing conditions.

Dan Kraushaar stated that the applicant will comply with and give the history and applicant will be added 10 additional spaces in reserve not to exceed 20% of the originally granted to satisfy the GML.

Doug Whipple asked if there is any problem with the curb with the neighboring property line. Eve Mancuso responded that there are minimums between driveways but that they are not changing curb cuts or lines.

Chairman Cornelius opened the public hearing at 8:25pm. For the record, there were no comments from the public. Chairman Cornelius made a motion to close the public hearing for Tallman Trust and Doug Whipple seconded it. All in favor, motion carries and the public hearing is closed.

Chairman Cornelius made a motion for Airmont PB to be lead agency for SEQR purposes, Tony Santucci seconded it. All in favor motion carries. Chairman Cornelius made a motion that this application is Type II for SEQR requiring no further environmental review. Tony Santucci seconded it, all in favor, motion carries.

Eve Mancuso noted that the area of disturbance is less. Chairman Cornelius made a motion to approve the application for the drive thru for Tallman Trust based on all the previous discussed requirements. Pavle Lecei seconded it. Roll Call vote:

Doug Whipple – Yes, parking isn't a problem very seldom is anyone parking in the back and he does not foresee any issues.

Anthony Santucci – Yes as the amended site plan changes are minor complied with all the agencies approvals.

Pavle Lecei – Yes, it complies with all the agency comments and the shopping center concept will stay with it.

William Phillip – Yes, it is an improvement for the Village and a win win for both the applicant and the Village.

Chairman Cornelius – Yes, there are minor changes and it is remaining basically the same. He approves it as it is good for the Village and he liked the rationale that they put in a sign for no left hand turn.

5 to 0 Motion carries, application is approved.

P&Z clerk advised there were no submissions for the July PB Meeting therefore the next meeting will be Thursday August 23, 2018 at 7:30pm at Village Hall.

Chairman Cornelius made a motion to adjourn the meeting at 8:47 pm. Pavle Lecei seconded it. All in favor. Meeting is adjourned.