

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

OF

111 SOUTH LIBERTY DRIVE

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Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
April 27, 2023  
7:03 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN  
KERRI ALESSI, BOARD MEMBER  
ROLAND BIEHLE, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
JAMES PURCELL, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN JOHNSON: Thank you for coming.  
All right. On the agenda tonight we have  
111 South Liberty Drive. How's it going,  
Ken?

MR. DeGENNARO: Very good. Thanks. Hi,  
everybody. My name is Ken DeGennaro. I'm  
the site engineer from Brooker Engineering.

So for tonight, I guess really, we'll  
give you an update as to where we stand. We  
had submitted the EAF Part 3 for the SEQR  
process, and the open items from that were  
the traffic study and the soil testing for  
the deep hole tests.

So the traffic study, we've engaged a  
traffic consultant, Harry Baker. And I  
believe he actually, he coordinated with the  
DOT as to exactly what the requirements were  
going to be for the study. And they've been  
doing the counts this week. So we do  
anticipate hopefully having his report maybe  
in another two weeks, you know, and the  
response to the DOT.

The deep hole test, we've been

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coordinating that with the Town Engineer and the excavator. We don't have an exact date for that, but I would say it's probably within the next two weeks, those will be performed as well.

We did appear before the ZBA to request that a public hearing be set, but they wanted to have the SEQOR process be finished. So we don't have a public hearing date set for the ZBA meeting for the variances that we're requesting.

And in terms of the site plan, that has not changed since, since our last submission, which I believe was in the beginning of March. At that point, we submitted the full set of site plans based on the reduced building, the height of the building and the reduced unit count. We went down from 88 units to 86 units.

We did get the Rockland County Planning GML review letter. So that's obviously important to discuss. It was a lengthy letter. It contained many comments, which actually is kind of par for their office

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2 nowadays.

3 But most of the elements contained to  
4 specific site plan issues which, you know, we  
5 believe we can address and no overrides are  
6 necessary. However, the first two comments  
7 were more substantial with respect to scale  
8 of the building. So I would like to, you  
9 know, have a discussion with the Planning  
10 Board tonight in terms of the reaction, you  
11 know, to those two comments.

12 So clearly, in order to advance the  
13 project, we would need overrides of Comments  
14 One and Two from Rockland County Planning.  
15 And we provided written responses to why we  
16 think those overrides are reasonable.  
17 Frankly, they -- the first comment kind of --  
18 they discussed about the intentions of the  
19 zoning code with respect to the floor area  
20 ratio specifically. And in our opinion, it's  
21 not the position of Rockland County Planning  
22 to make determinations as to the intentions  
23 of the zoning code.

24 We've been through the process. That  
25 was raised as a question. We went to the ZBA

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as part of due course to get an interpretation of the floor area ratio. And it was determined that it won't apply to this project. We really, we feel that it's not a relevant comment at this point from County Planning, and we do respectfully request that that be overridden.

The second comment had to do, again, with the scale, also focusing on the floor area ratio. I believe one of the words they used was massive, the building. And again, we respectfully disagree with that categorization of the building. But again, that's our opinion. We need to hear the Board's opinion.

We agree the building is tall compared to many of the surrounding facilities. They use the word massive but didn't really provide any support as to why they, you know, used that term, it's kind of nebulous, in their, in their written comment.

We have to note that the parking requirement, you know, and the ability of the Planning Board to give a waiver for the

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parking requirement to reduce it was determined not to be applicable for this case. So we did do some redesigns and we meet the parking count.

The height meets the allowable height in the zoning code. There's no area setbacks for the actual building. The variances that we are requesting are really more minor in nature, in our opinion, with respect to the size of retaining walls, the location of the retaining walls, the location of the driveways, some of the parking, you know, in our opinion. And again, that's going to be for the ZBA, but to determine.

But we feel that the building itself and the changes that have evolved in the history of the project has -- we've taken lengths to reduce, like, the massiveness of the building. I don't even enjoy using that word in this context, but I feel that I have to because County Planning, you know, used that.

So those are the two key items that we would like to discuss and get some Board feedback so we can determine how to best, you

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know, advance this project. So if there's any comments or feedback, we'd much appreciate it.

CHAIRMAN JOHNSON: All right. Real quick before we get there. Max, do you have any questions or comments on the, on the progress of the SEQR review or the EAF Part 3?

MR. STACH: No. I mean, I think, I think really where we were is that typically for an application of this size, you would not assume needing to conduct a very large, wide traffic report or study. And the applicant actually submitted documentation to that effect from their traffic professional, who is a well-known traffic professional in the area. And so it was a surprise that we received a request from Rockland County Highway Department.

MR. DeGENNARO: First, yes.

MR. STACH: Right, to have the, to have the traffic report or traffic study prepared. And so I couldn't find a DOT comment. But apparently, there is a DOT comment also.

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2 MR. DeGENNARO: There is. And that's  
3 dated March 21, 2023. And that came after  
4 County Highway's comments. And they  
5 reiterated their, the request for the traffic  
6 study, so.

7 MR. STACH: And being that this is a  
8 state highway, they have governance and  
9 permitting authority. And it's clearly, if  
10 they are suggesting that it's necessary, it  
11 would be foolish for us to adopt a neg dec  
12 without doing that inquiry.

13 So that's really the only matter that's  
14 holding up other than we had requested some  
15 visuals. You had provided them. I think we  
16 had a meeting where we discussed you were  
17 going to put some vegetation along the north  
18 side of the building.

19 MR. DeGENNARO: Yes.

20 MR. STACH: I would, and I would think  
21 that maybe you would update the visuals  
22 accordingly to show that.

23 MR. DeGENNARO: Okay.

24 MR. STACH: But I don't recall any other  
25 matters being really outstanding in terms of



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SEQR. One other point, though, is that one of the things that the County has commented on that I think the applicant is asking for you to comment on here is particularly what is the scale of the project. Because as part of the conditional use requirements, and that's something that Steve had forwarded to the Board, is you have to determine that it's in character.

CHAIRMAN JOHNSON: Right.

MR. STACH: Right. And so I think there's discussion as to what in character means. This is the BU district. It's not intended that it be in character with a single-family residential district. There are arguments that Rockland County makes that it's too large. The applicant has correctly stated that they could build this building exactly as a permitted use were it an office building.

CHAIRMAN JOHNSON: Right.

MR. STACH: Right.

CHAIRMAN JOHNSON: But not mixed use, correct?

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MR. STACH: But not mixed use. The reason why it is here and is subject to that character's conditional use standard of being consistent with the character of the community is because it's a mixed use, which is a special permit use, so. Permitted uses wouldn't have to meet that standard, so.

That said, I think really what it comes down to is this Board, I think we sort went through the exercise a little earlier already once, and I think in light of the information you've received from the County, do you continue to believe, you know, when we went through this previously that the changes that the applicant had made in stepping back the top floor adequately addresses the visual impact and the character impact? Or do you think it's insufficient, you know, because the applicant certainly -- and I don't want to speak for them -- seems like they don't want to continue to --

CHAIRMAN JOHNSON: Scale it back.

MR. STACH: Well, I would say they don't continue to want to do things like traffic

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studies and technical reports if the Board has a major problem with the building as it's proposed tonight, so. Is that correct?

MR. DeGENNARO: Yes, certainly, yeah.

There's, you know, they're almost independent items that we need to kind of resolve one in order to do --

CHAIRMAN JOHNSON: Continue.

MR. DeGENNARO: In order to continue.

And just to further the point and the discussions, this has been an iterative process. Way back when, I think our initial application to TAC was for a hundred units. So it got scaled back to 88, knowing that it wasn't ready to go before the Planning Board at a hundred.

With the last revision, we stepped back the fourth story. And we also lowered the finished floor elevation by about five feet to try to decrease the prominence of the building on the, kind of on the plateau of the hillside. That reduction in the first floor elevation increases the earth work and the soil that has to be exported from the

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2 site.

3 So that's just another cost. That's the  
4 reality. I know cost isn't necessarily the  
5 Board's concern. But it's just the economics  
6 of making this a viable project. The cost  
7 has increased by making that reduction. So  
8 it's just, you know, one of the many factors  
9 that, you know, being considered by your  
10 Board and by, you know, our office as the  
11 designer and, and the applicant as the owner.

12 You know, we want to have something that  
13 it's one thing to be able to come to the  
14 Board and say yeah, we'll do that and we'll  
15 do this and we'll do this. You know, I've  
16 seen plenty of projects where that happens.  
17 But at the end of day, when they go to build  
18 it, they say what did we agree to? We can't  
19 build it. So I can't have that happen to my  
20 client on his behalf. So that's why I'm  
21 getting feedback.

22 MR. STACH: Mr. Chair, there's one other  
23 question I think that's sort of is just, I  
24 don't know if in the end is going to be  
25 relevant because of what the zoning says and

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what the zoning allows, but could you character what the impact of the commercial use element has on the project? Is that something that adds value to the project, or is that something that adds cost to the project?

MR. DeGENNARO: The main value to this project is the residential component. The commercial use is certainly, you know, a cost of construction. Going from three -- if that was eliminated and we're just a three-story building with strictly residential, not that it's allowed, but the building would be nominally cheaper. You're losing a story, but the most expensive stories are the foundation and the roof. Those extra stories in the middle are of nominal cost.

So it does add value, certainly. You know, we do anticipate that those spaces being rented eventually. That market is kind of in flux. So it does add value, but it's not what's driving this project. It's not the significant portion of value.

CHAIRMAN JOHNSON: I think we all had

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2 that.

3 MR. STACH: Yeah.

4 CHAIRMAN JOHNSON: In regards to the  
5 floor area ratio, that was squared away with  
6 the Planning Board, or the Zoning Board?

7 MR. STACH: Yeah. The Zoning Board made  
8 an interpretation that there is no floor area  
9 ratio requirement for a mixed use building.

10 CHAIRMAN JOHNSON: Okay.

11 MR. DeGENNARO: So just to speak a  
12 little bit on the floor area ratio, that's  
13 mentioned several times in the County  
14 Planning. They don't mention density as, you  
15 know, it's too many units. It's strictly --  
16 the majority is floor area ratio.

17 So we have the 88 units. They're not  
18 oversized units. I believe the code has a  
19 provision for minimum floor area ratio per  
20 unit to be provided. And it's a mix of one  
21 and two-bedroom units. There's no  
22 three-bedrooms. And we are basically at or  
23 slightly above the minimum.

24 So the units themselves aren't these  
25 huge, you know, living spaces. They are

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typical one and two-bedroom units. So the floor area ratio is generated by, you know, the number of units and just, obviously, the size. But you know, in order to reduce it, the floor area ratio, we would have to lose more units. Which, obviously, we're kind of at that point where we really don't want to.

CHAIRMAN JOHNSON: All right. John O, do you have any questions or comments at this point, or no?

MR. O'ROURKE: Not at this point. They did make a resubmission with a full revised stormwater pollution prevention plan. We've kind of sat on the review of this stage until they get their ZBA variances and this Board makes a determination because depending on those variances, the walls may change, the parking in the rear may change, which will probably make the SWPPP actually be modified as well.

So generally, the layout has been the same layout as we've seen from the beginning. So there's going to be some technical comments as we move forward. But at this

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2 point, until, again, this Board and the ZBA  
3 makes those determinations, we're, just to  
4 save money for this portion for the client,  
5 we're just kind of in a hold pattern right  
6 now.

7 CHAIRMAN JOHNSON: All right. I'll ask  
8 if any of the Board members have any  
9 questions or comments right now.

10 BOARD MEMBER PURCELL: I have a few.

11 CHAIRMAN JOHNSON: Okay.

12 BOARD MEMBER PURCELL: So last Thursday,  
13 we sat at the TAC meeting, myself and Jerry,  
14 and discussed the project. Bill was here  
15 representing the client. And kind of what  
16 you reiterated tonight, what we spoke about  
17 at the TAC meeting, so maybe we're able to  
18 bring that forward to the Board.

19 I got a few pros and cons. My con is  
20 really only one. My concern, the size of the  
21 building and the project, as everybody's  
22 talking about, and Jerry made a point of  
23 maybe setting precedence of the size of the  
24 buildings in the future development of the  
25 town, which is understanding. That's about



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2 the only con.

3 The pros I have on it, I think the  
4 opportunity of the mixed use property to  
5 offer housing in Stony Point, also to keep  
6 compliance with affordable housing and  
7 offering other types of available housing,  
8 which the Town has been cognizant of, it fits  
9 that narrative. Other properties are  
10 becoming more of a popular product for  
11 people. They don't want to own homes for  
12 whatever reasons.

13 Sloatsburg is a big example on Route 17,  
14 where they built all those projects over  
15 there. Those are all rentals. Those aren't  
16 condos. They rented every one of them out.  
17 And they took a blighted piece of property  
18 for 30, 40 years, and they really did a nice  
19 job, the developer.

20 I think the project would be cleaning up  
21 a blight that's been here for many years, the  
22 removal of the buildings that have continual  
23 crime issues and code enforcement issues. I  
24 confirmed that with the Stony Point agencies,  
25 look into a little more. The cleaning up of

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the property I think would give the surrounding area and residents a better look in the neighborhood and quality of life, removing the decrepit buildings and the low level crimes that go on.

And it's a change that the town, you know, might need for future development. But it has to be the right development, not something out of character. Which, you know, it is a little edgy. It's a little different. But a lot of these projects going up, I see in Bergen County, I see them in other areas of Rockland County. There is a change and it is out there.

I also have concerns on the legal side. Pretty much you guys have been in compliance with the local ordinance and zoning that's there, set forth by the Town Board. This Board has to work within those realms of the laws they've passed.

My concern for anybody is litigation. Litigation doesn't get anybody anything. It actually costs a lot of money. It costs the taxpayers money and applicant a lot of money.

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A lot of the issues by the County Planning Board can be resolved as they were. There are the two big ones that would need our majority vote. But I think it's something that maybe could be adjusted more. But I think it would be a positive in the sense that would clean up the area that's long overdue.

And my biggest concern at the end of day is litigation. And at the end of the day, if any developer doesn't want to and take out the residential portion of the zoning and send it back, we want to go commercial, you build this building according to height requirements, and your ratios that you want to build and the size of the building density. So, you know, we have to make a choice. Do we want to build mixed use or let it go to somebody else who would build a commercial property that's right next door to existing already.

So, you know, I think there's more positive than negatives. But there are concerns about size. I think that's been

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reiterated across the board. I understand the developer wants to maximize profits. But at the same time, this Board wants to make sure it achieves its goal of staying within the integrity of the community.

So that's my opinions. And, you know, the Zoning Board, you guys have some submissions you have to deal with that down the road. But, you know, that's what I really have to say about the project. And I'm just truly worried about litigation. I do not want to be wasting taxpayers' money in an Article 78, and the applicant's money, because it gets nobody nowhere and it just costs a lot of money.

CHAIRMAN JOHNSON: Thanks, Jim.

BOARD MEMBER PURCELL: You're welcome.

BOARD MEMBER JASLOW: I'd like to make a comment.

CHAIRMAN JOHNSON: Please do.

BOARD MEMBER JASLOW: So I -- piggybacking off what James had to say, like if you look at the project in Sloatsburg on the side of Route 17, and they put up

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2 multiple buildings that aren't obtrusive to  
3 the area that it's in because it's kind of a  
4 commercial --

5 BOARD MEMBER PURCELL: Yeah, it's  
6 commercial.

7 BOARD MEMBER JASLOW: -- area. What's  
8 across the street and, you know, the -- I  
9 don't know, the closest housing is like if  
10 you went up towards Sterling Mine Road and  
11 there's, you know, the split level houses.  
12 The big houses, whatever else is up there.

13 Last month, I made a couple of comments  
14 about, you know, the building, how I didn't  
15 think it fit in because, you know, you look  
16 at the shopping plaza to the north of it and,  
17 you know, it's multiple buildings, low level,  
18 you know. You see it, but you don't see it  
19 because it's everything else like  
20 Stony Point.

21 And then I went up to where the old post  
22 office used to be, and now it's the  
23 electrical contracting building, which is  
24 two-story building with a high roof. And I  
25 don't like to say, you know, in my opinion or

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2 this, because it's my opinion. I mean, it  
3 doesn't mean it's right or it doesn't mean  
4 it's wrong.

5 But if you look at that building there  
6 and made it 300 feet long and 180 feet deep  
7 and moved it to your location, that would  
8 still be a pretty big building. And I can't  
9 say that it would look like the rest of  
10 Stony Point because I don't think it would.  
11 But maybe it will. I don't know.

12 And then if you walk down the street  
13 from your location towards Helen Hayes  
14 Hospital and stand on 9W, and they have the  
15 five-story hospital building there, I don't  
16 know how big it is or long or how deep it  
17 goes. But if you look at it, and the hill  
18 cuts off the first floor so all you see is  
19 four stories of building, brick building, you  
20 know, everybody knows what it looks like.  
21 Then you look and you put that down on your  
22 location. And not to say the word massive or  
23 whatever, but that's what it is.

24 I mean, it just doesn't look like  
25 Stony Point and feel like Stony Point. Last

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2 month, Mr. Brooker said this is a  
3 transitional building for the town. And, you  
4 know, it's like Saratoga. It's like what he  
5 built in Suffern. It's like Helen Hayes  
6 Hospital or, you know, the other stuff down  
7 9W in Haverstraw. But it's not like  
8 Stony Point. That's all I have to say.

9 MR. DeGENNARO: Okay.

10 BOARD MEMBER BIEHLE: It's also close to  
11 the road compared to Helen Hayes.

12 CHAIRMAN JOHNSON: Yeah. And I was just  
13 going to say, Helen Hayes is six, 700 feet  
14 back off the road. This is --

15 BOARD MEMBER BIEHLE: Heading south on  
16 9W is where you're going to see this massive  
17 building, right. When you're coming down by  
18 Washburns, you come around, and that's where  
19 the biggest part of the building sticks out.

20 MR. DeGENNARO: Yes.

21 BOARD MEMBER BIEHLE: And you don't have  
22 any visual setbacks. They go back a little  
23 bit, but the rest of building is full height.  
24 Like it needs -- I mean, you're not going to  
25 have trees big enough to hide that building.

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That whole building is going to stick out on the north side. The front facade looks great.

MR. DeGENNARO: Yeah.

BOARD MEMBER BIEHLE: But it's still, I mean, see the building is set back on that side. If you take a floor off on that side and step it up back.

BOARD MEMBER JASLOW: Even like here, it just seems in the drawings, like, you look at the building and it doesn't look any bigger than the plaza next to it. I mean, even like what you have there. It doesn't -- that's a one-story building and it looks just as high in the drawing as the four-story building.

MR. DeGENNARO: It does. And those are the architectural renderings that you're referring to. So either something that also helps or the visual simulations that were prepared that we believe.

And yeah. We talk about landscaping, screening, very common. And there was no -- the intent of that isn't to necessarily hide structures because you're not going to hide



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this structure. There's no arguing that. What we want to do is try to diminish the scale of the building and almost the appearance of the building so it's kind of blending in to the topography and the landscape.

So that's what I hope we've done. You know, especially with those additional tweaks that we did discuss at TAC for additional plantings along the northern property line, that row of parking. It's, again, the building will not hidden, you know, by landscaping. But it can be softened up.

CHAIRMAN JOHNSON: Right. I get that. I was not at the TAC. Can you fill me in a little bit on what you have in mind for the north side there?

MR. DeGENNARO: Yes. So I believe that discussion was two TAC meetings ago. And so here's the northern property line.

CHAIRMAN JOHNSON: Yeah.

MR. DeGENNARO: The adjacent low level one-story development. We discussed these parking spaces adding because right now,

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we're over the required parking. So eliminating some of these spaces and making them landscaped spaces instead and adding some deciduous trees. I believe the discussion, we were talking about maybe adding two in the interior and additional trees along the exterior of that parking, that front parking. So that was kind of the game plan that was discussed at that point.

CHAIRMAN JOHNSON: All right. Does anybody else have any comments or questions?

BOARD MEMBER ALESSI: My thoughts are just to echo with what Jim and Eric were saying. My concern is just the overall size.

CHAIRMAN JOHNSON: Yeah, that seems to be the --

BOARD MEMBER ALESSI: You know, and --

CHAIRMAN JOHNSON: The consensus and the main complaint is just the massive size.

BOARD MEMBER ALESSI: Right, right.

Contrary to what we --

BOARD MEMBER JASLOW: Huge. Huge.

BOARD MEMBER BIEHLE: Massive.

CHAIRMAN JOHNSON: Yeah. And you know,

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2 I don't know. You know, short of rotating  
3 the building around to break up that size, I  
4 don't even know if there are more options.  
5 But I'm not the engineer or the designer,  
6 either.

7 BOARD MEMBER BIEHLE: Outside, it  
8 doesn't look that obtrusive, I mean, because  
9 it's up against the building --

10 MR. DeGENNARO: Yeah.

11 CHAIRMAN JOHNSON: Right.

12 BOARD MEMBER BIEHLE: -- where you're  
13 going to build. When you're coming down past  
14 Washburns and you look up there, I don't know  
15 if softening up a few trees is enough.  
16 That's one big, flat building. Now, you  
17 stepped back the front. Can you step back  
18 that whole side?

19 MR. DeGENNARO: I will certainly see if  
20 that's -- I'm sure it's feasible, but it  
21 would impact --

22 BOARD MEMBER BIEHLE: Just to cut that  
23 plane off instead of going straight up.

24 MR. DeGENNARO: If that's an appropriate  
25 mitigation measure, obviously we'll look at

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2 it regardless. But, and I'm sure it could be  
3 done. But obviously, that's a question for  
4 the architect.

5 BOARD MEMBER BIEHLE: Ideally, you'd  
6 take out one of the middle floors and you  
7 have it -- the big building doesn't look so  
8 massive.

9 MR. STACH: We actually discussed that  
10 at the TAC meeting. And the difference is  
11 when you're on Route 9W, you're maybe a  
12 hundred feet from that facade, right. So you  
13 think about the angle. If you're looking up  
14 at the roof when you're looking at it from  
15 the east, Route 9W, you're about a hundred  
16 feet, you know. Maybe you open up to maybe  
17 150 at the north end of the site there. So  
18 when you're looking at the roof, and they  
19 pushed back that top story, the angle because  
20 you're close to it, you actually get a lot of  
21 savings.

22 But Washburns is probably, you know,  
23 thousand feet, 800 feet away. So pushing  
24 back that top story is not going to give you  
25 the impact that it did on the front. And

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that's why I thought it was very creative idea to take some of the parking along that frontage, because they actually provided us that view, what it looks like rising above the Patriot Plaza. And if you could imagine right, you know, behind those Patriot Plaza buildings, you have a row of trees there, right. You're still going to see the building through the trees, but it's not going to be --

CHAIRMAN JOHNSON: It breaks it up.

MR. STACH: Yeah. I think that is more effective than the idea of the --

BOARD MEMBER BIEHLE: Stepping it back.

MR. STACH: Stepping back the roof. And they mentioned there might be two ways to do it. One is to take out some spaces and plant the trees instead of, you know, the first parking space, and then the fifth parking space, and the tenth.

CHAIRMAN JOHNSON: Right.

MR. STACH: But they also said, and I don't know if this was feasible, but you said it might be possible to plant along the

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2 building, or did I misunderstand that?

3 BOARD MEMBER PURCELL: Well, if I might  
4 interject. A while back, you guys gave us  
5 the print, the landscape redrawings, and you  
6 pinpointed the two corners on the north side  
7 and the south side, surround that with  
8 landscaping, am I correct, to soften the view  
9 on the front? This was sent to us a while  
10 back, Ken.

11 MR. DeGENNARO: Yeah. So that's the  
12 visual simulation.

13 BOARD MEMBER PURCELL: The visual  
14 simulation. Four corner mark outs shows  
15 each --

16 MR. DeGENNARO: Yes.

17 BOARD MEMBER PURCELL: -- location. So  
18 if I'm looking at this right, you're trying  
19 to soften the blow on the corners to break  
20 the visual up from the north down to the  
21 south.

22 MR. DeGENNARO: Correct.

23 BOARD MEMBER PURCELL: Correct?

24 MR. DeGENNARO: Correct.

25 BOARD MEMBER PURCELL: Okay. Thank you.

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2 Just wanted to make sure I was looking at  
3 that.

4 CHAIRMAN JOHNSON: From northbound, I  
5 don't think it's going to be --

6 MR. STACH: Yeah, we were talking about  
7 from Washburns, Jim.

8 CHAIRMAN JOHNSON: Yeah. Yeah.  
9 Northbound shouldn't be that big a deal.  
10 You've got the trees already in the front of  
11 the --

12 BOARD MEMBER PURCELL: Yeah, and they  
13 showed some landscaping going between the  
14 existing commercial property that's there now  
15 in between and taking away some of the  
16 spaces. I just wanted to make sure I was  
17 looking at this right.

18 MR. DeGENNARO: So the dimension of this  
19 corner of the building from the actual  
20 pavement as you're coming down, if you're  
21 going south on Route 9W and west, it's about  
22 200 feet from that corner. So, you know, and  
23 that's just due to the curve of the road and  
24 the front property line. The building itself  
25 isn't parallel to the curb.

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2 So we are increasing the separation of  
3 the building from the road on the north side  
4 where it was more prominent. That was just a  
5 coincidence it happened to work out that way,  
6 but that is the overall effect.

7 So we certainly could look into, you  
8 know, increasing that step. But if we  
9 increase, if we increase the step of the  
10 fourth story along the building like in the  
11 back, it's -- yeah. At that point, it's  
12 quite far from 9W. And your eye would really  
13 catch that, especially as you're driving.  
14 You tend to focus more on that, that front  
15 corner. You're not going to look at the  
16 back.

17 MR. STACH: You can actually see it  
18 because on your photo simulation, the first  
19 segment of the building, you did step it back  
20 from both sides.

21 MR. DeGENNARO: Yes.

22 MR. STACH: And you could see it really  
23 doesn't make much of a difference, right?

24 BOARD MEMBER BIEHLE: I think it does.

25 MR. STACH: You think it does?



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2 BOARD MEMBER BIEHLE: Yeah. Look at  
3 that. I mean, if you look at this.

4 MR. STACH: Yeah, okay.

5 BOARD MEMBER BIEHLE: It just breaks up  
6 this flat plane.

7 MR. STACH: Okay.

8 BOARD MEMBER BIEHLE: You see this?

9 MR. STACH: Do you have this  
10 visualization?

11 BOARD MEMBER PURCELL: Yeah. That's  
12 what I have right here.

13 MR. STACH: Okay. I didn't know. So  
14 you have the one that's from Washburns.

15 BOARD MEMBER PURCELL: Yeah.

16 MR. STACH: Okay.

17 BOARD MEMBER PURCELL: Right here.  
18 Talking about this one, right, Max?

19 MR. STACH: Yeah, that's the one.

20 BOARD MEMBER PURCELL: And you have the  
21 back one, little bit of landscaping added.

22 MR. DeGENNARO: So, yeah. If you're  
23 looking at Viewpoint Number Five from the  
24 simulations prepared by Offgang (ph), that's  
25 the one that's taken looking from Washburns.

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2 So, yeah. The building is higher than  
3 Patriot Plaza. But that's really a function  
4 of topography. Just, the natural grade of  
5 this lot is higher.

6 So again, we lowered -- this is the  
7 second version of this visual sim. We  
8 lowered the first finished floor by five  
9 feet. If you look at the old one, you could  
10 see in relation to the cupola of the corner  
11 of Patriot Plaza, that's, you know, the  
12 indicator of the decreased elevation. And it  
13 does appear as a three-story building. It  
14 just appears, you know, it's naturally sited  
15 on the property at a higher elevation.

16 CHAIRMAN JOHNSON: Right.

17 BOARD MEMBER ROGERS: Might I suggest  
18 that we maybe take five minutes to have an  
19 executive session to discuss this amongst us  
20 for a few minutes?

21 CHAIRMAN JOHNSON: Sure. Yeah.

22 BOARD MEMBER ROGERS: That would be  
23 okay?

24 THE CLERK: I don't know. You have to  
25 ask Steve.

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2 MR. HONAN: No, no. We can't go into  
3 executive session for that purpose. We have  
4 to discuss it.

5 CHAIRMAN JOHNSON: Max?

6 MR. STACH: Yeah.

7 CHAIRMAN JOHNSON: Where should we go  
8 from here?

9 MR. STACH: Well, I mean, I think that  
10 the Board has weighed in.

11 CHAIRMAN JOHNSON: Yeah.

12 MR. STACH: You know, the applicant is  
13 going to want a decision. So, you know, you  
14 cannot do -- well, you cannot approve a  
15 project.

16 CHAIRMAN JOHNSON: Right.

17 MR. STACH: Until you've done a neg dec.

18 CHAIRMAN JOHNSON: Right.

19 MR. STACH: You can disapprove a project  
20 without doing a negative declaration. If  
21 it's, you know, so option one is I think the  
22 Board can discuss here tonight at this  
23 meeting if there's a reasonable road map for  
24 this application to get to approval, changes  
25 that you could ask that are viable given the

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2 project financials.

3 CHAIRMAN JOHNSON: Right.

4 MR. STACH: If that is not something  
5 that you can figure out and the applicant  
6 wants a decision, I think at that point,  
7 you're going to ask Steve to prepare a  
8 resolution of disapproval. But I would, I  
9 would defer to Steve on that.

10 CHAIRMAN JOHNSON: Yeah. I, I think we  
11 can definitely move a little forward on this.  
12 I don't know that we're going to do the  
13 overrides. I mean, that's something we need  
14 to discuss in a lot more detail. That's not  
15 happening tonight, the overrides.

16 But I definitely, I personally think  
17 there is some merit to the project. Again,  
18 like James said, something definitely needs  
19 to happen on that property. And right now,  
20 this is what's in front of us. So we got to  
21 chew on this a little bit and then see what  
22 we can all agree on, or get closer on with  
23 this.

24 MR. DeGENNARO: Okay.

25 CHAIRMAN JOHNSON: So.

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2 BOARD MEMBER BIEHLE: How many  
3 apartments on that top wing again? Do you  
4 have that north wing, just that right angle?

5 MR. DeGENNARO: I don't think I brought  
6 the floor plan with me. But I would say --

7 MR. STACH: I can look it up.

8 MR. DeGENNARO: -- probably about eight.

9 BOARD MEMBER BIEHLE: So if you were to  
10 drop that wing one floor, because that's the  
11 one that sticks out the most, and when you  
12 get to the 90, bump it back up a little and  
13 get it up.

14 MR. DeGENNARO: Not exactly. This line  
15 here represents the step in the fourth floor  
16 building.

17 BOARD MEMBER BIEHLE: I'm saying almost  
18 to --

19 MR. DeGENNARO: So you're saying bring  
20 this line back further?

21 BOARD MEMBER BIEHLE: Bring it back  
22 further, or just drop that floor right there.  
23 You lose eight apartments, though, right?

24 MR. DeGENNARO: Yeah. Well, that's just  
25 on the north side. There's apartments on

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2 this side as well.

3 MR. STACH: Yeah. So you lose -- so if  
4 you were to key it back -- well, when you  
5 keyed back the front, you lost two  
6 apartments.

7 MR. DeGENNARO: Yes.

8 MR. STACH: So I would assume that if  
9 you key it back on the north side, you're  
10 going to lose another one or two apartments.

11 MR. DeGENNARO: Probably. And then  
12 symmetry, you'd do the same thing on the  
13 south side, even though we don't need to.

14 BOARD MEMBER BIEHLE: The south side  
15 is --

16 MR. STACH: I don't think you would --

17 MR. DeGENNARO: I don't think you'd have  
18 to. The architect might disagree, but.

19 MR. STACH: Well, yeah. In terms of if  
20 you took that whole wing, it would be a lot.  
21 It would be --

22 BOARD MEMBER BIEHLE: Yeah.

23 MR. STACH: -- one, two, three, four,  
24 five, six, seven, eight, maybe nine.

25 BOARD MEMBER BIEHLE: Just pretty much

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this wing will stick out. This wing will probably be the about same. Just coming down Washburns, it's still massive.

MR. O'ROURKE: Ken, just throwing it out there. So roughly, how many apartments do you have on the fourth floor?

MR. DeGENNARO: Do you have the architectural packet?

MR. STACH: I do. I do. You have -- on the fourth floor?

MR. DeGENNARO: Yeah.

MR. STACH: Well, I should say this is an old plan.

MR. O'ROURKE: Okay. Well, what I'm thinking is, I mean, if I'm reading the Board and it's not only the scale, it's the height, it's that fourth story. If you -- and again, it's cost and architecture. But if you cantilevered, you have a U right now.

MR. DeGENNARO: Right.

MR. O'ROURKE: So if you took those apartments and you cantilevered over your parking in through there.

MR. STACH: Twenty-eight.

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2 MR. O'ROURKE: I'm just saying, you  
3 know, right across, make it almost a square.  
4 You cantilever it so you still have your  
5 parking, and everything would be under the  
6 apartments. You know, potentially you could  
7 have the same number of apartments and lower  
8 the floor, which might reduce the concerns  
9 that the Board has.

10 MR. DeGENNARO: I think maybe we could,  
11 if we offset, introduce that offset along the  
12 northern face and mitigate that area back  
13 with a cantilever on the southern face, the  
14 other leg of the U.

15 MR. O'ROURKE: Yeah, that's --

16 MR. DeGENNARO: That's an alternative  
17 worth investigating. Yeah, right, because  
18 that's the overall scale of the building in  
19 the rear based on the topography is much  
20 smaller. It appears as a three-story  
21 building.

22 CHAIRMAN JOHNSON: Yup.

23 MR. DeGENNARO: So shifting that with a  
24 cantilever into the, like, interior courtyard  
25 of the U is really going to have no impact,



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2 you know, in terms of the aesthetics.

3 MR. O'ROURKE: Exactly.

4 MR. DeGENNARO: It's going to have  
5 impact on the structure and appearance. But  
6 in terms of the aesthetics, with respect to  
7 scale and height, it's basically going to be  
8 hidden. So that's -- that could be looked  
9 at, without a doubt.

10 BOARD MEMBER ROGERS: Yeah. John, you  
11 want to just run that by Mark again?

12 CHAIRMAN JOHNSON: Yeah, I was not  
13 listening.

14 MR. O'ROURKE: Oh, I'm sorry. What I  
15 said is again, just spit balling it out  
16 there, if they cut back on that fourth floor  
17 and then cantilevered over into that middle  
18 courtyard.

19 BOARD MEMBER PURCELL: Basically setting  
20 it back.

21 MR. DeGENNARO: In here, extend this  
22 offset, the fourth floor offset or setback in  
23 this direction.

24 CHAIRMAN JOHNSON: Right.

25 MR. DeGENNARO: We're gaining the space

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2 back over here.

3 BOARD MEMBER PURCELL: Near the back.

4 CHAIRMAN JOHNSON: Okay. I get it.

5 MR. O'ROURKE: So they don't lose any  
6 units, but you get the reduced look of it.

7 CHAIRMAN JOHNSON: Yeah.

8 MR. STACH: Those units are going to get  
9 really nice balconies with potential river  
10 views.

11 MR. DeGENNARO: Right. Yeah.  
12 Definitely.

13 CHAIRMAN JOHNSON: They'll have a little  
14 bit of covered parking on the inside. Just a  
15 little bit.

16 Do you guys think it's more to the point  
17 where we can get a little bit of public  
18 input? And how do you guys feel about that?

19 MR. DeGENNARO: I'm fine with the public  
20 input, absolutely. It's going to have to  
21 happen at some point, so by all means.

22 CHAIRMAN JOHNSON: All right. Anybody  
23 here have questions or concerns with that?

24 BOARD MEMBER BIEHLE: No.

25 BOARD MEMBER ROGERS: No.

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BOARD MEMBER PURCELL: No.

BOARD MEMBER ALESSI: No.

MR. STACH: Can I make a suggestion?

CHAIRMAN JOHNSON: Please.

MR. STACH: You made a point about the project evolution.

MR. DeGENNARO: Yes.

MR. STACH: And how the changes have been made. If you can have that prepared graphically in a way that can show the public how the application has progressed.

MR. DeGENNARO: Okay. That's fair.

MR. STACH: Okay. I think some of these visuals, you know, if you can show this is where we started, and this is where we are now.

MR. DeGENNARO: Right. Public comment obviously is important and will occur as, you know, for most or every project. But we've been working on this for about three years. And there were some lulls. But it's been a process. And the project is somewhat dynamic in it has, you know, there have been elements that have changed. I guess the public isn't

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going to be cognizant of that. So I think, you know, to demonstrate that for the record, the evolution of the project, would be important and helpful.

CHAIRMAN JOHNSON: Do we need --

THE CLERK: You have to set a public hearing if you want to do that.

CHAIRMAN JOHNSON: Okay.

THE CLERK: You have to make a motion to set a public hearing.

CHAIRMAN JOHNSON: Can I get a motion?

BOARD MEMBER ROGERS: I'll make that motion, Mr. Chair.

BOARD MEMBER PURCELL: Second.

CHAIRMAN JOHNSON: Can I get a second? All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right.

MR. STACH: Can I suggest also that once you open it up, you can't, you shouldn't close it until you adopt a neg dec.

CHAIRMAN JOHNSON: Right.

MR. STACH: So I think this is a point

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of action now. Did you want to clarify with the applicant whether for the public hearing, whether you want to see if it's feasible for them to push that, make the changes you discussed tonight? Do you want that reflected at the public hearing, or do you want this drawing at the public hearing?

CHAIRMAN JOHNSON: If at all possible, yeah.

BOARD MEMBER ROGERS: Sure.

MR. DeGENNARO: That would certainly be our preference. You know, there's a question that the Board has asked. You know, it deserves an answer. I don't know what the answer is going to be. But, you know, for the next meeting, you know, we will have that answer.

CHAIRMAN JOHNSON: All right. And when should we set the public hearing for?

THE CLERK: May.

MR. HONAN: Want to get back to us on the feasibility first?

CHAIRMAN JOHNSON: Yeah.

THE CLERK: Okay.

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MR. HONAN: Can we do it for June?

CHAIRMAN JOHNSON: You'll be at the next  
TAC meeting?

MR. DeGENNARO: Yes.

CHAIRMAN JOHNSON: I assume.

MR. DeGENNARO: Yes.

THE CLERK: So what do we do about  
setting the public hearing? Do we give them  
a date or we just -- I don't know. I've  
never done it without a date.

MR. HONAN: For our June, for our June  
session you want to set one?

THE CLERK: It's them, not me.

MR. DeGENNARO: Or I would -- we could  
have it in May if we have the, you know,  
responses to those questions, you know, as  
per the deadline. Which I guess would be --

MR. STACH: Will you have your traffic  
wrapped up by then?

MR. DeGENNARO: I believe so. Yes.

CHAIRMAN JOHNSON: That's kind of --

MR. DeGENNARO: Yeah.

CHAIRMAN JOHNSON: Well, you were saying  
in two weeks. So that would be probably just

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2 in time for next TAC meeting.

3 MR. DeGENNARO: Right.

4 MR. STACH: I think your public hearing  
5 is going to end up being at least two months,  
6 anyway. It's going to be continued.

7 CHAIRMAN JOHNSON: Right.

8 MR. STACH: If you open it in May, it's  
9 going to be continued to June.

10 CHAIRMAN JOHNSON: Yeah. But if you  
11 guys, if your timing, if you can make that  
12 work for May, I think we can.

13 MR. DeGENNARO: That's our preference.  
14 Yeah.

15 CHAIRMAN JOHNSON: Steve, you have a --

16 MR. HONAN: Yeah. Whatever the  
17 applicant wishes. If they wanted to wait a  
18 month and see if it's feasible to do what was  
19 just suggested. I don't know if they can do  
20 that.

21 CHAIRMAN JOHNSON: If they can do that  
22 by --

23 MR. HONAN: Certainly by the next  
24 meeting, if it is feasible.

25 MR. DeGENNARO: That's more of an

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2 architectural question.

3 CHAIRMAN JOHNSON: Might want to make a  
4 phone call first.

5 MR. DeGENNARO: I do have to confirm.  
6 But given the responsiveness and the history  
7 of the architect that we're utilizing, I  
8 believe that we would be able to have an  
9 answer to that question in time for the TAC  
10 meeting, or whatever the deadline is for the  
11 Planning Board.

12 CHAIRMAN JOHNSON: Okay. May it is,  
13 then.

14 THE CLERK: Okay. So it's May 25th.

15 CHAIRMAN JOHNSON: Okay.

16 MR. DeGENNARO: Okay.

17 THE CLERK: Okay. And the TAC meeting  
18 is May 11th.

19 MR. DeGENNARO: Great.

20 CHAIRMAN JOHNSON: All right. Does  
21 anybody have any more questions or comments?

22 BOARD MEMBER JASLOW: Thank you.

23 BOARD MEMBER PURCELL: Thanks, Ken.

24 MR. DeGENNARO: Thanks for the feedback.

25 CHAIRMAN JOHNSON: Thank you very much.



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Appreciate your time.

MR. DeGENNARO: Thank you.

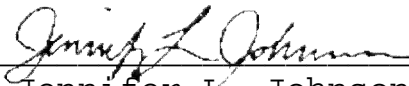
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THE FOREGOING IS CERTIFIED to be a true  
and correct transcription of the original  
stenographic minutes to the best of my ability.

  
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Jennifer L. Johnson

