

# *Town of Stony Point*

## Department of Planning

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### PLANNING BOARD MINUTES

March 24, 2016

RHO BUILDING at 7:00 P.M.

#### Present:

Eric Jaslow, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member- absent

Gerry Rogers, Member

Michael Ferguson, Member

Paul Joachim, Member

Thomas Gubitosa, Chairman

Steve Homan, Esq.

Special Counsel

Max Stach

Town Planner

### PLANNING BOARD AGENDA

MARCH 24, 2016

RHO BUILDING at 7:00 P.M

#### **Applications:**

1. Vestco – SBL 20.04-11-7 Site Plan Conditional Use located on the south side of Holt Drive 625 East of South Liberty Drive

- Review Application

2. Homestead Hardware - SBL 20.11-2-27 Review of Storage Vehicles for Rental located on the west side of Route 9W, 73 South Liberty Drive

- Review of Application

3. Girl Scouts Heart of the Hudson, Camp Addison Boyce SBL 10.01-3-1 located on the north side of Mott Farm Road 200-5000 West of Cortlandt Lane

- New Application

Other Business:

Minutes of February 25, 2016

Chairman: First on the agenda is Vestco.

Vestco – SBL 20.04-11-7 Site Plan Conditional Use located on the south side of Holt Drive 625 East of South Liberty Drive

- Review Application

Mr. Zigler: We went for a field trip and basically the difference was that last month when I showed you the building we had the back of the building lined up on the west side staggered in the front which is the east side. When we submitted the maps this month we stepped the buildings so now the contractors storage is going to be tucked behind the building on the side. Then we discussed putting a retail in the last unit so we qualify for zoning for retail and we showed that on the map and that is basically what we looked at on site. We had some discussion about the drainage and we are going to do some test holes in the parking lot we remove the pull off on Holt Drive Larry Brissing didn't like that so basically what we have now is the warehouse in the front the existing building which we are going to put two commercial retail users in the northeast corner and then we are going to have the parking for those users the correct amount for that. At the time I made the submission we had full retail in the whole unit we had a discussion at the workshop and Bill thought that might be too intense if that ever happened. He suggested that maybe if we would agree to cut it back there is only going to be a percentage of that rear unit for retail so it is going to be more like a supplier some small supplier with a retail desk in the front instead of having an open retail user. You don't have this map this shows the drainage we were planning on putting some drainage along the eastern property line and maybe bring it over. John says when we go out there we can put some test holes here and here and do some drainage down the center and run a pip in here with an overflow. So basically what we are going to do is we are going to take Bill's request and we are going to make this unit right here on the end and we are going to put a note on the map and then we are going to take the retaining wall the retaining wall will run parallel with the sewer easement about 10 foot off from the face that way if they have to do 10 foot high or they have to do tie backs into the bank it's not going to be in the sewer easement. Then we move the dumpster over in the corner the back corner and then we have our spaces here right now we have two spaces per unit. So what we would like to do is ask the board now we do have the building everyone seems to agree with that give us a referral to the ARB and then we plan on coming back next month and do the SEQRA Part II on this revised map and then at that time ask for a Public Hearing because we kept moving around the building we didn't start a new architectural plans so that would give us two meetings with the ARB to get approval before a May Public Hearing so that would be our schedule. Right now I will just ask for a referral to the ARB.

Chairman: The County sent a letter.

Mr. Zigler: I responded I think the biggest was about putting landscaping along the back line this is the school over here what we plan on doing is landscaping between the wall and the easement with thorn something -picker bush that grow

about three foot high and they are very dense so that will keep anyone from playing on the wall and it will act as a buffer and a sight breaker looking to the south and as you see with us cutting about 5 Or 6 six foot and the back of this here there is no way you can see the school and the school can see the operation.

Mr. Muller: Are you talking about barberry?

Mr. Zigler: Something like that Buckthorn.

Chairman: Does the Board have any questions or comments.

Mr. Muller: Did you do your test holes for the drainage?

Mr. Zigler: No we would probably do it.

Mr. Rogers: Was that wall with the original plan?

Mr. Zigler: We had a wall on the other plan but it was closer to the easement.

Mr. O'Rourke: We are just waiting on the drainage and just waiting on the drainage.

Mr. Stach: Are you going to show that planting plan as well as planting plan for the front yard.

Mr. Zigler: Our next submission will take this plan develop the planting finish the drainage so when we come in to talk about the Part II we can close everything up in May.

Mr. Stach: For the fencing are you use privacy slating or anything?

Mr. Zigler: I was talking about that with the client we were talking about doing the chain link the same as with Helmer had done put the slats in.

Mr. Sheehan: Only thing I have which we will need prior to the Public Hearing is are you going to put some map notes what is prohibited in the contractor's storage.

Mr. Zigler: We were talking about a sequence we made sure that the front retail came in and solidified the zone so we have to get some notes yes.

Mr. Sheehan: As far as not mulch and stuff like that.

Mr. Stach: And what is permitted in the retail space.

Mr. Zigler: We had notes that we put in on the map for Pat Magee – Hudson about things you could not put in storage or have in the warehouse.

Chairman: Tommy do you have any comments yet?

Mr. Larkin: No not until construction starts.

Chairman: Right now I need a motion to send them to the ARB.

MOTION: REFERR APPLICANT TO THE ARB.

Made by Peter Muller and seconded by Eric Jaslow

All in favor

Chairman: Next on the agenda is Homestead Hardware and just let the record show that Mr. Ferguson is here.

This is a review of storage vehicles for rental located on west side of Route 9W we had the site visit on March 5<sup>th</sup>.

Homestead Hardware - SBL 20.11-2-27 Review of Storage Vehicles for Rental located on the west side of Route 9W, 73 South Liberty Drive

- Review of Application

Chairman: I guess lets go over the site visit we did the Site Visit on March 5<sup>th</sup> and I am going to get some comments from the Board Then we have a lot of comments about the site visit. One of my comments was the right of way there is a lot of things in the right of way with the pallets and the even thought the garbage pales are on one side the plates everything is kind of tight in there the right of way. I need some more comments from the Board. Mike do you have any comments about our site visit?

Mr. Ferguson: No not yet.

Chairman: Paul.

Mr. Joachim: When we went out to see it was the propane storage you had the concrete barriers which were there but were not protecting it properly that was one of the issues that I saw that could arise in the future.

Mr. Stern: As far as we were aware the concrete barriers were the outside protection of the units and nobody would hit into it from the outside I think Walgreens has the same thing. We really couldn't have it in front of the cage because then you would not be able to open the doors.

Mr. Rogers: Again all of us are concerned about the propane.

Mr. Stern: They are in a state approved locked cage for protection of the propane itself.

Mr. Rogers: It is very tight back there it is a bad space.

Mr. Muller: One of the reasons we have Boards is that you have different points of view you have people bring their experience from different areas and one of the things I have done in my life I have been a professional driver I have driven 18 wheel tractor truck all over and I have driven locally through the 5 boughs all over you learn how to drive it is not easy. What I noticed at the site visit was that when you pulled your truck in you backed in on the blind and what that means is you are backing in on a spot that is on the right hand side your passenger door is on that side and the problem with that is as you are backing around you lose total sight of where you are backing into. I noticed that you had a spotter that day guiding you to me this is problematic especially with that tank of propane back there then I am

going to couple that with something that you just said that is really doesn't make sense to me as you are backing in you are backing up to a cage which has 20 pound cylinders. One of the other things I have done is I went to school for welding and I have over a thousand hours in training in welding and what they make you watch is safety videos of tanks exploding not only oxygen and acetylene and argon but they showed us propane and what a propane tank can do when it blows up. Now one of those tanks just one 20 pound tank should it ignite correct me if I am wrong Tommy can take out a good section of that entire workhouse. Am I correct on that?

Mr. Larkin: Yes.

Mr. Muller: And is most likely that if one tank ignites it would ignite the tanks that is next to it which means we would have multiple tanks igniting also knowing that shopping center there are delis there and they have their kitchens to the rear and if that tank explodes there is going to be a tremendous loss of life if it is done anywhere from early morning to early evenings should a tragedy occur and I think a tragedy is more likely than it is possible so backing in on the blind and then you just mentioned that you had the concrete barriers on the outside and you said at the side visit that was to protect the garbage truck from backing into the tanks but you are going to back up trucks to these tanks makes no sense at all to me. It could possibly have the safety barriers protecting the tanks the site does not warrant backing into against these tanks. It would be ill advised and I think it would be incredibly wrong of us if we didn't take a very close look at that and take it into our consideration when we vote tonight because we are talking about a serious loss of life and I don't think it is possible it is probable. You cannot back in against propane tanks without the proper barriers it doesn't fit and I think this is a very dangerous proposal that is before us tonight.

Mr. Jaslow: I think Peter brought up the concerns about the propane one thing that I noticed the other day was you were getting a delivery and they parked an 18 wheeler perpendicular to the van you had parked in the spot and it was a tight pass to get through one care in the front of the lot. There was an 18 wheeler parked perpendicular to the truck you had parked in the spot really only one car can get through it is a tight spot so I don't know how often you are going to get an 18 wheeler delivery I drove by 8:30 -9:30-10:00 whatever time it was it gets crowded for breakfast with the neighboring businesses what I would be worried about is not enough room for someone to drive through and it cause an accident. It had the cones out and everything I saw that I drove through we couldn't get two cars.

Mr. Stern: Actually all the buildings in that strip there get there delivers mostly out in front they are usually done by 8:30 in the morning.

Mr. Jaslow: What I am saying is most don't have another truck perpendicular which a car is shorter than a twenty foot truck.

Chairman: I also know we got a letter from the County on this application the County has disapproval because of the truck in the front because of the right of way to the State. Same issues that we brought up with the back the layout in the back. In going into the back I know two trucks can fit there very tight. Two truck inside that close area isn't the issue the issue is everything around it the safety even though it is a tight fit we do have the propane tanks the exit to the back of the

building everything is tight back there I think if everything was cleaned out by then it would be a different story. Tommy exactly where we are going with this.

Mr. Larkin: When we talk about the propane it was put back there from the previous owner and the blocks were put there to protect from a vehicle hitting the tanks a garbage truck hitting the tanks prior to this proposal.

Chairman: Bill do you have any comments?

Mr. Sheehan: No.

Chairman: John do you have any comments?

Mr. O'Rourke: No.

Mr. Chairman: Steve do you have any comments?

Mr. Honan: Just that there is a March 2, 2016 letter from Rockland County Planning which indicated they recommended a disapproval of this application for a number of reasons. I just want to make sure that the applicant had that letter.

Mr. Stern: I did receive the letter last week or the week before from the Building Department and I did not address the letter back to the County as of yet.

Mr. Stach: Mr. Chairman I think it is worth noting for the record that we don't receive disapprovals often in fact this may be the first straight out disapproval we have received since I have been working here. I think it is worthwhile to note in order to override this approval it would take a majority plus one vote so you would need 5 (five) affirmative votes in order to override that disapproval.

Chairman: Any other comments.

Mr. Joachim: Just talking with Mr. Ferguson over here have you tried reconstructing anything back there with your container?

Mr. Stern: That was an option that we were toying with the other day our property line is sort of wrapped in our fence line so if we could move our fence line out to our property line then we would have more room inside our caged in area it would be easier for the trucks to be parked there if that is something the Board would let us do I don't know if there is a requirement of setbacks for fencing?

Mr. Sheehan: Doesn't that fence go right up the right of way?

Mr. Stern: No it doesn't

Mr. Sheehan: How far off the right of way you say property line.

Mr. Stern: I am sorry the right of way we are probably looking at eight foot nine foot and it shows that on the survey when we handed in the sight plan.

Mr. Joachim: I took pictures and I think the biggest thing is you container that you have there.

Mr. Stern: If we move the container out that eight foot to the edge of the right of way then it would give us another eight foot inside the caged in area that would make it more desirable to put the vehicles in there if that is something the Board would let us do we would gladly do that to make it easier for everybody.

Chairman: What do you want to do you want to make a motion?

Mr. Jaslow: I make a motion to deny the application based on the County Planning letter.

Chairman: So I have a Motion for Disapproval based on the comments and the Counties letter do I get a second.

Mr. Muller: I second the motion.

Chairman: Any discussion? So we have a motion and a second for Disapproval based on our comments and the Counties comments or letter disapproving which we hardly ever get so I am going to poll the Board.

Mr. Ferguson: Yes

Mr. Joachim: Yes

Mr. Rogers: Yes

Mr. Muller: Yes

Mr. Jaslow: Yes

Chairman: Yes

Chairman: Eric made the motion Peter seconded and we all yes to Disapprove. Let me just read this Resolution of Disapproval.

**RESOLUTION  
of  
DISAPPROVAL**

**COMMERCIAL TRUCKS or VANS STORAGE**

**For The Project  
HOMESTEAD HARDWARE U-HAUL**

**BY APPLICATION OF:** BRAD STERN of 73 South Liberty Drive, Stony Point, New York  
10980

WHEREAS, an Application, dated September 4, 2015, has been submitted to the Planning Board of the Town of Stony Point, which Application did not request any specific relief, and a Narrative, dated June 5, 2015, submitted with the Application sought approval to park U-haul vehicles on the premises and therefore the Planning Board deemed the Application as one pursuant to the Town of Stony Point Code Section 215-39 (E) for approval to park U-haul vehicles on the premises on the premises as an accessory to a conforming use, and upon a submitted "high-lighted" survey of the site entitled "Survey of Property for THOMAS P. MOLLICONE", consisting of one (1) sheet, prepared by Atzl, Scatassa & Zigler, P.C., dated December 8, 1995; and concerning premises designated as Section 20.11, Block 2, Lot 27 on the Tax Map of the Town of Stony Point, County of Rockland, consisting of .168 acres, located in an BU Zoning District, at 73 Liberty Drive/9W, Stony Point, New York 10980; and

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, at a regular meeting of the Planning Board on September 24, 2015, on motion duly carried, the applicant was referred to the Zoning Board of Appeals of the Town of Stony Point for an area variance pursuant to the Town Zoning Code Section 215-39 (E), and the Planning Board did not require the submission of a formal site plan; and

WHEREAS, by letter dated September 23, 2015, the Town of Stony Point Office of the Fire Inspector indicated that one van could be parked inside the rear fence area and one box truck could be parked outside of the rear fenced area, and that it was necessary to keep the alley way between the applicant's store and the neighboring drug store clear for firefighting operations, and at a meeting before the Planning Board on February 25, 2016 the Building Inspector clarified the said letter of the Office of the Fire Inspector to indicate the presence of a 25' right of way across the rear or west portion of the premises, just outside of the rear fenced area and that vehicle parking was precluded in said right of way; and

WHEREAS, by a Decision and Resolution, dated February 18, 2016 and entered February 22, 2016, the Zoning Board of Appeals of the Town of Stony Point granted an area variance to the Applicant including the parking of a single rental van in the front yard of the premises; and

WHEREAS, by the applicant's letter to the Town Building Department, dated October 14, 2015, the applicant acknowledged the Planning Board referral to the ZBA and indicated its request for permission to park one rental truck in the front of the subject premises and two rental trucks in the rear fenced yard of the building; and

WHEREAS, at a meeting before the Planning Board on February 25, 2016 a site visit was scheduled of the subject premises for March 5, 2016 at 9:00 a.m. in further consideration of the application and the site visit and inspection of the premises, in the presence of the applicant, was conducted by town representatives on the morning of March 5, 2016; and

WHEREAS, by letter dated March 7, 2016, the State of New York Department of Transportation indicated that it had no objection to the business addition and had no additional comments on the proposed project; and

WHEREAS, by letter dated March 2, 2016, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law §239-1 & m, indicated, *inter alia*, that the application must be **disapproved**, due to concerns regarding sufficient parking given the site's frontage on a heavily traveled State highway, due to the deficiency of the application which provides only vague descriptions about the proposal, which seems inconsistent with the ZBA application, and which does not specify the maximum number of trucks to be stored on the site, the size of those trucks, and the location of the proposed truck storage on the site and that the applicant's representations in the Narrative contains insufficient information to perform a proper evaluation of the site. The Rockland County Department of Planning previously requested that a site plan be prepared and the site plan delineate all of the parking spaces, and specify truck parking, contain a parking calculation and a proposed parking configuration, designate loading/unloading areas for the hardware store supplies, demonstrate sufficient space for maneuverability of vehicles and trucks on the site and illustrate the intended use of the rear of the store which is presently used as a storage area. Increasing the intensity of the site will compromise access for emergency and/or fire vehicles. Increasing the intensity of this constrained site by allowing truck rental parking will result in an overutilization of the site. In summary, until such time as the applicant has proven that a parking layout for this site can accommodate adequate parking for both the patrons and the rental trucks, provide sufficient fire and emergency access, designate an unloading area that is not in conflict with rental truck parking, and illustrate that sufficient turning maneuverability can be achieved, this application must be disapproved; and

WHEREAS, at a hearing before the Planning Board at 7:00 p.m. on March 24, 2016, at which date and time the members of the Planning Board advised the applicant concerning observations they made of the condition of the subject premises at the site visit of March 5, 2016. Those observations included that there was a fence enclosure to the rear (west) of the premises

and a 25' wide right of way across the rear and western most portion of the premises. The right of way area was being used for storage of materials; the propane tank storage was not properly protected on all sides from potential impact by vehicles; Applicant's forklift was parked/stored outside the fence enclosure along with other materials. The rear of the building was being used for storage of material associated with the hardware sales business and there was insufficient space for the storage of rental vans or trucks. General observation was made that the premises are small (.168 acres) and the business currently operates in a confined space. Although there is the potential to park up to two vans or trucks in the rear of the premises, at this time there is no indication that the Applicant can actually do so and do so safely due to the manner in which the rear of the building is presently being used for storage. Observation was also made of the limited number of parking spaces for use by patrons and for rental van/truck storage in the front yard (east) of the premises. The close proximity of the State highway to the front of the premises makes it likely that the rental vans and/or trucks will need to back out into the State highway right of way, and this board is mindful that this activity is objectionable to the Rockland County Department of Planning, as per their comment letter of March 2, 2016. Therefore, based upon the foregoing, the Planning Board has determined that the storage of rental trucks and vans on the premises is not appropriate under the circumstances.

NOW, THEREFORE, be it

RESOLVED that the Application, dated September 4, 2015, supported by a Narrative, dated June 5, 2015, submitted with the Application for approval to park U-haul vehicles on the premises and which the Planning Board deemed as an application pursuant to the Town of Stony Point Code Section 215-39 (E) for approval to park U-haul vehicles on the premises as an accessory to a conforming use, and upon a submitted "high-lighted" survey of the site entitled "Survey of Property for THOMAS P. MOLLICONE", consisting of one (1) sheet, prepared by Atzl, Scatassa & Zigler, P.C., dated December 8, 1995; and concerning premises designated as Section 20.11, Block 2, Lot 27 on the Tax Map of the Town of Stony Point, County of Rockland, consisting of .168 acres, located in an BU Zoning District, at 73 Liberty Drive/9W, Stony Point, New York 10980, be and hereby is **disapproved**, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk.

The question of the adoption of the foregoing Resolution of Disapproval was duly put to a vote on roll call on March 24, 2016, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MEMBERS				
Thomas Gubitosa, Chairman:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Peter Muller, Vice Chairman:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gerry Rogers:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Eugene Kraese:	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
Eric Jaslow:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Mike Ferguson:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Paul Joachim:	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Resolution of Disapproval was thereupon duly adopted.

Chairman of the Planning Board  
Town of Stony Point

Filed in the Office of the Clerk of the Town of Stony Point this 1<sup>st</sup> day  
of April, 2016.

Joan Skinner  
Town of Stony Point

Mr. Sheehan: Just for clarity I would have if that is the motion I would have  
second and roll call on that motion.

Chairman: After I just read that motion exactly the way I read it I need a motion  
and a seconded to accept the one I just read.

**MOTION: ACCEPT RESOLUTION OF DISAPPROVAL THAT CHAIRMAN  
JUST READ**

Made by Thomas Gubitosa and seconded by Peter Muller

Roll call vote for resolution just read

Mr. Ferguson: Yes

Mr. Joachim: Yes

Mr. Rogers: Yes

Mr. Muller: Yes

Mr. Jaslow: Yes

Chairman: Yes

Mr. Muller: For the record I agree with what the resolution says I don't believe it  
can be done safely there are great concerns I agree with what the resolution says  
my vote is yes for Disapproval.

Chairman: That's it right guess if you can answer the Counties concerns they have  
a lot of concerns unfortunately we cannot override them unless we have a super  
majority.

Mr. Sheehan: Can I just make one statement I just want everybody to understand  
that the variance that they received was for lack of parking not for the use so this  
denial also denies that front space so that everyone knows that.

Chairman: Next is Girl Scouts just introduce yourself and go ahead.

Girl Scouts Heart of the Hudson, Camp Addison Boyce SBL 10.01-3-1 located on  
the north side of Mott Farm Road 200-5000 West of Cortlandt Lane

- New Application

Mr. Cerchiara: The purpose of this is to subdivide their property into two parts one  
is to be retained by Girl Scout Camp and the other part is to be sold to Scenic  
Hudson Land Trust to be sold to New York State to become part of the  
State Park. This is very straight forward it is a large piece of property there is still

quite a bit that is going to remain with the girl scouts and the rest is going to the State. The area shown on here just for the record is going to change slightly we received some new boundary property lines information from the County and I am going to tweak some of my property lines a little bit right now.

Chairman: Any comments.

Mr. Muller: I like the fact that it is going to say green. I like the concept of this.

Mr. Cerchiara: There is one comment I like to address at the TAC meeting we were asked if we would put note on the map that it was going to stay wild to avoid some of the environment review.

Mr. Sheehan: I asked for the note.

Mr. Cerchiara: There were some concerns raised from legal counsel there were issues from that when they transfer e it to the State previously and they asked that we not put it on the map because they are concerned about potential issues.

Mr. Muller: Can you explain that Bill.

Mr. Sheehan: Well I thought when we had the TAC Meeting that since it was going to go from Scenic Hudson to the Sate that we were going to put a map note one it that is going to be kept as open space it was just for SEQRA reasons and so forth it would ease up the review I understand what he is saying and in reality if anything was to be done with that piece of property it would have to come back to the Planning Board anyway. I am not too concerned over it.

Mr. Stach: It was a single family house.

Mr. Sheehan: Five acres zoning and that did raise a question that that single family it is in a recreation district one thing that we didn't go over at the TAC Meeting is how much acreage is left at the Camp itself?

Mr. Cerchiara: This shows 100 right now that is going to change to 113 actually. That is what is left with the girl scouts.

Mr. Sheehan: So you are going to do the line again.

Mr. Cerchiara: We are going to do the line there are some discussion about some areas and in negation between the Girl Scouts and Scenic Hudson. We are updating those maps right now and adding some additional property line information I received from the County.

Mr. Sheehan: The reason I bring it up is that we do have zoning for camps I just wanted to make sure what was left was not a non-conforming lot

Mr. Jaslow: Is the property on the other side of Mott Farm shown on that map?

Mr. Cerchiara: it is not shown on this map because it is a separate tax parcel and it is not part of this application.

Mr. Sheehan: Is it the same ownership?

Mr. Cerchiara: It is the same ownership.

Mr. Sheehan: So technically you are supposed to show any contiguous land owned by them even though there is a road dividing it is still consider contiguous.

Mr. Cerchiara: By ownership not by Tax ID numbers ok.

Mr. Sheehan: So I don't think we need it here today but I think we should probably have a map showing that.

Mr. Cerchiara: We are preparing a map of the whole thing right now anyway.

Mr. Stach: Who owns the adjacent property?

Mr. Cerchiara: The Girl Scouts own property across the street as well.

Mr. Ferguson: Why don't they sell them?

Mr. Cerchiara: Probably tax purposes I don't know the real reason.

Mr. Honan: What are the requirements that the State mandate on the restriction on the deed because you said it is coming from the State in respect to any restriction as keeping it wild or for recreational use.

Mr. Cerchiara: What I was told by the Girl Scouts and Scenic Hudson is they have run into issues with that in transferring land to the State when there are restrictions on the land. I don't know the extent of the issues that they have had.

Mr. O'Rourke: Typically I have done this before what happens when you put that note on map the value of the property drops.

Mr. Honan: You are restricting property use but if it is going to the State do you know what particular ...

Mr. Cerchiara: State Parks.

Mr. Honan: State Parks will purchase it?

Mr. Stach: If you put the note so Scenic Hudson is paying a price for this land from the Girl Scouts and then the State is going to purchase it from Scenic Hudson and if you were to put a clause saying that you can't do anything with this land after Scenic Hudson pays for it from the Girl Scouts the value will be significantly decreased to what the State pays.

Mr. Cerchiara: Yes.

Mr. Muller: Will we have any kind of paperwork or written contract that says what we are doing today that whines up in the hands of the State?

Mr. Sheehan: If a developer in this case and they said we are selling it to a developer we couldn't stop that what we could possibly do before we subdivided it we would have the do some kind of build out on the plan so we would know what the impact would be. It would involve more SEQRA review than open space that is why I thought the note would be no large impact obviously. The only difference would be we would make them do a build out on that on paper on the present zoning for the SEQRA process. We would have you do a markup of the subdivision so we would know what the impact would be.

Mr. Stach: We have to consider all the actions that stem from that subdivision so what I would say is what you need to come to with Scenic Hudson is some assurance that would be acceptable to them to this Board that there will be no subdivision there will be no further subdivision .

Mr. Cerchiara: It is certainly something I can ask them. I understand your concerns here the whole point of Scenic Hudson is to buy this property to conserve it.

Mr. Sheehan: It is not a concern about it being developed even though we do have a concern about that but the process of doing the subdivision or the SEQRA review would be different if we knew it was going to open space type of thing so I think what Max is trying to say you need to give us something that we feel comfortable with and call it a day.

Mr. Stach: We can't look the other way even though it is Scenic Hudson and they have an impeccable reputation it would not be the right thing to do.

Mr. Cerchiara: Yes I understand. So the next submission we are going to make is going to have some revised areas again I don't think it is anything major and we will make it the entire piece of property and across the road.

Mr. O'Rourke: On that point it doesn't have to be surveyed you just need the tax parcel on the other piece across the street correct.

Mr. Sheehan: Yeah.

Mr. O'Rourke: I am looking at the size of it you can probably put an insert on this plan showing the tax parcel.

Mr. Sheehan: We would like to keep it on one map so we can file it that way. Also can you indicate maybe the bulk table for the day camp? I don't care about the vacant land just the Girl Scout Camp is it on there?

Mr. Cerchiara: The subject parcel is located in special residential district SRR as for zoning regulations 215??? The use of public parks playground (inaudible) no use group is assigned then the property is...

Mr. Sheehan: OK then we will find it.

Chairman: We need a motion to do Lead Agency.

MOTION: THE PLANNING BOARD TO BE LEAD AGENCY IN THIS APPLICATION

Made by Jerry Rogers and seconded by Tom Gubitosa.  
All in favor

MOTION: UNLISTED ACTION

Made by Eric Jaslow and seconded by Jerry Rogers  
All in favor

MOTION: SET PUBLIC HEARING FOR APRIL 28, 2016

Made by Peter Muller and seconded by Jerry Rogers  
All in favor

MOTION ACCEPT MINUTES OF FEBRUARY 25, 2016

Made by Tom Gubitosa and seconded by Jerry Rogers  
All in favor

MOTION: CLOSE PLANNING BOARD MEETIGN

Made by Jerry Rogers and seconded by Tom Gubitosa

Respectfully submitted,

Mary Pagano, Clerk to the Board.