

Town of Stony Point

Department of Planning

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STONY POINT, NEW YORK 10980

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PLANNING BOARD MINUTES

September 24, 2015

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
Thomas Gubitosa, Chairman

Steve Homan, Esq.
Special Counsel

Max Stach
Town Planner

PLANNING BOARD AGENDA

September 24, 2015

RHO BUILDING at 7:00 P.M

PUBLIC HEARING:

1. H.L.F. Estate – SBL 20.10-2-65 -Three lot minor subdivision located on the North West corner of Filors Lane and Central Highway

- Revised Application
- Conditional Use

APPLICATIONS:

2. Red Ridge Realty Corp - SBL 15.02-3-26,27 and 29 – Petition for Zone Change and Text Amendment - Referral from Town Board for review and recommendations.

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

- New Application

Other Business:

Reduction of a Letter of Credit on Jessup Valley West

Minutes of August 27, 2015 Meeting

*****November/December Meeting Date: December 10, 2015*****

Chairman: First on the agenda is Public Hearing for H.L.F. Estate before we get to the Public Hearing Max we have to go over the Part II.

H.L.F. Estate – SBL 20.10-2-65 -Three lot minor subdivision located on the North West corner of Filors Lane and Central Highway

- Revised Application
- Conditional Use

Mr. Stach: We went over the Part II at the last meeting and the Negative Declaration so if you are satisfied you can adopt them.

Chairman: We saw the new paper work so I just need a motion to accept the Part II

MOTION: ACCEPT THE PART II

Made by Peter Muller and seconded by Gerry Rogers
All in favor

MOTION: ACCEPT NEGATIVE DECLARATIN

Made by Gene Kraese and seconded by Eric Jaslow
All in favor

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: HLF Estate Subdivision

TOWN OF STONY POINT, NEW YORK

DATE: September 24, 2015

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Stony Point, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: HLF Estate Subdivision

SEQR Status: Unlisted

Condition Negative Declaration: No

Description of Action: Subdivision of one lot into three lots, two with existing dwellings and one new building lot. The property contains an existing 50-foot right-of-way for access by a previously subdivided lot. The application is also for conditional use approval of conversion of the existing structure on Lot 2 to Two-family and for the Lot on Lot 1 to be two-family. The existing lot on Lot 3 is already two-family.

Location: The northwest corner of Central Avenue and Filors Lane.

Reasons Supporting This Determination:

The proposed action is not anticipated to result in any adverse environmental impacts based on the following:

1. On or about June 3, 2015, the Town of Stony Point received an application for the subdivision of the subject premises along with a Full Environmental Assessment Form (EAF) with substantial missing information;
2. On or about June 25, 2015, the Town of Stony Point declared lead agency status and classified the action as unlisted;
3. On or about August 7, 2015, the applicant submitted a revised application with a corrected Short EAF;
4. On or about September 24, 2015, the Planning Board reviewed the Short EAF Part 2 and determined that all potential impacts associated with the proposed action were small or unlikely;
5. No other impacts were identified

Chairman: We will open Public Hearing on this before we get to the Public Hearing I will let Dave give us a quick update on where we are.

Mr. Zigler: Hi I am Dave Zigler from Atzl Nasher and Zigler and we represent the Filor Estate which the property is on the corner of Central Highway and Filors Lane. On the map that is up on the Board here north is directly up on the bottom of the map is Filors Lane on the right side is Central Drive and up at the top is Sullivan going back to Spruce Drive, Spruce Drive only exists on paper. On the left side of the map is Pine Drive so basically this property is surrounded by homes which abut our homes the property we are trying to subdivide is 18 acres and it has two major things through it has power lines and then you have the wetlands . The proposal was for two lots on the right side Central Drive is a lot that is lot number 1 if you are familiar with the property that is where the Christmas Trees are sold. The second lot is the yellow lot down on the left and the rest of the property is lot number three. The remaining big parcel is 16 acres the only thing out in the corner is you see the orange on Filors Lane goes around one lot that is the Allison house it is not part of this application it is excluded from this map. The proposal is to have both lots meet the conditions for two families that would be an optional two family if the lot is approved the lot would have the bulk but then you would have to apply for building permit. Lot number one would be serviced off of Central Highway with water and sewer and gas and electric and the same thing for Filors Lane all the services are in Filors Lane. To do any of that work you need a County Permit the existing home that is way in the back is the original house that was Mrs. Filor lived in the family has owned it since the nineteen hundreds. It exists today it is a two family home so it was before the code so we are trying to bring it up to code that is why this subdivision has three two family lots in it. Right now that is all they are proposing they are not proposing any homes two of the lots have homes other than lot 1 if that happens they would have to go for Building Permit and it would have to me all the codes of the Town. That is about it for the presentation and we did receive a memo from the County and there are about nine items on it but number 1 reminds us that any construction on any of the lots requires a County road opening permit. Even though that are not doing anything in the road because it fronts on a County Road you have to get a permit. So I am going to add that as note 19 on the map so everyone will be aware that they have to do that. The existing home has access off of Central Highway by a private right away which goes in front of Scott Filors house that is about it.

Mr. Kraese: The letter from County Planning on number 5 you are aware of what they are saying and are they going to be corrected.

Mr. Zigler: That is something that discussed at the workshop and we have to correct the bulk table with the setback and yards.

Mr. Kraese: And number 6 and 7 also.

Mr. Zigler: Yes six change the note and number 7 is incorrect because I explained it to her in an R1 Zone you don't have to reduce the lot for environmental impact for steep slopes or wetlands or bodies of waters. If it was the RR Zone which is 90% of Stony Point you would have to but not in this Zone.

Mr. Kraese: Just for the record so we understand what is going on.

Chairman: I am now opening the Public Hearing if you would like to comment.

Joseph Orapello, 3 Pine Drive – The westerly boundary on the map how far is it from Pine Drive? Nothing is proposed in here as yet something is proposed or they wouldn't be doing all this. This is my property right here there is a stone wall here my question is – is this area buildable?

Mr. Zigler: The right of way is here the real yard is 35 so in some future date they could actually put a structure between the power line easement and that property line.

Chairman: Right now nothing is proposed but if they do they would have to come back and do the whole process again. Any other questions?

Robert Westford, 2 Spruce Drive- I connect to Filors somewhere.

Mr. Zigler: This is just a paper street it does not exist in real life. Sengstacken goes down to dead end Spruce comes down and makes a turn and goes up the hill. You will still be a dead end we propose to do nothing over there.

Victor Monteforte, 23 Sengstacken Drive - Is there a plan to open up Sengstacken Drive.

Mr. Zigler: There is nothing proposed there.

Mora Kanarian, 23 Sullivan Dive – My back yard is behind Scott Filors yard I missed the beginning part and you said you are going to be building something I am not sure what lot it is.

Chairman: Where they sell the Christmas Trees on Central Highway.

Ms. Kanarian: Is that the only place they are proposing?

Mr. Zigler: What we did for this application Scott Filor is the applicant on this property we went beyond the property to notify the property owners of this. We oversized the lots so we could do mitigation on lots.

Hector Morales, 100 Central Highway – I live right across the street so this lot here is proposed for a two family home

Mr. Zigler: It could be depending on who buys it. It is just an option because the lot is so oversized it could be.

Mr. Kraese: I make a motion to continue the Public Hearing because the paper work from the Army Corp of Engineers is not in yet and there is still time for them to respond and if there is more questions next week.

MOTION: CONTINUE PUBLIC HEARING
Made by Gene Kraese and seconded by Peter Muller
All in favor

Mr. Orapello: The zoning in Stony Point is still zoned for single family in that area.

Mr. Sheehan: That is in the R1 Zone which is zoned for single family (inaudible). That is zoned for single family house 15,000 square foot the only way that big parcel could ever have a different house on it they would have to remove the old house and they would have to get a permit to put a single family or in this case a two family on that property so that the remaining parent lot that is 16 acres will stay the way it is today. It does not mean that somewhere down the road whoever buys that piece comes back in and ask for a subdivision but there are a lot of issues with that lot with the wetlands and the overhead utilities even though it is 16 acres you wouldn't yield to many lots out of it. Right now the most you can get is a single family on a big lot or two family on a big lot if they take the old house down a two family on the vacant lot on Central Highway and they convert the one family to a two family on Filors they would have to take the old house down and put a new two family.

MOTION: CONTINUE PUBLIC HEARING OPEN TILL OCTOCE 22, 2015
Made by Gene Kraese and seconded by Peter Muller
All in favor

Mr. Zigler: I am going to make the revisions to the map to meet the County memo and I am going to make the revision on the table so we can review that but that will be for the next workshop.

Chairman: Next item on the agenda item 2 Red Ridge Realty Corp.

Red Ridge Realty Corp - SBL 15.02-3-26,27 and 29 – Petition for Zone Change and Text Amendment - Referral from Town Board for review and recommendations.

Ira Emanuel Attorney for the petitioner as the Chairman said this is a referral on a text amendment to the Zoning Code. Back in 1998 the Town in response to the pleas of a number of Mobile Home Park owners they created the MHC Zoning and the reason for that is that up until then mobile home parks had the Zoning that was in the surrounding area and any time they wanted to do anything within the park they were forced to go to the Zoning Board of Appeals sometime for use variances to expand non conforming uses and other times just for area variances but it became very clear to the Town Board that the situation was not good for the Town and not good for business that were affected by it so they created this manufactured home community zoning district. One of the things that they did at the time was they said they were just going to create a district for the parks as they exist right now. So you could put more homes within the boundaries of the parks we are not going to allow any new parks to be created nor are we going to allow the parks to be expanded in any way. Fast forward now it is eighteen years later and the Town has had experience with the MHC Zone and it has worked pretty well but there is the problem for my clients Red Ridge Realty of the prohibition of any kind of physical expansion of the park. As we has set forth in the petition there are three lots that are outside the actual boundaries of the park which are

owned by the Thamsen family which owns Red Ridge Park which has been owned by them since the 40's but were not included in the original MHC Zoning district because they do not and did not have mobile homes on them back in 1998. The three lots have homes on them that are in bad condition the Thamsen family would like to remove those existing building and replace them with mobile homes in a one for one bases so the same number of mobile homes afterwards as you have (inaudible) now. They can't do that unless there is an amendment to the MHC Zone District to allow an expansion of the MHC District. We have put in a petition which quite frankly took in a very expansive view basically it just eliminated the prohibition against expansion. In large measure because we did not know how the Town Board would react to this whether or not it would feel that expansion should be restricted in one way or another and we did not want to negotiated against ourselves. I understand at the Town Board Meeting in which there is a referral to this Board there was concern about unlimited expansion of the parks and we do not have any objection to reasonable restriction on them. So that is what we are here for now is to get this Boards reaction to the notion of allowing the expansion (Inaudible) so that is what we are here for.

Mr. Stach: So we were asked by the Town Board to look into these matters as well as advise the Planning Board as we normally would on the Zoning amendments and we looked into the compressive plan and the Zoning language and the proposed language and just like Ira says I think it is appropriate that there be a limitation to the expansion if you go back to the 1998 plan which existed at that time which was 325 it was 312 in 1997 and by 2000 it had gotten to 325 and that was enough relative to housing in the Town which you will see in the table that I gave you. They did put a prohibition on expanding the Districts but more specifically and more forcefully they put a restriction on any new districts so they wanted (inaudible) at that point but they didn't want them to be expanded. We looked at where we are today and since 2000 and 2010 what you saw is a decrease in the number of mobile homes by a factor of 67 homes were removed in that time frame and there were more houses built other than mobile homes so that you end up with 5295 total homes so back then there was 61/2% mobile homes and that number has decreased to about 4%. With that in mind we look at this particular proposal we did a site visit and looked around and the reality is that area is the character of that area is marked by mobile homes. So this isn't exactly inconsistent with the area the structures on those parcels do appear to require maintenance or repair but what we had suggested with all that in mind is that if you look at the 62 acres that was zoned back in 1998 to support those 325 or 61/2% of total units being mobile homes what also came along was bulk standards were they never existed before. That may be why we lost some mobile homes over time because there never were any standards except for Building Department standards. At this point what we thought would be a good control is to keep the ratio of acres to total non mobile homes the same. If you go by the same ratio of 75 residential units that are not mobile homes to every acres of MHC District what it would allow the Town at this point to do is just over 5 acres of additional mobile home communities. What is being proposed here today just over 30,000 square feet. We give the Town some leeway to consider further expansions of these other locations but it would be reasonable to the recommendations of the plan. I think another item that is important here these are only expansions the prohibition on new parks is not impacted by this so somebody cannot land a new park somewhere else in the Town narrow in on that another restriction suggested is these expansions probably should not proceed across roads railroads or County streams so there is already a physical barrier that make sense to discontinue the community we do not want to

encourage expansion because that is like opening a new community. Lastly we had suggested that the Town Board makes a finding when we consider these things because you are not only setting up the rules for this particular applicant but all future applicants. The two other restrictions that we suggested placing are one that the Town Board meet the requirements of all other map amendments and when they consider whether they consider expanding the MHC District that they make a finding that is consistent with the character of the neighborhood. Our recommendation is to add that control to the amendment additional there will still need to be an amendment to the comp plan but that means to change a single sentence in the comp plan the rest of the comp plan could remain as is the policy will remain intact. With that we think there is enough control for the Town Board to control this and it will form their opinion going forward on how to judge these things on what is acceptable.

Mr. Sheehan: I agree with Max but I am not comfortable with limited it to the 5 acres I would rather have a different type of control I was just thinking that if we have four or five parks and 2 or 3 parks come in to expand it eats up the 5 acres then we are done and the other parks are out.

Mr. Stach: That is why I wanted to base the units on units that aren't mobile homes.

Mr. Sheehan: I understand what you are saying. I don't have objections to this application it is with the 5 acres that is all.

Mr. Stach: The applicant would have to apply for a map amendment every expansion of the MHC District that would have to do a regular zoning amendment. Right now the MHC District is land bases it is not a floating zone district it really is a mapped district so if you are going to change the boundaries of that it can't really be a special permit if you have to literally extend the rules to that geography.

Mr. Sheehan: Yes I understand now. That makes sense.

Mr. Puccio: What they would want to do is definitely going to clean up and it is the right thing we have to (inaudible) that another park can't just start buying properties and start putting up mobile homes.

Mr. Stach: The other reason why I proposed to amend it in that fashion is because the comp plan makes all these controls base on that ratio. So rather than have to write a whole new section of the comp plan we just keep the proportion.

Mr. O'Rourke: This particular site I have no issue with.

Mr. Emanuel: Under this proposal assuming it is accepted by the Town Board will my client be able to do what he is asking to do?

Mr. Stach: Yes.

Chairman: I just need a motion to send our recommendation to the Town Board.

MOTION: Send Planning Board Recommendation to the Town Board.
Made by Peter Muller and seconded by Gene Kraese
All in favor.

Chairman: Next on the agenda is Homestead Hardware.

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

- New Application

Michael Puccio recused himself from this application.

Chairman: Please give us an update.

Brad Stern, co-owner of the Homestead Hardware and what we are looking to do is storage of rental vehicles on our premises in the front and rear yard of our building. You have the maps.

Chairman: You have been at several TAC Meetings Bill where are we going with this right now.

Mr. Sheehan: (Inaudible) one of the main issues they have is the parking the code requires that they can't take away required parking to use for storage so for example they needed say under our code 14 spots for their existing store and they only have 14 spots one or two of those spots cannot be use as part of the storage of the vehicles in this case there is an existing berm if it was built today it couldn't be built the way it is. So after going over this at the TAC Meeting maybe the attorney could advise you but I believe that Zoning Board would have to get involved whit what are you proposing one in the front.

Mr. Stern: We are looking for two in the front and three in the back.

Mr. Sheehan: Ok so they are taking away required spots they are going to lose more spots so that is going to require the Zoning Board. I know that they had the Fire Inspector and some of the Captains of the Fire House there and they are concerned about the rear the fenced in area and their requirements was they would like to see only one in the fenced in area and they gave a size and one outside the fenced in area. The issue outside the fenced area is that it is a right of way and we don't have the power to allow someone to block the right of way. So I believe that the survey that he brought in was for one vehicle in the front and two in the fenced in area.

Mr. Stern: We can put two in the fenced in area.

Mr. Sheehan: My point is that you applied for one in the front now you are saying two.

Chairman: This is what was originally in front of us right the one in front.

Mr. Sheehan: In any event if it one, two or five it is going to require the Zoning Board.

Mr. Larkin, Fire Inspector: I have been out there several times and I have met with the applicants and we discussed back in late August about clearing the vegetation between the two buildings which they did so one truck in the fenced in area would not deter any fire fighting operation. The second truck in the fenced in area they have a seed box there.

Mr. Stern: We can fit it between the seed box and the other existing building it could be fit in there if we need to if the Board would grant that to us.

Mr. Larkin: That ally way has to be maintained at all times. It has fallen in disrepair.

Chairman: According to Bill even with ... we don't have the authority to.

Mr. Sheehan: Steve can tell you.

Mr. Honan: Depend on what it said the right of way for coming and going has to be kept clear (inaudible)

Mr. Sheehan: I don't believe they use the whole right of way however I don't believe if they park something there that is one thing that is between the neighbors and whoever has rights to it but I don't think the Planning Board could actually give them approvals.

Chairman: We can't them approvals and say you can store it there.

Mr. Sheehan: My point is I think what we are down to is whatever can be fit inside the fenced in area with the Fire Inspectors approval for fire reasons and whatever he wants to put in front it was one now I guess it two.

Mr. Stern: We can keep it as one that is fine I don't think it was actually listed on the application.

Mr. Sheehan: That is why we asked for the plan and we asked you to put on the plan where you wanted to park the vehicles the fenced in area and one sport in the front. That is what we base it on. So I mean it definitely has to go to the Zoning Board not the rear if you are going to refer it to the Zoning Board that is for the front then the back they would have to come back after they get their variance because the letter from the Fire Inspector says one in the fenced in area.

Mr. Kraese: The only thing I would say at this point is we are going to have to refer this to the ZBA and Fire Inspector needs to go back to that rear yard and if can put two in there we can put two in there if we can't we can't. So we can deal with the rear but we cannot deal with the front till the ZBA makes a determination.

Mr. Sheehan: If the petitioner wants to keep the application as is and the front and rear together he goes to Zoning Board and he comes back and we do the whole thing over. If he wants to omit the front and just work on the back then they don't need the Zoning Board and they can discuss what they want to do and if you need

an updated letter from the Fire Inspector indicating two is fine in the back (inaudible) it is really up to the applicant how he really wants to proceed.

Mr. Kraese: He applied so I think we have the obligation to send him to the Zoning Board it is up to him to say if he wants to go or not want to go then again if he withdraws the front giving him permission to put one in the fenced area in the back is not realistic I am not against it but in my mind it is not realistic.

Mr. Sheehan: Obviously the one in the front is for advisement.

Mr. Rogers: These are big trucks?

Mr. Stern: No most of the rentals are a van.

Mr. Jaslow: So you are not putting box trucks outside the store you are putting vans.

Mr. Stern: Correct.

Mr. Jaslow: So what you had out there previously is not going to be that type of truck.

Mr. Stern: Most of the time what we had out there were vans there is a 10 foot box van which the same length as a regular van it measures the same footage and same width actually.

Mr. Sheehan: What the inspector was saying inside the fence 10 foot long.

Mr. Stern: I think what he was saying was outside the fence was 10 foot long.

Mr. Sheehan: Outside was 25 foot.

Mr. Stern: In length.

Chairman: In the fence is a 10 foot one.

Mr. Sheehan: The problem what it comes down to as 10 foot in the rear 20 foot in the front so if you get Zoning Board Approval for the front parking what you are going to end up with is one 10 foot in the back if you get this Boards approval and one 18 ½ foot in the front are you happy with that. Can you live with that?

Mr. Stern: Is that just with this Board or is that by going to the ZBA.

Mr. Sheehan: ZBA is only going to issue a variance for the parking because you are taking parking away from the building if they approve that variance to take up a spot or two spots or whatever you are asking for.

Mr. Stern: If we could do two in the back and one in the front.

Mr. Sheehan: The Zoning Board is not going to get involved in the back they are going to give the variance on the parking if you get that variance you come back here then it will be up to this Board to approve the one in the front because I doubt the Zoning Board is going to give you two parking spaces because you don't have

enough for the building now so the most I think you can ever get is one in the front and then your 10 foot in the back unless you get a revised letter from the Fire Inspector.

Mr. Stern: It is something we have to live with if we can get away with one in the front and I guess we will have to revise what we are going to do in the back.

Chairman: Ok I just need a motion to send them to the ZBA.

MOTION: REFERR APPLICANT TO THE ZONING BOARD OF APPEALS
Made by Gene Kraese and seconded by Mike Ferguson
All in favor

Reduction of Letter of Credit on Jessup Ridge West – held over till October meeting.

MOTION: ACCEPT MINUTES OF AUGUST 27, 2015 MEETING
Made by Eric Jaslow and seconded by Thomas Gubitosa
All in favor

MOTION: SET NOVEMBER/DECEMBER PLANNING BOARD MEETING FOR DECEMBER 10, 2015
Made by Eric Jaslow and seconded by Gene Kraese

MOTION: TO CLOSE PLANNING BOARD MEETING
Made by Gerry Rogers and seconded by Gene Kraese

Respectfully submitted,

Clerk to the Board