

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

OF

53 NORTH LIBERTY DRIVE

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Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
December 9, 2021  
7:29 p.m.

BEFORE:

THOMAS GUBITOSA, CHAIRMAN  
JAKE CATALDO, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
MARK JOHNSON, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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BOARD MEMBER JOHNSON: Next on the agenda is 53 North Liberty Drive. The site plan review.

MR. BADALY: Good evening. My name is Shahin Badaly from Badaly Engineering at 2 Wilson Place, Mount Vernon, New York, representing the applicant Wael Rozeik for 53 North Liberty Drive. So should I run through the proposal, or should I touch just on the comments of the latest submission? I'm not sure which is most appropriate for the Board.

CHAIRMAN GUBITOSA: Hold on one second.

MR. BADALY: Please.

BOARD MEMBER JOHNSON: Yeah, I'm sorry.

CHAIRMAN GUBITOSA: Yeah. Just give us I guess a quick review.

BOARD MEMBER JOHNSON: A brief summary, yeah.

MR. BADALY: Absolutely. Let me pull that up quickly.

So we have afforded the application for the conversion of an existing commercial building which houses a tire shop on a 15,900

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square foot lot. And the proposal is to convert the existing building to a single bay versus a two bay tire shop, plus a 956 square foot convenience retail store. In addition to that, certain site improvements are proposed, including a parking lot, storm water, lighting, and planting. The application was, I believe, still being determined whether or not it would be subject to a variance in terms of both the buffer and possibly -- there was one other item. I will confirm that.

Since we last came to the Board, which was I believe last year, we had previously proposed three uses, which was we had previously proposed a gas station. We understood that that was too intense for the site. And therefore, we are back before the Board with this new proposal, which is to essentially convert a two bay tire shop to a one bay tire shop, plus a 956 square foot convenience store.

Changes that we have made to the site plan since we last reviewed it at the TAC

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include addition of manholes at the intersections of the storm water system; a detail for a trench drain, showing that is below the frost heave location; we've provided labels and notes to clearly show where the right of way is, as well as the striping on the streets. We do understand that the application will be subject to a County permit to make the improvements on the right of way, and we are in the process of putting together that application to submit to the County, provided that our application here will move forward.

CHAIRMAN GUBITOSA: You have to do the State, don't you?

MR. BADALY: I'm sorry. I said County, I meant State. The road is a State road. I'm sorry.

CHAIRMAN GUBITOSA: That's okay.

MR. BADALY: And I believe we will be referred for County review through the Board. I'll just go through a couple more extra little items.

We provided cutoff shields on the

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exterior lighting. I'll also mention for the record that we are adjacent to a residential district on the back and on the right of the site. We added ADA access route hatching for clarity on the plans. The building entrances were located on the site plan. We added a paved area in front of the store. I'm sorry, we removed the paved area in front of the store so that cars cannot access that area.

And some revisions were made to the landscaping plan. I'm not sure if they're adequate yet. We're more than willing to work with the Town to get it there. But we did make some revisions in terms of removing the rhododendrons from the front, hopefully providing something with a better spread, and changing the pagoda dogwoods in the back. So, but again, if further revisions are needed, or if there's any other commentary, by all means.

And just lastly, that we updated the site plan just to clearly indicate all of the owners' names that are adjacent to us. And with that, if you have any other comments,

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2 please.

3 BOARD MEMBER JOHNSON: Max, I know you  
4 guys looked this over.

5 MR. STACH: Yeah. So I actually  
6 provided an updated memo yesterday to the  
7 Board. But it's -- we don't have to talk  
8 about it tonight.

9 MR. BADALY: Okay.

10 MR. STACH: It's not important. I --  
11 this application has improved significantly  
12 since the first submission.

13 MR. BADALY: Thank you.

14 MR. STACH: You know, I think there's a  
15 lot of detail. Not a lot of details. There  
16 are a few details in my memo that we need to  
17 discuss.

18 I think the two main issues that I would  
19 bring up here tonight would be the issue that  
20 Mr. Rozeik brought up regarding the  
21 designated street line. I think that's an  
22 important thing you're going to want to get  
23 from the State before anything else, because  
24 that I think could impact your plan much more  
25 significantly. You know, the details I agree

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are something that you can, can work through with the State.

The other item that I think is a more significant item is I had asked if the applicant could consider widening the buffer between this property and the property to the north, which looks like a residence, although it has a large paved area out in front of it. And bring that buffer all the way to the sidewalk.

So right now, there's a three-foot strip. The three-foot strip is as wide as it can be to maintain a 24-foot distance between the building and the strip at the west end of the building. So, plus it's like a five-foot pedestrian striped area, and a 24-foot travel way, and then three feet on the buffer. But because of the shape of the lot, you could actually start widening it from that point east.

MR. BADALY: Right. Because we have 27-5 here. So we can definitely get some more greenery in there.

MR. STACH: Right. And you actually

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2 widen out to 35 at the property line.

3 MR. BADALY: Oh, fantastic.

4 MR. STACH: So you could actually, you  
5 know, get presumably a lot --

6 MR. BADALY: Yeah. We can get a lot  
7 more greenery in there. Sure.

8 MR. STACH: So, I don't know. I mean,  
9 John may have some consideration.

10 MR. O'ROURKE: Yeah, I was going to say  
11 I would -- because of the tire store access  
12 in the back and potential larger vehicles  
13 accessing there along the dumpster, I think  
14 you might go a little bit wider, but I don't  
15 think you're going to get all of it.

16 MR. BADALY: Okay.

17 MR. O'ROURKE: Because I think trucks  
18 are going to be running it over. I think  
19 it's a great idea. I think probably the  
20 neighbor next door should be doing half of  
21 it. But I think that will be an issue,  
22 especially as you get closer to the road  
23 because they're going to be taking those wide  
24 swings in through there. So that's my  
25 concern.

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2 MR. STACH: Well, that's something else  
3 that the State may, because I think the State  
4 requires you to have sort of like a --

5 MR. O'ROURKE: That's what I'm saying.  
6 If you pull your landscaping into mine, your  
7 landscaping might hate it. I think there may  
8 be an issue with swinging. So I think you  
9 just have to take a look at it. You did an  
10 auto turn for the fire vehicles and the  
11 access. So I think you might have -- you  
12 don't have to show it.

13 MR. BADALY: Okay.

14 MR. O'ROURKE: But I think you'll have  
15 to, if you adjust your width of your  
16 landscaping, just rerun the auto turn and  
17 make sure that it's okay.

18 MR. BADALY: Okay. So we'll line it as  
19 much as feasible in order to maintain the 24  
20 feet and the maneuverability. Right?

21 MR. O'ROURKE: Yeah.

22 MR. STACH: Yeah.

23 MR. O'ROURKE: And actually, in the  
24 24 feet, again, engineering-wise, by the  
25 building, even 24 is pretty tight. You have

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2 the building, you got a walkway, and then you  
3 have 24 feet. And again, if you have a  
4 dumpster passing with a larger truck, big  
5 Ford truck getting tires, it's going to be  
6 pretty tight in there.

7 MR. STACH: Well, they actually had 29  
8 with the pedestrian striped area, which, you  
9 shouldn't really need any more because you're  
10 going to relocate the entrances to the back  
11 of the building, right?

12 MR. BADALY: I think -- well, we had  
13 both. Should we just eliminate the front  
14 entrances, is that preferred?

15 MR. STACH: I don't think you need to  
16 eliminate, but I don't think you're going to  
17 need that pedestrian path if you have a rear  
18 entrance, right?

19 MR. BADALY: It's a good point. It's a  
20 good point, yeah.

21 MR. STACH: So you're going to have  
22 29 feet.

23 MR. O'ROURKE: I'm going to jump in here  
24 again and say I would rather, I would rather  
25 have what you have because we all know

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people. There are people that are going to park in the street, or people that are going to walk there and they're going to walk down that 24-foot wide. I'll give you the landscaping, but keep me the pedestrian travel way, so. I think you want somebody to be able to walk back there.

MR. STACH: You got it.

MR. BADALY: And if it's striped, then it allows for both.

MR. STACH: Yes.

MR. O'ROURKE: Yeah. Yeah, somebody can still drive over it. But at least it has a person who think they know where they're supposed to go.

MR. BADALY: Were there any, any further comments on those, please?

BOARD MEMBER JASLOW: Yeah, I had one question. Is the front of the store facing 9W, or is the front of the store facing the back of the lot?

MR. BADALY: Architecturally speaking, it's facing 9W. But the primary entrance is effectively going to be on the back of the

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2 lot.

3 BOARD MEMBER JASLOW: In the drawing on  
4 Page 13, where it says sign, is that facing  
5 9W or is that --

6 MR. BADALY: Correct.

7 BOARD MEMBER JASLOW: That's it. Good.

8 BOARD MEMBER JOHNSON: That's facing 9W.  
9 So you're reversing --

10 MR. BADALY: I think work may need to be  
11 done to, to make this a little bit better if  
12 we're going to make this a secondary entrance  
13 on the back, then. Which is, so this would  
14 have been the back and that would have been  
15 the -- so, 9W.

16 BOARD MEMBER ROGERS: You're actually  
17 flipping the bay on the left to the right,  
18 correct?

19 BOARD MEMBER JOHNSON: The existing bay,  
20 if you're looking at the front of the  
21 building --

22 BOARD MEMBER ROGERS: So, yeah. So the  
23 entrance to the tire shop is going to be on  
24 the right-hand side?

25 MR. BADALY: That is correct, yes.

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2 BOARD MEMBER ROGERS: Okay, all right.

3 Okay.

4 MR. BADALY: On the right-hand side of  
5 the building when I'm standing on 9W.

6 BOARD MEMBER ROGERS: Yeah, right.

7 MR. BADALY: So the back of the  
8 building, it will be on the left-hand side  
9 when I'm facing the building.

10 BOARD MEMBER ROGERS: Okay. Yeah.

11 MR. BADALY: So I was just saying, if we  
12 make this more of a main entrance, maybe  
13 that's more appealing, architecturally more  
14 pleasing.

15 BOARD MEMBER JOHNSON: Is there, is  
16 there currently a lift in there?

17 BOARD MEMBER ROGERS: Oh, yeah.

18 MR. BADALY: I think so.

19 BOARD MEMBER ROGERS: That's why I was  
20 asking.

21 BOARD MEMBER JOHNSON: So they're going  
22 to have to move all that stuff?

23 MR. BADALY: Yeah. They're basically  
24 rebuilding the whole thing. The inside is  
25 going to be gutted.

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2 BOARD MEMBER JOHNSON: I think that's an  
3 awful lot of --

4 MR. BADALY: It's a significant  
5 investment in the building he has to make,  
6 yeah. But supposedly the tire shop is doing  
7 well and it would be worth it, so.

8 BOARD MEMBER JOHNSON: Okay. Seems like  
9 an awful lot of effort.

10 MR. BADALY: Agreed.

11 MR. STACH: So for full disclosure, this  
12 applicant originally came with a plan that  
13 had the tire shop in the back and the retail  
14 in the front.

15 CHAIRMAN GUBITOSA: Right.

16 MR. STACH: And sort of --

17 BOARD MEMBER JASLOW: And the gas  
18 station in the front.

19 MR. STACH: And the gas station in the  
20 front. And I think it was one of our  
21 suggestions because there was all pedestrian  
22 traffic going, there's parking in the front,  
23 parking in the back, there was vehicles  
24 coming in the side, vehicles coming in the  
25 back. I think, you know, it was our

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2 suggestion, why don't you put the tire shop  
3 on the right side? And that way you could  
4 have --

5 MR. BADALY: It definitely was. And it  
6 was a great suggestion. Thank you. It  
7 worked out much better for the site.

8 MR. STACH: But that may have preserved  
9 your lifts, I guess.

10 MR. BADALY: I don't think it's -- in  
11 the, compared to the scope of work, it's not  
12 a huge cost to move the lift, so. And then  
13 I'm not sure if there were any additional  
14 comments on the list that you came up with  
15 today, or from other Board Members, please.

16 BOARD MEMBER FERGUSON: Most people  
17 don't know there's a lot of activity there as  
18 it is now, next door with the deli. And both  
19 customers of both businesses use both  
20 properties now. When you start putting  
21 buffers in, what they would be using as a  
22 turnaround, now you can't do that.

23 You also have an entrance off 9W, or an  
24 exit on 9W that has a large elevation change.  
25 Like he was saying, you deliver truck tires

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2 and garbage trucks, they're not making the  
3 same turns the cars do on a angle like that.

4 MR. BADALY: Well, I can't really  
5 comment on how it's going to affect the  
6 neighbor. I haven't done any studies in  
7 terms of if we're blocking off their access.  
8 If it's necessary, I can definitely look into  
9 it. But I haven't. So I'm not sure how  
10 we're affecting their ingress and egress.

11 CHAIRMAN GUBITOSA: Yeah. He's going to  
12 affect the deli, too. You're right.

13 BOARD MEMBER FERGUSON: We talked about  
14 that before he even applied for it.

15 CHAIRMAN GUBITOSA: Yeah, you're right.

16 BOARD MEMBER FERGUSON: He chose not to.  
17 Those were your options.

18 BOARD MEMBER JOHNSON: This is a Type II  
19 action?

20 MR. STACH: Yes.

21 CHAIRMAN GUBITOSA: I'll make a motion,  
22 if you want to make it a Type II.

23 BOARD MEMBER JOHNSON: All right. I'll  
24 second.

25 CHAIRMAN GUBITOSA: Okay. All in favor?

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BOARD MEMBER JOHNSON: All in favor?

(Response of aye was given.)

THE CLERK: Are you going on a site visit?

BOARD MEMBER JOHNSON: Yeah. Site visit?

BOARD MEMBER ROGERS: Want to say January 8th?

BOARD MEMBER JOHNSON: Want to do January 8th? Okay. 9:30.

MR. BADALY: So it's a public site. So obviously access is definitely not a problem. But if you would like me to coordinate anything additional to the access, please let me know. Otherwise, I'll just let the owner know that you're coming on the 8th.

THE CLERK: You're going to have to send somebody there for them.

MR. BADALY: Got you. So somebody -- well, it's a store. So it is open during business hours. But if I have a time or a range.

BOARD MEMBER JOHNSON: Is he going to --

MR. BADALY: The owner could be there

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2 himself if --

3 BOARD MEMBER JOHNSON: Somebody, you  
4 know, if we've got a couple of questions,  
5 somebody to --

6 MR. BADALY: Or I can be there as well,  
7 if necessary.

8 MR. O'ROURKE: If I may. It would  
9 probably be helpful if you were there.

10 MR. BADALY: Absolutely.

11 MR. O'ROURKE: You know what I mean, as  
12 well as -- because it's all paved, I'd  
13 suggest maybe a can of white paint, kind of  
14 dot where you think the entrance is going to  
15 be.

16 MR. BADALY: Oh, okay, sure.

17 MR. O'ROURKE: And a couple dots where  
18 you think the landscaping is going to be off  
19 to the front.

20 MR. BADALY: Yeah, the front is very  
21 confusing the way it is now, with the  
22 property line.

23 MR. O'ROURKE: It is, because it's all  
24 paved and it's a mess. So I think -- and  
25 it's hard to stake because it's actually

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paved. So do some white dots, with some  
painters in yellow.

CHAIRMAN GUBITOSA: Right.

MR. O'ROURKE: And again, I think the  
applicant's consultant should be there to  
walk you through --

MR. BADALY: Thank you.

MR. O'ROURKE: -- what's happening.

MR. BADALY: Is there an approximate  
time, or should I reach out at a later time  
to figure that out?

BOARD MEMBER JOHNSON: 9:30,  
January 8th.

MR. BADALY: Oh, great. Thank you,  
thank you.

(Time noted: 7:44 p.m.)

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Jennifer L. Johnson

