

STONY POINT TOWN BOARD

Agenda

7:00PM

October 11, 2022

Pledge of Allegiance
Roll Call
Supervisors Report
Police Dept Report
Highway Superintendents Report
Purchase Order Request
Audit of Bills
Minutes: September 27, 2022
Departmental Reports
Correspondence
Public Input-Limited to 3 minutes

Public Hearing-Sewer Extension-39 Wilderness Drive
Public Hearing-Bond for Sewer Improvements
Continued Public Hearing-RRBR

1. Adopt Resolution Under Section 202-b Sewer Improvements
2. Adopt Bond Resolution Authorizing Bond Issuance for Sewer Improvements
3. Consideration Resolution to Adopt RRBR
4. Approve Use of Kirkbride and Surrounding Area-Fall Drive in Movie
5. Set Public Hearing for Lovett GIS Special Use Permit
6. Approve the Surplus of Equipment from Highway Dept. and Buildings and Grounds and Sewer Department
7. Property Maintenance - 5 Hoover Place
8. Property Maintenance - 158 North Liberty Drive
9. Approve Hire of Seasonal Laborer-Golf Course Operations

Executive Session-If Necessary

RESOLUTION 2022/24 OF TOWN BOARD ORDERING PUBLIC HEARING
ON PETITION FOR SANITARY SEWER DISTRICT #3

At a meeting of the Town Board held on **September 13, 2022**:

Present: **Councilman Michael Puccio**
Councilman Keith Williams
Councilman Paul Joachim
Councilman Todd Rose
Supervisor James Monaghan

In the matter of the Petition of **Mark Hamilla** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District #3 in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **August 19, 2022** has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **2022/1** more fully described in the Schedule "A", **19.02-4-5** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District #3 shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion of MOVED: **Supervisor Monaghan**

SECONDED: **Councilman Puccio**

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the October 11, 2022 at 7:00 PM to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District #3 in the Town of Stony Point not less than ten nor more than twenty days before such hearing.

Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Town of Stony Point, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point on the Northeasterly corner of lands now or formerly of Stanley Meltzoff, said point being 791.53 feet on a course of North 27° 57' 00" East from the Southeast corner of lands now or formerly of Balger Realty Corporation; running thence from said point of beginning along the boundary line between said lands now or formerly of Stanley Meltzoff and lands now or formerly of David E. Scherman, North 62° 3' 00" West a distance of 422.12 feet to a point in the Easterly side of a 50' Right of Way;

thence along the same South 26° 55' 15" West a distance of 69.0 feet; thence still along the same on a curve to the left having a radius of 244.69 feet a distance of 89.72 feet; thence still along the same South 5° 54' 45" West a distance³ of 39.17 feet; thence along other lands now or formerly of Balger Realty Corporation South 62° 3' 00" East a distance of 388.35 feet to a point in the Easterly boundary line of lands now or formerly of Balger Realty Corporation; thence along said Easterly boundary line, North 27° 57' 00" East a distance of 192.69 feet to the point and place of BEGINNING.

**NOTICE OF PUBLIC HEARING
TOWN OF STONY POINT SEWER DISTRICT NO. 2 IMPROVEMENTS**

PLEASE TAKE NOTICE that the Town Board of the Town of Stony Point, Rockland County, New York, by resolution dated September 27, 2022, ordered that a public hearing be conducted at a meeting of said Town Board to be held on October 11, 2022 at 7:00 p.m. at the Town Hall, 74 East Main Street, Stony Point, New York 10980 to consider whether it is in the public interest to approve the hereinafter described project:

The Town Board is considering authorizing certain improvements to the facilities serving Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto, at an estimated maximum cost of \$2,600,000.

All persons interested in the aforementioned project, and the subject matter thereof, are invited to attend.

Megan Carey, Town Clerk
Dated: September 27, 2022

Continued Public Hearing - RRBR

#1

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE “TOWN”) PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

WHEREAS, the Town Board (the “Town Board”) of the Town of Stony Point, Rockland County, New York (the “Town”) is considering authorizing certain improvements to the facilities serving the Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town’s Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto (the “Project”), as set forth and described in a certain engineering report as prepared by Pitingaro & Doetsch Consulting Engineers, P.C. (the “Engineer”); and

WHEREAS, the Town’s Engineer has estimated that the maximum cost of undertaking the Project is \$2,600,000; and

WHEREAS, by Resolution No. 30, adopted September 27, 2022 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on October 11, 2022 at 7:00 p.m. at the Town of Stony Point Town Hall, 74 East Main Street, Stony Point, New York 10980; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *Rockland County Times*, the official newspaper of the Town, on September 29, 2022 and a copy of such notice was posted on the signboard maintained by the Town Clerk on September 29, 2022, and on the Town’s website, pursuant to Town Law Section 193; and

WHEREAS, the Project constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA” and therefore no further action under SEQRA with respect to the Project need be taken by the Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as

hereinabove described at the estimated maximum cost of \$2,600,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Rockland, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

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

AYES: NAYS:

Councilmember Paul Joachim
Councilmember Todd Rose
Councilmember Mike Puccio
Councilmember Keith Williams
Town Supervisor Jim Monaghan

The resolution was thereupon declared duly adopted by a vote of ____ ayes and ____ nays.

Dated: October 11, 2022

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

I, the undersigned Town Clerk of the Town of Stony Point, Rockland County, New York (the "Town"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town of Stony Point (the "Town Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on October 11, 2022, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT,
ROCKLAND COUNTY, NEW YORK (THE "TOWN") PURSUANT TO
SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE
PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO
TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given, and that all members of said Board had due notice of said Meeting and voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Stony Point this 11th day of October, 2022.

TOWN OF STONY POINT

By: _____
Megan Carey, Town Clerk

[SEAL]

#2

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

WHEREAS, pursuant to proceedings undertaken by the Town Board (the "Town Board") of the Town of Stony Point, Rockland County, New York (the "Town") under Section 202-b of the Town Law, including in particular a resolution adopted on October 11, 2022 immediately prior to the consideration of this resolution (the "Approval Resolution"), the Town Board (a) determined it was in the public interest to undertake certain improvements to the facilities serving the Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto, as set forth and described in a certain engineering report as prepared by Pitingaro & Doetsch Consulting Engineers, P.C. (the "Project"), and on file in the office of the Town Clerk; and, at an estimated maximum cost of \$2,600,000 and (b) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA" and therefore no further action under SEQRA with respect to the Project need be taken by the Board; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town's serial Bonds and bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$2,600,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,600,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the assessment, levy and collection of assessments upon the benefited properties within Sewer District No. 2; and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to

pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to

subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

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

AYES: NAYS:

Councilmember Paul Joachim
Councilmember Todd Rose
Councilmember Mike Puccio
Councilmember Keith Williams
Town Supervisor Jim Monaghan

The resolution was thereupon declared duly adopted by a vote of ____ ayes and ____ nays.

Dated: October 11, 2022

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

I, the undersigned Town Clerk of the Town of Stony Point, Rockland County, New York (the "Town"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on October 11, 2022, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Stony Point as of this 11th day of October, 2022.

TOWN OF STONY POINT

[SEAL]

By: _____
Megan Carey, Town Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on October 11, 2022 by the Town Board of the Town of Stony Point, Rockland County, New York (the "Town"). The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Megan Carey, Town Clerk
Town of Stony Point

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Stony Point on October 11, 2022.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES."

2. The specific object or purpose for which the bonds are authorized is the financing of certain improvements to the facilities serving the Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto, as set forth and described in a certain engineering report as prepared by Pitingaro & Doetsch Consulting Engineers, P.C..

3. The period of probable usefulness is 30 years.

4. The amount of obligations authorized to be issued is \$2,600,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk, Town of Stony Point, Town Hall, 74 East Main Street, Stony Point, New York 10980.

#3

RESOLUTION

A meeting of the Town Board of the Town of Stony Point was convened on **October 11, 2022, at 7:00 p.m.**

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/ _____

**RESOLUTION ADOPTING LOCAL LAW NO. __ OF 2022
AMENDING CHAPTER 215, ZONING, CREATING THE RIVER AND RAIL
BROWNFIELD REDEVELOPMENT ZONE (“RRBR”)**

WHEREAS, within the Town Board for the Town of Stony Point, New York (“Town Board”) there is a need to protect the public health and safety from time to time with regard to the enactment of Local Laws pursuant to the powers of the municipality under the Municipal Home Rule Law, and

WHEREAS, the Town Board seeks to adopt the proposed local law to further the protection of the public health, safety and welfare consistent with the aforementioned statutory powers; and

WHEREAS, the Town Board previously declared itself lead agency under SEQRA for the adoption of the proposed local law on August 9, 2022; and

WHEREAS, the Town Board reviewed a Part 1 and Part 2 Environmental Assessment Form as well as a Part 3 Negative Declaration; and

WHEREAS, a public hearing regarding the proposed local law was opened on August 9, 2022 and such public hearing was continued on September 13, 2022, September 27, 2022 and October 11, 2022 and all persons interested and desiring to be heard were heard during the course of such public hearing; and

WHEREAS, the proposed local law was referred as required by statute, including referral to the Rockland County Planning Department (“RCPD”) under the provisions of New York State General Municipal Law § 239-m and recommendations and comments dated July 29, 2022 were received from the RCPD and reviewed by the Town Board; and

WHEREAS, such public hearing was closed on October 11, 2022; and

WHEREAS, the Town Board after due deliberation, finds it in the best interest of the Town to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. All “Whereas” clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. The Town Board hereby adopts the negative declaration as set forth in the Part 3 Environmental Assessment Form presented to the Town Board and determines that this action will not have any significant adverse impact on the environment.

Section 3. That the Town hereby responds to the RCPD recommendations as set forth below and, as indicated below, overrides by a majority vote, plus one, certain recommendations in the July 29, 2022 response from the Rockland County Planning Department for the reasons enumerated below. The RCPD Recommendations are abbreviated/summarized for the purposes of brevity in this Resolution and the full RCPD recommendations are set forth in full in the July 29, 2022 RCPD General Municipal Law Response available from the Town Clerk’s office and/or the County Planning Department website under GML reviews - “Town of Stony Point:”

- A. **RCPD Recommendation #1 (OVERRIDE):** The proposed River and Rail Brownfield Redevelopment (RRBR) Floating Zone is unmapped.

Town Response: SEQR requires that any future review prerequisite to landing of the RRBR floating zone will need to not only consider the proposal depicted in the landing petition, but also the full range of uses and construction that could occur after landing the zone. The purpose of requiring a proposal be described at the time the district is landed is to avoid segmentation under SEQR, which may occur if the current plan is not disclosed until later during a site plan review. Further if only a site reuse permit is being sought, it is important to consider that use prior to landing the zone as site reuse permits will likely be considered Type 2 actions once the zone is landed. The requirement to disclose the proposed use also will allow the Town Board to better consider whether it needs to impose reasonable limitations as permitted under §215-152H.

The proposed site reuse permit allows for reuse of an existing site with minimal modifications for the uses listed in the RRBR zoning chart. Essentially, the site reuse is intended to parallel Type 2 thresholds, which have been deemed by DEC as unlikely to result in environmental impacts. The site reuse permit is limited to as-of-right uses and allows only minimal construction. For the landing of the RRBR at the potential Lovett and Tilcon sites this will limit reuse to those uses that do not require interior floor area (freight, barge and truck transfer, solar energy generation, break-bulk cargo). The only likely impact associated with those types of uses would involve the

types of materials to be stored, the potential to increase stormwater runoff and erosion, and the potential impact from adding truck traffic to local roads. These three impacts are already dealt with by the requirements of the Site Reuse Permit, which requires disclosure and compliance with OSHA material safety and process safety requirements, approval of a Stormwater Pollution Prevention Plan, and limitation on truck traffic generation and the requirement that at least 35% of good by weight or volume ship by river or rail.

For the landing of the RRBR at the potential Kay-Fries and US Gypsum sites, structures exist that both conform with existing LI Industrial Zoning that is more intensive than RRBR zoning. The former US Gypsum site has maintained its certificate of use as a manufacturing facility. The Kay-Fries structure is currently used for storage by multiple tenants. These sites already have the ability to increase operations (to a fully-operational wallboard manufacturing facility and a more intensive warehousing use). Allowing an alternative manufacturing, warehousing, storage, energy generation or cargo transfer use on the site via the RRBR zone through the site reuse permit would likely result in a less intensive use and be consistent with the DEC Type 2 list, particularly 6 NYCRR 617.5(C)(9) and (18).

The idea behind the site reuse permit is to allow for a transitional use like the bridge construction logistics yard that occupied the Lovett site for a time, until such time as a permanent use is established by the market. At that point, should any significant industrial use, warehousing, offices or research laboratories be proposed, they would require a site plan and referral to Rockland County Planning Department and additional SEQR review as well as a public hearing.

Given that a full SEQR review will be required prior to landing the zone, there is no reason to limit future use of the landed RRBR as suggested. **For these reasons, the Town Board overrides this RCPD recommendation.**

- B. **RCPD Recommendation #2:** The proposed local law uses the term “brownfield” in a generic sense.

Town Response: Participation in the Brownfield Cleanup Program is not required for landing the RRBR. There are several definitions for Brownfields in various New York State and Federal Laws and programs. There is no reason why the Town cannot promulgate its own definition in this case. In light of this clarification, there is need to override this recommendation.

C. **RCPD Recommendation #3 (OVERRIDE):** Section 215-154 of the proposed local law allows the issuance of a site reuse permit, which allows for a streamlined permit review process for reuse of existing brownfield sites that do not involve significant construction of new facilities, once the mapping of the RRBR floating zone has been approved.

Town Response: The limitations imposed by the Site Reuse Permit require that only existing structures be reused and that less than 4,000 square feet of new interior floor area be involved. This ensures that all site reuse permits are substantially consistent with the requirements of 6 NYCRR 617.5(C)(9) and(18), which identify the following activities:

Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; and

reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4

[Type 1 Actions] of this Part;

Like all Type 2 activities, these two activities cease to be Type 2 once a Type 1 threshold is triggered. For example a new non-residential use involving less than 4,000 square feet of floor area (Type 2) were to also include the physical alteration of more than 10 acres (Type 1) the activity would no longer be considered Type 2. That is the reason why the proposed site reuse permit requirements include a condition that Type 1 thresholds not be exceeded.

The site reuse permit involves the reuse of industrial buildings for other industrial uses. It is therefore not directly applicable to 6 NYCRR 617.5(C)(18). It is essentially consistent with that Type 2 activity in that the reuse of a vacant building for a similar use is environmentally preferable to buildings remaining vacant and inducing new development on undeveloped sites. **For these reasons, the Town Board overrides this RCPD recommendation.**

- D. **RC Planning Recommendation #4:** One of the available tools to help a municipality redevelop brownfields is the creation of a Brownfield Opportunity Area (BOA) through the New York State Department of State. The BOA program is used to develop area-wide, community-based plans to effectively redevelop brownfields and other vacant and abandoned sites by providing funding, grants, and tax incentives. The Town of Stony Point should consider pursuing the creation of a BOA, currently or as part of an initial application for the landing of the RRBR floating zone.

Town Response: The Town applied for a BOA grant to perform a pre-nomination study in 2012 but was not approved. Therefore, no override is required

- E. **RC Planning Recommendation #5:** The Full Environmental Assessment Form (FEAF) submitted is incomplete and unsigned. Question C.2.b (pg. 2 of 13) is missing two Superfund remediation sites; Stony Point Landfill (344008) and Holt Drive Industrial (344048). The FEAF must be corrected, completed, and signed.

Town Response: Site 344008 (Stony Point Landfill) is now part of the Palisades Interstate Park and therefore is not eligible for landing of the RRBR floating zone and is therefore outside of the effected area considered by the EAF. Site 344048 (Gotham Ink) is on a parcel of only 3.15 acres and is therefore not eligible for landing of the RRBR floating zone and is therefore outside of the effected area considered by the EAF. Recommendation accepted and the FEAF Part 1 will be signed as suggested.

- F. **RCPD Recommendation #6:** Section 215-154.A of the proposed text provides a list of uses that shall be permitted subject to a site reuse permit. In addition, section 215-154.B(8) states that a site reuse permit “shall be for a use permitted by right in the RRBR district (not a special permit use).” However, the uses permitted by right in column B of the proposed Table of General Use Regulations for the RRBR district uses different terminology from the list of uses in section 215-154.A, and does not include Construction logistics yards (section 215-154.A(2)).

Town Response: “Construction logistics yard” has been added to the list of permitted uses and §215-154A is revised to refer to the bulk table rather than relisting the uses. Recommendation accepted.

- G. **RCPD Recommendation #7:** The proposed addition to the Table of General Use Regulations for the RRBR district includes three. Conditional Uses that are subject to Planning Board approval. Column

D, Uses by Special Permit of the Town Board, is blank, but Note #1 states that any use permitted by right that does not meet the requirement of a minimum of 35% of goods shipped or received by rail or river must be authorized by a special use permit of the Town Board. Section 215-154.B(8) states that site reuse permits “shall be for a use permitted by right in the RRBR district (not a special permit use)” and does not address Conditional Uses. Section 215-154.B(8) must be amended to clarify that site reuse permits are not permitted for Conditional or Special Permit uses.

Town Response: Recommendation accepted and suggested change has been incorporated.

- H. **RCPD Recommendation #8:** Section 4 of the proposed local law amends section 215-13 (Prohibited Uses) of the Town Code. The local law states that section 215-13(C), which prohibits the bulk or wholesale storage of gasoline above the ground, shall be eliminated. The prohibition of above ground gasoline storage is cited in section 215-13(E). The text must be corrected and note that the remaining subsections will be renumbered accordingly.

Town Response: Recommendation accepted and change incorporated.

- I. **RCPD Recommendation #9:** The list of accessory uses that are exempt from the minimum riverfront setback in the proposed section 215-27 (Riverfront setback) includes “stationary crane” twice and must be corrected.

Town Response: Recommendation accepted and suggested change has been incorporated.

- J. **RCPD Recommendation #10.** Section 215-152.A of the proposed text refers to the “CCR Floating Zone”, not the RRBR floating zone and must be corrected.

Town Response: Recommendation accepted and suggested change has been incorporated.

- K. **RCPD Recommendation #11:** Section 215-152.G (1) of the proposed text refers to “MDP”. This term is not defined and its meaning is not clear. The text must clarify the definition of an MDP.

Town Response: Recommendation accepted and proposed local law has been modified.

- L. **RCPD Recommendation #12:** There appears to be an extra Use Group in Column C-1 of the proposed Table of General Use Regulations. The table must be corrected.

Town Response: Recommendation accepted and the use groups relevant to Column C-1 have been corrected.

- M. **RCPD Recommendation #13 (OVERRIDE):** A review must be completed by the New York State Department of Environmental Conservation and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly **the Town hereby overrides this recommendation.**

- N. **RCPD Recommendation #14:** The adjacent Town of Haverstraw and the Village of West Haverstraw are two of the reasons this proposed local law was referred to this department for review. New York State General Municipal Law states that the purposes of Sections 239-1, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.

Town Response: The Town of Stony Point has sent a copy of the proposed local law as well as a notice of the public hearing to the Town of Haverstraw and Village of West Haverstraw as those communities are located within 500 feet of lands eligible for landing of the RRBR zone and such notification is required under NY Town Law. Accordingly, no override is required of this recommendation as it has already been satisfied.

- O. **RCPD Recommendation #15 (OVERRIDE):** A review must be completed by the New York State Department of Transportation and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

- P. **RCPD Recommendation #16:** A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

Town Response: The Town of Stony Point has sent a copy of the proposed local law as well as a notice of the public hearing to the

Palisades Interstate Park Commission as that agency has lands within 500 feet of lands eligible for landing of the RRBR zone, and such notification is required under NY Town Law. Accordingly, no override is required of this recommendation as it has already been satisfied.

- Q. **RCPD Recommendation #17 (OVERRIDE):** A review must be completed by the Rockland County Department of Health and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly, the Town hereby overrides this recommendation.

- R. **RCPD Recommendation #18 (OVERRIDE):** A review must be completed by the Rockland County Division of Environmental Resources and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly, the Town hereby overrides this recommendation.

- S. **RCPD Recommendation #19 (OVERRIDE):** A review must be completed by the Rockland County Highway Department and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly, the Town hereby overrides this recommendation.

- T. **RCPD Recommendation #20 (OVERRIDE):** A review must be completed by the Rockland County Drainage Agency and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly, the Town hereby overrides this recommendation.

Section 4. That the proposed Local Law entitled "CREATING THE RIVER AND RAIL BROWNFIELD REDEVELOPMENT ZONE and amending Chapter 215 of the Town Zoning Code be and hereby is adopted as Local Law No. __ of 2022 of the Town of Stony Point.

Section 5. The Town Board hereby directs the Town Clerk to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said local law to the

Secretary of State of New York and to take all steps to process and file said local law amendment with the State of New York.

Section 6. The Town Board hereby directs the Town Clerk to transmit this resolution to the Rockland County Planning Department within thirty (30) days of this Resolution as the report of final action as required under NYS General Municipal Law § 239-m(6).

Section 7. This Resolution shall be effective immediately.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Monaghan	[]	[]	[]	[]
Councilperson Puccio	[]	[]	[]	[]
Councilperson Joachim	[]	[]	[]	[]
Councilperson Rose	[]	[]	[]	[]
Councilperson Williams	[]	[]	[]	[]

The Resolution was thereupon duly adopted.



Stony Point Police Department Youth Bureau / P.A.L.



79 Route 210, Stony Point, New York 10980
Phone #: (845)786-2242, Fax #: (845)786-3120

Det. Andrew Kryger – Youth Officer
Det. Sgt. Pedro Garcia

Chief Ed Finn

September 28, 2022

Stony Point Town Board
74 East Main St
Stony Point, NY 10980

Re: 2022 FALL Drive-In Movie

Dear Town Board Members,

On behalf of the Board and Officers of the Stony Point Police Athletic League, we respectfully request permission to use the lawn of the Stony Point Justice Court/Kirkbride Hall and surrounding property for our Drive-In Movie/Town Halloween Event.

Needed: Parks employees/bucket truck to install/remove movie screen at each event.

This event is scheduled for 5:00pm to 11:30pm (No Rain dates).

Friday October 28, 2022

We respectfully invite the Town Board to be our guests at this event.

Thank you for your support.

Respectfully,

Andrew Kryger

Andrew Kryger
Executive Director
Stony Point P.A.L.
Youth Officer

AMK/am

October 3, 2022

Sent Via Email (mcarey@townofstonypoint.org)

Attn: Megan Carey, Town Clerk
Town of Stony Point
74 East Main Street
Stony Point, New York 10980

***Re: Lovett Electrical Substation – SBL 10.04-2-10, 11, 13 & 15
Application for Special Permit***

Dear Megan:

This firm represents Orange & Rockland Utilities, Inc. (“Applicant” and “O&R”), in connection with the proposed expansion of the existing Lovett Substation for a new gas insulated substation (GIS) and related improvements (“Proposed Development”). The Proposed is located at the corner of Elm Avenue and Spring Street in the Town of Stony Point, Rockland County, New York (Section 10.04 Block 2 Lots 10, 11 13 and 15) (“Property”). The purpose of the Proposed Development is to comply with the New York Independent System Operator’s (NYISO) directive to add new capacity to the electric system in the North Rockland area. The NYISO has determined that O&R's existing 138kV transmission system may become overloaded in the North Rockland County area during periods of peak demand, resulting in electric service interruptions and possible system damage. To ensure greater electric service reliability and customer satisfaction, the NYISO has directed O&R to add a new source of capacity in the region by building this substation.

The Property expands over two separate zoning districts. Tax lots 10, 11 and 13 are each located in the Town’s Light Industrial (LI) District, in which “industrial uses” such as the proposed public utility use are permitted as-of-right. However, Tax Lot 15 is located in the Town’s Rural-Density Residential (RR) District, which requires a Town Board special permit for “surface, underground or overhead utilities” use, as is proposed in this Application. As such, the Applicant respectfully submits the following documents to initiate the requisite Town Board special permit application and in anticipation of the October 11, 2022 Town Board meeting:

- Eight (8) copies of the Town of Stony Point Application to the Town Board;
- One (1) full-sized and seven (7) 11”x17” copies of the:
 - Site Plan (Sheet 4 of 14) prepared by Beta Engineering, LLC and last revised September 2, 2022;

- Landscaping Plan (Sheet 13 of 14) prepared by Beta Engineering, LLC and last revised September 2, 2022;
- Building Elevations prepared by Oradell Construction Company, Inc. and last revised September 13, 2022.
- Eight (8) copies of the Full Environmental Assessment Form (FEAF) w/ Appendices, dated April 7, 2022;
- Eight (8) copies of the Photo Simulation Booklet issued September 2022; and
- Check made payable to the Town of Stony Point in the amount of \$250, representing the requisite Application fee.

In addition to the physical documents enclosed, a digital copy of each of the above documents has been submitted via electronic mail.

Analysis

Pursuant to Chapter 215 Attachment 9, Part 1 (Residential Districts Table of General Use Requirements) of the *Zoning Law of the Town of Stony Point, New York* (“Town Code”), “surface, underground or overhead utilities” are permitted in the RR District by Special Permit of the Town Board. New York Town Law Section 274-b(1) defines the term “special use permit” as “an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.” New York Courts have held that the classification of a “special permit” or “special exception” is tantamount to a legislative finding that, if the special permit or exception conditions are met, the use will not adversely affect the neighborhood and the surrounding areas. Robert Lee Realty Co. v. Vill. of Spring Valley, 61 N.Y.2d 892, 893, 462 N.E.2d 1193, 1193 (1984); Metro Enviro Transfer, LLC v. Vill. of Croton-On-Hudson, 7 A.D.3d 625, 627, 777 N.Y.S.2d 170, 171 (2d Dept 2004), *affd*, 5 N.Y.3d 236, 833 N.E.2d 1210 (2005), *citing* C.B.H. Properties, Inc. v. Rose, 205 A.D.2d 686, 686, 613 N.Y.S.2d 913, 914 (2d Dept 1994); Matter of C & B Realty Co. v. Town Bd. of Town of Oyster Bay, 139 A.D.2d 510, 512, 526 N.Y.S.2d 612, 612 (2d Dept 1988) (“An ordinance which permits a special exception use in a particular zoning district is tantamount to a legislative finding that the use accords with the zoning plan and that it will not adversely affect the surrounding area”).

Town Code Section 215-79

The special permit sought in this Application is subject to the general conditions and standards set forth in Town Code Section 215-79, which include the following: (i) the proposed use shall be 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; (ii) 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 shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous; (iii) the location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings; (iv) 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. As detailed below, approval of the special permit use would be in harmony with the intent and purpose of the Town Code, conform to the aforementioned conditions and standards prescribed, and would not be detrimental to property or persons in the neighborhood.

First, the proposed use is of such location, size and character that it is in harmony with the appropriate and orderly development of the RR District, and is not detrimental to the Property or the adjacent properties. The Property for which the special permit is sought is immediately adjacent to the existing Lovett substation and the Town's LI District. Lot 15, though currently vacant, was previously utilized as the tank farm for the Mirant Lovett Generating facility. Although the tanks have been removed, the concrete wall that surrounded the tanks still remains on the Property, and when viewing the Property from the public roadway, it appears that the Property is already part of the greater Lovett Substation site. Given the above, for all intents and purposes, the Property is industrial in nature and has in-fact been used for industrial uses in the past. Thus, the Proposed Development is consistent with the nature of the Property and its prior use. Further, the residential district and uses to the south and west of the Property will not be impacted by the proposed use. There are steep slopes and significant natural buffers surrounding the Property to both the west and the south that provide natural buffers between the Proposed Development and the residential buildings in the neighborhood. In addition, the proposed development is designed to avoid adverse impacts to the residential properties as a result of electric and magnetic fields, light or noise. This includes the use of a building enclosure around the proposed GIS Substation. Operational lights are downward facing and shielded, allowing the Proposed Development to comply with Town Code Chapter A220. Reports were also prepared on behalf of the applicant regarding noise and electric and magnetic field studies, each of which found that the Proposed Development will not adversely impact the neighboring properties. Given the above, the proposed use is of such location, size and character that it is in harmony with the appropriate and orderly development of the RR District and is not detrimental to the Property or the adjacent properties.

Second, the location and size of the Proposed Development, 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 no hazard is posed to either pedestrian and vehicular traffic to and from the use. The Proposed Development largely encompasses the same area as the Mirant Lovett Generating facility's tank farm. As discussed above, the Proposed Development is adequately buffered from the surrounding residential uses and will not adversely impact the surrounding neighborhood. Also, the Proposed Development is designed to minimize any impacts on the wetlands and to reduce clearing of existing trees and brush, both of which are located west of the

Proposed Development. The proposed GIS Substation is an unmanned facility. As such, traffic to the Proposed Development is limited to periodic maintenance to the GIS Substation (typically a single vehicle) and landscaping maintenance for the entire Lovett Substation. Therefore, traffic for this Proposed Development will be limited during operations. During construction of the GIS Substation, construction vehicles will utilize Elm Avenue for access to the Proposed Development, so as to avoid the use of other roadways in the residential district and thus avoid adverse impacts to the residential neighborhoods. Elm Avenue is already utilized for commercial vehicles accessing the Tilcon Tomkins Cove Quarry site located immediately south of the Proposed Development, and as such, the use of Elm Avenue for access to the Proposed Development during the temporary construction period will not have a significant adverse impact on the neighborhood. Given the above, the location and size of the Proposed Development, the nature and intensity of operations involved in and conducted in connection therewith, its site layout and its relation to access streets is such that no hazard is posed to either pedestrian and vehicular traffic to and from the use.

Third, the location and height of buildings; the location, nature and height of fences; and the nature and extent of landscaping on the Property are such that the use will not hinder or discourage the development and use of adjacent properties. The Proposed Development includes GIS Substation building that is 33' 5-2/5" in height (as the term is defined in the Town Code) and a chain link fence that is 11 feet in height (10-foot fence, plus 1 foot of barbed wire). Both the GIS Substation building, and the fence require variances from the Zoning Board of Appeals, which the Applicant is currently in the process of obtaining. Although the building and fence heights each exceed the Town Code requirements, the heights are necessary to maintain the existing site conditions and to ensure the health, safety and welfare of the community. First, the GIS Substation building height is necessary for the operation of the proposed substation equipment. The building will not only create a better aesthetic by enclosing the substation equipment, but by enclosing the equipment, noise that would otherwise come from the Proposed Development will be mitigated. In addition, any impact of the building height is mitigated by the topography and existing vegetation surrounding the Property, which creates a significant buffer between the Proposed Development and the residentially zoned parcels. Second, the fence height will not have an adverse impact on the neighborhood. In fact, the Proposed Development includes the removal of an existing concrete wall that surrounds the project site. Therefore, the removal of the concrete wall and the erection of a chain link fence in its place would have a positive impact. Regardless, the fence height will benefit the public by preventing unauthorized access to the Proposed Development that could result in physical harm. The fencing also prevents animals from accessing the Proposed Development, which could result in damage to the community's electrical grid. Finally, the Applicant is proposing landscaping on the Property, including lawn areas along the Lovett Substation entrance and Spring Street, as well as the planting of bushes along Spring Street to provide further screening of the Proposed Development. Given the above, the location and height of buildings; the location, nature and height of fences; and the nature and extent of landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent properties.

Lastly, the Proposed Development 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. The Applicant proposes to construct an unmanned GIS Substation that will be incorporated into the existing Lovett Substation. The Proposed Development is itself a public utility, and for the reasons stated above, will not create a burden on the Town's public facilities or services.

Town Code Section 215-92.7

In addition the general conditions and standards addressed above, the Proposed Development must also meet the conditions set forth in Town Code Section 215-92.7, which are applicable to all nonresidential special permit uses located in residential zoning districts.

Town Code Section 215-92.7(A)(1) through (3) address on-site parking requirements, parking lot landscaping, and creates a prohibition on parking in the required front yard. The Proposed Development is unmanned, and therefore, no designated on-site parking stalls are provided. Rather, when maintenance personnel visit the site, they will park on the private on-site access road. This interior access road is screened from Spring Street via the landscaping proposed along the perimeter of the chain link fence. The private on-site access road extends along the perimeter of the Proposed Development, allowing for compliance with the front yard parking prohibition. Town Code Section 215-92.7(A)(4) provides conditions for outdoor lighting, stating:

(4) Lighting. Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to be compatible with surrounding land uses. The applicant shall provide a lighting plan showing that exterior lighting will not be directly visible beyond the boundaries of the property line to the maximum extent practicable. Any lighting shall be directed away from adjoining streets and properties and shall be arranged as to reflect the light away from any adjoining properties and abutting streets, highways, and roads.

The Proposed Development includes both operational lighting and emergency lighting. The proposed operational lighting complies with the footcandle limits set forth in Town Code Section A220-5(B)(13), thus preventing light spillage onto all adjacent roadways and residential parcels. In addition, the outdoor lighting plan incorporates shielded and downward facing lighting fixtures to ensure that exterior lighting is not directly visible beyond the Property boundaries. The lighting impacts are further mitigated by the topography and existing vegetation surrounding the Property, which creates a significant buffer between the Proposed Development and the residentially zoned parcels.

Conclusion

On balance, granting the requested special permit would not produce a detriment to the health, safety or welfare of the community. In contrast, the Applicant, as well as the Town and its residents, would benefit by permitting the redevelopment of the Property as currently proposed. We respectfully ask, therefore, that your Board grant the requested special permit.

We look forward to appearing before your Board at its next available meeting Agenda for a hearing on this Application. In the meantime, if you have any questions or require any further information, please do not hesitate to contact us.

Very truly yours,



Brian T. Sinsabaugh

cc (via email):

Orange & Rockland Utilities, Inc.
Beta Engineering
Fisher Associates
Lino Sciarretta, Esq.

Holli Finn

From: Stephen Honan <Shonan@fnmlawfirm.com>
Sent: Tuesday, October 4, 2022 5:55 PM
To: Supervisor; Brian Nugent; shannond@fnmlawfirm.com; Holli Finn; Robert Zitt
Cc: Max Stach; Mary Pagano; John O'Rourke; Mark Johnson
Subject: Lovett (O&R) GIS Substation -Site Plan & Special Permit Applications

Dear Supervisor Monaghan:

The above Applicant has submitted a Site Plan application to the PB. The Public Hearing on the site plan was opened on September 22, 2022 and was continued to our Oct 27 PB meeting. The applicant requested a Neg Dec under SEQRA, which was issued on 9/22/22, in order for the applicant to pursue its ZBA application.

Although the applicant has not requested a PB recommendation to the TB on their SP application, the PB will do so at its meeting of Oct 27. Once the PB recommendation is rec'd by the TB, the TB can schedule a PH and consider the SP application.

Let me know if you have any questions regarding the status of this application.

Very truly yours,
Steve Honan.

--

Stephen M. Honan, Esq.
Feerick Nugent MacCartney PLLC
96 South Broadway
South Nyack, NY 10960
845.353.2000
845.353.2789 (fax)
shonan@fnmlawfirm.com



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Holli Finn

From: Jesse DuBois <jesse.dubois@betaengineering.com>
Sent: Monday, October 3, 2022 6:09 PM
To: Megan Carey; Holli Finn
Cc: Winters, Vivian; Eiband, Gregory B; Khan, Javid; Brian Sinsabaugh; Brett Bolton; B656DocCtrl
Subject: Orange & Rockland Utilities- Lovett GIS Special Permit Application (Email 1 of 2)
Attachments: Town Board Special Permit Submission Submission Letter.pdf; Stony Point - Special Use Permit Application Form.pdf; 04_N-F-10226_RC_Site Plan (Sheet 4 of 14).pdf; 13_N-F-10198_RC_Landscaping Plan (Sheet 13 of 14).pdf; 03_Lovett - Building Elevations (F-10140).pdf; O&R Lovett - FEAF Part 1.pdf

Good Afternoon Megan,

Please see the attached Orange & Rockland- Lovett GIS Special Permit Application. Attached here is the electronic submittal for your records.

Hard Copies were sent today via FedEx Standard Overnight (Tracking No: 770101889608), Attention to Mary Carey, including the following:

- Eight (8) copies of the Town of Stony Point Application to the Town Board;
- One (1) full-sized and seven (7) 11"x17" copies of the
 - Site Plan (Sheet 4 of 14) prepared by Beta Engineering, LLC and last revised September 2, 2022;
 - Landscaping Plan (Sheet 13 of 14) prepared by Beta Engineering, LLC and last revised September 2, 2022;
 - Building Elevations prepared by Oradell Construction Company, Inc. and last revised September 13, 2022.
- Eight (8) copies of the Full Environmental Assessment Form (FEAF) w/ Appendices, dated April 7, 2022;
- Eight (8) copies of the Photo Simulation Booklet issued September 2022; and
- Check made payable to the Town of Stony Point in the amount of \$250, representing the requisite Application fee.

We kindly request to be included on the 10/11/22 Town Board Meeting agenda, if not already.

Due to size, I will follow up with an electronic copy of the Photo Simulation Renderings in a separate email (2 of 2).

Please feel free to contact me if you have any questions.

Thanks!



Jesse DuBois
Project Manager
O: 318.767.2701 | C: 318.664.0386
jesse.dubois@betaengineering.com

Holli Finn

6

From: Karl Javenes
Sent: Friday, October 7, 2022 9:15 AM
To: Holli Finn
Cc: Supervisor
Subject: Sewer department surplus list

Good morning,
We would like to surplus the following equipment from the Sewer department at the next town board meeting:
Isotemp Incubator model #TFFU2065FWA
Thank you,

Karl Javenes
Superintendent of Highways
Town of Stony Point
74 East main Street,
Stony Point, NY 10980
845-786-2300
914-906-4836

✓

Holli Finn

From: Karl Javenes
Sent: Wednesday, October 5, 2022 2:54 PM
To: Holli Finn
Subject: RE: Highway department surplus list

Highway

From: Holli Finn <HFinn@townofstonypoint.org>
Sent: Wednesday, October 5, 2022 2:53 PM
To: Karl Javenes <KJavenes@townofstonypoint.org>
Subject: RE: Highway department surplus list

Is this equipment from highway or buildings and grounds?

***Thank You,
Holli Finn
Deputy Town Clerk
845-786-2716 ext.123
Fax#845-786-2783
hfinn@townofstonypoint.org***

From: Karl Javenes <KJavenes@townofstonypoint.org>
Sent: Wednesday, October 5, 2022 2:52 PM
To: Holli Finn <HFinn@townofstonypoint.org>
Cc: Supervisor <supervisor@townofstonypoint.org>
Subject: Highway department surplus list

Good afternoon,
We would like to surplus the following equipment at the next town board meeting:
2004 Ford F450 Dump 4 x 4, 1FDXF47S24EC42319
2002 International 4800 4 x 4 Dump, 1HTSEADR92H520536
Thank you,

Karl Javenes
Superintendent of Highways
Town of Stony Point
74 East main Street,
Stony Point, NY 10980
845-786-2300
914-906-4836

Holli Finn

From: Karl Javenes
Sent: Thursday, October 6, 2022 3:05 PM
To: Holli Finn
Cc: Supervisor
Subject: Parks department surplus list

Good afternoon,

We would like to surplus the following equipment from the Parks department at the next town board meeting:

2014 Ford Fusion 1FA6POG75E5368196

2 each Toro car 3650 6.5 HP snow blowers

John Deere X495 tractor with plow and mowing deck

Smith salt electric spreader for mason dump body

MB 5' plow attachment for front deck mower

Thank you,

Karl Javenes
Superintendent of Highways
Town of Stony Point
74 East main Street,
Stony Point, NY 10980
845-786-2300
914-906-4836

TOWN OF STONY POINT
BUILDING DEPARTMENT

74 EAST MAIN ST
STONY POINT, NY 10980
Ph. 845-786-2716 FAX 845-786- 5138

#7

NOTICE OF HEARING

September 28, 2022

No. 2022-170

Section Block Lot # 15.19-3-6

Bassar Realty, LLC
119 Rockland Ctr.
Stony Point Ny 10980

RE: Order of Remedy

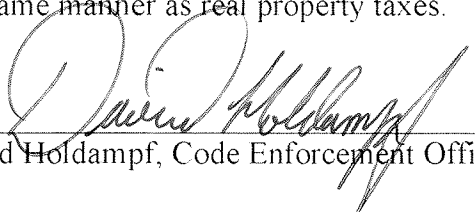
PLEASE TAKE NOTICE that you have failed to remedy the violation set forth in a Notice of Violation and Order to Remedy Violation dated **September 21, 2022** by the required compliance date. The premises located at **5 Hoover Place, Stony Point NY 10980** designated as **Tax Map No. 15.19-3-6**, continues in violation of the NY STATE CODES 302.1 & 302.5

The failure to maintain property

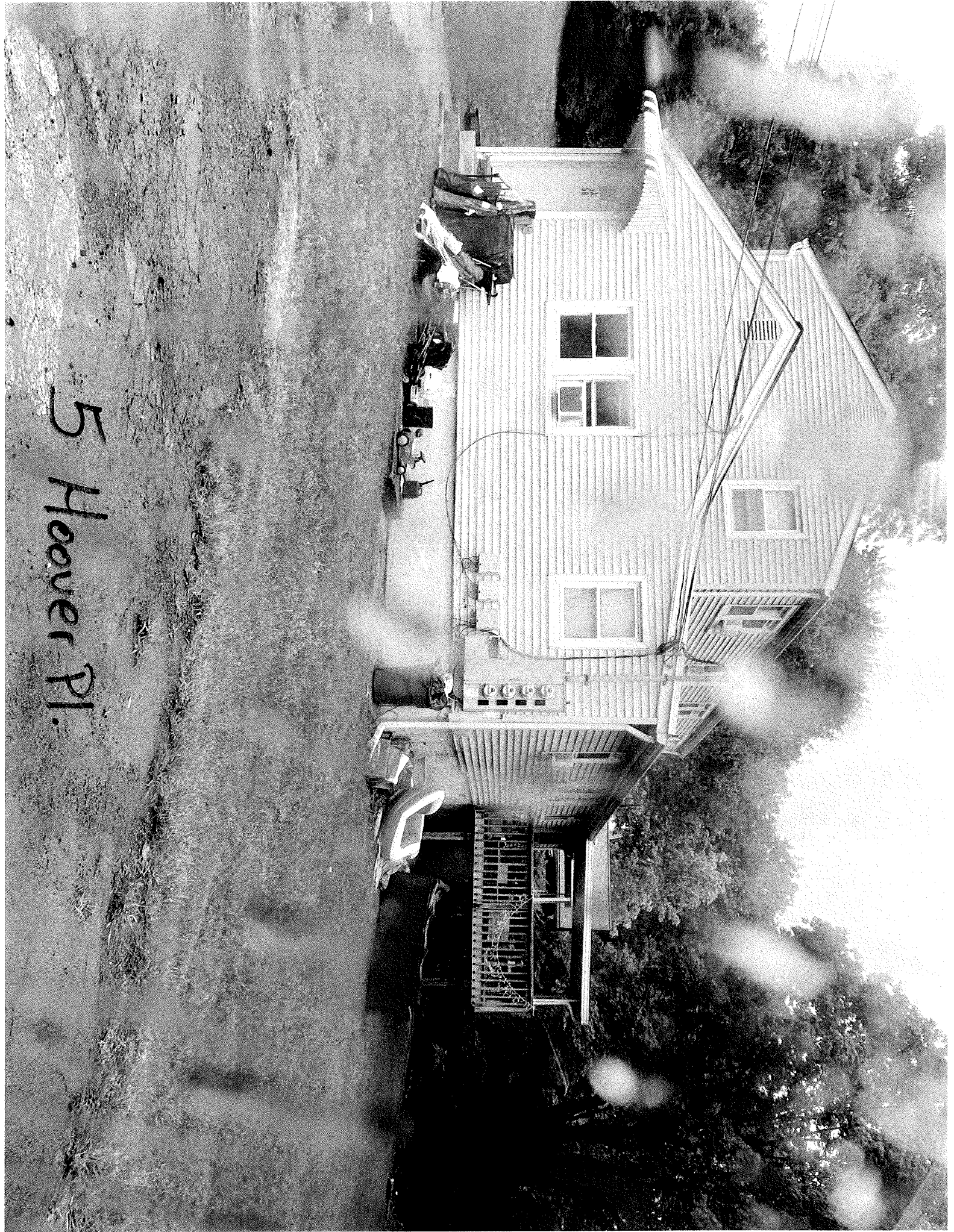
In violation of **NYS/ICC 2020 Property Maintenance Code.**

PLEASE TAKE FURTHER NOTICE that the Town Board will hold a hearing on **October 11th at 7:00 P.M.**, at the Rho Building 5 Clubhouse Lane in the Town of Stony Point, at which time the Town Board will determine whether the aforesaid violation has been properly remedied and whether to order that corrective action be undertaken by the Town at your Expense. You have the right to appear with or without an attorney and have the right to present evidence and examine witnesses to contest the accuracy and validity of the violations noticed herein.

PLEASE TAKE FURTHER NOTICE that all costs incurred by the Town, including but not limited to costs of corrective action, attorney's fees and administrative costs, if not paid within thirty (30) days of notification, shall be a lien on the premises and shall be assessed against such premises and shall be levied and collected in the same manner as real property taxes.



David Holdampf, Code Enforcement Officer



5 Hoover Pl.





5 Hoover Pl.



5 H 60

TOWN OF STONY POINT
BUILDING DEPARTMENT

74 EAST MAIN ST
STONY POINT, NY 10980
Ph. 845-786-2716 FAX 845-786- 5138

8

NOTICE OF FAILURE TO REMEDY VIOLATION
And
NOTICE OF HEARING

September 28, 2022

No. 2022-173

Section Block Lot # 15.02-4-48

Broadway Tower Views LLC
158 N. Liberty Dr.
Stony Point, NY 10980

RE: Order of Remedy

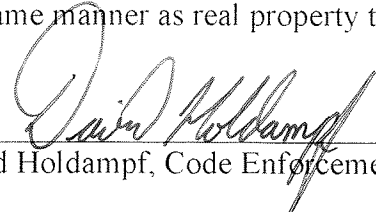
PLEASE TAKE NOTICE that you have failed to remedy the violation set forth in a Notice of Violation and Order to Remedy Violation dated **September 21, 2022**, by the required compliance date. The premises located at **158 N. Liberty Dr., Stony Point NY 10980** designated as **Tax Map No. 15.02-4-48**, continues in violation of the Stony Points Property Maintenance Code 161-5

The failure to maintain property

In violation of **Chapter 161-5** of said laws.

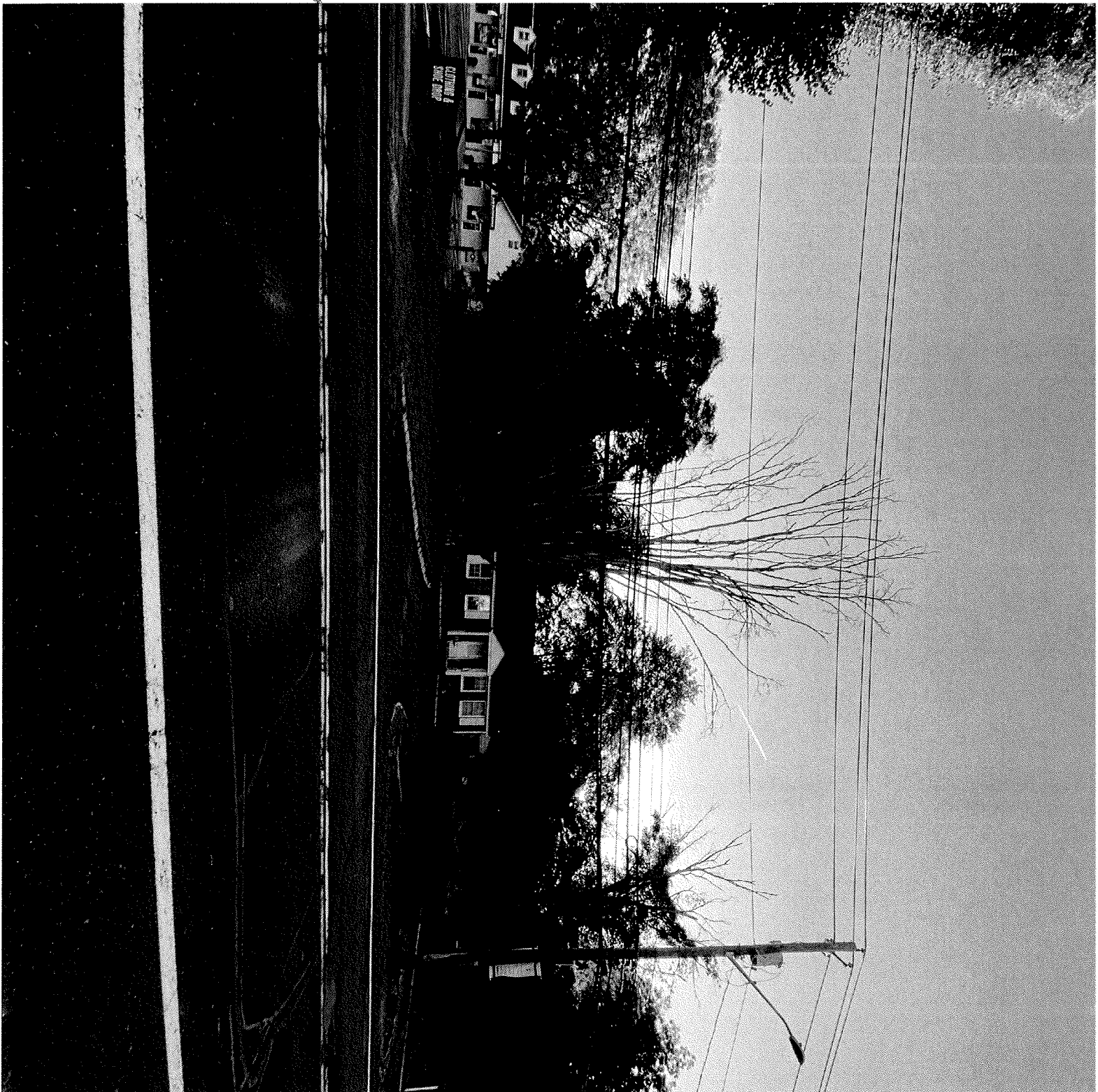
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David Holdampf, Code Enforcement Officer

158
M.L. Liberty



M. Liberty

158



158
N. Liberty



N. Liberty

158



N. Liberty

158



N. Liberty

158



#9

Holli Finn

From: Evan Weymouth
Sent: Friday, October 7, 2022 11:37 AM
To: Holli Finn; Supervisor
Subject: New Hire Golf Course

Holli,

Please add onto the next town board agenda to hire seasonal laborer Jose Abreu for the golf course maintenance at \$15/hr.