

**Village of Airmont
Planning Board Meeting
April 25, 2019
Village Hall
7:30pm**

Members Present: John Cornelius, Chairman
Dennis Cohen
Russell Hock
William Philip
Joseph Toss
Ken Rosen, Ad Hoc

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

Others Absent: Shlomo Pomeranz, Fire Inspector
Joel Shandelman, Ad Hoc Member

The meeting was called to order at 7:35 pm followed by the pledge of allegiance and roll call. Chairman Cornelius thanked the departing PB Member Doug Whipple for his many years of service and Ad Hoc Members Ken Brezner and Pavle Lecei for their service as well. He welcomed new PB Member Dennis Cohen and Ad Hoc Members Ken Rosen and Joel Shandelman. Chairman Cornelius made a motion to approve the meeting minutes from March 28, 2019. Russell Hock seconded it. All in favor, motion carries.

PANERA INC
15-17 N. Airmont Road
Subdivision, Amended Site Plan

Joshua Sewald PE for Dynamic Engineering present to represent Panera Inc which is headquartered in Missouri. He is here to discuss Panera which they plan to put in where the Friendly's Restaurant is as a new site with a contract purchase as part of the subdivision from the Howard Johnson's Hotel owned by Ratan Hospitality. Day and hours of operation are seven days a week with Sunday being 7-9pm. There will be approximately 20-25 employees. All utilities will be capped and reconnected, they have a lighting and landscaping plan. They plan to put in a Panera Bread with a drive-thru and outdoor seating. A subdivision from the hotel will be necessary creating a number of variances. There will be cross access and parking and agreements to allow exiting from the residential development. The Village Planner noted that the subdivision requiring the variances needs to be done first and Ratan Hospitality will be requesting the area variances. She noted that this needs to be declared an unlisted action. They attended a meeting with the ARC in March 2019. The ARC found no issues other than the

illumination and number of signs which the PB and ZBA will review and determine. The Village Planner noted that the parking plan needs to match. The fast food requires 69 spaces hotel requires 90 totaling it to 159 and the overall site plan provides 180. She noted that the traffic study needs to be updated as well. Dennis Cohen noted that we may need a more robust study and the Planner noted she would have the Villages traffic consultant review it as well.

The subdivision of the existing lots affects both lots. The zoning legend needs to be broken down on the legend and there is no site plan for the hotel on another sheet. Dan Kraushaar noted that there needs to be an affidavit notarized from the owner in a corporate capacity for authority to do this. Dan discussed the need and implications of a cross parking easement. Joshua advised that they have been successful in obtaining blanket easements. The Village Engineer noted that they need to contact and discuss the easement with O&R as well. Loading zone, dumpsters, circulation, buffers were also discussed. She noted the swales must be maintained and cleaned out and that a Storm Water Management Agreement needs to be completed. She requested a more comprehensive As Built study.

Chairman Cornelius brought up the lights on the building and the signage which was discussed in detail. Letters were read into the record from the Town of Ramapo of 4/11/19 which noted that they had no comments, RC Highway dated 4/18/19 and email from the Fire Inspector with comments in regards to the traffic. Dan Kraushaar asked the Village Engineer if a new traffic study was warranted. The Village Planner noted that she needed to have the internal traffic consultant for the Village look at it first. They need to look at the turn lanes and stop lights and how this is distinguished from Bagel Boys next door and how this will carry out to De Baun Avenue. The applicant had their traffic consultant Joe Stider discuss the traffic study he prepared in further detail and answer any questions.

Dan Kraushaar noted that there was a lengthy GML dated 4/24/19 that was read into the record. The applicant had not heard from all the interested parties and involved agencies. Until this is done nothing on SEQRA can be completed other than the Notice of Intent to declare the PB as Lead Agency. This is all required before the PB can consider referring the application to the ZBA. Panera will have to return to the PB next month.

Chairman Cornelius made a motion to open the public hearing at 9:23pm. No comments. The PB then went into the discussion of the signs and the sign permit application.

PANERA INC
15-17 N. Airmont Road
Sign Permit

Dan Kraushaar requested that there be a response narrative to the County GML's. He noted that it was the first time he ever saw a disapproval on the GML to the Village. There are so many comments that would need to be over ridden as the plans are. He also noted for the record that when they over ride individually it needs to be done by super majority vote and each voting member needs to provide a rationale on each of the reasons for determining an over ride. All the information is sent to the County so that they understand why you acted the way you made your decision. He requested that the applicant break it down to make the process easier and have better context of comments made by the County. He suggested that the applicant have a conversation with County Planning about their comments and give them responses allowing them to over ride and provide a new letter/narrative.

Chairman Cornelius asked for the definition of the sign which was defined as something that identifies the occupant and a logo can be a sign. A menu board is not a sign. They referenced the spreadsheet of directional signs and reviewed them to discuss.

It was suggested that the lighted signs be internally lit as an alternative. They were asked to consider combining the Panera Bread signs and reducing the number of signs. The drive thru is directional but the logo is a sign, a business sign. The Villages ordinance allows one sign per facade. There is one proposed on the facade facing N. DeBaun and Airmont Road and plan to have two on three facades and one on the back. Of the two facades the maximum area is 200 total sq. ft. or 100 sq. ft on each side. Joshua explained that the total number of seven signs on four facades is 152 sq. ft. which is 48 ft. short of the maximum permitted. The signs are 4 % of the entire facade area. Panera Bread is four signs as three are Panera Bread and one is a logo. Each of the four signs are 11 sq. ft each spread out and under what is allowed.

Dennis Cohen asked Joshua to clarify the size of the signs proposed and wanted to know how visible will they be. The Village Planner noted there be an issue with the regulation of the lighting. Chairman Cornelius pointed out the drive thru sign is a directional sign and asked if it was on all three sides. Joshua explained that the directional signs are on the last side. There is a drive thru directional sign, stripping , clearance bar, preview and board menu sign to exiting. He explained that the Panera sign is part of the drive thru because Panera has not been known to have a drive and its a new business operationally. Dennis Cohen stated that the intent is advertising not directional. Joshua again explained that the calculation of the total area box is less than the 100ft allowed.

It was requested that on the northern facade to remove the drive thru sign facing the hotel. The drive thru sign on the building is considered a sign for advertising. Joshua explained that the Panera Bread sq footage is a proponent of the sign. Either way four or six signs, they will need a variance. It has to be determined if there is an impact since they are only permitted two signs up to 200 sq. ft.

Chairman Cornelius made a motion to continue the public hearing to 5/23/19 at 7:30pm at Airmont Village Hall. Dennis Cohen seconded it on all aspects of application. Chairman Cornelius made a motion to declare lead agency and to authorize the Village Planner to circulate a Notice of Intent as unlisted action. William Philip seconded the motion. All in favor, motion carries.

P&Z Secretary advised the PB of the Rockland County Planning training sessions coming up and will send them a list of requirements are needed.

Chairman Cornelius made a motion to adjourn the meeting at 9:37pm. William Philip seconded it. All in favor motion carries meeting adjourned.