Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, April 11, 2019

MEMBERS PRESENT: MARTY KIVELL, CHAIRMAN
ARTHUR KATZ
CHARLES PICARELLI
LAURIE DIFRANCESCO
SCOTT MEIER

MEMBERS ABSENT: MATT RYAN, ADHOC

PRESENT: DAN KRAUSHAAR, DEPUTY VILLAGE ATTORNEY
SUZANNE CARLEY, P&Z SECRETARY

OTHERS ABSENT: LOUIS ZUMMO, BUILDING INSPECTOR

The meeting was called to order at 8:01 pm by Chairman Kivell which was followed by the pledge of allegiance and roll call. Chairman Kivell read into the record the public hearing notice for the application of Ascension Cemetery which is requesting a one (1) ft. height variance due to the structure being pre-fabricated, where the maximum height allowed is 20 ft. and the proposed height on the structure is 21 ft.. An additional variance on the total number of accessory structures where up to three (3) are allowed, and a total of four (4) structures are proposed on the existing non-conforming lot in order to provide the addition of a funeral gazebo with a service walk on the property.

Scott Meier pointed out that the public hearing notice should have said the westside not the eastside of Saddle River Road. P&Z Clerk used what was submitted on the application for the notice. Dan Kraushaar noted that we have had this issue before and it is so obvious where the property is located due to the size and location. Its not as though it is a single family residence off a side road that would need a more detailed description. The distinction is valid. The applicant will need to update and correct their application. It does not need to be re-noticed.

Marty Kivell read into the record the GML dated 4/10/19 from RC Planning. He discussed that the GML noted that nothing could be put near the O&R easement which the applicants representative noted it will not. The following letters were read into the record: RC Environmental Health dated 4/8/19; RC Highway Department dated 2/7/19 and RC Sewer District No. 1 dated 3/27/19. Applicant's Representative noted that they agree and will comply with the details and requests of each letter.

Chairman Kivell also read into the record a letter from the Building Inspector dated 4/8/19 indicating that he had no objection to the variances as the property is quite expansive and the variances are minor in request to the use.

Steven Secon, architect for the applicant was sworn in by Chairman Marty Kivell. Steven explained that the cemetery is in need of additional services utilizing a more cost effective approach for their clients. Its a gazebo 30 feet across, hearse comes up the road, and they will have their services in gazebo. Because the structure is a bit taller and this is an additional structure on the property they need to appear in front of the ZBA. Is it an undesirable request or a detriment to the area – no as the property is 205 acres, there is plenty of room, it can't be seen from the Saddle River Road and there is no environmental impact. The characteristic change to the neighborhood is deminimus. The lighting provided is minimal and there are no evening services. There is no noise impact. Is there any feasible alternative, not really, can you have un-sheltered mourners being rained on. Is there an adverse impact by nature with traffic, no, and they do not feel it will impact anyone anyway. Is it a substantial variance – no it speaks for itself. Chairman Kivell asked what other structures are on the property. Steve Secon responded with - the main mausoleum, a shed in the back and a service garage. Chairman Kivell asked if the shed and garage were connected and the applicants representative advised that they are not connected. If they acquire additional property it would not oviate the need for the variances they are seeking and there is no impact on emergency services. Dan advsied that the applicant has to go back to the PB depending on what happens with the variances.

Laurie DiFranceso inquired if this is a building that is required to go to ARC for review. For the record Dan noted it should be noted to the PB to review whether or not it is to be referred to ARC as a check point. Laurie asked where the mourners go now for services. Steve Secon advised in the maseloum which has a chapel in it. Laurie asked Dan if PB will confirm the maximum number of occupants. Steve advised the maximum number is 60-70 people and there are no egress issues. It will be closed in the winter and it plans to be open 8-9 months of the year subject to the weather.

Request for height variance of 12 inches is to do with the fact that it is a pre-fabricated structure and there is no other way around it. Steve did speak to the manufacturer directly to see if anything could be done to avoid the variance but the height of it has to do with the slope of the structure. The impact of the additional structure from 3 to 4 structures for the record is minimal since there is 205 acres of property.

Chairman Kivell made a motion to open the Public Hearing at 8:15pm. There were no comments or questions. Marty noted that the PB will be monitoring the exact specifications about weight bearing, placement, lighting, maximum number of occupants, etc. Arthur Katz made a motion to close the Public Hearing at 8:20 pm. Laurie DiFrancesco seconded it. All in favor, motion carries.

Arthur Katz declared this application a Type 2 action for SEQR with nothing more to review, Scott Meier seconded. All in favor, motion carries.

Arthur Katz made a motion to approve the first variance on the application of Ascension Cemetery for a one ft. height variance above the maximum of 20 ft to 21 ft. Scott Meier seconded the motion. All in favor, motion carries.

Arthur Katz made a motion to approve the second variance on the application of Ascension Cemetery to allow four accessory structures on the lot where three accessory structures are permitted. Scott Meier seconded the motion, all in favor motion carries.

Laurie DiFrancesco made a motion to accept Arthur's motion and amend it to include that based on the fact that the size of the lot (205 acres) is larger than the standard lot, it can hold the additional structure. Arthur Katz seconded it. All in favor, motion carries.

Both variances approved 5 yes to 0 no.

New business – the ZBA Members asked about the status of the litigation's to the Village and Dan Kraushaar provided a quick update.

Arthur Katz made a motion to adjourn the meeting at 8:37pm. Scott Meier seconded it. All in favor, motion carries. Meeting adjourned.