

STONY POINT TOWN BOARD

Agenda

7:00PM

May 10, 2022

Pledge of Allegiance
Roll Call
Supervisors Report
Police Dept Report
*Proclamation Police Week
Golf Course Report
Highway Superintendents Report
Purchase Order Request
Audit of Bills
Minutes: April 26, 2022
Departmental Reports
Correspondence
Public Input-Limited to 3 minutes

*Public Presentation-Letchworth Development Proposal

1. Award Bid Clubhouse Roof
2. Award Bid Clubhouse HVAC
3. Award Bid Roadway Resurfacing
4. Award Bid Day Camp Transportation
5. Reimbursement – Rockland County STOP DWI
6. Set Public Hearing-Special Use Permit-Eagle Bay
7. Resolution in Support of Assembly Bill AO9888-Doodletown Brook Inland Waterway Designation
8. Approve SpyGlass Snapshot Audit Agreement

Executive Session-If Necessary

Public Presentation-
Letchworth Development
Proposal

**PROCLAMATION
POLICE WEEK**

WHEREAS, the Congress of the United States of America has designated the week of May 15-21, 2022 to be dedicated as “National Police Week” and May 15th of each year to be “Peace Officers’ Memorial Day”, and

WHEREAS Police Officers’ Memorial Day is to be dedicated to Police Officers who have died in the line of duty, and

WHEREAS, the International Association of Chiefs of Police has requested that all municipalities honor Police Officers’ Memorial Day by flying all flags within the municipality at half-mast.

NOW, THEREFORE, I, Jim Monaghan, by virtue of the authority vested in me as Supervisor of the Town of Stony Point, hereby proclaim May 15th through May 21st, 2022 as Police Week in the Town of Stony Point and in honor of those Police Officers who have died in the line of duty in this Country, all flags in the Town of Stony Point shall be flown at half-mast on May 15th, 2022.

I DO FURTHER call upon all our citizens to make every effort to express their thanks to our men and women who make it possible for us to leave our homes knowing they are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.

IN RECOGNITION THEREOF, I affix my signature and the Seal of the Town of Stony Point to this proclamation this 10th day of May in the year of Our Lord, Two Thousand and Twenty-Two.

James Monaghan, Supervisor

Megan Carey, Town Clerk

TOWN OF STONY POINT
OFFICE OF TOWN CLERK

74 East Main Street
Stony Point, New York 10980
(845) 786-2716 Ext. 107 ~ Fax (845) 786-2783

#1



Megan Carey, Town Clerk
Holli Finn, Deputy Town Clerk

TO: STONY POINT TOWN BOARD
FROM: MEGAN CAREY – TOWN CLERK
DATE: APRIL 21, 2022
RE: BID – PATRIOT HILLS CLUBHOUSE ROOF REPLACEMENT
CC: BRIAN NUGENT
KARL JAVENES

As advertised, the above referenced bid was opened today at 10:00am at Town Hall.
Those present were:

Megan Carey, Town Clerk
AnnMarie Parente
Karl Javenes, Supt. Of Highways
Patrice Hayden, Milcon Construction
William Sheehan, Environmental Construction
Greg Quatrochi, Quatrochi & Sons Roofing

Four (4) bids were received as follows:

Company Name	Total Price
Environmental Construction	\$403,000.00
Quatrochi & Sons Roofing	\$440,000.00
Milcon Construction	\$546,000.00
Greenwood Industries	\$770,000.00

TOWN OF STONY POINT
OFFICE OF TOWN CLERK

74 East Main Street
Stony Point, New York 10980
(845) 786-2716 Ext. 107 ~ Fax (845) 786-2783

#2



Megan Carey, Town Clerk
Holli Finn, Deputy Town Clerk

TO: STONY POINT TOWN BOARD
FROM: MEGAN CAREY – TOWN CLERK
DATE: MAY 5, 2022
RE: BID – PATRIOT HILLS CLUBHOUSE HVAC
CC: BRIAN NUGENT
KARL JAVENES

As advertised, the above referenced bid was opened today at 10:00am at Town Hall.
Those present were:

Megan Carey, Town Clerk
AnnMarie Parente
Karl Javenes, Supt. Of Highways
Joe Coscia, Burtussi Contracting Inc.
Rob VanHeest, VanNatta Mechanical

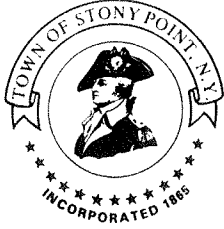
Two (2) bids were received as follows:

Company Name	Price	Add on/Alt
VanNatta Mechanical	\$361,400.00	\$235,500.00
Bertussi Contracting Inc.	\$368,732.00	\$152,100.00

TOWN OF STONY POINT
OFFICE OF TOWN CLERK

74 East Main Street
Stony Point, New York 10980
(845) 786-2716 Ext. 107 ~ Fax (845) 786-2783

#3



Megan Carey, Town Clerk
Holli Finn, Deputy Town Clerk

TO: TOWN BOARD
FROM: MEGAN CAREY – TOWN CLERK
DATE: MAY 5, 2022
RE: BID – 2022 ROADWAY RESURFACING
CC: BRIAN NUGENT
KARL JAVENES

On May 5, 2022 bids for 2022 Roadway Resurfacing were received and opened at 10:00a.m.

Those present at the bid opening were:

- Megan Carey, Town Clerk
- Holli Finn, Deputy Town Clerk
- AnnMarie Parente

One (1) bid was received as follows:

COMPANY	MILLING per sq. yd.	TACK COAT per sq. yd.	ASPHALT per ton	KEYWAY IS ASPHALT each
Tilcon New York Inc.	\$5.95	\$0.45	\$132.00	\$1,050.00

TOWN OF STONY POINT
OFFICE OF TOWN CLERK

74 East Main Street
Stony Point, New York 10980
(845) 786-2716 Ext. 107 ~ Fax (845) 786-2783

#4



Megan Carey, Town Clerk
Holli Finn, Deputy Town Clerk

TO: TOWN BOARD
FROM: MEGAN CAREY- TOWN CLERK
DATE: MAY 5, 2022
RE: BID – TRANSPORTATION 2022 DAY CAMP PROGRAM
CC: BRIAN NUGENT
CRAIG ROBINSON

On May 5, 2022 the above mentioned bid for transportation for the 2022 day camp program was opened.

Total Charter Corp POB 439 Haverstraw, NY 10927	\$12,148.00
---	-------------

The bid has been sent to Special Counsel for review.

#5

Supervisor

From: Edward Finn <EFinn@stonypointpd.org>
Sent: Thursday, May 5, 2022 10:31 AM
To: Supervisor
Cc: Gregg Smith
Subject: FW: STOP-DWI Enforcement Funds: Stony Point Police

Please read the following email Re: Stop DWI funds. Grant money from Stop DWI. Can we add this to next week's agenda?

Chief Edward Finn

Stony Point Police Department
79 Route 210
Stony Point, NY 10980
Tel: (845)786-2744
Fax: (845)786-3120
Email: efinn@stonypointpd.org

From: Albert Delprincipio <DelprinA@co.rockland.ny.us>
Sent: Thursday, May 5, 2022 7:58 AM
To: Edward Finn <EFinn@stonypointpd.org>
Cc: Sheela George <GeorgeSh@co.rockland.ny.us>; Kear, Christopher <KearC@co.rockland.ny.us>; Falco, Louis <falco@rcpin.net>; Hoblin, Michael <HoblinMi@co.rockland.ny.us>
Subject: STOP-DWI Enforcement Funds: Stony Point Police

Attention: From the RC Law Department

Dear Chief Finn,

I am in the process of submitting a request for an Intermunicipal Agreement between the Stony Point Police Department and the County of Rockland. Pursuant to General Municipal Law Section 119-0(1), the governing body of the town needs to approve accepting the funds via a resolution prior to the execution of the intermunicipal agreement. Please arrange for this matter to be placed on your Town Board's calendar as soon as possible in order to receive the \$5,000.

Thanks,
Sheela

Sheela George
Senior Assistant County Attorney
County of Rockland, Department of Law
Office of the County Attorney
11 New Hempstead Road, 3rd Flr.
New City, New York 10956

Telephone: (845) 638-5867
Facsimile: (845) 638-5676

TOWN OF STONY POINT, N. Y.

TOWN BOARD _____^x
PLANNING BOARD _____

#6

APPLICATION FOR:

SPECIAL PERMIT _____^x
CONDITIONAL USE _____

FOR OFFICE USE ONLY

Case No. _____

Date Received _____

Date of Hearing _____

Date of Action _____

Action _____

To the Town Board/Planning Board

STATEMENT OF OWNERSHIP AND INTEREST

The applicant(s) Breakers Stony Point, LP

(is) (are) the owner(s) of the property situated at the following address:

31, 36 and 22 Hudson Drive

Zoning District PW Section 15.04 Block 6 Lot s 3,4 and 6

REQUEST

The applicant requests a special permit/conditional use for the above described property under the provisions of section ^{Ch 215, Attachment 13.1} column D.1 of the zoning ordinance (local law) for the following purposes:

See attached room plan as

shown on the attached plan drawn to scale.

REASONS FOR REQUEST

The applicant alleges that the approval of said special permit/conditional use would be in harmony with the intent and purpose of said zoning ordinance (local law) and that the proposed use conforms to the standards prescribed therefore in said ordinance (local law) and would not be detrimental to property or persons in the neighborhood for the following reasons:

- The proposed use is of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the site or adjacent

properties in accordance with the zoning classification of such properties based on the following facts: See Attached Narrative

• The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets is such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous based on the following facts: See Attached Narrative

• The location and height on buildings; the location; nature and height of walls and fences; and the nature and extent of landscaping on the site is such that the use will not hinder or discourage the development and use of adjacent land and buildings based on the following facts: See Attached Narrative

• The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the town greater than those which characterize uses permitted by right based on the following facts: See Attached Narrative

SPECIAL FEATURES

In addition to meeting the standards prescribed by the zoning ordinance (local law), the applicant will provide See Attached Narrative


in order that the public health, safety and welfare will be further served.

Date: 4/25/22 Signature 

Mailing Address 5 Eastview Road, Monsey NY 10952

STATE OF NEW YORK)
) ss:
COUNTY OF ROCKLAND)

Sworn to before me this 26 day of April, 20022.

Notary Public, State of New York 

The undersigned agrees to an extension of the statutory time limit for placement on the agenda and for scheduling a public hearing:

Date: 4/26/22 Applicant/Representative Eliezer Herskowitz

SHAINDEL HERSKOWITZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HE6375363
Qualified in Rockland County
My Commission Expires 05-21-2022

The Law Office of Amy Mele

Ira Emanuel, Esq., Of Counsel

100 Dutch Hill Road, Suite 330
Orangeburg, New York 10962
(845) 596-8260
Amy@AmyMeleLaw.com

May 4, 2022

Via Hand Delivery

Town Board of Stony Point
74 East Main Street
Stony Point, NY 10980

Attn: Hon. Megan Carey, Town Clerk

RE: Eagle Bay application for Special Permit pursuant to Chapter 215,
Attachment 13.1; Column D.1

Dear Ms. Carey:

Enclosed please find an original and ten (10) copies of a Special Permit Application to the Town Board along with my client's check in the amount of \$250.00. Please note that the Final Approved Site Plan consisting of twenty-nine (29) sheets (SP-1 through SP-29), prepared by Atzl, Nasher & Zigler, P.C., dated August 1, 2019, and last revised March 2, 2022, is on file in the Building Department.

Narrative

The Applicant, Breakers Stony Point, LP, filed an application for Preliminary and Final Site Plan approval and Conditional Use Approval for a Waterfront Mixed Use Development (pursuant to § 215-92.3 of the Town Code) in May 2017. The application seeks the re-development of an existing commercial/industrial area to construct four (4) multi-unit residential buildings (for a total of 264 residential units), a "Commercial Center" building consisting of 13,500 sq. ft., for various commercial uses, a marina with a minimum of 100 boat slips and a pedestrian esplanade and a fishing pier situated along the Hudson River which will provide the public with access to and enjoyment of the Hudson River waterfront.

The proposed project site is a waterfront development located on Hudson Drive approximately 600 feet north of the intersection of Tomkins Avenue in the Town of Stony Point, Rockland County, New York and is bound by train rails of CSX Transportation, Inc. to the west, the Palisades Interstate Park "Stony Point Battlefield" to the north, the Hudson River to the east and private properties to the south. The site consists of a total of 41 acres, of which 26.5+/- acres consist of environmentally restricted areas, the remaining 14.5+/- acres consists of buildable land area. The site is located upon three tax parcels identified on the Stony Point Tax Map as SBL 15.04-6-3, 15.04-6-4, and 15.04-6-6, and which are commonly known as 31 Hudson Drive, 36 Hudson Drive, and 22 Hudson Drive, Stony Point, NY, respectively. The project site is in the Planned Waterfront (PW) Zoning District.

An Environmental Impact Statement was prepared and accepted in connection with the application. The Planning Board granted Preliminary Site Plan Approval on December 9, 2021. The Board granted Final Site Plan approval on April 28, 2022. A copy of the Final Site Plan Resolution is attached hereto as Exhibit A.

In addition, the Planning Board, acting in its capacity as the Town's Waterfront Advisory Committee, determined that the proposed action is located in the Town's coastal area and further that the proposed action is consistent with the Town's Local Waterfront Revitalization Program (LWRP) policy standards and conditions, as set forth in Town Code Section 209-5(G). The Board issued its LWRP consistency Resolution on April 28, 2022.

A marina is a required element of a waterfront mixed-use development. As per the Planning Board's Final Site Plan Approval resolution, the proposed marina and all related structures and improvements shall be constructed and maintained consistent with the approved site plans and approved drawings. The marina shall be for use by the residents of the development and members of the public (all marina users shall have access to and use of the Residents' Center).

Consistent with the Letter of Determination by the Building Inspector, the applicant will also comply in all respects with the provisions of Town Code Section 215-89, with the exception of the following subsections:

- Section 215-89 (F), as there will be no provision made on the site for covered or enclosed boat maintenance facilities on dry land;
- Section 215-89 (J) as no visual screening elements will be installed between the marina and residences, other than the Esplanade and its landscaping, in order to provide the desired unobstructed river views from the residences, and;
- Section 215-89 (L) as there will be no outdoor boat storage on the site.

The Planning Board resolution also provided that “[t]he Applicant shall make application to the Town Board and obtain a Special Permit pursuant to the Town Code and in compliance with the Town Building Inspector’s Letter of Determination, dated April 27, 2022.”

Accordingly, the Applicant seeks a Special Permit from this honorable Town Board pursuant to Chapter 215, attachment 13.1, column D.1 as follows:

1. Expansion of existing marinas or new marinas and related uses including:
 - Sales of items specifically related to marina use
 - Facilities for docking and mooring of boats (up to 100 slips)
 - Facilities for pumping out marine holding tanks

It is respectfully submitted that the proposed uses above are of such a location, size and character so as to be in harmony with the orderly development of the district. Indeed, the proposed marina use is much less intense than the previous marina use, which had at one time approximately 400 boat slips, winter storage of boats, launching areas and facilities for dispensing fuel.

Thank you for your consideration.

Very truly yours,



Amy Mele, Esq.

Town of Stony Point

Department of Planning

74 EAST MAIN STREET
STONY POINT, NEW YORK 10980

Tel: (845) 786-2716 x 113

planning@townofstonypoint.org

Fax: (845) 786-5138

RESOLUTION

GRANTING

FINAL SITE PLAN APPROVAL

For The Project

EAGLE BAY MIXED USE DEVELOPMENT

**BY APPLICATION OF: Breakers Stony Point LP (Eliezer Herskowitz), as applicant,
and Breakers on the Hudson, LLC, as Owner**

WHEREAS, an Application for Preliminary and Final Site Plan approval and Conditional Use Approval for a Waterfront Mixed Use Development (pursuant to § 215-92.3 of the Town Code), dated May 21, 2017 and revised June 26, 2018, a Full EAF and a Project Narrative, dated May 24, 2017, seeking the re-development of an existing commercial/industrial area and the applicant seeks to construct four (4) multi-unit residential buildings (for a total of 264 residential units), a “Commercial Center” building consisting of 13,500 sq. ft., for various commercial uses, a marina with a minimum of 100 boat slips and a pedestrian esplanade and a fishing pier situated along the Hudson River which will provide the public with access to and enjoyment of the Hudson River waterfront and the construction of at least 611 parking spaces to support the aforesaid uses; and upon a submitted proposed **Site Plan** for the project entitled “EAGLE BAY” consisting of twenty-nine (29) sheets (SP-1 through SP-29), prepared by Atzl, Nasher & Zigler, P.C., dated August 1, 2019, and last revised March 2, 2022, including **Fire Truck Turning Tracks**, consisting of two (2) sheets (SP-26 & SP-27), prepared by Maser Consulting, dated March 23, 2020; **Landscape Plan**, consisting of twelve (12) sheets (L-0 through L-11), prepared by Daniel Sherman, Landscape Architect, dated January 29, 2021 and last revised November 15, 2021; **Lighting Plan**, consisting of eight (8) sheets (LS-1 through LS-7, and LS-8 Overall Traffic Signs Plan), prepared by Atzl, Nasher & Zigler, P.C., dated August 1, 2019, and last revised November 15, 2021; **Off-Site Plans**, consisting of eleven (11) sheets (OS-1 through OS-10), prepared by Atzl, Nasher & Zigler, P.C., dated January 18, 2021, and last revised November 15, 2021, including a **Traffic Signal Plan**, consisting of one (1) sheet (TS-1), prepared by Maser Consulting, dated November 2, 2020; **Eagle Bay Shoreline & Public Pier**, plans consisting of twelve (12) sheets (T-000-00, MR-100.00 and MR-101.00; MR-200.00 through MR-204.00; MR-210.00 through MR-213.00), prepared by TMS Waterfront, dated February 15, 2022; **Architectural Illustrations and Renderings**, consisting of ten (10) sheets (designated Eagle Bay 1 through 10) prepared by Design Development Architects PLLC, undated; **Esplanade Structure Plan**, consisting of ten (10) sheets (ESP-1 through ESP-10), prepared by Atzl, Nasher & Zigler, P.C., dated November 15, 2021, and; **ARB Approved**

presence of water and wetlands on the property. Although the resulting net lot area of 29.1 acres is consistent with Section 215-16A of the Town zoning regulations, it significantly overstates the amount of land area suitable for development. A majority of the subject property consists of either water or wetlands. Based on the data provided, the site only consists of 17.2 acres of dry land. In order for the Town to have access to the most thorough information as possible, the site plan must supplement the bulk table with data for lot size, development coverage, and units per acre that is based on the dry land area of the site.

Response: The plan adheres to the Stony Point Code Section 215-16 and 215-92.3 (E).

4. Comment: The main entrance on Hudson Drive must provide access for traffic generated by 264 residential units, 1,740 square feet of commercial space, 100 boat slips, and 5.2 acres of waterfront park. This sole accessway, with only a single lane in each direction, is insufficient to accommodate this level of use. This accessway must be expanded, or a secondary accessway added, to maintain a safe and efficient traffic flow.

Response: The entrance exceeds the code required 24ft; provided 30ft, this also exceeds the New York State Department of Transportation and Rockland County Highway standards of 12 ft lanes.

9. Comment: The proposed marina, which is a required element of a waterfront mixed-use development, must meet all of the requirements in section 215-89 of the Town's regulations. This includes, but is not limited to, vessel sewage pump-out facilities, restrooms for marina patrons, and facilities for solid waste, grease, oil and gasoline collection and disposal facilities. In addition, the Table of General Use Requirements for the PW zoning district requires that 25% of the parking spaces required by the marina use be double-length to accommodate cars with trailers. The site plan must be amended to incorporate these elements.

Response: The plan meets the requirements when the use is proposed for this development - see the following Section 215-89.

34. Comment: There shall be no net increase in the peak rate of discharge from the site at all design points.

Response: A Drainage Report is under review, the statement is not correct in reference to Tidal Water areas; and;

WHEREAS, by memorandum, dated February 5, 2021, of the Town's engineer, John O'Rourke, P.E., performed a review of the proposed lighting for the site including proposed fixtures and levels of illumination and by letter to the Planning Board, dated June 18, 2021, the engineers for the Applicant, ANZ, by David M. Zigler, responded to and addressed the comments of John O'Rourke, P.E., and provided additional information and amended plans acceptable to the Town engineer and which are satisfactory to this Board; and

WHEREAS, in order to improve and assure adequate utility services to the proposed project site, the existing railroad underpass located at Hunter Place requires renovation work and the existing Town sewer pipeline located under the railroad underpass at Hunter Place must be

replaced or repaired and the existing water supply line in that area needs to be upgraded and the applicant must make application to the owner of the underpass, CSX Transportation, Inc., and to the appropriate utility companies, and undertake this work and have it performed, and which improvements and repairs are to be accomplished to the satisfaction of the Town's building inspector and Town engineer, and;

WHEREAS, the Town engineer has advised this Board that there is currently adequate capacity at the existing sewer treatment plant to accommodate and treat the expected increase in sanitary sewage output from the proposed project site and due to the expected increased flow from this project and into the existing sanitary sewer system, the applicant has made a proposal to the Town Board to conduct certain off-site sewer system work for the benefit of the Town's sanitary sewer system and has proposed to make a lump sum cash contribution to the Town of \$40,000.00 to be used by the Town for any lawful municipal purpose, which may include the undertaking of needed upgrades and improvements to the sanitary sewer system and/or pump station, and the applicant shall conduct and complete inflow and infiltration of stormwater and groundwater (I&I) inspection work on the Town's existing sanitary sewer system in order to improve the efficiency and capacity of the sanitary system, and;

WHEREAS, the applicant, consistent with the required elements of a waterfront mixed-use development, has proposed site improvements along the waterfront allowing public access to the Hudson River waterfront and at the shore's edge there will be constructed a rip-rap stone revetment and the installation of concrete barriers and other measures to resist erosion of the shoreline, the construction and maintenance of a public fishing pier and a public walkway and Esplanade, which shall contain those amenities, improvements, landscaping and structures as reflected on the submitted plans and which improvements shall be maintained by the applicant and/or its successors in perpetuity, at applicant's sole cost, for the benefit of the public, and which shall be memorialized in an easement and maintenance agreement with the Town and to be recorded in the County Clerk's office, and;

WHEREAS, the proposed project development site is located upon private property and is accessed from the public roadway by a fifty (50) foot wide right of way, the applicant shall grant easements of access for the benefit of the public to permit public access to, over and upon the subject property and to allow pedestrian and vehicle access to and from the public access areas, including the Esplanade, fishing pier and marina, commercial building and the public parking areas. The applicant shall also place a conservation easement or buffer upon the wetlands located on the north of the site and designated on the plan as "Environmental Area" and consisting of 5.4 acres, with a reservation for the future construction, by others, of a pedestrian walkway, path or access way over and/or upon said "Environmental Area" from the northern most improvements on the site at or near the northern terminus of the Esplanade and to the parklands of the Palisades Interstate Park and "Stony Point Battlefield" located to the north of the project site; together with a right of way or right of access, if necessary, from the southern boundary line and across the south east portion of the project site and to the southern terminus of the public Esplanade, sufficient to connect a potential future pedestrian walkway or path, to be constructed by others, upon lands to the south of the project site. It being the intention of the applicant and Town to make these provisions for the potential future development of a public

pedestrian way along the west bank of the Hudson River to the south and to the north of the project site and incorporating the Esplanade therein, and;

WHEREAS, the NYS Town Law §274-a (6) and the Stony Point Town Code Sections 215-92.3(H), and 191-27 (the "Reservation of Parkland Laws") require that sites such as the proposed project show adequate park and recreational space, or, if such space is not available, the Planning Board may require a sum of money in lieu of land to be placed in a dedicated fund for park and recreational purposes; and this Board determines that a proper case exists for requiring parkland for recreational purposes be suitably located in the Town and further determines that unique lands along the waterfront are available on the subject project site for recreational purposes; and the applicant is proposing to construct upon its private lands a public access fishing pier and Esplanade, in addition to a pool facility and recreation area reserved for use by the residents of the Project, and:

WHEREAS, in addition to the applicant's initial development of the public access fishing pier and Esplanade, these improvements will be maintained in perpetuity by the applicant for the benefit of the public and, accordingly, this Board determines that the applicant has satisfied the Reservation of Parkland Laws, and no "money in lieu of land" fee will be required from the applicant; and

WHEREAS, the proposed project anticipates off-site improvements to the area roadways and intersections in close proximity to and serving the site and the applicant's traffic engineer, Maser Consulting, by Ron Rieman, P.E., has presented a conceptual design plan for the improvement and redesign of the intersections of the public roadways of Tompkins Avenue, Depot Place and Beach Road and the right of way known as Hudson Drive (i.e., a 50' wide R.O.W. beginning at the north edge of Tompkins Avenue and extending north therefrom and accessing the project site) consisting of the installation of traffic signals and traffic control signs and the redesign of these intersections to accommodate the anticipated increased traffic volume upon the build-out of the project and with the coordination of the traffic signals to assure the orderly and safe flow of traffic to, from and about the project site and based upon traffic studies conducted and a motion picture illustration / computer simulation prepared by the traffic engineer and presented to this Board depicting the operation of the traffic control devices and the anticipated flow of traffic, and the presentation adequately depicted and demonstrated the efficacy of the proposed traffic control design plan to the satisfaction of this Board, and;

WHEREAS, the applicant shall post a performance bond or other acceptable security to secure a future traffic study and the potential future construction of the aforesaid proposed off-site traffic control improvements, including the potential signalization of the intersection of North Liberty Avenue (Route 9-W) and Tompkins Avenue, provided that traffic warrants and engineering studies (to be conducted post-buildout of the project) support the implementation of traffic controls and/or signalization of the intersection of Tompkins Avenue at Route 9-W, and;

WHEREAS, the applicant has submitted all aspects of the design elements of the proposed project (with the exception of the public fishing pier and the marina) to the Town of Stony Point Architectural Review Board (ARB) including the architectural renderings of the proposed commercial and residential buildings, the residents' center, pool and deck area and

related improvements, as prepared by the applicant's architects, Design Development, PLLC; additionally, the design and aesthetic aspects of the landscaping, the Esplanade and its amenities, exterior lighting, signage, roadways, walking paths and the various site improvements, which were also the subject of the ARB's review process, and the same was conducted at numerous meetings and over an extended period of time resulting in alteration and modification of the design elements and culminating in the approval of the project design and architectural elements by the ARB, and;

WHEREAS, the secondary emergency access roadway to and from the project site at Hunter Place requires improvement in order to permit fire trucks, firefighting apparatus and emergency vehicles to pass through the existing tunnel under the railroad tracks and the applicant shall increase the vertical clearance of the tunnel to meet compliance with the NYS Fire Code for access and perform other upgrades as depicted on the plans, and the secondary access to the site from Hunter Place shall permit unrestricted pedestrian access, but vehicle access shall be restricted to emergency vehicles only and be controlled by the installation of a security gate at or near the existing railroad tunnel; the applicant shall make application to the owner of the underpass, CSX Transportation, Inc., and to the appropriate utility companies, and undertake this work and have it performed, and which improvements and repairs are to be accomplished to the satisfaction of the Town's building inspector and engineer, and all improvements and installations to the Hunter Place underpass and roadway shall be maintained in the future by the applicant at its sole cost and expense, including the removal of ice and snow therefrom and other necessary upkeep required to assure continued emergency access to and from the project site, and;

WHEREAS, this Board has been advised that the Applicant has made or will submit an application for a Floodplain Development Permit, pursuant to Town Code Section 112-12, for the purpose of conducting the work anticipated by this application, and pursuant to Section 112-11, the Building Inspector is designated the local administrator to manage and implement Chapter 112 "Flood Damage Prevention" provisions by granting or denying floodplain development permits in accordance with its provisions, and no work shall be conducted upon the site by the applicant until such time as a Permit has been issued accordingly, and;

WHEREAS, the applicant has represented that the project will be constructed and developed in phases and each residential building will be developed and occupied before the next residential building construction is commenced; and on account that the area designated for the esplanade will be used for staging of the residential buildings construction, the fishing pier and esplanade's development will take place simultaneous with the construction of the final residential building and will be completed before the issuance of a certificate of occupancy for any residential units in the final residential building, and;

WHEREAS, this application appeared as an agenda item at a planning board meeting on April 28, 2022.

NOW, THEREFORE, be it

RESOLVED that the Subject Application for Final Site Plan and Conditional Use Approval relative to the Subject Premises is **approved**, and the Chairman is hereby authorized to sign same 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 to and conditioned upon, the following:

1. All of the 'WHEREAS' paragraphs are incorporated herein by reference.
2. The Applicant shall make application to the Town Board and obtain a Special Permit pursuant to the Town Code and in compliance with the Town Building Inspector's Letter of Determination, dated April 27, 2022.
3. The three (3) separate parcels of real property which presently comprise the project site shall be merged into a single parcel and a new tax map number shall be obtained for same.
4. The terms and provisions of the Esplanade Agreement shall be reviewed and approved by the Town Attorney and the Town Board prior to its signing and filing in the County Clerk's Office.
5. The terms and provisions of the easement for the "Environmental Area" located at the north end of the project site, and for the access easements to permit public entry to the site, shall be reviewed and approved by the Town Attorney prior to their signing and filing in the County Clerk's Office.
6. Prior to the Chairman signing of the site plan, the Applicant, pursuant to its offer, shall make a lump sum payment of \$40,000.00 to the Town for the sanitary sewer system upgrades or other lawful municipal purpose. Said lump sum payment shall not be in lieu of or otherwise affect any customarily required fees or payments due, such as the per unit sewer hookup fees.
7. Item number 2 of the Rockland County Department of Planning (RCDP) letter, dated November 16, 2020, stating, "*The site plan provides net lot area calculations based on deductions due the presence of water and wetlands on the property. Although the resulting net lot area of 29.1 acres is consistent with Section 215-16A of the Town zoning regulations, it significantly overstates the amount of land area suitable for development. A majority of the subject property consists of either water or wetlands. Based on the data provided, the site only consists of 17.2 acres of dry land. In order for the Town to have access to the most thorough information as possible, the site plan must supplement the bulk table with data for lot size, development coverage, and units per acre that is based on the dry land area of the site*", is hereby **overridden** because the Stony Point Town Board in the exercise of its legislative authority adopted the Stony Point Code Sections 215-16 and 215-92.3 (E), and which provisions do not authorize the calculation of density for this project based upon "dry land area" and this Board has no authority to disregard the provisions and clear intent of the duly enacted Town Code.

8. Item number 4 of the Rockland County Department of Planning letter, dated November 16, 2020, stating, *“The main entrance on Hudson Drive must provide access for traffic generated by 264 residential units, 1740 square feet of commercial space, 100 boat slips, and 5.2 acres of waterfront park. This sole accessway, with only a single lane in each direction, is insufficient to accommodate this level of use. This accessway must be expanded, or a secondary accessway added, to maintain a safe and efficient traffic flow”*, is hereby **overridden** because the proposed roadway width of Hudson Drive exceeds the minimum roadway width of 24 feet, set forth in Town Code § 215-92.3 (C) and also exceeds the New York State Department of Transportation and Rockland County Highway standards of 12 ft wide lanes, and based upon the presentation to this Board by the applicant’s traffic engineers and the concurrence of the Planning Board’s reviewing traffic engineer, and the submitted plan for signalization of the area intersections, the roadway width of Hudson Drive is sufficient for this application and the anticipated level of use.

9. Item number 9 of the Rockland County Department of Planning letter, dated November 16, 2020, stating, *“The proposed marina, which is a required element of a waterfront mixed-use development, must meet all of the requirements in section 215-89 of the Town's regulations. This includes, but is not limited to, vessel sewage pump-out facilities, restrooms for marina patrons, and facilities for solid waste, grease, oil and gasoline collection and disposal facilities. In addition, the Table of General Use Requirements for the PW zoning district requires that 25% of the parking spaces required by the marina use be double-length to accommodate cars with trailers. The site plan must be amended to incorporate these elements”*, is hereby **overridden** because the marina proposed is not intended to be a full services marina and will have no provisions available to launch or remove watercraft, store or repair watercraft on site, or provide gas and oil sales. The marina dock will have a sewage pump-out station, potable water service and electrical service (consistent with plan sheet MR-201.00). This Board’s override of this item is consistent with the Town Building Inspector’s Letter of Determination, dated April 27, 2022. These services, and others, are presently available at the neighboring and area marinas located to the south of the project site. Double-length parking spaces are not needed due to the inability to launch or remove boats from the water at this location. The Town’s Building Inspector has determined that the marina as proposed substantially complies with the provisions of the Town Code.

10. Item number 34 of the Rockland County Department of Planning letter, dated November 16, 2020, stating, *“There shall be no net increase in the peak rate of discharge from the site at all design points”*, is hereby **overridden** because this project is located upon the banks of the Hudson River and the site directly discharges tidal waters and the NYS Stormwater Management Design Manual (January 2015) specifically states that the stream channel protection volume requirements and the overbank flood control requirements do not apply to sites which discharge directly tidal waters, such as here, and further, due to this fact, the 100-year storm control requirements may be waived. Temporary and permanent erosion control measures will be implemented to reduce pollution in stormwater discharge from the site. These measures will include water quality basins, silt barriers, diversion swales, check dams and vegetative means to control pollution during and after construction. Biofilters will be used to provide water quality

treatment for impervious surfaces. Water quality runoff to the biofilters and the Hudson River will be monitored as part of the SWPPP and will be in conformance with the NYS-DEC Stormwater Management Design Manual. Additionally, the current proposed engineering design of the project indicates that there will be no net increase in the peak rate of discharge from the project site and there will be compliance with this requirement.

11. The applicant shall submit for review and approval to the Architectural Review Board (ARB) all aspects of the design elements of the proposed public fishing pier and the marina. The ARB findings and approval must be received by the Planning Board before the Chairman is authorized to sign the site plan.

12. The applicant shall comply with all prior approvals issued by the Architectural Review Board (ARB) concerning all aspects of the design elements of the proposed project site development.

13. The applicant shall make payment for all inspection fees and post performance bonds or other security acceptable to the Town, in amounts determined by the Town engineer and confirmed by this Board, for the completion of the public Esplanade, the fishing pier and the off-site work. The applicant shall make payment for the customary inspection fees for the on-site improvements work.

14. The applicant's construction of the esplanade, fishing pier and public parking facilities and pedestrian access ways to and upon the site shall take place concurrently with the construction and development of the final residential building on the site, but no later than 24 months after the issuance of the first building permit for the project.

15. The General Notes and notations contained upon the site plans shall be in all respects complied with by the applicant and are deemed conditions of site plan approval.

16. The applicant shall submit a set of updated and current site development plans to the Town engineer in order that he may conduct a review and approval of the final plan submissions.

17. The applicant shall comply with all provisions of the Town Building Inspector's Letter of Determination, dated April 27, 2022.

18. The applicant shall enter into a standard maintenance agreement with the Town for the future upkeep and maintenance of all stormwater drainage facilities and improvements constructed upon the project site.

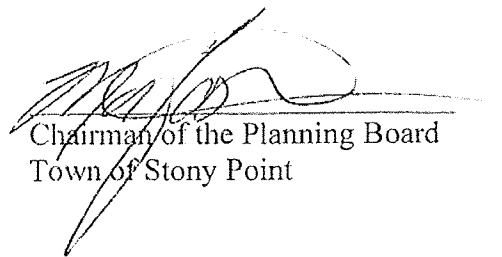
19. All costs and fees due upon the approval of the application shall be paid prior to the Chairman signing the site plan.

20. The Applicant shall comply with all provisions of the Town Code and all rules, regulations and procedures of the Town of Stony Point.

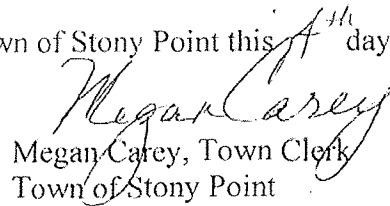
21. A copy of this Resolution shall be forwarded to and served upon the Rockland County Department of Planning as a report of final action.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on April 28, 2022 which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Members Present:</u>				
Mark Johnson, Chairman	<u>X</u>	_____	_____	_____
Gerry Rogers	<u>X</u>	_____	_____	_____
Jake Cataldo	<u>X</u>	_____	_____	_____
Eric Jaslow	<u>X</u>	_____	_____	_____
Mike Ferguson	<u>X</u>	_____	_____	_____
Kerri Alessi	<u>X</u>	_____	_____	_____
Roland Biehle	<u>X</u>	_____	_____	_____


Chairman of the Planning Board
Town of Stony Point

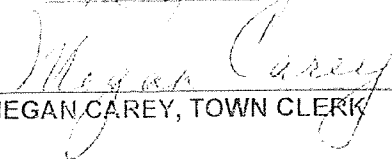
Filed in the Office of the Clerk of the Town of Stony Point this 1st day of May, 2022.


Megan Carey, Town Clerk
Town of Stony Point

STATE OF NEW YORK)
ROCKLAND COUNTY) SS:
TOWN OF STONY POINT)

I, MEGAN CAREY, TOWN CLERK OF SAID TOWN OF STONY POINT, COUNTY OF ROCKLAND, HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING COPY WITH THE ORIGINAL NOW ON FILE IN SAID OFFICE, AND FIND THE SAME TO BE A TRUE AND CORRECT TRANSCRIPT THEREFROM AND THE WHOLE OF SUCH ORIGINAL.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED THE SEAL OF SAID TOWN OF STONY POINT, THIS 4th DAY OF May, 2022.



MEGAN CAREY, TOWN CLERK

#7

RESOLUTION

A meeting of the Town Board of the Town of Stony Point was convened on **May 10, 2022**
at 7:00 p.m.

The following resolution was duly
offered and seconded to wit:

RESOLUTION 2022/_____

RESOLUTION SUPPORTING ASSEMBLY BILL A09888

WHEREAS, Assemblyman Colin Schmitt has introduced Bill A09888 to the New York State Legislature which proposed to make Stony Point’s Doodletown Brook a state designated Inland Waterway pursuant to New York State Executive Law § 911(4); and

WHEREAS, the State seeks to amend the New York State Executive Law in relation to adding Doodletown Brook to the definition of inland waterways for the purposes of waterfront revitalization; and

WHEREAS, said Bill has been introduced to further preserve and protect Doodletown Brook for future generations.

NOW THEREFORE BE IT RESOLVED that:

- Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.
- Section 2. The Town Board hereby adopted this Resolution in support of Assembly Bill A09888 and its mission in preserving and protecting Town waterways for future generations.
- Section 3. The Town Supervisor, any employee or official or consultant as directed by the Town Supervisor is authorized to take any and all actions necessary to carry out the provisions of this Resolution.
- Section 4. This Resolution shall be effective immediately.

#8

SpyGlass Snapshot Audit Agreement

This agreement, effective as of the later of the dates of signature below ("Effective Date"), is between _____ ("Company"), and The SpyGlass Group, LLC, an Ohio limited liability company ("Auditor").

1. Primary Audit Services. Company is engaging Auditor as an independent contractor to analyze its primary telecommunications service accounts (Voice, Data, Internet, Cloud Services and Mobility/Cellular) to seek cost recovery, service elimination and cost reduction recommendations. Company will provide Auditor with the materials required to perform its analysis and Auditor will conduct a Kickoff meeting with Company to review the materials provided and introduce Auditor's personnel assigned to the project. Auditor will deliver the recommendations to Company at a Summary of Findings meeting, implement recommendations that Company elects for Auditor to implement, and deliver a complete telecommunications inventory to Company. Upon completion of implementation, Auditor will conduct an Industry Benchmark Analysis ("IBA") Meeting to compare Company's spending and audit results against industry peers as well as all SpyGlass clients, officially bringing closure to the engagement.

While Auditor is performing its analysis, Company will not make changes or perform internal cost reduction analysis with respect to provider accounts which Company has included within the scope of Auditor's review.

- 2. Fees. Company will pay Auditor the applicable fee set forth below ONLY for Auditor recommendations implemented within twelve (12) months of Auditor delivering the recommendation to Company:
- 50% of any "Cost Recovery", as defined below
- 12 times any "Service Elimination Savings", as defined below
- 12 times any "Cost Reduction Savings", as defined below

"Cost Recovery" is any refund, credit or compensation received by Company relating to past services or charges.

"Service Elimination Savings" is any monthly cost reduction received by Company relating to cancellation of any service, including monthly usage cost reduction (calculated as the average of the last 2 months of usage costs associated with the cancelled service).

"Cost Reduction Savings" is any monthly cost reduction received by Company relating to the modification, consolidation or negotiation of any service, account or contract, including post discount usage rate improvement (calculated as the (a) decrease in post discount per unit pricing realized by Company for any service, times (b) the average of Company's last two (2) months usage levels measured in such units for the modified service).

3. Invoicing and Payment. Fees for Cost Recovery are due as a one-time payment within 10 days of verification that Company has been issued the refund, credit or compensation resulting in such fees. Fees for Service Elimination Savings and Cost Reduction Savings are due as a one-time payment within 10 days of verification that the cancellation or other activity resulting in the Service Elimination Savings or Cost Reduction Savings has been completed. Auditor may issue separate invoices as different fees are earned.

4. Miscellaneous. This agreement is governed by the laws of the State of New York, without regard to principles of conflicts of law, and may be executed by facsimile and simultaneously in multiple counterparts. Company agrees that Auditor does not warranty the overall performance, Company satisfaction, or data accuracy of any telecommunications related carrier, provider, software manufacturer or vendor at any time whatsoever during or after the term of this agreement. Each person signing this agreement on behalf of a party represents that he or she has been duly authorized to sign this agreement and to bind the party on whose behalf this agreement is being signed by that signatory. AUDITOR SHALL NOT BE LIABLE TO THE COMPANY FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR BUSINESS INTERRUPTION, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT OR OTHERWISE, EVEN IF EITHER PARTY HAS BEEN WARNED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE IN ADVANCE. IN ADDITION, IN NO EVENT SHALL AUDITOR'S LIABILITY TO COMPANY EXCEED THE FEES ACTUALLY PAID BY COMPANY TO AUDITOR.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the Effective Date.

COMPANY

Signature: _____
Print Name: _____
Date: _____

AUDITOR
The SpyGlass Group, LLC
Signature: _____
Print Name: Edward M. DeAngelo
Date: _____