

**Village of Airmont
Planning Board Meeting
March 28, 2019
Village Hall
7:30pm**

Members Present: John Cornelius, Chairman
Doug Whipple
Russell Hock
William Phillip
Joseph Toss
Ken Brezner, Ad Hoc
Pavle Lecei, Ad Hoc

Others Present: Dan Kraushaar, Deputy Village Attorney
Adriana Beltrani, Village Planner
Eve Mancuso, Village Engineer
Suzanne Carley, P&Z Clerk

Others Absent: Shlomo Pomeranz, Fire Inspector
Lou Zummo, Building Inspector

The meeting was called to order at 7:35 pm followed by the pledge of allegiance and roll call. Chairman Cornelius made a motion to approve the meeting minutes from February 28, 2018 with a minor change on the last page. Doug Whipple seconded it. All in favor, motion carries.

**Discussion/Decision – Berkovic Site Plan
330 Spook Rock Road
Office Warehouse Building
Reinstatement of previously approved Site Plan**

Abe Berkovic applicant present with Larry Marshall, Engineer with Marshall, Mercurio & Norton. Larry explained that they are back before the Board for a project that they received conditional approval back on 11/2015. They received six variances and there was a condition with the County in regards to the traffic stop light that needed to be addressed. They need to go back to CDRC for the final steps. They went to five Planning Board Meeting and three ZBA Meetings. The P&Z Clerk noted she provided copies of all the previous minutes to the PB.

Dan Kraushaar noted that due to the expense the applicant has already incurred, the PB needs to determine if the project will be reinstated or be re-submitted as a revised site plan. There would a need to re-notice, republish, re-post a public hearing to give the neighbors an opportunity to speak. The location of the project is where there is one home and the resident had previously signed an easement agreement. Larry Marshall noted the same resident still lives there. Dan advised that a new agreement would need to be signed and we needed to confirm whether or not it was recorded. Dan pointed out that there would be a public hearing when this returns to the ZBA and then it would then need to be determined how the PB handles the application. The one caveat is the in order for the project to be able to go back to the ZBA the PB would need to reinstate the Negative Declaration from 2015.

The Village Planner noted that there were a number of items that the applicant had to follow through on such as appearing before the ARC, wetland permit conditions from RC Highway and that that the developmental coverage regulations had changed as part of the Comprehensive Plan Updates. She noted that there could be a PB waiver for the impervious surfaces or it could be a variance.

Ken Brezner asked if there were any specific tenants in mind and Abe Berkovic advised he did not but he speculated that he wanted potentially three tenants for warehouse space and the second floor for an office with mezzanine space. There was discussion on the size restriction of the trucks being 48 ft. going in and out of the site. Larry Marshall noted that the turning maneuverability analysis had been done with the Fire Department as required. Dan Kraushaar noted that the County took the position in their letter of putting in a stop bar to shirk restrictions for the traffic signal on this road in relationship to the project. Larry indicated that there would be a monument sign with the location and would comply with the zoning code.

The Village Planner noted that if they are not making any proposed modifications the PB can reinstate the SEQR from 6/25/18. They would require less variances, now five possibly four if they request a PB waiver. Dan Kraushaar explained that the process is different for a reinstatement vs. a revised site plan. The only new request on variances is developmental coverage and they can always comeback to ZBA for that. The other advantage is that if there is a waiver it doesn't carry the same weight as a variance which runs with the land. The last time they received six variances and now asking for four or five. SEQR needs to be done for a revised plan or a reinstatement with an amendment. He doesn't see any reason not to reinstate the SEQR since the plan has not changed, only the code has changed. There would need to be a motion to reinstate previous approved SEQR determination on 6/25/15 as a Negative Declaration for the Berkovic warehouse storage/office SBL 56.09-2-3.

Russell Hock asked if they reinstate the SEQR does it impact the reinstatement or require a new application? Dan explained that if there is an issue with ZBA they do have to come back to PB and it re-opens the SEQR process. Dan indicated that the order of events is to do SEQR to ZBA and back to PB. If ZBA is going to have them amend or change the configuration or seek a waiver constituting a revised site plan then the SEQR process is opened.

Chairman Cornelius made a motion to reinstate the previously adopted Negative Declaration from 6/25/15 which was unlisted. Joseph Toss seconded it. All in favor. No opposed motion carries.

Chairman Cornelius made a motion to refer the application of Berk Site plan to the ZBA for lot width, lot area, street frontage, total side setback and developmental coverage provided that once the variances are reviewed and received that the applicant return to PB for either a reinstatement or revised site plan. Doug Whipple seconded it. All in favor, no one opposed, motion carries.

Planning Board Clerk reminded everyone about signing up for their yearly training hours and the save the dates flyer for the upcoming training sessions.

Chairman Cornelius made a motion to adjourn at 8:45pm. William Philip seconded it. All in favor. Motion carries meeting adjourned.