

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER  
OF  
TOWN LINE

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Town of Stony Point  
19 Clubhouse Lane  
Stony Point, New York  
October 26, 2023  
7:29 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN  
ROLAND BIEHLE, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
JAMES PURCELL, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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Proceedings

CHAIRMAN JOHNSON: All right. Next one we've got is Town Line.

MR. MANDRACCHIA: Good evening, everybody. My name is Stephen Mandracchia. I'm here on behalf of the applicant. This is really just an application for basically a supplemental resolution into a --

PUBLIC SPEAKER: No one can hear you.

MR. HONAN: The microphone may not be working.

MR. MANDRACCHIA: This is just an application for a supplemental resolution and/or agree to pursue a new resolution approving this application you approved back in June of 2021. One of the things that required resolution was the filing of an easement in favor of the Town across property that didn't belong to the applicant. The easement was done. There's been some confusion as to whether or not the easement needs to be signed before the map can be filed, and I do need it signed beforehand. So as a result of that, that was a condition

1 Proceedings  
2 in the application of the building permit so  
3 the applicant could not issue a building  
4 permit.

5 So we just ask the Board for a new  
6 resolution reapproving the application.  
7 Nothing has changed in the application. It's  
8 exactly the same as it was back in 2021. And  
9 that's the only relief we're asking for  
10 tonight.

11 CHAIRMAN JOHNSON: And at that meeting,  
12 we discussed it. Is this a new, a new  
13 application, or a renewal, or is it to  
14 reapply?

15 MR. MANDRACCHIA: Really just to  
16 reaffirm the resolution and to regroup the  
17 resolution to today.

18 CHAIRMAN JOHNSON: All right. Does that  
19 work for you guys?

20 MR. O'ROURKE: I get to say oh, that  
21 sounds legal to me. Engineering-wise,  
22 nothing has changed.

23 CHAIRMAN JOHNSON: Right.

24 MR. O'ROURKE: If you remember, this is  
25 the one where they had the drainage pipe

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Proceedings

going across the existing parking lot.

CHAIRMAN JOHNSON: Right.

MR. O'ROURKE: They were relocating it to the new easement. That's been all satisfied. Engineering-wise, we're satisfied with it. So at this point, engineering, we have no issue with reaffirm, affirmation.

BOARD MEMBER ROGERS: It's a legal --

MR. O'ROURKE: But it's a legal issue.

MR. HONAN: Yeah. I just need to see what our code permits. I mean, I would like to do just what the applicant is asking, but I just don't know if legally we can do that. But I certainly don't want to have to go through a re-application, so. There can be middle ground we'll find, and we'll get this in, we'll get this thing going. So basically, you want a fresh re-approval.

MR. MANDRACCHIA: Yeah, because we need to get the easement signed and recorded because the map, filed map will refer, reference the easement. But we can't do a file map until we get the easement actually recorded.

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Proceedings

The easement was, has been signed. We've gotten the lenders who owns, who has a mortgage on the property to approve it. And there's been some confusion as to whether or not the easement needed to be signed first or after the map is filed. And since the issuance of the filing of the easement isn't necessary prerequisite of getting it in the building permit and completion of the offsite improvements, we were unable to even apply for the building permit.

MR. HONAN: Is there any issue with SEQRA or having to --

MR. STACH: This is, this is a re-approval of the subdivision?

MR. HONAN: No, no.

MR. O'ROURKE: Site plan.

THE CLERK: Site plan.

MR. STACH: What's with the filing that you're discussing?

MR. MANDRACCHIA: Site plan. The filed site plan map.

MR. HONAN: Yeah, because there was a lawsuit that was settled. And I believe they

1 Proceedings

2 moved the easements.

3 MR. MANDRACCHIA: That's correct.

4 MR. O'ROURKE: Correct.

5 MR. MANDRACCHIA: Yeah, a number of  
6 years back, there was a lawsuit which  
7 resulted in the Town receiving easement  
8 across the parking lot owned by parties that  
9 are not the applicant here. And we're  
10 looking to revise that easement and to expand  
11 the size of the pipe to improve the function  
12 of the drainage coming off of 9W, which dead  
13 ends at property owned on Holt Drive.

14 So it's just really a relocation of that  
15 pipe, the increase of the size of the pipe,  
16 adding more water to accommodate this  
17 particular application. And so we needed a  
18 new easement for that because it was changing  
19 the location. We needed the lender's consent  
20 and the Town's consent. And that needs to be  
21 reflected on the filed map. And under the  
22 resolution, the building permit for the  
23 improvement of the site can't be done until  
24 the offsite improvements are completed. And  
25 they can't be completed until the easement is

1 Proceedings

2 signed.

3 MR. STACH: So in terms of SEQR, SEQR  
4 would have been done when there was a  
5 resolution. It was approved. So as long as  
6 no circumstances have changed regarding the  
7 project, there's no, you know, further  
8 erosion that significantly diminished the  
9 property, or the wetlands change, or anything  
10 like that --

11 MR. MANDRACCHIA: That's correct.

12 MR. STACH: -- this original SEQR  
13 determination would survive and apply.

14 MR. HONAN: Okay.

15 MR. STACH: The one thing that I recall  
16 is that around 2011, they changed that you  
17 could indefinitely extend site plan  
18 approvals, I believe. It was, it used to be  
19 like you got one year and then two six-month  
20 extensions.

21 MR. MANDRACCHIA: Yeah. I think it was,  
22 I thought -- I think it was originally 18  
23 months, maybe.

24 MR. STACH: Yeah, okay.

25 MR. O'ROURKE: Yeah, 18, and then Covid

1 Proceedings

2 hit, if you remember.

3 MR. MANDRACCHIA: Right.

4 MR. STACH: And then they all hold them.

5 And I think now there's indefinite

6 extensions.

7 MR. MANDRACCHIA: I think you're

8 correct.

9 MR. STACH: But the question is what  
10 does our local code say? Does our local code  
11 refer to Town law, or does our local code  
12 still say you only get two extensions? And  
13 if the local code says only two, I think we  
14 might have to do a new app.

15 MR. MANDRACCHIA: So as Counsel said, we  
16 will work offline on this to see if --

17 MR. HONAN: Yeah, we'll discuss and  
18 we'll figure out the best way forward. And I  
19 mean, so this was an exhaustive review by our  
20 Board. And it's been in the works for the  
21 years. So I think it's time to put it to  
22 bed.

23 MR. MANDRACCHIA: It's time to get done.

24 MR. O'ROURKE: I notice that all the  
25 consultants threw it back on Steve. We're



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Proceedings

pretty happy.

CHAIRMAN JOHNSON: All right. Thank you very much.

MR. MANDRACCHIA: Thank you.

CHAIRMAN JOHNSON: Appreciate your time.

MR. MANDRACCHIA: Have a good night, everyone.

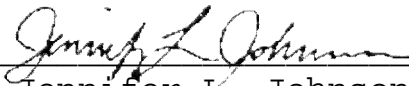
(Time noted: 7:36 p.m.)

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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.

  
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Jennifer L. Johnson

