

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

REVIEW OF PROPOSED TOWN CODE  
CREATING THE RIVER AND RAIL  
BROWNFIELD REDEVELOPMENT FLOATING ZONE

- - - - - X

Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
August 25, 2022  
7:13 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN  
KERRI ALESSI, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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Proceedings

CHAIRMAN JOHNSON: Proposal for the change of the town code.

MR. STACH: Okay, yeah. So the Board should all be in receipt of the proposed zoning, the river and rail brownfield redevelopment floating zone district. We briefly talked about this last month. Or actually the month before, I guess, right.

And the purpose behind this district is to address some former industrial sites. There are really four of them that would sort of qualify to land this zone. And they are the former Lovett plant site, the river side of the railroad tracks; there is the Tilcon quarry; there is the former Kay Fries site off of Holt Drive; and US Gypsum. Those sites essentially have been dormant or idling for a significant amount of time, or they've been vacant.

The Lovett site had been used briefly during the bridge reconstruction as essentially the staging yard for that activity. Since then, it has continued to do

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Proceedings

so in terms of, for example, DOT bring road salt to shore off of barges and distributing them from that site.

And the Town is interested in bringing these sites back to productive use in the town. They want to see tax revenue from these sites. They want to see jobs on these sites.

These sites either are known to be contaminated or suspected to be contaminated. With redevelopment of these sites, there will be a harder look taken, and some steps toward remediation in some instances, depending on what's proposed.

There is a thought that waterfront lands with riverfront access should be used for water dependent industry. It's certainly something in the LWRP, or the local waterfront revitalization program that the Town adopted.

There's also, you know, acknowledgment that these sites have neither rail or water access allows them the opportunity to have industry without necessarily generating a lot

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Proceedings

of truck traffic. You're able to bring things in rail, or on the river, or both, in some instances, such as the former Lovett site. And you're able to export via that, those means as well.

There is also an idea that if you can bring a way, or if you can create a way for these sites to come back in a streamlined fashion to gain full use, that's saving greenfield sites somewhere else. You're reusing something that you've already developed.

So that's the impetus behind here. Essentially what we're dealing with here, or what's proposed is a floating zone. So, you know, floating zone is a tool used in zoning. It's often concerned, confused with an overlay, which is a bit different.

A floating zone is a district that has rules assigned, factors for qualifying to land that zone. It is a, it is unmapped zoning. So it won't, upon adoption, exist on any land in Stony Point. There will be rules that the Town Board will have to follow in

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Proceedings

order to land it. And then once it's land, it will have rules for developing or operating under the zoning code like any other area of the Town. For example, the LI district or the BU district.

Additionally, because it's a floating zone district, you're telling potential users you can apply for this, but know that we're going to look at what you actually want to do. And if we don't like what you actually want to do, we don't have to give you the zoning. And even if we do like what you want to do, in landing the zoning, they're allowed to impose additional rules and conditions that we didn't think of. So if there's something that's proposed that is a little different than what was envisioned, the Town Board can react and say yes, you can have that, but you're not allowed to do X, Y, or Z activities, essentially.

In order to land this zone the way the zoning is written today, they would have to submit plans for any construction they want to do. They would have to describe the type

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Proceedings

of uses. If it's a logistics-type activity, they would have to talk about the materials that would be stored on the site. If it's a production-type, they would have to talk about the production processes that are on there.

It would be a Type I action under SEQOR, which means they have to submit the long form environmental assessment form. And they have to coordinate environmental review with all involved agencies. There are requirements in there for noise, lighting, and traffic, and emergency access.

It does allow a range of uses similar to what's allowed in the LI district today. It does allow for logistics uses, which is sort of the idea of what happened with the bridge constructors, bringing materials on the site via the river or the rail and having it leave the site via river or rail. You know, that type of logistics. It would allow things like, you know, transfer terminals, power generation and distribution, breakable cargo, manufacturing warehouse and storage.

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Proceedings

There was additionally a provision in here, and this is probably the most significant element of this floating zone, that allows for what's called a site reuse permit. And a site reuse permit is essentially a streamlined Building Department and engineering review for development that doesn't result in significant construction.

So on the Lovett site, again, if we're talking about goods coming off shore, off of boats, stored, then going off, in order to do that, they only have to get a building permit and an engineering review. So they have to follow the storm water rules. They have to follow OSHA rules for material handling and industrial processes. They'll have to tell the Town how they're going to maintain emergency access. But they don't have to come to you for a site plan. That is something that -- and they can build up to Type II thresholds without coming to you for a site plan.

So what does that mean? It means no more than 4,000 square feet of new interior

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Proceedings

flooring. So if they wanted to put an office building, I believe the site at Lovett has a couple of trailers, if they wanted to remove those and make permanent structures, foundation structures with offices, lunchroom, bathroom, up to 4,000 square feet, they can operate under the site reuse permit.

They can't exceed any other of the Type I thresholds which are deemed significant projects under SEQOR. They can't have a site less than of ten acres, so they have to have a site of at least ten acres to go for this. They have to have a storm water pollution prevention plan approved. They cannot have any structures or buildings, I'm sorry, with a height greater than 30 feet.

And they can't generate more than 24 average daily trip ins, which is a fancy way of saying trip in is a trip coming in or a trip going out, okay. They can't exceed that by any, over any town road by diesel powered commercial vehicles. So generating that traffic of trucks with a gross weight of more than 8500 pounds -- tractor-trailer traffic,

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Proceedings

essentially -- they're not allowed to go for the site reuse permit. Then they have to come to you for a site plan.

The last thing is they do have to go and provide John the Building Inspector with a description of all the chemicals and processes and hazardous materials that are being proposed to be stored. And they have to follow all the OSHA rules for handling those substances, and Coast Guard rules, and whatever else applies. So that is, that is probably the most significant element of this, because it allows somebody to come in and reuse the site.

CHAIRMAN JOHNSON: Are we anticipating longterm use once they get the approved permit, or expecting them to be there -- not like the TZ Bridge, where it was just a couple years.

MR. STACH: They could. So they could operate indefinitely. I think the idea is once they get somebody using the site, most people will want to find a tenant, a buyer that's going to want something a little more

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Proceedings

substantial. And that's going to be coming to you for site plan. That is not accepted.

So if, for example, Lovett were to operate as a logistics-type use for a couple years, they have a couple of cranes and a couple of pieces of equipment on the site handling goods, but somebody starts using their site and they say well, we actually want a warehouse because we don't want our goods, you know, open to the elements. So they build a warehouse, they got to come to you just like any other industrial to build that.

CHAIRMAN JOHNSON: And now does that shrink the zone, does that exclude that --

MR. STACH: That is still --

CHAIRMAN JOHNSON: -- parcel out of the zone, then?

MR. STACH: No. That is still operating in the zone.

CHAIRMAN JOHNSON: Okay.

MR. STACH: But the site reuse permit would now, as soon as they get the site plan approved, they would be subject to the site

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Proceedings

plan instead of the site reuse permit. So if you guys had rules on for how the site is being used after they come with the site plan, that's going to govern the site. The site reuse permit is really a step between doing nothing and coming in for a site plan on a significant construction.

Another example might be US Gypsum.

US Gypsum has a site there. They have buildings, they have factory buildings, they have loading docks, they have all kinds of stuff. They've maintained their ability to come back and start manufacturing gypsum again, right. They start up the plant or whatever they have to do to maintain their use certificates for that.

But if somebody else wanted to buy that building and do something else in it, you know, we talk about, you know, wind power, somebody wants to do assembly of offshore wind power elements there, they couldn't because it's not what the CU is. It's not what the certificate of use is. So this site reuse permit would allow somebody to buy that

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Proceedings

building as long as, again, they're not building more than 4,000 square feet.

CHAIRMAN JOHNSON: Isn't the existing building over 4,000 square?

MR. STACH: Well, it's -- they get to reuse what's there.

CHAIRMAN JOHNSON: Okay.

MR. STACH: They can't build more than 4,000 new. And that's consistent with SEQR, actually. So SEQR in 2019 amended their rules so that if you're reusing a building for something that's allowed by the local code, it's a Type II action not subject to SEQR, because DEC has decided essentially that reusing buildings, reusing sites that exist today is inherently environmentally friendly. And as long as it's for a use that is permitted, the Town presumably has considered what is safe and beneficial locally in terms of uses. So that was a change that DEC made.

And that's why we sort of keyed it in to the Type II, Type I thresholds as well, because we said if it's going to be a,

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Proceedings

generally a reuse of the site, you know, Lovett plant operated there for years. It was coal, right. It's a coal-fired plant. It was air emissions. There were barges coming in. There were employees arriving at the site every day. So that existed there. It's not, you know, it hasn't existed for 20 years. I think. Maybe more.

But it did exist. There was the bridge construction. There were employees going down there. There was goods coming off the river.

So we know that these sites can function in an environmentally friendly way. We want to review significant new construction. But if somebody wants to reuse the sites as they exist today for something that's otherwise allowed, we want the Town Board to review it and make sure it makes sense. We want the Building Inspector to make sure it's meeting all the codes. We want the Town Engineer making sure that storm water is being taken care of, there's no contamination going to the river, whatever else. But we don't need

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Proceedings

to drag them in here to talk about a 4,000 square foot building on a ten acre industrial site.

BOARD MEMBER ALESSI: Max, even if someone came in and they met all these metrics and checked all the boxes, does that mean it's still not zoning as of right, because the Town can still oppose contingencies?

MR. STACH: The Town has to land the zone before they can request the site reuse permit. So you're right. There is no right conveyed by the Town adopting this law. The Town has to adopt this law. And then they have to land the zone on a particular site. And when they land the zone on a particular site, that's when they have to do the Type I SEQR.

BOARD MEMBER ALESSI: Right. And that's only going to happen if somebody --

MR. STACH: When somebody asks for it, right. And this is, you know, full disclosure, there is somebody waiting to try and come in and have this type of use, and it

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Proceedings

is the Lovett site. But the thought is that somewhere down the road, hopefully, maybe Gypsum will come in and ask for this. Maybe Holt Drive, Kay Fries will come in and ask for this.

And that we can get these sites being reused and having, you know, some -- a lot of these types of uses are outdoors. If you're not building anything, you're not necessarily creating tax ratables. But the fact is, is the Town has to approve it. So that gives the Town some ability to make sure that it makes sense for the Town, and to negotiate with somebody who is asking for the zone.

Now we -- it's good to say also at this point, we've gotten comments back from the County. There were several that we're going to incorporate their suggestions. They had some good suggestions. And then there's some that I think we're going to respond that, you know, they might not have understood what we are trying to accomplish, or maybe we have to clarify it. But I will be responding to those and addressing the Town Board.

1 Proceedings

2 So really, tonight is to answer any  
3 questions you may all have about the proposed  
4 zoning, and to hopefully get you to a point  
5 where you can recommend to the Town Board  
6 either approval, approval with changes, or  
7 alternatively, hopefully not, you know,  
8 disapproval.

9 CHAIRMAN JOHNSON: And ideally we want  
10 all four of these locations --

11 MR. STACH: Would come in.

12 CHAIRMAN JOHNSON: -- back up, right?

13 MR. STACH: Yeah, yeah. We would hope.  
14 I mean, there might not be a need. So for  
15 example, US Gypsum is already zoned, I'm  
16 pretty sure it's zoned -- I was having a  
17 debate with somebody about whether it's zoned  
18 LI or PW, but I think it was zoned LI.

19 Holt Drive, the end of Holt Drive  
20 certainly is already zoned LI. So if they  
21 want to do an industrial building, they could  
22 already do it. This would give them the  
23 right to do something smaller scale interim  
24 without having to spend a lot of money.

25 BOARD MEMBER FERGUSON: Most of these

1 Proceedings

2 sites were rezoned, anyway.

3 MR. STACH: Lovett is mostly PW. The  
4 Tilcon mine is, I think mostly LI.  
5 US Gypsum.

6 BOARD MEMBER FERGUSON: They're all  
7 nonconforming preexisting as use, as --

8 MR. STACH: They are, yes.

9 BOARD MEMBER FERGUSON: To the day they  
10 close.

11 MR. STACH: That's --

12 BOARD MEMBER FERGUSON: Or if US Gypsum  
13 is technically still open, because they  
14 operate once a month, a year.

15 MR. STACH: That's correct. They  
16 maintain their nonconforming use.

17 BOARD MEMBER FERGUSON: This passage of  
18 the floating zone doesn't affect them if they  
19 want to keep doing what they're doing.

20 MR. STACH: That's correct. And any one  
21 of them can ask not to, not for the zoning,  
22 not for the floating zone to land. They can  
23 come in and they develop under whatever they  
24 have to. So if Lovett wanted to build  
25 apartments like we got down at Eagle Bay,

1 Proceedings

2 which is what the PW allows, they could do,  
3 they could try to do that there. But I don't  
4 think it's suited for it, right. So.

5 BOARD MEMBER FERGUSON: No other  
6 interested tenants or buyers came in to look  
7 at this stuff. It had nothing to do with us,  
8 but the County got involved because they have  
9 flow control. That was adopted about ten  
10 years ago, that killed the last deal.

11 MR. STACH: Is that what it killed?  
12 Okay. That's what killed which one?

13 BOARD MEMBER FERGUSON: Material coming  
14 to Lovett.

15 MR. STACH: Oh, the --

16 BOARD MEMBER FERGUSON: That was going  
17 to involve Lovett and Tilcon.

18 MR. STACH: Okay. Right. Yeah.

19 CHAIRMAN JOHNSON: The Tilcon lot is  
20 just south of Lovett, is that right?

21 BOARD MEMBER FERGUSON: Uh-huh. Tilcon  
22 is the same. They keep opening so they can  
23 qualify, don't have the same regulations.

24 CHAIRMAN JOHNSON: Right.

25 MR. STACH: And that would, that would

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Proceedings

be -- that hasn't changed, that status. This wouldn't change that, right, if somebody wanted to bring in materials to Tilcon. They would still have to go through the --

BOARD MEMBER FERGUSON: County.

MR. STACH: The County's flow control.

BOARD MEMBER FERGUSON: Only because they have flow control. 15 years ago, they didn't.

MR. STACH: Right, yeah. That came up with the gasification plan, too. But hopefully, somebody wants to do something other than bring in trash.

BOARD MEMBER FERGUSON: Processing.

MR. STACH: Yeah, processing. And, yeah. Looking at the map, I have it open here, Lovett is PW. The other three sites are all LI already.

BOARD MEMBER FERGUSON: PW even after it was sold, it kept the same zoning?

MR. STACH: Which one?

BOARD MEMBER FERGUSON: Even after it was sold, they kept the same zoning?

MR. STACH: PW, yeah. They have -- PW

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Proceedings

is all of the river side of Lovett. The river side of the railroad of Lovett and Tilcon is all PW. The land side of both is LI.

CHAIRMAN JOHNSON: How big is the lot on the river side of the rail?

BOARD MEMBER FERGUSON: 16, 16 or 20 acres.

MR. STACH: Yeah, that sounds right, yeah. Just for the Lovett, not for the Tilcon.

CHAIRMAN JOHNSON: Okay.

MR. STACH: Tilcon is probably a little bit more. 25, maybe. Actually, maybe more than that. Okay.

CHAIRMAN JOHNSON: Anybody got any questions? John and you have spoken at length, right?

MR. STACH: No. Not really. I mean, John, do you have any questions or comments?

MR. O'ROURKE: No. We actually were involved in the very beginning.

MR. STACH: Yes.

MR. O'ROURKE: Took those first baby

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Proceedings

steps and then said okay, Max, this is yours, take it over. But it's been kept in the loop. And I think it's a, you know, it's potentially to get somebody back in there that, again, that first baby step to get them in there is give them comfort. Get somebody in who's just sitting there, doing nothing. I think it frustrates the Town Board, I think. You maintain all your power for all the good stuff. It's just that if they want to go there, as Max said, I think he explained it very well. We're satisfied.

CHAIRMAN JOHNSON: All right. Thank you very much, Max. Appreciate that.

MR. STACH: You're welcome. And it reminded me, John and John Hager and you worked on sort of the first round of the zoning before I got involved, so.

CHAIRMAN JOHNSON: Right.

THE CLERK: You have to give Max permission to write the letter, yes or no. Max is going to write the letter.

MR. STACH: Yeah. I think we're looking for a recommendation.

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Proceedings

CHAIRMAN JOHNSON: Oh, okay.

MR. STACH: If you want to make a recommendation to approve or suggest modifications, and then we could write a draft up. Mary can.

CHAIRMAN JOHNSON: All right. Anybody have any objections?

BOARD MEMBER ROGERS: No.

CHAIRMAN JOHNSON: All right.

THE CLERK: Make a motion.

CHAIRMAN JOHNSON: Can I get a motion?

BOARD MEMBER ALESSI: I'll make that motion.

BOARD MEMBER FERGUSON: I'll second it.

MR. STACH: Recommending approval of --

CHAIRMAN JOHNSON: Yes, sir.

MR. STACH: Okay. That's all for me.

(Time noted: 7:36 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.

  
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Jennifer L. Johnson

