

STATE OF NEW YORK : COUNTY OF ROCKLAND.

TOWN OF STONY POINT: PLANNING BOARD

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IN THE MATTER

OF

OAK RIDGE PARK

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Town of Stony Point
Senior and Community Center at
Patriot Hills
19 Clubhouse Lane
Stony Point, New York
Thursday
February 22, 2024
7:03 p.m.

BEFORE:

JAMES PURCELL, ACTING CHAIRMAN
MICHAEL FERGUSON, BOARD MEMBER
KERRI ALESSI, BOARD MEMBER
GERRY ROGERS, BOARD MEMBER
ROLAND BIEHLE, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER

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CHAIRMAN PURCELL: Okay. So first on the agenda tonight, Oak Ridge. There's a resolution I think that's gotten updated, right, Steve?

MR. HONAN: I hope so.

THE CLERK: Yes, sir.

CHAIRMAN PURCELL: So the resolution, the application is for a five-lot subdivision and so tonight we're looking to get this into the record. So, Steve, if you'd like to -- want me to read it into the record?

MR. HONAN: I think Vahid may want to speak and answer all questions. We did just receive the submission just today.

CHAIRMAN PURCELL: Oh, we did. Sorry, I didn't know about that.

MR. ROSTAMI: Yeah, so basically we have addressed what happened between the previous meeting and now. We satisfied some County comments which lead to some revisions to the map so we revised and updated the map. Also, provided a detailed response sheet to

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County comments and Rockland County Health Department. We also received the acceptance letter from the Superintendent of Highways and that's pretty much the update, and looks we don't need override for County Comments.

CHAIRMAN PURCELL: Okay.

MR. HONAN: Override for?

MR. ROSTAMI: From County comments.

MR. HONAN: You don't need an override?

MR. ROSTAMI: We don't any override.

MR. HONAN: Okay. Good, had me worried.

CHAIRMAN PURCELL: So John, Sam you have any comments?

MR. O'ROURKE: Yeah, just for the Board, the revised plan was submitted today. I have not had a chance to review them obviously so Steven kindly modified his resolution basically saying that before the Chairman sign it that I will review it to make sure all the comments have been addressed.

In addition, there's been a construction cost submitted today, again which I have not time to review, so at your next meeting,

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2 between now and then, I'll review it with
3 modifications, if so required, they submit
4 it at your next meeting just under other
5 business, you can refer that to the Town
6 Board, the construction cost estimate for
7 the road and the cul-de-sac and utilities
8 but you would do that at the next meeting.

9 CHAIRMAN PURCELL: Next meeting. Sam,
10 you have anything?

11 MS. JUSTINIANO: As far as us, most of
12 our basic comments have been covered as
13 well. To loop the Board in as well, there
14 was a comment about the overlay district and
15 we just clarified that, basically during our
16 conversation we did inadvertently cover it,
17 but now been it's been included on the map
18 so I saw that they have a key indicating
19 where the overlay is. It's not really as
20 pertinent for this proposed development,
21 it's more important for if the buildings had
22 been in the northernmost corner I believe or
23 the northeastern corner of the lot which is
24 where that overlay came on to the property
25 but there is nothing proposed for that

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2 section of the property. So that's really
3 the only update from us. I believe
4 otherwise all the GMLs went out and came
5 back, all of that.

6 CHAIRMAN PURCELL: Do the Board Members
7 have any questions for the applicant?

8 MR. HONAN: I just have one question. I
9 know the County Planning indicated that they
10 wanted that on the plan, they wanted the
11 overlay district, so that's been added cause
12 it wasn't on the --

13 MR. ROSTAMI: I checked actually there
14 was not over the disturbed area so we kind
15 of --

16 MR. HONAN: I remember that
17 representation, but was it added to the most
18 recent version of the map showing the
19 overlay, visually showing it?

20 MR. ROSTAMI: No, it does not. The line
21 would be off site so.

22 MR. HONAN: I was looking for it, I
23 didn't see it, but I thought I heard Sam say
24 that.

25 MR. ROSTAMI: No, actually we just

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2 responded that it is not applicable.

3 MR. O'ROURKE: For Members of the Board,
4 when we say overlay zone it's a scenic
5 overlay zone that you have based upon
6 certain heights and proximity to the PIP.
7 This project when it was originally approved
8 cut right through it, the eight-lot
9 subdivision, when they redesigned it down to
10 the four plus the existing, none of the
11 houses and none of the service is in the
12 overlay district so that's why they're okay
13 with it.

14 CHAIRMAN PURCELL: Okay. All right.
15 Steve, would you like to read into the
16 record?

17 MR. HONAN: Very good. Resolution
18 Granting Approval of a five lot
19 Resubdivision for the project Oak Ridge Park
20 by application of: Jose A. Vargas of 6
21 Pyngyp Road, Stony Point, New York.

22 Whereas, a revised Application, dated
23 December 16, 2021, and a further revised
24 application and a revised full EAF dated
25 August 28, 2023, have been submitted to the

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Planning Board for final approval of a five lot residential re-subdivision of a project designated "Oak Ridge Park" which seeks to create four new residential lots and one existing lot currently developed with a residence and the lot lines of which are to be adjusted, on an average density plan and which site is currently accessed from Jessup Lane and Burghardt Drive, Stony Point, and upon a submitted plat designated, "Average Density Cover Sheet", dated May 30, 2023 (and last revised February 14, 2024), prepared by Atzl, Nasher & Zigler, P.C., consisting of nine sheets (hereinafter, Subject Application), and affecting premises located on the east side of Jessup Lane, Stony Point, New York and designated as Section 19.01, Block 2, Lot 13.1 through 13.9 & 17 on the Tax Map of the Town of Stony Point, consisting of 14.6 acres, located in an RR Zoning District (hereinafter, Subject Premises); and.

Whereas, the subject premises previously received final subdivision approval in 2007

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for an average density eight lot residential entitled "Jessup Valley North", and the prior applicant thereafter paid to the Town all required fees and the site is burdened with an Orange & Rockland Utilities easement and an Algonquin Gas Transmission pipeline easement traversing the site, together comprising approximately 3.7 acres of the property; and

Whereas, pursuant to the New York State Environmental Quality Review Act, the Planning Board designated this as a Type 1 Action, circulated a Notice of Intent to become lead agency and thereafter this Board assumed Lead Agency status, and after considerable review, it determined that the proposed action will not result in any significant adverse environmental impacts and an amended negative declaration was adopted by this Board on September 28, 2023; and

Whereas, by letter to this Board, dated January 25, 2022, regarding its review of a prior iteration of the plan, and a further

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letter of February 9, 2024, concerning its current plan review, the Rockland County Department of Planning, pursuant to its GML Section 239-n review authority, issued a recommending of modifications to the plan and submissions, consisting of 23 numbered paragraphs, and a section numbered 24 consisting of observations for the applicant's consideration; and

Whereas, on January 12, 2024, this Board submitted the application, EAF, the plans and plat and related material concerning the proposed action to the Palisades Interstate Park Commission and the Rockland County Drainage Agency for a project review consistent with GML Section 239-N, and more than 30 days has not elapsed without a response or comment pour from these entities to this Board, and;

Whereas, by letters to this Board dated January 27, 2022, and February 7, 2024, this Rockland County Department of health made the following comments, inter alia, concerning this project: 1.) Realty

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Subdivision application is to be made to this office. 2.) Applications should be made to the RCDOH for water main and sanitary sewer extensions; and 3.) Should the Board require a storm water management system to remediate the increase in impervious surface, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code, and;

Whereas, the memoranda to the Planning Board, dated May 10, 2022, March 6, 2023 and October 9, 2023, of John O'Rourke, P.E., of Lane & Tully Engineering & Surveying, P.C., the Town of Stony Point Engineer, reflect the successive reviews he conducted of the various amended maps and proposed subdivision plats and submissions of the applicant and by his recommended amendments to the plans and submissions, resulted in the applicant's most current proposed plat incorporating all recommended revisions and resulting in a revised plat plan which is currently acceptable to this Board, and;

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Whereas, the memoranda to the Planning Board, dated November 18, 2022, September 27, 2023 and October 6, 2023, and October 11, 2023 were received from Max Stach, AICP, of Nelson, Pope & Voorhies, LLC, the planning consultant to the Town, and based upon his multiple reviews of the application and preliminary plat plans and submissions of the applicant, including suggested revisions to the same and the applicant's SEQRA related submissions, has resulted in the applicant's most current proposed plat plan incorporating he is month the recommended revisions and resulting in a revised plat plan which is currently acceptable to this Board, and;

Whereas, by letters to the Planning Board, dated May 2, 2022, August 25, 2023, October 4, 2023, and February 20, 2024, the applicant's engineering firm, Atzl, Nasher & Zigler, P.C. responded to the comments set forth in the aforementioned memoranda of John O'Rourke, P.E., and also responded to the aforementioned memoranda of Max Stach,

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and the responses by AN&Z indicated compliance with the respective comments of the Town's consultants, and;

Whereas, by letter to the Planning Board, dated February 15, 2024, the applicant's engineering firm, AN&Z, responded to the comments set forth in the letters of the Rockland County Department of Health, of January 27, 2022 and February 7, 2024, and acknowledged compliance with all provisions of the RCDOH letters, and;

Whereas, by letter to the Planning Board, dated February 15, 2024, the applicant's engineering firm, AN&Z, responded to the comments set forth in the letter of the Rockland County Department of Planning, dated February 9, 2024, and acknowledged compliance with all applicable provisions of the current Department of Planning GML letter, and noted that the steep slope disturbances are below the threshold of 2,500 square feet per lot and that while a portion of the project site is within the Viewshed Protection Overlay

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District, as delineated on the Town's current Zoning Map, no disturbance or development is to take place within the Overlay District and that area will be protected by a conservation buffer created on the project site, and;

Whereas, the Subject Premises previously received final subdivision approval in 2007 for an average density eight lot residential subdivision entitled "Jessup Valley North", and many of the home sites and related development were in areas of steep slopes as defined by the Town Code and the applicant's plat plan has reduced the lot count and also lessened the site disturbances and has repositioned the proposed building envelopes to avoid areas of steep slopes to the greatest extent possible, and;

Whereas, the Town Zoning Code at Section 215-18 (a) gives the Planning Board discretion to permit the development of roads through areas where the slope exceeds 25% in order to provide access to areas of a site which would otherwise be inaccessible,

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however, this Board does not have the authority to permit site work, development or construction of a principal structure in those areas characterized by slopes in excess of 25%, and to the extent development is desirable in these steep slope areas, the applicant must seek relief from the Zoning Board of Appeals for any such development, and;

Whereas, the applicant's engineering firm, AN&Z, submitted letters dated August 29, 2023, January 3, 2024, and February 14, 2024, requesting that the Planning Board exercise its discretion and waive the following requirements: 1.) The provisions of Town Code section 191-23 which requires the construction of sidewalks for all subdivisions, unless waived by the Planning Board pursuant to section 191-25 (A)(3), upon the grounds that sidewalks are absent from surrounding and adjoining Town roads leading to the subject site and that by requiring sidewalks solely within the subject development would create a

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disconnected pedestrian path, and; 2.) The provisions of the Town Design Standards for new streets at section 191-24, and Town Code section 191-24 (e)(1) which requires a circular or T-shaped turnaround shall be provided at the end of a permanent dead-end street in accordance with the Town Street Specifications for Subdivisions, to the extent that the applicant has proposed a round road terminus at the end of the cul-de-sac, which configuration has been found acceptable by the Town Highway Superintendent, as reflected in his letter of December 15, 2023, and;

Whereas, this application was scheduled for a duly noticed Public Hearing before the Planning Board on October 26, 2023 at 7:00 p.m. at which time the public hearing was opened, conducted, closed and concluded, and;

Whereas, the applicant's engineering firm, AN&Z, submitted a revised plat and plans dated February 14, 2024, which addressed the concerns and incorporated the

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modifications to the plat recommended by the GML reviewing agencies and the Town's consultants, and the same is acceptable to this Board, and;

Whereas, this matter was an agenda item before this Board on February 22, 2024, at 7:00 p.m. and all submissions relative hereto were duly considered by the Planning Board.

Now, therefore, be it resolved, that the Subject Application for a five lot average density re-subdivision concerning the Subject Premises be and hereby is approved, and the Chairman is hereby authorized to sign the subdivision plat and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point and its consultants, subject to the following: 1.) All "whereas" paragraphs are incorporated herein by reference as though set forth in full herein. 2.) A conservation buffer shall be established on Lot 2 and the deed for Lot 2 shall contain a

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metes and bounds description of the designated buffer area, along with provisions that the area be conserved and kept in its natural state which includes, but is not limited to, no grading, no cutting or removal of live trees or brush, no development or structures are permitted, no motorized vehicles or motorized recreational uses are permit thereon. Any neighbor, member of this subdivision and/or municipality shall have the right to enforce the provisions of the deed restriction. The provisions of the required deed restriction shall be reviewed and approved by the Planning Board's attorney and engineer. 3.) Pursuant to the provisions Town Code section 191-25 (a)(3), this Board has exercised its discretion and hereby waives the requirement that the applicant construct sidewalks along the roadway along the roadways of the subdivision in accordance with the provision of Town Code section 191-23, upon the grounds that sidewalks are absent from surrounding and adjoining Town roads leading

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to the subject site and that by requiring sidewalks solely within the subject development would create a disconnected pedestrian path. 4.) This Board has exercised its discretion and hereby waives the requirement that the applicant comply with the provisions of the Town Design Standards for new streets at Town Code section 191-24 and Town Code section 191-24 (e)(1) which requires a circular or t-shaped turnaround be provided at the end of a permanent dead-end street in accordance with the Town Street Specifications Subdivisions, because the topography and configuration of the site pose significant challenges to the construction of the required road terminus and also based upon the letter of the Town Highway Superintendent, dated December 15, 2023, confirming that the road terminus design of the applicant is acceptable. 5.)

The Town of Stony Point Engineer shall conduct a review and verify the siting of residences, principal structure and accessory structures for compliance with the

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Town Zoning Code concerning steep slopes prior to the issuance of any building permit, and to the extent development is sought in these steep slope areas, the applicant must seek relief from the steep slope provisions of the Zoning Code from the Zoning Board of Appeals for any development.

6.) The applicant shall comply with the provisions and comments contained in the Town Engineer's memorandum of October 9, 2023. 7.) Due to the unsuitability of the immediate neighborhood for properly located parks, recreation or playgrounds, the Town previously required and received from the prior applicant money in lieu of land in an amount calculated for an eight lot residential subdivision, as set forth in the Town's Schedule of Fees, and accordingly, no further or additional fees for this purpose are required from the current applicant.

8.) Signature of the Chairman of the Rockland County Drainage Agency pursuant to all requirements of section 13-A of the Rockland County Stream Control Act. Now,

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2 9.) Prior to the Chairman signing the final
3 plat, John O'Rourke, P.E., as the Town of
4 Stony Point Engineer, shall conduct a review
5 of the final plat for completeness and
6 compliance with all conditions and code
7 provisions and shall advise the Chairman
8 accordingly whether the plat is in a form
9 which will permit the Chairman to sign the
10 same.

11 The question of the adoption of the
12 foregoing Resolution was duly put to a vote
13 on roll call on February 22, 2024, which
14 resulted as follows:

15 CHAIRMAN PURCELL: Does anybody have any
16 questions? I need a motion to accept the
17 resolution as read.

18 MR. BIEHLE: I'll make a motion.

19 CHAIRMAN PURCELL: Second?

20 MR. ROGERS: I'll second.

21 CHAIRMAN PURCELL: All in favor?

22 (Response of aye was given.)

23 CHAIRMAN PURCELL: Opposed? So carried.

24 THE CLERK: You don't want to do the
25 roll call?

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CHAIRMAN PURCELL: Do the roll call.

THE CLERK: Okay. Mr. Rogers?

MR. ROGERS: Yes.

THE CLERK: Mr. Jaslow?

MR. JASLOW: Yes.

THE CLERK: Mr. Ferguson?

MR. FERGUSON: Yes.

THE CLERK: Mrs. Alessi?

MRS. ALESSI: Yes.

THE CLERK: Mr. Biehle?

MR. BIEHLE: Yes.

THE CLERK: Mr. Purcell?

CHAIRMAN PURCELL: Yes.

MR. ROSTAMI: Thank you very much.

CHAIRMAN PURCELL: Other business. The
Town is looking to change the proposed law
to amend chapter 215 of the code book.
Hopefully everybody had an opportunity to
review what Mary sent out that the
consultants have come up with, the Town
Board. I don't know if anybody has any
suggestions or submitted anything.

Steve, is the Town Public Hearing still
open on this?

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2 MS. JUSTINIANO: Yes, at the Town level.

3 CHAIRMAN PURCELL: Right, at the Town
4 level. So, they're looking for any, yeah,
5 if we have any suggestions towards that
6 legislation that's put forward, anything
7 from the Board?

8 MS. JUSTINIANO: So I can kind of give
9 the Board a summary if that would help.

10 CHAIRMAN PURCELL: Yes.

11 MS. JUSTINIANO: Yes? So basically the
12 amendment that's being (inaudible) is a
13 local law is to clarify the zoning regarding
14 residential mixed uses for the BU district,
15 right? So, this was added after the 2013
16 master plan and the idea behind it was two
17 fold, one, it was supposed to help support
18 the existing businesses that were struggling
19 due to increased taxes so that could
20 ultimately add another floor that had some
21 kind of apartment to help offset those
22 increased taxes. Another part of that was
23 also there an addition of like a town center
24 and part of town center are usually mixed
25 use, right, you have your commercial in the

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bottom with some retail or something like that and then maybe some apartments above. One of the locations that was previously discussed was where Tractor Supply and Aldi's is, making that a town center, which is in the BU district. So this was basically supposed to be a vehicle for that type of future development if the Town wanted to ultimately pursue it.

So because this zoning was ultimately before the ZBA for interpretation, I just thought that some clarity should be put into the language of this section of the code, right, because we wanted to make sure that whatever is developed using the code is in character of the community, that seemed to be an overwhelming issue, right? So some changes included clarity for the FAR, for your floor area ratio, so that the Planning Board, you guys, has the power to increase it in certain cases and those certain cases are reliant on existing commercial. So if we looked at like Deli Central for example they might already meet the FAR of the

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district, I think they're allowed a .35 far or something along those lines, they might already be there and might not be able to have apartments. I understand Deli Central has (inaudible), but let's say they didn't you guys would under these changes have the ability to increase their FAR allowance as an existing commercial use so they could put in a second floor apartment or what have you.

Another thing is to adjust the bulk table for the residential mixed uses so that max height I believe is 30 feet now versus before you're able to compare it to the offices which is how you ended up at 45, we're talking three stories instead of four. Also clarity on the apartment sizes. So, we've established the maximums and minimums. So you establish minimums so that you don't end up with super super tiny apartment and then you establish a maximum so you don't end up with extras rooms that are put in, you know, dens or, you know, walk-in closets that are actually like another bedroom.

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2 It's also written with these changes to
3 encourage larger apartments and -- but also
4 make sure that the lot is being used in an
5 appropriate way so we're not putting in an
6 exorbitant amount of apartments but rather
7 making sure that the apartments are
8 appropriate and overall that the development
9 is really matching the character of what you
10 guys are looking for. I think that was a
11 good sum up. I hope I didn't lose any of
12 you guys along the way.

13 CHAIRMAN PURCELL: That was very good.
14 John, you have anything?

15 MR. O'ROURKE: Yeah, we're trying to
16 coordinate before and you pointed out that
17 Sam put it in as maximum height to modify
18 the bulk table so I think it was 35 feet?

19 MS. JUSTINIANO: 30.

20 MR. O'ROURKE: 30. Basically, he can't
21 go greater than 30 feet which I think -- I
22 think they're just cleaning up this
23 regulation that they created a couple years
24 ago, I think probably ten years ago, but it
25 was done at that time and nobody's really

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2 used it so.

3 MS. JUSTINIANO: It's only been used a
4 few times. It has been used and it's been
5 used successfully. I think there's been two
6 applications that actually like used the
7 code for --

8 MR. HONAN: That's right, we did one on
9 9W. It was existing and they wanted to put
10 two or three or four apartments above it.
11 That was the whole idea of this. You have a
12 business in the BU district, commercial, and
13 in order to give them some relief it gives
14 the owner of the commercial the ability to
15 make apartments above the existing footprint
16 of the -- of the commercial, not to build
17 residential towers.

18 MR. JASLOW: Was the ambulance corps
19 building part of that?

20 MR. HONAN: It could've been. I don't
21 know if it ever -- I think the ambulance
22 wanted to change the use to make a
23 commercial.

24 MR. O'ROURKE: It was 88 North Liberty.
25 If you remember on North Liberty, the new

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2 building, they've Avenue actually done a
3 beautiful job. This Board approved it, next
4 to Fireside, so they put commercial on the
5 bottom and they put apartments up top.

6 MR. JASLOW: That didn't change the
7 building. The building was always the same.

8 MR. O'ROURKE: They changed -- no, we
9 can't do that. We can make the commercial
10 on bottom and it's worked out very well.

11 THE CLERK: The one you're talking about
12 is F&V, the (inaudible) building, where they
13 wanted to make the four apartments on top of
14 it, it went through, they signed their map
15 but they never did it.

16 CHAIRMAN PURCELL: So as long as we're
17 satisfied with the information put forward
18 to the Board, I'm going to need a motion to
19 give the information, to sign a letter
20 that's going to be given to the Town Board
21 so I need a motion.

22 MR. BIEHLE: I'll make that motion.

23 MR. JASLOW: I'll second.

24 CHAIRMAN PURCELL: Rollcall vote.

25 THE CLERK: I'm going to start with Mr.

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Biehle?

MR. BIEHLE: Yes.

THE CLERK: Mr. Jaslow?

MR. JASLOW: Yes.

THE CLERK: Ms. Alessi?

MRS. ALESSI: Yeah.

THE CLERK: Mr. Purcell?

CHAIRMAN PURCELL: Yes.

THE CLERK: Mr. Rogers?

MR. ROGERS: Yes.

THE CLERK: Mr. Ferguson?

MR. FERGUSON: Yes.

CHAIRMAN PURCELL: So carried. One more thing, approval of Planning Board meeting minutes from January 25, 2024 meeting. I need a motion.

MR. ROGERS: I'll make that motion.

MR. FERGUSON: I will second.

CHAIRMAN PURCELL: Call the roll call?
No. All in favor?

(Response of aye was given.)

CHAIRMAN PURCELL: Any opposed? So carried. Motion to close tonight's meeting?

MS. ALESSI: Motion.

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MR. JASLOW: I second.

CHAIRMAN PURCELL: All in favor?

(Response of aye was given.)

CHAIRMAN PURCELL: So carried.

(Time noted 7:33 p.m.)

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THE FOREGOING IS CERTIFIED to be
a true and correct transcription of the
original stenographic minutes to the best
of my ability.

Melissa Pezzullo
Melissa Pezzullo

