

**Village of Airmont
Planning Board Meeting
June 27, 2019
Village Hall
7:30pm**

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

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 minutes from 4-25-19 with one minor change, Ken Rosen seconded it, all in favor motion carries. Chairman Cornelius made a motion to approve the minutes from the 5-23-19 PB Meeting, Russell Hock abstained as he was not present for that meeting, Joseph Toss seconded it and all others were in favor and the motion carries. Chairman Cornelius advised that if an applicant not been heard by 11:00pm that they will be put on next month's agenda.

**Rubin – 48 S. Airmont Road
Selection of Consultant Arborist for Tree Removal Plan**

Joe Churgin, Attorney for the applicant present with Rachel Barese Civil Tech Engineering also present for the applicant. They are requesting that 3 trees, not large ones near where the pool is, to be taken down so they can work on the pool. The closest tree is 11 ft. from the pool the other two are further away. Dennis Cohen asked is these are the closest to the pool. Ken Rosen asked why they need this request. Joseph Churgin advised that is hard to put the equipment in and its not back filled and this will avoid any potential damage. Apparently the pool company advised that they need these three trees to be removed to do the work. There is no pool liner and it is not properly lined and they need a machine to get in there to do the work. They do not want to continue working without being blocked to back fill properly. The PB noted that they had a fear in taking down 3 more could possibly damage any other trees. The applicant wants to remove them, cut them and do the grinder later. Chairman Cornelius asked them to confirm that can't do the work unless these three trees are removed. The applicants attorney responded yes that is what the pool company is advising.

Dennis Cohen made a motion to grant the three closest trees; #1 at the SE corner and the other two marked by Lou Zummo, to be cut down and stump grinded at a future date. Chairman Cornelius seconded it. Four in favor except Russell Hock who opposed. Motion carries 4 yes and 1 no.

Chairman Cornelius made a motion to attain the services of Scott Cullen, Consulting Arborist to make the further determinations based on his 6/26/19 proposal with scope and recommendations and that the applicant make a deposit to the Village of Airmont in escrow for such services. Dennis Cohen seconded the motion, all in favor none opposed. Motion carries.

**Continued Public Hearing - Airmont Trust 9 N. Airmont Rd.
Proposed Automotive Restoration/Refurbishment Shop
& Wrestling School**

Ken Moran attorney for the applicant and Rachel Barese Engineer for the applicant present. Here for final amended site plan approval and special permit approval. Rachel Barese noted that there would be a fence on the back area and the existing gate will be removed for the office and wrestling school. The front of the parking counts but they are not touching it and the intents on the auto refurbishment shop is to park in the rear. There are 5 employees. Parking is accessible and open. For the two uses there will be 37 spaces. Right now they have 80% of the parking in 7 dedicated spaces. They will need a 20% parking waiver. They are not counting the room under the doors as they are not general spaces and could block access. There will be a sign to direct them to park in the back. The uses must park in the rear for auto, office and automotive. The overall site plan is 80% compliant in the parking. Chairman Cornelius asked the Village Planner if there is adequate parking and the Village Planner advised yes there is enough parking.

Ken Moran noted that they were very careful to ensure that Bagel Boys has their full amount of parking. Its a small after school program there is no issue with parking. If concerned with lighting will add a wall mounted light and will clearly mark it as part of the parking. The crosswalk will be painted for safety and to facilitate pedestrian area.

Village Engineer noted that it appears there are separate lots for Bagel Boys and previous Rockland stairs. Property line offset lot to the south needs to be transferred to the current plan. Also need to reference the filing information with RC Clerk on the lot line adjustment as a map note.

John Cornelius opened the continued public hearing. Barry Cantrowitz attorney representing M&E Bagels Corp (Bagel Boys). He noted that the future parking they already know is a disaster as occupants already park in the Bagel Boys parking. They requested that they put signage on for bagel boy parking and bagel Boys will pay for it. They want it to be clear that they school can no park in Bagel Boys parking and that Bagel Boys will arrange for towing with Buckwild if necessary.

Russell Hock asked the hour of operation with Bagel Boys which is 5am – 6pm Monday – Saturday. They may decide to do late night dinners at a later date. Claudio Iodice applicant noted that there is no provision for signs in their lease. Barry Cantrowitz indicated that parking is the issue here. He also advised that this is already in operation.

Russell Hock asked how long has this been in operation and if there were any violations issued from the Building Inspector. He also asked if there were any painting restrictions. The building inspector confirmed that there is no facility to paint the vehicle in a spray booth which would be required to capture vapors. He advised the applicant to apply for a special permit for the use.

Andrew Mallen – 24 Lackawana Trail asked how they would be jocking the cars with kids walking about. Rachel Barese advised that there would not be an issue and they would walk around the front.

Chairman Cornelius made a motion to close the public hearing at 8:55pm. Dennis Cohen seconded it. All in favor motion carries.

John Cornelius made a motion that the PB can only waive 20% on the parking waiver. Russell Hock seconded it all in favor. Motion carries.

Chairman Cornelius made a motion to approve two special permits, one on each use, the wrestling school and the automotive shop. The first motion on the auto refurbishment shop subject to the conditions of no painting and no storage of unregistered cars beyond 72 hours. No variances are needed. Dennis Cohen seconded it. All in favor motion carries.

Chairman Cornelius made a motion to approve the school of special instruction with the condition of a pedestrian walkway, light and directional signage be a conditions along with the following conditions of the site plan Village Engineers letter dated 6-25-19; Village Planners letter dated 6-27-19; a provision for additional signage as seen fit by the Village Planner to be in compliance with the sign code of the Village of Airmont. No parking shall be allowed for vehicles other than Bagel Boys and Bagel Boys has agreed to pay for, install, and maintain the signs. Dennis Cohen seconded it. All in favor, Motion carries none opposed.

Amended Site Plan

Public Hearing – Stage Street LLC – 130 Route 59; 22 & 24 Stage Street

Proposed Office/Warehouse

Site Plan

Present at the meeting were Larry Turco applicant, Paul Baum attorney for Stage Street Associates and Rachel Barese engineer with Civil Tech Engineering. The applicant has 2 projects one at 124 route 59, 22 & 24 Stage Street and another at 130 Route 59. They are discussing the one at 130 route 59 at this point. They are looking to build a 36,000 sq. ft. warehouse/office building with 4 buildings. The first building is an existing single family residence which will be retained and enlarged where half will be an office and the other half a warehouse. The remaining other 3 buildings will be difference sizes for warehousing purposes and will be on the long narrow area shown on the site plan. This is in the LO Zone and they meet the minimum lot requirements but they will need variances. Paul noted that no use in this LO zone by right or by special permit can be built without variances. Any use in this zone will seek extreme variances. Dennis Cohen asked about acquiring the adjacent lot. The applicant has tried for 15 years to build a project on both 124 and 130 but due to an injunction they lost the house in the middle. They would like to acquire the property and submit a nicer project but there have been challenges. The lot is narrow and deep with DEC wetlands at the bottom which will not be disturbed but will encroach 100 ft. buffer with minor disturbances for parking. They are proposing 83 spaces

with 24 spaces proposed for employees that are down and they will park and walk up. The employee parking is at 22 and 24 Stage Street.

Ken Rosen asked how this will affect homes on Stage Street. Paul Baum responded that it will not affect the people much other than some minor additional traffic. He indicated that it is narrow road and you can't pass at the same time as it is now but it proposed for employees parking. There will be no deliveries and no delivery trucks only vehicles. All the parcels are non-conforming in the LO zoning district which has different types of uses and impacts. They have an extensive landscaping plan to shield the residents. The residential use that abuts the industrial area will have an impact on the adjacent properties that trying to develop. They are doing what they can from a landscaping perspective which is his business to mitigate it. They will work with the Board and the residents, How far is the nearest house to the development – approximately 100 feet.

Dennis Cohen asked do the employees have to use Stage street for parking. Paul Baum replied yes. The only access will be Stage Street. Originally they recommended a cul de sac in CDRC and it was not favorable and this is what they changes the plan to. Dennis Cohen inquired if the applications are they linked? Paul responded that they are two separate projects but owned by the same owner. Joseph Toss asked about the hours of operation. Paul Baum noted that they would take it under for consideration nothing has been posed at this time. Rachel Barese stated that they are in process with the DEC to get further approval for the delineation and permit for the wetland buffer. They had to apply for a permit since they are encroaching on the buffer. Russell Hock asked how far into the buffer is it? It is not Army Corp it is a DEC and the Village has a wetlands regulations in its code. Rachel Barese replied the worst case is the corner parking lot and corner building for the encroachment. It is the dash line on the site plan. They are proposing to treat the drainage with a SWPP to the Village Engineer and underground detention system with outflow towards the wetlands for the back drainage pattern. They are working on the lighting areas, landscape renderings and they discussed that they worked with the Fire Department for the long piece of the parcel for the fire truck turnaround for State of NY and for Tallman.

Rachel Barese advised that the front building is the only one with designated office space and this is the only one small spot. For the parking calculation the Village needs to specify how much parking is necessary for warehousing parking. They have more spaces then required. The code has numbers for office parking but nothing defined for warehouse parking. There is a grey area in the code and they did a calculation based on the office space to give them extra room and felt that it was adequate. They have 83 parking spaces inclusive of the 24 spaces for the employees. For the amount of parking for office its one space for 200 sq. ft. Village code calculations exceed requirement. Since the front building is office space and the basement for storage. We exceed the requirements for space. Other space could be anything other than medical or dental. Joseph Toss mentioned that with the number of spaces required for the office 57 parking spaces, maybe build less spaces and have it reserved for future use if needed. They want to have a design and have it approved in advance as an option. Larry Turco mentioned a lower parking area so that the Fire Department can turn around in the front. Larry Turco discussed that it will be the principal lease to have designated parking area so that the fire trucks have the space if needed. There will be strict leases and covenants. They will ensure that the grades will not be intrusive to the neighbors the highest area will be 2-3 feet will be the highest wall and they are considering a fence. They are working on the grading. The Stage Street parking is only for employee parking.

At 9:26 am John Cornelius opened the public hearing, Joseph Toss seconded it all in favor, motion carries.

Edward Quilice HOA attorney representing Indian Rock Residential (not the commercial) and Gwen Cohen President of HOA from Indian Rock – noted that they are already contending with drainage issues and run-off on Route 59. They have concerns with further water issues at the direct rear of the

property. She wants to ensure that they follow Storm water Management Regulations and that someone does something about the run-off and drainage off Route 59. Its like a rive from the old grey building and they do not need any further flooding issues. Noise is another concern as they already have issues with Raymour & Flanigan and Manhattan Beer Distributors. They want to see that the lighting is pointed away or has caps, timers and the hours of operation are reasonable.

Tom Burns – lives on Lackawana and hears all the work all night long in the back area from other approved projects. He wants to be assured this doesn't happen with this project. He stated that the applicant mentioned that they have no tenants yet. Larry Turco assured them that it is not a 24 hour operation, there will be no box trucks and it will be 7-8 units managed by them as they will be on the property. Chairman Cornelius noted that he wanted to make the business hours of operation a condition of approval and not a 24 hour operation. Paul Baum advised that the fence wasn't designed yet and will follow the grade. It was recommended that they put the fence in where the plants are screened way up to the burm. The original plan had loft walls with a cul de sac. The fire department requirements ask for a burm which they can't do with the grading. How close will the fence or tree line be to Indian Rock. Paul Baum responded 50-75 ft. edge closed to the where the building stops. They are proposing a 6 ft. fence right on the line and there is an existing rock there.

Mark Hansen 25 Lakawana Trail – There currently is a nice stone wall with nice landscaping but there are still noise concerns. Decks look out at it all of this and he doesn't want this to be an eyesore.

Mr. Nicolason – 29 Lakawana Trail stated that it's totally a quality of life issue. Water pours into sheds can't store anything. Conditions of approval on the site plan or lease need to be listed. The run-off needs to be looked at carefully.

Albert Bishal – 30 Lakawana Plumbers, carpenters, electrical people may be tenants If there is a storage area and they are picking up stuff & taking it away how do they plan to deal with beeping from trucks going in reverse all day long. Will there be any screening of the employees while children are walking and outside.

Mr. Isolaose – 36 Lackawana. There have been so many projects in this area ie Manhattan Beer – the noise train, water, flooding, lighting is non stop. Recommends hiring a noise consultant to ensure that there is a noise barrier that is pushed away from the property. The noise from the trains backing up and beeping is unbearable and they need to add another level. The noise is 7 day a week 24 hours now and then they want to add more traffic in the area? There needs to be a provision to cover this. We need protection for items if this project even gets approved and someone needs to ensure they adhere to the noise ordinance.

Shana Peatie 21 Stage Street Airmont which will be 8 ft from the Stage Street proposed employee driveway. Has many concerns: run-off from the Mahwah River, turtles, bat colony, chipmunk colony. There are 13 homes on Stage Street with many children. Garbage trucks have a hard enough time getting in and out, a back hoe can't even do it. Snow plowers have done a great amount of damage. There is soil erosion with back up water that both flood her 10 ft. from her house and 200 ft. from the rail road tracks; needs to understand the hours of operation with 13 young kids on a dead end street with walking to the bus stop; the fire truck would have to go in out of the employee parking lot there is no other way in or out; No hydrant hook up or external hose; safety concerns; fencing concerns; the employees safety & security and screening with kids waling and playing in the streets; no storm drains; loss of privacy; wildlife concerns ie Hawk's nest; the pavement; pitched driveways, paving, headlights, what will be stored on the property; what will it look like a junk yard?; security system/alarms, 24 spaces below in front of her house; lights will they be on timers? ; not a two way street one car each way at a time and now adding to the traffic and numbers; the employee parking will be 8 ft. from her house; her re-sale value, lights; fire trucks, trees; chemicals; pollution and the Mahwah River; was a full traffic study done and reviewed by the Village; since this is 2-3 ft from her so what are the barriers for major flooding; no drainage path, concerned with burglaries/people stealing; run-offs; was an environmental study done? What if there is an emergency in the employee parking lot; will there be a gate and will there be a guard, a fence, how long will this project take?

Ken Hirsch 126 Route 59 – Mr. Turco has tried to contact him but it did not work out. Concerned about catch basins, trucks, sound pollution the others side of 124 Route 59 and the other side of the street. Too many construction vehicles already on the property. There is flooding from 120 all way down Rte 59 all the way to Lackawana. Does not want any construction property on his property. Shared photographs.

Earl 129 Route 59 across street from 130 rte. 59. Not clear on the access to the development. Noted it is really hard to get out of the area now and if 24 spots are mandatory how can the emergency vehicles pass thru?

Chairman Cornelius made a motion to continue the public hearing to Thursday July 25, 2019 at 7:30PM at Airmont Village Hall. Dennis Cohen seconded it. All in favor motion carries.

The Village Planner noted that both are unlisted actions accordingly. The concerns about light, noise should all be studied and a site visit can be further can be requested. Further studies can be warranted but the PB need to request. Larry Turco noted that her memo noted 124 was a Type 2. Need to research any endangered painted turtles and the bats and have the EAF adjusted accordingly. We need a further expanded EAF to review. The applicant needs to do the long EAF. The Village Planner asked the PB if they want their traffic engineer NPV to review the submitted a traffic study and they responded yes. Paul Baum noted that there are two types of reviews a coordinated and uncoordinated review where each agency does their own SEQR review. With coordinated review there is one lead agency no other agency can render a negative declaration. The Planner recommended that you do a coordinated review where we do the environmentals. The PB indicated that they are asking for 6-7 variances which is substantial. Paul Baum requested that after they submit and the PB reviews a long EAF that they go to ZBA and not waste any time. They are asking that that a coordinated review not be done so that they do not waste the time month after month. Lets not do an environmental review yet, lets go to ZBA so that they see if the variances would even be granted. Why waste time going over the environmental

impacts of a project that may not get off the ground in the first place. He noted that most of the variances are a type 2 action for the ZBA to review. He is requesting that after the next PB meeting they go to ZBA and not waste time with the environmentalists and if the ZBA denies this project it's not going anywhere. Should ZBA grant relief then that will be time for them to come back to the PB to do an in depth environmental review.

Public Hearing – Stage Street LLC – 124 Route 59

Proposed Office/Warehouse

Site Plan

Larry Turco applicant, Paul Baum attorney for the applicant and Rachel Barese from Civil Tech engineering is the engineer on this project. Paul noted that there is a 29 ft. area for buffer with heavy landscaping in the back of Indian Rock. There are no plans to touch the rock wall and this is a more narrow lot and is very challenging. It is an existing lot in the LO zone and no matter what you build it will need variances. There are zero lot lines need variances and a special use permit. Purchased the property 20 years ago and purchased all three lots, the zoning has not changed but the owners lost the middle lot as the seller pulled out. This is pure warehousing with 3 buildings and they need to be advised of the number of spaces/requirements as there is nothing in Airmont's code. They can put all 8 spaces on it which can fit, any more will encroach. The PB will need to tell them how many spaces they want.

They did the fire department maneuverability OK based on the fire code which is challenging to maneuver. Met with the Tallman Fire Department and the fire code is different. They agreed that if they put a hydrant on the side of the street it would work and they agreed to it. There are still some concerns with blocking 130 Route 59 due to the length of the driveway but they are comfortable with the entrance of 130 and a cut of the road. It will need State approval through the DOT. The fire hydrant across the street on the property needs to be coordinated with the other property. They agreed to a second hydrant to alleviate the issue if there was a fire so now all the houses will have access without running the hose on the street. The original proposal in CDRC had more units but they went less and including the parking and added a loading space if needed but that loading space is not counted in the calculation and is not a loading berth. Size of trucks will be limited (smaller box trucks) and will be a map note for enforcement. They want it noted on the traffic study. The intention of this property is for one tenant. They will also submit a long EAF on this project for PB as well and request to do an uncoordinated review to go to ZBA.

Chairman Cornelius opened the public hearing at 10:39 pm. Dennis Cohen seconded it all in favor. Most of the audience had left due to the late hour and the length of time they waited to be heard. Chairman Cornelius made a motion to continue the public hearing to Thursday July 25, 2019 at 7:30PM at Village Hall. Russell Hock seconded it, all in favor motion carries.

Chairman Cornelius made a motion to adjourn the meeting at 10:51pm. William Philip seconded it. All in favor motion carries. Meeting ended.