

STATE OF NEW YORK : COUNTY OF ROCKLAND.

TOWN OF STONY POINT: PLANNING BOARD

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IN THE MATTER

OF

3-4 MARKS COURT

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Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
Thursday  
February 24, 2022  
7:27 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN  
MICHAEL FERGUSON, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
KERRI ALESSI, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER  
JAKE COTALDO, BOARD MEMBER  
ROLAND BIEHLE, BOARD MEMBER

APPEARANCES:

STEPHEN M. HONAN, ESQ., Special Counsel  
JONATHAN LOCKMAN, Town Engineer  
JOHN O'ROURKE, P.L.S, Town Planner  
JOHN HAGER, Building Inspector

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THE CHAIRMAN: Next we've got 3-4 Marks court.

MR. CELENTANO: Got some new plans I can show you.

THE CHAIRMAN: All right.

MR. CELENTANO: Okay. So this is our first time in front of the Board. This is lot line change for 3-4 Marks Court. Give you a little history of the project, 1960 the owners did a lot line change via deed and as you see what we have here is what the deed recorded in the County Clerk's Office represent. The Town recognizes it in their tax record, but if you look on the vicinity map, the County GIS never recognized the bend in the line. They show a -- a straight line is shown on the tax map. So number four went to sell his house and they had some title issues and they weren't able to complete the real estate transaction. And in order to legalize it they have to come in front of this Board and got what they call a lot line change.

They will be no construction, it'll be

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what it is as you see now. The driveway is shown, the neighbors don't want anything to change, they like it the way it is. We went to TAC and we show that the existing -- that on number 3 that their driving onto the number 4 and they're fine with that but in order to legalize it the -- TAC gave us a couple of options. I went back to the owner and they decided that they want to go with the easement to allow the existing macadam to stay on number 4 and be used by number 3.

Again, this is within the GML so I don't know if County has to review it. The reason for GML is we're within 500 feet from the Town of Haverstraw so that required a GML Review. We would ask for a waiver for a public hearing because we're not changing anything. It's been like this now for over 60 years so we don't see a need to have a public hearing cause nothing will change and the environmental will be staying the same. Any questions from the Board I'll gladly answer. I would just like to see what type of procedure we should take to get this

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2 finalized?

3 THE CHAIRMAN: Where is the abutment for  
4 Haverstraw just --

5 MR. CELENTANO: Um, it is -- it's  
6 towards the south. So I think it's after  
7 Bosview Road.

8 MR. LOCKMAN: Steve, does a lot line go  
9 to County? I knew subdivisions and site  
10 plans do.

11 MR. HONAN: Yeah, I'm not so sure it's  
12 necessary. I didn't check the code before I  
13 came, but I'm not sure if it's necessary.  
14 It's certainly a local action. I don't see  
15 how it's going to have any Countywide impact  
16 quite frankly, but I just don't know what's  
17 actually required. I would ask Mary if she  
18 was here, but -- I don't know if she's  
19 already done it. She may have already  
20 started that process. I just don't know.

21 One thing I did want to add though is I  
22 think if it goes by way of an easement, is  
23 the intent that it's going to be perpetual  
24 easement or just until they need to  
25 resurface their driveway and then they'll

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2 remove it?

3 MR. CELENTANO: Forever.

4 MR. HONAN: I think we'd just need a  
5 written agreement between the two property  
6 owners so that they can file in the County  
7 Clerk's Office and you can show it to me for  
8 approval. Just so if there's a title and  
9 they can transfer ownership to the next  
10 person and had to see the agreement between  
11 the two parties.

12 MR. O'ROURKE: I have a question for  
13 Anthony, where is the line now cause you  
14 don't show it on the drawing?

15 MR. LOCKMAN: It's here and here  
16 (indicating.)

17 MR. CELENTANO: Well, the way it is now  
18 is the way we show it.

19 MR. O'ROURKE: I think it would be best  
20 if the lines be removed and put a new line  
21 --

22 MR. LOCKMAN: No, our tax map shows it's  
23 been changed that way. Basically you're  
24 taking an invisible line and you're moving  
25 it and you're keeping it an invisible line.

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2 If you're looking at it nothing changes. So  
3 as long as the two owners are in agreement  
4 and they say there would be an easement of  
5 metes and bounds and the legal and the  
6 actual easement is filed with the County  
7 Clerk's Office before the Chairman signs the  
8 map but that's what is. From driving by  
9 you're not going to see anything different.

10 MS. ALESSI: Right. Question though, if  
11 the party's enter into an easement agreement  
12 and it gets recorded against both properties  
13 then you don't need the lot line change?

14 MR. LOCKMAN: No, that's where it gets  
15 confusing. So, originally, right, just  
16 picture the line between the two properties  
17 went at an angle; okay? The owners back in  
18 1960 said, you know what, we want to shift  
19 this so they basically did a deed lot line  
20 change back then to take the angle and split  
21 it and bring it this way (indicating) which  
22 is the line you see now going through the  
23 portion of the driveway. That was -- The  
24 Town of Stony Point recognized it, the tax  
25 Department recognized it, Rockland County

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did not because it wasn't a filed subdivision map. So they've lived like that since 1960, one's going to sell and Rockland County says, whoa hoo, you've got some issues here. So they're just trying to straighten that out.

MS. ALESSI: Right. But if you have the easement agreement, doesn't that clear up your title issue and do they --

MR. LOCKMAN: No, because according to Rockland the line still goes at an angle.

MR. HONAN: If you look at the vicinity map, that's the lot line that was created by the subdivision back in 1950 so as far as the County is concerned nothing has ever changed since the 1950. So what they're planning on doing is taking the deed that they executed in 1960 and legalizing it by making us confirm that and the lot line change, but that won't solve the problem because they developed on the neighbor's property. So they're gonna do the lot line change and at the same time be filing easement agreement.

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2 MS. ALESSI: But for the issue of the  
3 County, if that issue didn't exist then  
4 could they do just the easement agreement  
5 and not the lot line change?

6 MR. LOCKMAN: Yes, if -- if he built his  
7 driveway on his neighbor's property and we  
8 weren't playing with the lot line change  
9 right now, it would just strictly be an  
10 easement and they could clean it up without  
11 going to this Board and the title company  
12 would clean it up. What happened is they  
13 messed up twice. One, they did an illegal  
14 subdivision unbeknownst to themselves and  
15 then two, the owners of lot five built his  
16 driveway on a portion of lot four. But if  
17 you've been out there it's wooded so lot  
18 four doesn't even see where the driveway is,  
19 they never use that portion of the property  
20 --

21 MR. FERGUSON: And it slipped through  
22 the cracks of the other one who sold the  
23 house. The last one.

24 MR. LOCKMAN: Yeah, probably. This  
25 whole process takes five, six months.



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2 MR. HONAN: They probably wouldn't have  
3 if it wasn't for that lot line change done  
4 cause you can do an agreement between  
5 parties, like a license agreement. I've  
6 done that before when people build on their  
7 neighbor's and you do a license agreement  
8 takes care of the bank. They'll recognize  
9 that.

10 MR. LOCKMAN: This is type two action  
11 under SEQRA. So basically take no action  
12 under SEQRA. Again, it's an invisible line  
13 that we're pretending to move.

14 MR. HONAN: No construction, just an  
15 agreement on paper.

16 MR. LOCKMAN: I'd just kick it back to  
17 Steven cause I know you didn't have a chance  
18 to write a resolution and we have a question  
19 on the 239. I certainly would recommend no  
20 public hearing on this.

21 MR. O'ROURKE: I believe if you're not  
22 making a new lot, just adjusting the line  
23 and it's a type two action and there's no  
24 flood plain involved I don't think you need  
25 to do the GML, but you need to look at the

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2 Rockland County GML guidelines for that,  
3 double check.

4 MR. HONAN: That is the only thing. I  
5 need to, Mary is usually very good that, if  
6 she was here she probably would have done it  
7 already, but maybe not.

8 MR. FERGUSON: 500 feet in the -- it's  
9 close.

10 MR. LOCKMAN: I guess that's the  
11 question. The Board can basically say  
12 tonight, you can say, all right, no 239  
13 referral, type two action, no public  
14 hearing, approve the lot line change based  
15 upon metes and bounds description in the  
16 signed easement file before the Chairman  
17 signs the map so that's one route. Or, if  
18 do you that route and the 239 is required  
19 then he's going to go file the map and then  
20 he's come back here again. Or, the Board  
21 says kick it off a month, let's confirm if  
22 we need the 239, it's safer that way, but I  
23 would defer to the applicant if he want take  
24 the gamble or not cause I -- normally I'd  
25 say yeah, 239 it's ridiculous but it maybe

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2 code required.

3 THE CHAIRMAN: I think that's probably  
4 best way to go.

5 MR. LOCKMAN: I agree but.

6 MR. CELENTANO: I agree with the Chair.  
7 I'd rather be safe then come back two months  
8 later and then another deal falls through.

9 MR. LOCKMAN: I completely agree. I  
10 think tonight then the Board probably could  
11 just --

12 MR. HONAN: I think we could probably do  
13 it all by next month.

14 MR. LOCKMAN: I think for the applicant,  
15 at tonight's meeting I would just waive the  
16 requirement for the public hearing.

17 THE CHAIRMAN: All right.

18 MR. CELENTANO: I'll request a waiver of  
19 the public hearing.

20 MS. ALESSI: I'll make that motion.

21 MR. FERGUSON: I'll second.

22 THE CHAIRMAN: All in favor?

23 (Response of aye was given.)

24 THE CHAIRMAN: All right. See you next  
25 month.

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(Time noted 7:36)

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

*Melissa Pezzullo*



Melissa Pezzullo