

# *Town of Stony Point*

Department of Planning

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## PLANNING BOARD MINUTES FEBRUARY 25, 2016 RHO BUILDING at 7:00 P.M.

### Present:

Eric Jaslow, Member  
Peter Muller, Member  
Michael Puccio, Member  
Gene Kraese, Member  
Gerry Rogers, Member  
Michael Ferguson, Member  
Paul Joachim - Absent  
Thomas Gubitosa, Chairman

Steve Homan, Esq.  
Special Counsel

Max Stach  
Town Planner

## PLANNING BOARD AGENDA February 25, 2016 RHO BUILDING at 7:00 P.M

### Applications:

1. The Breakers – SBL 15.04-6-3, 4 & 6 Site Plan Conditional Use located on the north End of Hudson Drive 600 feet north of Tomkins Avenue
  - Review Scoping Documents
2. Vestco – SBL 20.04-11-7 Site Plan Conditional Use located on the south side of Holt Drive 625 East of South Liberty Drive
  - New Application
3. Homestead Hardware - SBL 20.11-2-27 Review of Storage Vehicles for Rental located on the west side of Route 9W, 73 South Liberty Drive
  - Review of Application

Other Business:

Minutes of January 28, 2016

### **The Breakers – minutes were taken by Court Stenographer**

Chairman: Next on the agenda is Vestco.

Vestco – SBL 20.04-11-7 Site Plan Conditional Use located on the south side of Holt Drive 625 East of South Liberty Drive

- New Application

Mr. Zigler: What we did was we put two retain uses in the corner so is Holt Drive and if you are standing there and you look at the building right now there is a truck dock on the left side that is where the pianos come in and go out and that guy parks perpendicular to Holt sometimes he is in Holt a little bit. That would come off and we are planning to put two retain uses there and then park on the side of the building and they we are going to do an extension to that building for mini warehouses. Each one would have a garage door and a human one be about 2500 square foot and you would see electrician, plumber type put their trucks in there and use it for storage and that was going to be behind the building. So what we have there is three uses the original use which is the warehouse pure wheelhouse then you have the conditional use which is the retail they we were going to suggest contractors storage in the rear. If you remember that is the same thing as Helmer and Helmer is the next building down so we were going to have three uses we are going to have two conditional uses and the first use which is office. If we did that by the code as it is today the office use which requires 40 foot front yard which the building is back 40 foot it requires tow yards of 50 foot on the side and 50 in the rear. So that is your building envelop left in the middle. So if you had a one acre lot which is what the minimum size is say 200 by 200 hundred you would have fifty foot in the back and 50 foot on both sides which is 100 and you would have 40 foot in the front which you can't use. So I brought that up to Bill and we just kind of looked at it and it is very strong yards for a one acre site but that is not it because this part of the property is against residential if you remember when we did Shop Rite we had a buffer in the back and we went in for variance not on the buffer for the set back. So the buffer by your code starts against the property line and it has to equal the setback I just said the set back is 50 so the buffer is fifty. So now you have a 50 foot buffer against the school it is a residential zone and then your 50 foot envelope so now you have 100 foot to the back of the building and you have 50 foot on each side. That kind of restricts it because it is cutting back what we are trying to do here basically it just eliminates everything we could possibly do except maybe a small storage in the back. The building does sit very close that is an existing condition so what I brought up as we were sitting there because each one of these conditions are two different zones when in the business zone the yards are much smaller. So when you put Shop Rite in it don't have 50 foot yards it has smaller yards and it isn't 40 foot from the street it is actually closer to the street because it is a business use. So my suggestion in the front we

are going to put two retail uses in there why don't we not qualify for the BU Zone and in the back we would have a 25 foot yard instead of a 50 foot yard. To make that better we would like to suggest is putting a buffer in the back of 25 foot in the BU Zone then we would put the rear setback at 25 foot and we are going to move the addition away from the property line the side yard is 10 foot that means we can't do anything in that side yard and we are going to put the contractors storage there it doesn't require a buffer because it is not adjacent to residential it is adjacent to a side yard. So what we have done here is we have two retail uses in the front we have the piano storage here and most likely in this use right here then we have a few warehouses and the one in the back is going to be a retail use we are going to put parking over there and we are going to make this area right here contractors storage and we are going to meet the code that is what we would like to do with this piece of property.

Chairman: Before I set the site visit John do you have any comments?

Mr. O'Rourke: No comments at this time.

MOTION: Lead Agency

Made by Gene Kraese and seconded by Michael Ferguson

All in favor

MOTION: Unlisted Action

Made by Gerry Rogers and seconded by Michael Ferguson

All in favor

MOTION: Site Visit March 5, 2016 at 8:30 AM

Made by Gerry Rogers and seconded by Michael Ferguson

All in favor

Chairman: Next item is Homestead Hardware review of application

Homestead Hardware - SBL 20.11-2-27 Review of Storage Vehicles for Rental located on the west side of Route 9W, 73 South Liberty Drive

- Review of Application

Chairman: We just would like to know where you are on the application and I know you went to the ZBA.

Mr. Stern: We went to the ZBA a week ago and they granted us permission to park on vehicle in the front no more than 20 foot long they gave us a designated spot to park in then they referred us back to the Planning Board. (Inaudible) no wider than eight foot no taller ten foot the requirements they put on us which fits within our scope .

Chairman: John do you have any comments?

Mr. O'Rourke: No there were no site plans submitted just the application.

Mr. Stach: Is this application subject to County Planning this isn't a Special Use it is just a site plan.

Mr. Sheehan: It was sent to the County both from Planning and the ZBA.

Mr. Stach: This is just an approval of the Planning Board it is not Site Plan or Special Use.

Mr. Sheehan: It is not Site Plan approval but the Planning Board can ask for a Site Plan if they deem it necessary or they can just take what was submitted and put conditions on it with a resolution if they felt that way. It is really up to the Planning Board if they want Site Plan itself normally you would want a Site Plan if for example you wanted the parking in one location screened that would warrant a Site Plan in this case your parking is like on 9W really why would you need a Site Plan.

Mr. Stach: I guess my point is this isn't a typical Planning Board application this is neither Site Plan nor a Conditional Use Permit it is basically an authorization to store vehicles

Mr. Sheehan: It is an approval.

Mr. Stach: It is a simple approval I think maybe council can advise if it requires County GML's I was going to say it does not rise to level of an action of SEQRA.

Mr. Sheehan: I think if the Planning Board deemed fit some kind of conditions but beyond that County was notified.

Mr. Stach: I am wondering if the County is going to understand this or are they going to say we did not send them enough information.

Mr. Sheehan: I don't know if there are review requirements.

Mr. Stach: I don't think it is New York Town last says (inaudible) ..

Chairman: Steve do you have any comments.

Mr. Honan: Other than that we have been looking at this application pursuant to 215-39e is that the provision that was mentioned so I think the Planning Board has discretion whether they want to ask for a Site Plan but say it is necessary here but you might want to do a site visit to see.

Chairman: One was done.

Mr. Honan: I did not recall they did that.

Mr. Kraese: I would like to make a recommendation based on the fact that the Zoning Board gave them the authorization to approve this which came back to us. Let me know if I am wrong Bill so I see no reason why we can't make a motion to allow this with stipulations and the stipulations being what the ZBA said which is on vehicle the size is described in the decision of their resolution exactly how big it can be and where it can be parked and as far as that goes and such a small business owner in Town personally to deny him one vehicle does not make sense. I would also assume as they come and go there will be times there will be more than one

vehicle but that is up to them to enforce their own decision and if they do violate it I assume that the Building Inspector or the code enforcement officer will issue summons.

Mr. Sheehan: I would like the Board should think about that maybe belts and suspenders that there will be no vehicles parked in the easement right of way in the rear of the building at any time. As far as in the front there is one vehicle that is it because that is what the Zoning Board approved so the Planning Board might only be concerned about the rear of the building what happens back there. The ZBA didn't touch back there because that is not what they asked the ZBA for. If you remember we did speak about early on about there was 25 foot in the rear that is a right of way they shouldn't be parking but they are that is besides the point. I know besides parking in the caged in area that it was going to be a fire concern or not.

Mr. Kraese: I ZBA allowed one vehicle I say we should go for one vehicle unless they are going to come back for more.

Mr. Sheehan: The ZBA waived them for one vehicle in the front if they were able to park legally in the rear of the building then ZBA wouldn't have been part of that so that becomes you guys.

Mr. Kraese: So we know the one in the back yard not in the fenced area can't be because it is in the right of way we know that so we are still dealing with the one in the fenced area that the Fire Inspector was not happy with correct Tom.

Mr. Larkin: Yes when we went down there last year we cleared the space between the Pharmacy and the Hardware Store in the event of a fire and that is to be maintained at all times for ground ladders to get on the roof.

Mr. Kraese: That could be in the resolution also.

Mr. Larkin: Yes, that has to be maintained.

Mr. Honan: What is that area called?

Mr. Larkin: I would call it an ally way.

Mr. Sheehan: On the north side of the building right?

Mr. Larkin: Yes, on the north side.

Mr. Kraese: So maybe I should go back to the applicant to ask what you are planning on doing.

Mr. Stern: Total vehicles we were hoping for three we should be able to put two within our fence in area and one on the front of the building that is what we were really looking for.

Mr. Kraese: That is what you are asking for.

Mr. Stern: Right that is what we proposed to the Zoning Board I have a map here.

Mr. Kraese: So actually you are trying to put two vehicles inside that fenced area.

Mr. Stern: Yes that would be our optimum goal.

Mr. Jaslow: Last time you were here you specially said that you are only putting no bigger than a ten foot truck.

Mr. Stern: A 10 foot box truck is the size of the box itself right the front cab is longer so they limited us to a twenty foot total length in the front.

Mr. Kraese: Just to go back I was happy with the one truck in the front if you are asking for more than I don't know if the Board wants to make a decision on the back.

Mr. Stern: As far as my understanding at least was the back if I don't park in the easement it was a done deal I could put it in the back by right.

Mr. Kraese: To be honest with you I don't think you are getting two trucks in that fenced area that's just me Tommy?

Mr. Larkin: There is one back there right now in the fenced in area.

Mr. Rogers: Is this the same size truck as the one in the front?

Mr. Stern: Right now on site we have a fifteen foot box a ten foot box and we have a van. The van itself and the 10 foot box measure out the same fifteen is a little longer. So yes in the back we could put one van and one truck will fit.

Mr. Kraese: Tommy is it going to fit back there? Bill?

Mr. Sheehan: It is more of a fire...

Mr. Larkin: Well they have moved they had material back there at that time.

Mr. Kraese: That is why I asked the question.

Chairman: I see the picture with the one I do not see one in the fenced in area.

Mr. Sheehan: It has got to be tight.

Mr. Stern: It is like in a car dealership they park them right next to each other which is a tighter parking but they all fit.

Mr. Ferguson: You don't use them every day.

Mr. Stern: Hopefully they are out most of the time right now we have two trucks out and one truck in so it's not a problem when we do have to put them all in they can fit.

Mr. Sheehan: You still have to use the commuter parking lot.

Mr. Stern: We just have I think there might be one over there right now. We do want to put it on site.

Mr. Sheehan: You shouldn't be parking in the commuter parking lot either that is my point.

Chairman: Like Tommy said we saw the time we went back there the whole area wasn't clean I haven't been back there since. I see that there are containers in there.

Mr. Muller: Do you need that area for bulk storage?

Mr. Stern: We do have a shed unit that is attached to the building which has been there since the forties or fifties we do have storage unit that is there that we use for our bulk products.

Mr. Muller: But do you need that space for the second truck does putting a second truck there block that ally way that Tommy was speaking of.

Mr. Stern: No.

Mr. Kraese: Tommy are you happy with two trucks back there.

Mr. Larkin: I have never seen two trucks back there.

Mr. Kraese: I have got no problem with one but two back there.

Mr. Larkin: I have never seen two back there.

Mr. Honan: It sounds like to me if conditions have changed since the last sight visit maybe it would be worthwhile for the Board to look at the site and hash this out what kind of truck is the issue now.

Mr. Stern: Can we get a preliminary decision on the one truck and we will do a site inspection and we will come back the next Board Meeting and work on the second one so at least we can get the thing out of the commuter lot.

Mr. Kraese: We can't break this up.

Mr. Stern: I don't know that is why I am asking.

Mr. Sheehan: I don't want to break it up I don't understand you park the trucks in the back and in the front now if it takes two more weeks what is the difference it's not like you stop business .

Mr. Stern: I am just trying to clear things up to make everybody happy.

Chairman: I think Bill is right we would like to see this all at once not do a piece now. We will do the same thing.

Mr. Muller: Saturday morning.

Chairman: March 5, 2016 8:30 we will be down on Holt Drive we will just come back up.

Mr. Kraese: Put two trucks in there that day so we can see if they fit.

Mr. Stern: They will fit. I just hope both vehicles will be there.

Mr. Sheehan: You have to make sure they are there.

Mr. Stern: About approximately what time?

Chairman: About 9:00 AM before 10:00AM this way as Tommy says if it is cleared back there and the ally is clear what Tommy says if he is happy with that area if it is clean if two trucks are back there and there is no blocking.

Mr. Kraese: Our concern is if you back the truck right up to the back door and if there is a fire and you couldn't get out because there is two trucks there.

Mr. Stern: You can get out the back door.

Mr. Sheehan: This way you can see and what conditions you want in the resolution.

Chairman: Ok March 5, 2016 we will see you there at 9:00AM just to make sure we are comfortable and Tommy is comfortable.

Mr. Stern: In the mean while can we use the spot out front which the Zoning Board approved for us. I have an action in Criminal Court I didn't want to overstep my bounds by putting something on the front.

Mr. Kraese: I think it appears you are going to get the front.

Mr. Stern: I just wanted to make sure I didn't overstep my bounds.

Chairman: I will see you on the fifth.

Mr. Stern: Thank You

Chairman: Accept the minutes of February 28, 2016

MOTION: Accept the minutes of February 28, 2016  
Made by Tom Gubitosa and seconded by Michael Ferguson

MOTION: Close Planning Board Meeting  
Made by Gene Kraese and seconded by Peter Muller

Respectfully submitted,

Mary Pagano, Clerk to the Board

