

**Village of Airmont
Planning Board Meeting
September 26, 2019
Village Hall
7:30pm**

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

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

Others Absent: Adriana Beltrani, Village Planner
Shlomo Pomeranz, Fire Inspector

The meeting was called to order at 7:37 pm followed by the pledge of allegiance and roll call. John Cornelius made a motion to approve the PB Minutes from July 25, 2019 seconded by Joseph Toss. All in favor motion carries. Chairman Cornelius thanked Ken Rosen for his service on the Planning Board as Ken recently moved out of the area.

**Allegro
10 S. DeBaun Avenue
Request for second extension of final site plan approval**

Ken Moran, Attorney for the applicant here to request a 60 day extension. The applicant had previously been before the PB and received a 120 day extension. They are still coordinating the final items required prior to Chairman's Endorsement and need more time.

Chairman Cornelius made a motion to approve a 60 day extension from the last day of the previous approval. William Philip seconded it. All in favor, none opposed motion carries 5 to 0.

**Rubin
48 S. Airmont Road
Review of Consultant Arborist report and review of proposed tree removal plan with redesign of rear yard to address stormwater.**

Applicant represented by Attorney Joseph Churgin and Zoe Shively of Yost Landscape Design. Zoe explained that they made changes based on the arborists report to offset the larger trees that had been removed. The arborist suggested a mix of 16 smaller and larger additional trees. Russell Hock asked if this is reflected on the plans. Zoe confirmed that the plans show the 16 mixed additional larger trees added – 8 of the larger 3-3 1/2" caliber and 8 of the smaller 2-2 1/2" caliber. All trees will be a mix of oaks, dogwoods, maples, macoms and crap apples as per the consulting arborists recommendation.

Zoe explained that the second page of the proposed plan is 112 evergreen trees as screening also in line with what the consulting arborist recommended. Dennis Cohen asked about the size of the trees and Zoe explained that there is a mix of 8-10 ft, 7-8 ft and some 10-12 ft. which was what was recommended. She also noted that there would be a mix of arbs and norway spruces.

Chairman Cornelius asked how much paving there would there be around the pool, coy pond and ponds and all the water. Applicants engineer needs to do survey and storm water approval on the trees and drainage.

Scott Cullen advised that on 8/1/19 he along with Corey Martin Code Enforcer, and Joseph Churgin, Attorney for the applicant, they walked the site. He noted improvements at that time were not done. The pool was not complete, no grading was done and there was some confusion on the trees. The trees were physically tagged but the locations on the tag numbers of the plans did not match. The list prepared by the applicants arborist did match, the characterization was a bit different and aggressive as he noted in the report as somewhere not dead but were not in great condition. Chairman Cornelius asked how many trees this affected and Scott replied that the applicant was requesting to remove an additional 20 trees. Chairman Cornelius also asked if those additional 20 trees where adequate trees requested to be removed. The consultant advised that they were. Scott also advised that in addition to the 20 trees requested for removal there were 13 removed without a permit and another 3 trees requested to be removed to gain access to work on the pool. The Building Inspector agreed to the 3 trees being removed. This is why he therefore recommended 112 be replanted and replaced to cover all 36 trees being removed (13 without permit, 3 for access to do work and 20 for the pool and site plan). Applicant matched his recommendation of what was removed and he was satisfied since they matched the size and species. William Philip asked if the evergreen trees would be set back far enough. Building Inspector advised there are no set back requirements for trees.

At 7:55pm Chairman Cornelius opened the public hearing.

Jane Jones – 46 S. Airmont Road. She advised that the pool has been open for 3 weeks. She had concerns as to where the water would be going. She noted that there was quite a lot of work done already – the retaining wall, waterfall starting, and where is this rock wall as they dug up and there were boulders, a rock wall next to the pool. She wanted to know where all the water will go with all these trees being removed. She is extremely concerned about the drainage.

Chairman Cornelius advised that the applicant has to demonstrate zero net run off and cannot increase the amount of water drainage if so they need to mitigate it. They have to submit the drainage plan which they do not have yet. Dennis Cohen also confirmed this.

Eve noted she spoke with the applicants engineer and the engineer was revising the drainage plan and would have it for the next meeting to discuss which included all the issues with the water run-off. Zoe Shivley advised that both she and the engineer know there would not be approval tonight for the drainage as nothing could be submitted. They were only seeking approval on the trees & plantings.

Clerk advised the next meeting that everyone is available for is 11/25/19. Dan Kraushaar asked if she felt comfortable with a condition of approval. Eve Mancuso advised she is not comfortable with this being a condition of approval.

Dan asked if everyone is clear on what we are doing. Joe Churgin asked that the Board approve the tree plan so that the drainage plan can be developed. Joe noted that they are trying to address drainage issues where the trees are trying to comply and need tree plan approval.

Dennis Cohen suggested polling the Board. Dan Kraushaar advised that the poll is useless. They need to make a decision as to whether or not to approve the tree plan tonight and address the drainage at the next meeting.

Chairman Cornelius made a motion to continue the public hearing to 11/25 at 7:30 pm at Village Hall the next available meeting date. Dennis Cohen seconded it all in favor motion carries.

Joe Toss asked if they approve the tree plan tonight and there is a drainage issue how would this be handled. Can they proceed with removing trees before the drainage is approved? Lou Zummo advised that they do not have a permit for any work and he would be going to the site to inspect it the next day. He noted they would be receiving a stop work order if work was done without a permit.

Eve Mancuso noted that the applicant is seeking guidance to see if the PB is in agreement for the next step and design of the drainage before the plantings. Lou Zummo reiterated that no permit will be issued until the project is approved by the PB.

Russell Hock asked again to confirm that they can't proceed with the tree removal until the entire plan is approved and that the tree removal and planting plan is just the first step that the drainage then needs to be approved before approving the entire project. Lou Zummo and Eve Mancuso confirmed this.

Chairman Cornelius asked the PB if with the guidance from Mr. Cullen the arborist, is everyone in agreement and if they had any further questions. For the record based on the guidance of the consulting arborist, Scott Cullen noted that his recommendations for mitigating the amount of tree loss was sufficient based on how the property will be used. He noted that he cannot provide any expertise for drainage but that this is the first step.

Jane Jones asked the Building Inspector to confirm that they only have a permit for the pool.

Yeheda Zorger 1 Alpha Lane – is it standard procedure that an application as such continue going on for a year and half becoming a hardship. Dan Kraushaar noted that there is a correlation between the trees and the drainage and the guidance for the person in charge that the drainage functions work properly with the proposed work. Yeheda stated that there is no reason to wait to approve the project. He felt the applicant should have not to wait until winter and feels they should get approval.

Applicants Attorney noted it's regrettable that there was not a drainage plan but that they need the approval on the tree and planting plan to move forward with the drainage. Dan Kraushaar asked the PB if they agree that the applicant has covered all the tree & planting items. Dennis Cohen noted that the odds are that if the applicant agreed to all the recommendations of our consultants that the Planning Board would concur. He and Chairman Cornelius noted that an excellent job was done on the record for the trees. Applicants attorney asked if they could try to make the October meeting. The clerk noted the GML had already been received so if the engineer could get the plans done by 10/10 they could make the 10/24 PB meeting.

Dennis Cohen made a motion to amend the original motion to continue the Public Hearing from 11/25 to 10/24 at 7:30 pm at Village Hall. John Cornelius seconded it. All in favor, none opposed motion carries.

Dan Kraushaar indicated that he will not be here for the 10/24 meeting. The Board discussed and recommended Thursday 10/31 since there are 5 Thursdays in the month and the Clerk confirmed that wouldn't affect the court schedule either as nothing is scheduled.

Dennis Cohen made a 2nd amendment to change his motion to continue the public hearing for 48 S. Airmont Road to 10/31 at 7:30pm at Village Hall. John Cornelius seconded it. All in favor, none opposed, motion carries.

William Philip asked the arborist if the placement of the trees are exactly where they are on the map. The arborist Scott Cullen noted that the locations were not specified and he just gave a number. He suggested to give flexibility with placement adjustments for the landscaping design representative.

Planning Secretary reminded everyone to take their training requirements in specific the sexual harassment training due by 10/8.

William Philip made a motion to adjourn the meeting. Dennis Cohen seconded it. All in favor, motion carries. Meeting adjourned.