

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
June 23, 2022
8:18 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN
ROLAND BIEHLE, BOARD MEMBER
JAKE CATALDO, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER

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CHAIRMAN JOHNSON: Next up, I think we're going to have 111 South Liberty.

MR. DeGENNARO: Hello.

CHAIRMAN JOHNSON: Hello, Ken.

MR. DeGENNARO: Ken DeGennaro, Brooker Engineering. So we are here tonight to request a referral to the Architectural Board and the ZBA for the project, and to request a public hearing be set for the Planning Board.

CHAIRMAN JOHNSON: I know we've got some questions. And I've got some, some comments. I know you had requested a parking waiver for the project.

MR. DeGENNARO: Yes.

CHAIRMAN JOHNSON: I have spoken to a couple of Members. And right now, we're not inclined to do that. I don't know that -- I mean, does any of the consultants have any comments on, o this? I know that we have spoken a little.

MR. O'ROURKE: Yeah, if I can. At the TAC meeting -- again, for those members that weren't there -- is I brought up two items

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that I think need to be addressed early on in the process so we're all on the same page. And one of them is the applicant is asking for a waiver of the parking. And associated with that is asking for going to the ZBA for a waiver on the side yard setback so they can add parking in that location.

So this Board can grant the waiver for the parking. But my fear is I don't want to go down this whole road, have a public hearing, have everything done, and then this Board say yeah, we don't really want to grant the waiver. So I think you wanted to address that with the applicant in the beginning versus at the end so everybody is on the same page.

And the same with the amount of grading. And there's -- again, we pointed out during the TAC meeting there's -- and hard to tell on the plan for Board Members, but it's a 500-foot long retaining wall along the south property line. You know, ranging from two to 15 feet in height, which is going to drop everything down to the wall.

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So I think those need to be at least discussed among the Board so you guys are all, know what you're getting into as the project moves forward because if there are going to be changes, they'd rather be done now and before when they do detailed plans and public hearings and everything else.

CHAIRMAN JOHNSON: Before we get too far down the road. So we want to hold off on referral to the ZBA right now.

MR. DeGENNARO: Okay.

CHAIRMAN JOHNSON: Does any of the Board Members, do any of the Board Members have any questions or comments about the parking, or the retaining wall, or?

BOARD MEMBER FERGUSON: I think they need more parking. I've never been to a condo complex that had enough parking. Whether I visited, I worked there, I've driven there, delivered food. There's never enough parking in any condo complex in this area that I've ever seen. The more, the better.

MR. DeGENNARO: So I think the

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requirement is two spaces per unit. And it could be waived down to 1.5 spaces per unit. And we're not asking for the maximum waiver. So what is the Board's preference in terms of a potential waiver? If we demonstrated, you know, perhaps the commercial use might have generated a larger parking requirement, that we can kind of swap the spaces there. Is there any latitude in terms of the waiver request?

CHAIRMAN JOHNSON: I think you're going to need, I think you're going to need every space you can get there.

MR. DeGENNARO: Okay.

CHAIRMAN JOHNSON: I mean, I don't know that you're going to have enough as it is. And like I said, I'm not inclined to waive what you're asking.

MR. DeGENNARO: Uh-huh.

CHAIRMAN JOHNSON: So. And what is it, 18 percent? Is that the request?

MR. DeGENNARO: I believe so.

BOARD MEMBER CATALDO: Your problem to begin with is commercial, the commercial on

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the front of the building. Can't really add much more parking on the front of the building. And that was the only access for commercial. So you're going to have people walk around the side of the building to get there. The commercial is kind of just, that's it. The front of the building.

BOARD MEMBER FERGUSON: Plus, you don't know what type of commercial yet.

BOARD MEMBER CATALDO: Exactly. And it's busy enough, you have to take out the residential parking in the front. That will be all commercial. It's just going to push further back and back.

BOARD MEMBER FERGUSON: Almost take green space out to make more parking.

BOARD MEMBER CATALDO: Exactly.

BOARD MEMBER FERGUSON: That would make sense. But I don't know if that's doable on the plan.

CHAIRMAN JOHNSON: Yeah, that won't --

BOARD MEMBER CATALDO: Again, you're on the 9W, you're ever been on the 9W corridor, so, you know.

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BOARD MEMBER FERGUSON: You ever been to
Stony Point post office?

MR. DeGENNARO: I have not. Okay, so
the Board wants to see a revised plan with a
better parking ratio.

CHAIRMAN JOHNSON: Yeah.

MR. DeGENNARO: Okay.

CHAIRMAN JOHNSON: Max, do you have?

MR. STACH: Well, yeah. I think that
beyond also weighing in on the retaining
wall, I think there was, you know, a
discussion amongst at the TAC meeting that,
you know, this is the time to inform the
applicant of how you feel about the project.
Particularly, at some point the Planning
Board is going to have to issue a conditional
use for this. And as part of that
conditional use, you're going to need to
discuss whether or not the location size and
character of this proposal is in harmony with
the appropriate and orderly development of
the district, and not detrimental to the site
or adjacent properties.

I think you guys got a lot of

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2 information from the balloon test. I think
3 it was extremely helpful. Extremely
4 worthwhile investment of time for the Board
5 to go through that and experience that.

6 MR. DeGENNARO: I agree.

7 MR. STACH: I think there's some other
8 issues here that you're going to have to make
9 findings with regarding pedestrian and
10 vehicular traffic being adequate;
11 landscaping; location and heights and
12 buildings; not discouraging development of
13 adjacent properties; there being, you know,
14 adequate public facilities and services that
15 there won't be a fiscal burden. Those being
16 the general requirements that you have to
17 make a finding.

18 So I think it's most useful to the
19 applicant and to the Board to begin this
20 dialogue early so that they don't go and talk
21 about, you know, variances to the Zoning
22 Board for four months, and come back, and you
23 say well, we don't like this anyway. You
24 know, at this height, or at this parking, or
25 at this unit count. I mean, if you got to go

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for a parking variance but you're never going to approve this scale of project, then maybe that's a different parking variance that you need to get to. So I think this is the juncture to open up this discourse with the applicant, if any of the Planning Board's Members have any strong feelings on it.

BOARD MEMBER FERGUSON: I think one of the main things is parking, also. If you don't know what type of commercial is coming in, you don't know what the volume of cars is going to be there, if you entertain commercial tenants of a building that's not built yet.

MR. STACH: And what was the placeholder? Was it an office or was it --

MR. DeGENNARO: I believe it was office, yes.

CHAIRMAN JOHNSON: Yeah. Professional office, or doctors, or realtors, something like that.

BOARD MEMBER CATALDO: Even to that effect, they needed space.

BOARD MEMBER FERGUSON: Look at next

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2 door. It's a medical plaza with not enough
3 parking, until they built the section is the
4 back.

5 BOARD MEMBER CATALDO: Exactly. Even to
6 that, though, it's one way in, one way out
7 onto a three-lane road with an inter-use
8 middle lane. So, you know, it just could be
9 a recipe for disaster.

10 BOARD MEMBER FERGUSON: The more
11 parking, the better.

12 CHAIRMAN JOHNSON: Do you have anything?

13 BOARD MEMBER BIEHLE: I was asking last
14 time about the units on the roof. Like, you
15 got the stories. How much taller are you
16 going to be if you're putting screens up to
17 hide all the mechanical equipment?

18 MR. DeGENNARO: Let me see. I do have
19 an updated rendering from the architect, if I
20 could pass that out.

21 CHAIRMAN JOHNSON: Sure.

22 MR. DeGENNARO: So on the rendering for
23 now, we just have showing the basic patio
24 area. We don't have any amenities in
25 addition to that. It's something that could

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2 be planned. You know, seating, other
3 features.

4 We do have the elevator bulkheads. I
5 did ask the architect what height the
6 bulkhead would be. And he did not have that
7 designed yet. But it is in the vicinity of
8 ten feet tall. They do have the parapet wall
9 around the top of the roof. And they do show
10 the air condenser units.

11 CHAIRMAN JOHNSON: All right.

12 BOARD MEMBER BIEHLE: And what's
13 (inaudible) off is the recreational area?

14 MR. DeGENNARO: Yes.

15 MR. STACH: Are those -- I'm sorry, can
16 I ask a question?

17 CHAIRMAN JOHNSON: Yes, absolutely.

18 MR. STACH: Are those adjacent
19 residences accurate with regard to all of
20 them?

21 MR. DeGENNARO: The adjacent residences
22 in the rear?

23 MR. STACH: Yeah. Are those the two
24 closest residences, or are those like --

25 BOARD MEMBER CATALDO: I think it's just

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2 a sketch. Because there's one residence that
3 is right next to where the, you know, the
4 back, the emergency gate is going to be.
5 Right next to it. And when you looked at the
6 balloon test, it's right there. I mean, if
7 you're looking from that yard, all you see is
8 building.

9 CHAIRMAN JOHNSON: Yeah. I mean --

10 BOARD MEMBER CATALDO: It's a lot closer
11 than that.

12 CHAIRMAN JOHNSON: The newest rendering
13 coupled with the pictures of the balloon
14 test, that's --

15 BOARD MEMBER CATALDO: It's all
16 building.

17 CHAIRMAN JOHNSON: Yeah. It's, I think,
18 I personally think it's way too much
19 structure and way too little property.

20 MR. DeGENNARO: Okay.

21 CHAIRMAN JOHNSON: I think you're
22 over --

23 BOARD MEMBER FERGUSON: And the parking.

24 CHAIRMAN JOHNSON: Yeah. I think you're
25 trying to stick too much in that sack.

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2 Again, that's my personal opinion. I don't
3 know if the other Board Members.

4 BOARD MEMBER BIEHLE: Well, like Patriot
5 Plaza is really lower and is really much
6 closer, right. But the building is
7 showing --

8 BOARD MEMBER CATALDO: It is. It's
9 right to the line of property.

10 CHAIRMAN JOHNSON: If you go in, the
11 houses up there are probably this side of the
12 tree line there.

13 MR. DeGENNARO: I'll check that. But I
14 do believe from the angles that we're looking
15 to the northwest.

16 CHAIRMAN JOHNSON: Yup.

17 MR. DeGENNARO: And the emergency access
18 drive would be to the left of the page.

19 BOARD MEMBER CATALDO: Yeah.

20 MR. DeGENNARO: Yeah. So it's not
21 showing up where that would be.

22 BOARD MEMBER CATALDO: Exactly.

23 MR. DeGENNARO: And I think another
24 consideration with respect to the height of
25 the building, of course it's going to look

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bigger from the front because that's where you have the four stories. In the back, it's only three stories. And the balloon test was great because they were actually lower in elevation than the barn that's in the back. And the barn is much more prominent, closer to the road. So from that perspective, it would certainly be less.

BOARD MEMBER BIEHLE: But between Patriot Square and your building, you show a lot of trees. Looks like you have a lot of space. When I saw the corners of the building, you're, like, 50, 60 feet away. Would be nice to see a realistic, realistic building to, you know.

MR. DeGENNARO: I'll check the source of this.

BOARD MEMBER BIEHLE: I want to know how close you are to Patriot Square. Because where you're showing is, I mean, looks like you have a nice buffer. There's nothing on that.

BOARD MEMBER CATALDO: No, it's all road in the middle. It's just all roadway and

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2 then their property.

3 MR. STACH: It's going to be parking
4 spaces, block wall, with no green in that.
5 And likewise, with the first residence in the
6 back, it's going to be a row of, I assume
7 that's thuja, or arborvitae, or something
8 like that.

9 BOARD MEMBER BIEHLE: Lot of building to
10 the sides of the property. I mean, really.

11 MR. STACH: And the other thing that's
12 not shown here I think is what John had
13 pointed out, is the retaining wall.

14 CHAIRMAN JOHNSON: Yeah, which is --

15 MR. STACH: Yeah. And I understand
16 that's not what this is intended to do.

17 MR. DeGENNARO: Right.

18 MR. STACH: This is intended to show the
19 architecture.

20 CHAIRMAN JOHNSON: Right.

21 MR. STACH: But I think going from the
22 balloon test to this, I wonder how difficult
23 it would be to generate some site renderings
24 that would show the actual proposed
25 conditions.

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2 MR. DeGENNARO: Yeah, that's what we're
3 working on with the simulations.

4 MR. STACH: Okay.

5 MR. DeGENNARO: So from this
6 perspective, the retaining wall that's on the
7 north side or the right-hand side, that
8 wouldn't be visible because that's a drop
9 down.

10 CHAIRMAN JOHNSON: Right.

11 MR. DeGENNARO: We're higher.

12 MR. STACH: Right. But what you might
13 not see is the actual side of the building
14 here. You have, like, walk out of the third
15 or the second story here, and you have a nice
16 field, getting some trees. That's not going
17 to be the condition. It's going to be the
18 edge of the building. A, you know, 20, 20 or
19 40-foot wide -- actually, not even that.
20 It's going to be right of way, that five feet
21 and then a wall, right?

22 MR. DeGENNARO: Yeah. But you have that
23 row of parking kind of on the northwest side.
24 And that is closer to the property line.

25 MR. STACH: I meant on the south side.

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2 MR. DeGENNARO: Oh, on the south side.

3 MR. STACH: So on the south side, you
4 showed here --

5 CHAIRMAN JOHNSON: There's a fire lane
6 going through.

7 MR. STACH: -- a nice gradual slope
8 going up from the back to the front. But in
9 actuality, I think you have, you have some
10 kind of wall there, don't you?

11 MR. DeGENNARO: No. The wall is
12 setback. It would be off the page. So that
13 slope is pretty accurate. We're going from
14 basically the first floor to the second
15 floor, along that length. And there would be
16 a grasscrete emergency access loop road on
17 that side.

18 MR. STACH: Okay. You do show, like, a
19 little sidewalk with a service entrance
20 alongside the building there, going back
21 about two thirds of the building.

22 MR. DeGENNARO: Okay.

23 CHAIRMAN JOHNSON: And isn't the fire
24 lane going up that side?

25 MR. STACH: That's a fire lane there,

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2 yeah. And that's probably what that green
3 area is depicting, frankly, is --

4 MR. DeGENNARO: It is.

5 MR. STACH: I guess it's grasscrete. So
6 this is going to be the -- it's proposed to
7 be the plastic reinforcements that goes --

8 MR. DeGENNARO: Grass pave, yeah.

9 CHAIRMAN JOHNSON: Same as what's going
10 up when it goes down.

11 MR. STACH: Yeah.

12 MR. DeGENNARO: Yeah. So it's not the
13 grasscrete, which is I think with the hexagon
14 blocks, which always shows through. It's the
15 grass pave, which is the plastic. And that
16 will grow in that lawn. And we have to
17 demarcate it so a fire truck actually knows
18 that it exists.

19 CHAIRMAN JOHNSON: John O., do you have
20 any questions or comments?

21 MR. O'ROURKE: Not at this point. I
22 mean, we gave them, we've given them
23 technical comments previously that they're
24 working on. The only comment I would come up
25 with at this time is just because it was

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mentioned about the, you know, the grasscrete versus that, you know, access way. Those are always -- I always question those because in the winter, they're never typically plowed or maintained. And you know, we actually get fires in the winter sometimes. So as we go forward, you know, we'll probably have some discussion on that, whether we want that, or we want some brick pavers or something in there, that it can be maintained in the winter. Because I've done it myself, I've designed them. But they're just never maintained in the winter.

MR. DeGENNARO: Yeah. We could certainly discuss that. We're open to suggestions.

MR. O'ROURKE: Other than that, they have our comments, so.

MR. STACH: And we will get you an updated memo.

MR. DeGENNARO: Okay.

MR. STACH: With comments. But again, I think you've heard a lot of this sentiment tonight.

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2 MR. DeGENNARO: Yeah, it's important.

3 MR. STACH: And I think that if you can
4 provide the Board something that shows them
5 the bulk of the building in its environs, and
6 the balloon test simulations are going to
7 help with that. But maybe there are other
8 angles of sort of this type of isometric
9 drawing that, you know, real proposed
10 conditions. You know, let's not put a lot of
11 lipstick on this, it's never going to happen.
12 It might help you gain that comfort on what's
13 shown on the plan view isn't necessarily as
14 intense because look, this is what it looks
15 like in the real world.

16 MR. DeGENNARO: Okay. And the
17 simulations are almost done. Unfortunately,
18 one company that was supposed to do it
19 couldn't, so we had to find someone else.
20 And I've seen, I think -- what did we get,
21 six or seven different locations. And I've
22 seen three of them. So it's pretty accurate.
23 It will be helpful. It was supposed to be
24 done this week. It's not going to happen.
25 But you know, hopefully the remaining ones

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will be finalized and ready for distribution next week.

And, yeah. So beyond that, we'll talk to the owners, let them know your concerns and what, you know, the feedback was, and see what they have to say.

BOARD MEMBER FERGUSON: They ever think about putting a parking garage into this complex at all?

MR. DeGENNARO: Well, we do have some underground parking. But unfortunately, the way the code is written, anything on the first story has to go towards the commercial use. So I mean, we could expand that potentially.

BOARD MEMBER FERGUSON: I don't know if it's feasible to say spend million dollars on a condo, you might want to put your \$100,000 G-Wagon inside.

MR. DeGENNARO: But --

BOARD MEMBER FERGUSON: Just an idea. Just throwing it out there. I've been to ones in Jersey that are like that. And I thought it --

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2 MR. DeGENNARO: Oh, that would be our
3 preference, without a doubt. We'd rather
4 have the underground parking for the
5 residents. I agree with you, it's more
6 valuable than for the commercial use. But,
7 John, if we went that route, would that be a
8 variance? That would be an area variance if
9 we allowed residential parking underneath the
10 building?

11 MR. HAGER: I'd have to review the code
12 in more detail before I answer that question.

13 MR. DeGENNARO: Okay. Because yeah,
14 it's only partial where we have the garage,
15 where it made sense with respect to the other
16 work. But if it -- there is value, like you
17 said, to having underground parking.

18 Certainly, more parking would be better if
19 it's hidden. That would certainly make the
20 project more worthwhile. But it would be a
21 matter of feasibility of allocating that
22 towards the residential use.

23 So if that would be an area variance, I
24 think we could make a pretty good argument
25 considering we already have variances to

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2 request. If it's a use variance, I don't
3 think we're going to have much success with
4 that, so. But we'll -- I'll talk with John
5 about that offline.

6 BOARD MEMBER BIEHLE: Talking about the
7 extra parking space, how many parking spaces
8 will you be without the variance? How many
9 additional parking spaces do you have to
10 find?

11 CHAIRMAN JOHNSON: Oh, without the
12 waiver?

13 BOARD MEMBER BIEHLE: Yeah, without the
14 waiver.

15 MR. STACH: He said 18 before.

16 CHAIRMAN JOHNSON: No, 18 --

17 BOARD MEMBER CATALDO: Wasn't it 168,
18 180, something like that?

19 BOARD MEMBER BIEHLE: Because that, I
20 don't think you could find that. How are you
21 going to find those spots? Because if you
22 look back --

23 MR. STACH: 176 are required.

24 BOARD MEMBER BIEHLE: 176 required?

25 MR. STACH: Yeah.

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2 MR. DeGENNARO: So it's, we're short by
3 33.

4 MR. STACH: Well, what do you have?
5 Remind me, because I don't have it in my
6 mind. What do you have -- so you have some
7 parking under the, I'll call it the north
8 wing, below grade, where you don't have walk
9 out access to the first floor.

10 MR. DeGENNARO: Yes.

11 MR. STACH: Right. What do you have
12 below grade on the south side?

13 MR. DeGENNARO: Nothing.

14 MR. STACH: Nothing, it's just built
15 with the second floor on grade?

16 MR. DeGENNARO: Yes. Where the
17 topography slopes uphill. We didn't excavate
18 down for that basement level parking.

19 MR. STACH: That would seem to be a
20 possibility. Because you can't do commercial
21 there, you know, if you don't have the walk
22 out. So. But that would also be a
23 determination of John, whether that would
24 require a variance.

25 CHAIRMAN JOHNSON: John Hager.

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2 MR. STACH: John Hager, yeah.

3 MR. DeGENNARO: Most definitely would
4 require a variance. John made the
5 determination earlier, and the code does read
6 that. You know, there's no debating. It's
7 just, is it an area variance or a use
8 variance. That's the tricky part.

9 MR. STACH: Okay.

10 BOARD MEMBER BIEHLE: Should be 176
11 spots?

12 MR. STACH: You know, the commercial
13 parking rate is one per 300 for office. And
14 if you have a restaurant in there, it's going
15 to blow it right away, right out of the water
16 right away. So, you have a medical office,
17 same thing. It's going to be higher. So,
18 you know, I think it's up to the applicant to
19 demonstrate it, especially based on bedroom
20 counts.

21 MR. HAGER: Max, I believe that the
22 special conditional use limits that bottom
23 floor to a certain office environment. I
24 don't think all these other --

25 MR. STACH: Oh, that was right, because

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of the, because of the height, right.
Because they were going for the five stories,
they have to have office?

MR. HAGER: I don't recall.

MR. STACH: Or four stories?

MR. HAGER: It might have been that in
order to get the height for four floors, they
were, they were boxed into that one use.

MR. STACH: The office, you're right.
That's exactly what it was.

MR. HAGER: I don't recall exactly --

MR. STACH: The only use that allows
four stories in the BU is office.

MR. DeGENNARO: Right. So that was Use
Group H for local office business.

MR. STACH: Yeah, that's true. I didn't
think about that. That said, when they can't
get office tenants, they're going to be part
of the Zoning Board to allow somebody else in
there, so.

CHAIRMAN JOHNSON: Does anybody else
have any questions or comments? Steve?

MR. HONAN: Not at this time,
Mr. Chairman.

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CHAIRMAN JOHNSON: All right.

MR. DeGENNARO: Okay.

CHAIRMAN JOHNSON: Okay. Thanks, Ken.
Appreciate it.

MR. DeGENNARO: Thank you.

CHAIRMAN JOHNSON: Thank you for your
time.

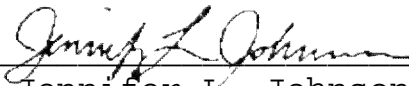
(Time noted: 8:43 p.m.)

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Proceedings

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



Jennifer L. Johnson

