

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

OF

88 NORTH LIBERTY DRIVE

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Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
September 23, 2021  
7:09 p.m.

BEFORE:

THOMAS GUBITOSA, CHAIRMAN  
KERRI ALESSI, BOARD MEMBER  
JAKE CATALDO, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

ROCKLAND & ORANGE REPORTING  
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CHAIRMAN GUBITOSA: All right. Next is a public hearing. This will be for 88 North Liberty Drive, located on the east side of North Liberty Drive. This is a continuation of the public hearing. And this is the site right above Fireside. So, you want to give us a quick update of where we are?

MS. RAMANATHAN: Sure. So for the past month, we've received approvals from the ARB and the Zoning Board of Appeals. That was the pending link between the Planning Board's resolution, was to get a resolution from the ZBA, which we have now. It's conditional, ZBA's approval is conditional on the Planning Board approval. And I think we've located their document across to the Board.

CHAIRMAN GUBITOSA: Right.

MS. RAMANATHAN: We responded to all comments we received from the Planning Board, as well as the ARB and the ZBA. And we're requesting only two overrides for comments received from the County Planning, Comment Number Five and Comment Number Six. I can

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walk you through the comments if required, if you'd like that.

CHAIRMAN GUBITOSA: All right. All right. All right, before I go to the public, John Hager, do you have any comments?

MR. HAGER: No, I don't have any comments or concerns on that project.

CHAIRMAN GUBITOSA: All right. John O'Rourke, anything?

MR. O'ROURKE: No, our office is satisfied with the layout.

CHAIRMAN GUBITOSA: All right, good. Max, anything?

MR. STACH: Same.

CHAIRMAN GUBITOSA: Steve?

MR. HONAN: I think it might be helpful for the Board if Ramya could just go over the grounds for the overrides on those two items.

MS. RAMANATHAN: Sure. I could do that. So Comment Number Five, I'll recite the comment and the statement. The planting plan must be amended to include low evergreen shrubs along the proposed parking areas to shade neighboring properties from the

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headlights of parked vehicles, particularly since the rear buffer is less than required and the headlights will be shining towards the residences to the east. We're requesting an override on this comment. And we're complying with the Town Planner's Comment Number 14, is that there's adequate planting on-site to shield any of those impacts, and we're complying with Max's Comment Number 14 in his review letter.

CHAIRMAN GUBITOSA: Okay. Go ahead.

MS. RAMANATHAN: Sorry. And then the next comment is turnaround areas must be provided for both the northern and the southern parking areas. We went over this comment with the engineers in our office. We tried to show it in many ways possible. But the conclusion we came to was that it won't be possible for us to show it on-site because everything is very restrictive.

But the parking is possible. They can carefully back up and leave the site. But just because of the site constraints, it wasn't possible for us to mark it on the

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site. We did give it quite a lot of thought.  
But that's what we came up with.

CHAIRMAN GUBITOSA: All right. So they  
don't have to -- it won't interfere, backing  
out on 9W.

MS. RAMANATHAN: Yeah. They just have  
to be slow and careful.

CHAIRMAN GUBITOSA: All right. Does the  
Board have any comments before we go to the  
public hearing? No?

All right. What I'll do is open the  
public hearing. I'll just ask if you want to  
speak, just state your name and address for  
the record, and make your comments based on  
this application. And there's not too much  
tonight, so three minutes, three to five  
minutes. But other than that, and then if  
you can, sign in.

So I'm going to open the public hearing.  
Any comment? Seeing no comments from the  
public, I need a motion to close the public  
hearing.

BOARD MEMBER ROGERS: I'll make that  
motion.

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CHAIRMAN GUBITOSA: Jerry.

BOARD MEMBER FERGUSON: I'll second it.

CHAIRMAN GUBITOSA: Mike, second. I got a motion, a second to close the public hearing. All in favor?

(Response of aye was given.)

CHAIRMAN GUBITOSA: Opposed? All right. I guess what I'll do now is -- Max? All right. What I'll do now is I have a resolution to grant a conditional use permit and site plan approval for the project. I'll go through the resolution, and then I'll go to the Board for a motion to accept and adopt.

So this is a resolution granting a conditional use permit and site plan approval for the project 88 North Liberty Drive, by application of Paula Maunsell, Contract Vendee.

Whereas, an amended application dated April 29, 2021, with a narrative and a revised Short EAF of same date have been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a

1 Proceedings  
2 conditional use permit permitting a  
3 residential mixed use in the BU Zoning  
4 District pursuant to the Town's zoning code,  
5 Article VIII, 215-92.2 and for final site  
6 plan approval for the premises located at and  
7 commonly known as 88 North Liberty Drive,  
8 i.e., Route 9W, Stony Point, New York, and  
9 upon a submitted site plan entitled 88 North  
10 Liberty Drive, consisting of seven sheets,  
11 prepared by Atzl, Nasher and Zigler, P.C.,  
12 dated March 18, 2021, last revised August 24,  
13 2021, along with a planting plan entitled  
14 88 North Liberty Drive and consisting of one  
15 sheet, prepared by Yost Design Landscape  
16 Architecture, dated June 8, 2021, and last  
17 revised August 24, 2021, subject application,  
18 and affecting premises designated as Section  
19 15.04, Block 3, Lot 42.1 on the tax map of  
20 the Town of Stony Point, County of Rockland,  
21 and consisting of .4055 acres, which parcel  
22 is located in the BU Zoning District and is  
23 commonly known as 88 North Liberty Drive; and  
24 Whereas, the subject premises are  
25 presently improved with an existing two-story

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structure which predates the enactment of the  
Stony Point zoning code. It is in the BU  
Zoning District, but because it predates the  
code, the existing buffer adjoining the  
residential zone behind it and to the east is  
noncompliant with the current code  
requirements and requires an area variance  
from the ZBA. The applicant seeks approval  
to renovate the building into a residential  
mixed-use, including offices on the first  
floor and residential use on the second  
floor. The use proposed is permitted in the  
BU Zoning District provided the Planning  
Board issues a conditional use permit. The  
applicant does not propose any expansion of  
any of the structures on the site; merely a  
renovation suitable for the proposed mixed  
use; and

Whereas, pursuant to the New York State  
Environmental Quality Review Act, this is a  
Type II action pursuant to 6 NYCRR 617.5(18)  
and accordingly, no further environmental  
review is required; and

Whereas, by letter dated April 30, 2021,

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the New York State Office of Parks,  
Recreation and Historic Preservation  
indicated that the proposed project will not  
impact the historic or cultural resources of  
properties within its jurisdiction; and

Whereas, this Board referred the  
applicant to the Architectural Review Board  
of the Town of Stony Point, and by a decision  
dated June 16, 2021, the ARB issued an  
approval for the application with a  
condition; and

Whereas, by letter dated July 6, 2021,  
the Rockland County Department of Health  
directed the applicant to submit an  
application for review of the storm water  
management system for compliance with the  
County mosquito code, and by letter to the  
Planning Board dated August 24, 2021, the  
applicant's representative, Dave Zigler,  
P.L.S., of Atzl, Nasher and Zigler, P.C.,  
indicated that the applicant will apply for  
the mosquito control permit after receiving  
conditional site plan approval; and

Whereas, a project review sheet dated

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May 4, 2021, by John O'Rourke, P.E., of Lanc and Tully Engineering and Surveying, P.C., the Town's consulting engineer, was submitted to this Board and the applicant concerning a review of the applicant's amended application and plans of April 2021, and containing numerous comments and suggested revisions to the site plan; and

Whereas, by letter to the Planning Board dated August 24, 2021, the applicant's representative Dave Zigler, P.L.S., of Atzl, Nasher and Zigler, acknowledged the statements and comments of Town's consulting engineer of May 4, 2021, and submitted revised site plans and additional drawings in compliance therewith and acknowledged the need for a permit from the New York State DOT for the proposed modifications within Route 9W; and

Whereas, memoranda were submitted to the Planning Board dated May 13 and July 27, 2021, by Nelson Pope Voorhis, the Town's planning consultant, concerning their review of the applicant's amended application and

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proposed site plan and containing numerous comments and suggested revisions to the site plan; and

Whereas, by letters to the Planning Board dated June 14 and August 24, 2021, the applicant's representative Dave Zigler acknowledged the statements and comments of the Town's planner and submitted revised site plans and additional drawings in compliance therewith, in addition to a revised lighting plan and the representation that a permit application will be made to the New York State DOT; and

Whereas, by a letter to the Planning Board dated July 16, 2021, the Rockland County Department of Planning submitted comments and statements numbered one through 14 concerning the application, and by letter to the Planning Board dated August 24, 2021, the applicant's representative Dave Zigler acknowledged the statements and noted compliance with the comments of the Rockland County Department of Planning, with the exceptions of the

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2 following comments:

3 Six, the planting plan must be amended  
4 to include low evergreen shrubs along the  
5 proposed parking areas to shield neighboring  
6 properties from the headlights of parked  
7 vehicles, particularly since the rear buffer  
8 is less than required and the headlights will  
9 be shining towards the residences to the  
10 east; and

11 Number 11, turnaround areas must be  
12 provided for both the northern and southern  
13 parking areas; and

14 The applicant requests that this Board  
15 to override Comment Six, as the Town Planner  
16 at Comment Number 14 of the NPV memo of  
17 July 27, 2021, finds the landscape plan  
18 complies with town code Section 215-37 for  
19 vegetative screening of adjoining properties,  
20 and likewise requests this Board to override  
21 Comment 11, on account that the submitted  
22 plans for the parking areas have been shown  
23 to be adequate for the maneuvering of cars on  
24 the site; and

25 Whereas, this Board referred the

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applicant to the Zoning Board of Appeals of the Town of Stony Point for an area variance, and by a decision dated September 2, 2021, the ZBA issued conditional approval of the application; and

Whereas, a duly noticed public hearing was held on September 23, 2021, at 7:00 p.m., at which date the applicant appeared by its representative, Atzl, Nasher and Zigler, P.C., and at which date the public hearing was conducted, concluded and closed; and

Now, therefore, be it resolved that the subject application for final site plan approval and a conditional use permit relative to the subject premises is approved, and the Chairman is hereby authorized to sign and to permit same to be filed in the Office of the Town Clerk, upon payment of any and all outstanding fees to the Town, subject and conditioned upon the following:

One, all of the whereas paragraphs are incorporated herein by reference.

Two, Comment Number Six of the Rockland County Department of Planning dated

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July 14, 2021, is hereby overridden because the landscape plan submitted by the applicant complies with the Town Zoning Code Section 215-37 for vegetative screening of adjoining properties and because the existing vegetation upon the east portion of the site will be preserved and will adequately visually screen the site from the neighboring residential properties.

Three, Comment Number 11 of the Rockland County Department of Planning letter dated July 16, 2021, is hereby overridden because the parking area plan submitted by the applicant clearly demonstrates that for both the north and south parking areas there is sufficient space provided to allow vehicles to turn and back out of the parking spaces without entering onto the adjoining roadway and there is adequate space provided for vehicles to maneuver on the site in a safe manner.

Four, the applicant shall provide a letter from the New York State DOT verifying there is no designated street line for North

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Liberty Drive in the area of this project or in the alternative show that there are no structures or proposed uses by the applicant within the designated street line.

The applicant shall -- Number Five, the applicant shall obtain a permit from the New York State DOT for the proposed modifications within Route 9W.

Number Six, all conditions and provisions of the decision by the Architectural Review Board of the Town of Stony Point, dated June 16, 2021.

Seven, all conditions and provisions of the decision by the Zoning Board of Appeals of the Town of Stony Point dated September 2, 2021.

Eight, compliance with all other applicable site plan requirements set forth in the site plan regulations of the Town of Stony Point and consistent with the general notes on the applicant's approved site plan.

All right, I have a resolution granting a conditional use. I need a motion to accept.

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BOARD MEMBER ALESSI: I'll make a motion.

CHAIRMAN GUBITOSA: I need a second.

BOARD MEMBER ROGERS: I'll second.

CHAIRMAN GUBITOSA: Any questions or comments on the resolution? The way it's written? All right. I have a motion and a second. Mary, poll the Board.

THE CLERK: Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Cataldo?

BOARD MEMBER CATALDO: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Chairman Gubitosa?

CHAIRMAN GUBITOSA: Yes.

THE CLERK: Okay. And Mark is absent.

CHAIRMAN GUBITOSA: All right.

Resolution passed.

MS. RAMANATHAN: Thank you so much.

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CHAIRMAN GUBITOSA: Oh, you're welcome.

Thank you. Good luck.

(Time noted: 7:23 p.m.)

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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.

  
\_\_\_\_\_  
Jennifer L. Johnson

