

STATE OF NEW YORK : COUNTY OF ROCKLAND
TOWN OF STONY POINT : ZONING BOARD OF APPEALS

- - - - - X

REQUEST OF
JACK LIEBERMAN
111 SOUTH LIBERTY DRIVE
APPLICATION #23-02

- - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
July 6, 2023
7:25 p.m.

BEFORE:

THOMAS WRIGHT, CHAIRMAN
JOSEPH ANGINOLI, BOARD MEMBER
LOU ANN DAVIS, BOARD MEMBER
EDWARD KEEGAN, BOARD MEMBER
JOHN LYNCH, BOARD MEMBER
TODD STRIETER, BOARD MEMBER

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3 CHAIRMAN WRIGHT: All right. The next
4 item on the agenda I think is why everybody
5 is here. The next item on the agenda is
6 request of Jack Lieberman, 111 South Liberty
7 Drive, Application Number 23-02, for an area
8 variance.

9 The area variance Number One is the
10 north parking. It's Chapter 215, Article V,
11 Section 215-15A, Attachment 16, Table of Bulk
12 Requirements Part II, Use Group H, Column 7
13 requires minimum side yard of 20 feet.
14 Proposed side yard of five feet, 5.4 feet. A
15 variance of 14.6 is needed.

16 West side driveway, Chapter 215,
17 Article V, Section 215-15A, Attachment 16,
18 Table of Bulk Requirements Part II, Use
19 Group H, Column 7 requires minimum side
20 yard -- can you please --

21 MR. MacCARTNEY: Can you keep it down
22 there, please?

23 PUBLIC SPEAKER: We can't hear.

24 CHAIRMAN WRIGHT: Use Group H, Column 7
25 requires minimum side yard of 20 feet.

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2 Proposed side yard is six. Variance
3 necessary is 14 feet.

4 North retaining wall height,
5 Chapter 215, Article VI, Section 215-24C
6 requires fence, wall setback equal to two
7 thirds of the fence height where fence height
8 exceeds six feet. The proposed wall is
9 eight feet, requires 5.4 feet setback,
10 three-foot setback provided. Variance
11 necessary is 2.4 feet.

12 Is the applicant or representative
13 present?

14 MR. DeGENNARO: Yes.

15 CHAIRMAN WRIGHT: Nicole, has there been
16 any information on applications or affidavits
17 of mailing?

18 THE CLERK: Say that again.

19 MR. MacCARTNEY: Did you receive
20 affidavits of postings and mailing?

21 THE CLERK: Yes. Yes.

22 CHAIRMAN WRIGHT: And if you could
23 identify yourself and who you're with.

24 MR. DeGENNARO: Ken DeGennaro, Brooker
25 Engineering.

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2 PUBLIC SPEAKER: That's for the fan, not
3 you.

4 CHAIRMAN WRIGHT: I'll take a motion to
5 open the public hearing.

6 BOARD MEMBER ANGINOLI: So moved.

7 CHAIRMAN WRIGHT: Second?

8 BOARD MEMBER LYNCH: Second.

9 CHAIRMAN WRIGHT: All in favor?

10 (Response of aye was given.)

11 CHAIRMAN WRIGHT: Okay.

12 MR. DeGENNARO: Hi, my name is Ken
13 DeGennaro. I am the civil engineer for the
14 project. I work for Brooker Engineering, and
15 my office is at 74 Lafayette Avenue, Suffern,
16 New York.

17 PUBLIC SPEAKER: Can you repeat your
18 name? I can't hear you.

19 MR. DeGENNARO: Ken DeGennaro.

20 CHAIRMAN WRIGHT: Mr. DeGennaro, if you
21 could just kind of go through the three
22 variances that you're seeking and just kind
23 of give us a little bit of background on it.

24 MR. DeGENNARO: Sure. So the project
25 requires three variances as were contained in

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2 the public notice. The variances are area
3 variances pertaining to the parking and
4 grading configurations of the property. They
5 do not pertain to the actual building
6 themselves or the density that is being
7 proposed for the floor area.

8 So the first variance is on the north,
9 north side of the property. We need a
10 variance for parking spaces that are proposed
11 in that location. They are located within
12 the side yard similar to the adjacent
13 property to the north, the medical office
14 building complex. The variance requested is,
15 the side yard has a dimension of 20 feet, and
16 the parking spaces would be 5.4 feet offset
17 from the property line. So therefore, we
18 need a variance of 14.6 feet.

19 We also at that location require a, or
20 are requesting a variance for the retaining
21 wall that is proposed. The height of the
22 retaining wall is based on the distance from
23 the property line. So we need a variance of
24 2.4 feet based on that retaining wall height.

25 The third variance is along the west

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2 side driveway of the property. That's the
3 rear. The driveway encroaches into the side
4 yard. This is measured after the buffer
5 along that property line, which is to remain.
6 And the side yard has a dimension of 20 feet.
7 And the provided side yard at the maximum
8 encroachment of the driveway is six feet. So
9 we are requesting a variance of 14 feet for
10 the driveway. And that is located along the
11 northwest corner of the site.

12 So those are the three variances that
13 are being requested. And that is what the
14 focus of the ZBA review is based on.

15 CHAIRMAN WRIGHT: Any questions from the
16 Board?

17 MR. MacCARTNEY: Can I just start, as a
18 lawyer? Because I've been looking at the
19 plans. I can't tell where that third
20 variance is. I don't see a number that says,
21 that's matching up with the variance that
22 you're asking for. Can you just clarify for
23 the Board where that is and what it is?

24 MR. DeGENNARO: I'm sorry. You want me
25 to go through all three or the one --

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2 MR. MacCARTNEY: The one in particular,
3 the west side driveway, the last of the three
4 that you just mentioned.

5 MR. DeGENNARO: Right. So on the plan,
6 it currently shows a dimension of 7.2 feet,
7 which is greater than the six feet that was
8 requested for the original application. And
9 that's a function of some site plan revisions
10 that were made when there was another
11 question regarding parking and residential.
12 So we left the original application as is.
13 We're requesting a slightly higher variance.
14 But the actual number on the plan is
15 7.2 feet.

16 MR. MacCARTNEY: So that's the spot, the
17 7.2?

18 MR. DeGENNARO: Yes.

19 MR. MacCARTNEY: And you built in about
20 a foot, a 1.2, you know, leeway.

21 MR. DeGENNARO: Correct.

22 MR. MacCARTNEY: Okay.

23 CHAIRMAN WRIGHT: How long is that
24 driveway that you're requesting a variance
25 for?

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2 MR. DeGENNARO: So that's the maximum
3 dimension. But the encroachment into the
4 side yard, starting from zero, extending out
5 to 7.2, it's a radius and going back to zero,
6 it's a length, full length of 160 feet. So
7 it's not 160 feet at 7.2 with the
8 encroachment.

9 MR. MacCARTNEY: And the second
10 variance, the wall variance, is that the wall
11 that we see on the plan that's on that north
12 side, that runs the length of those parking
13 spots?

14 MR. DeGENNARO: Correct.

15 MR. MacCARTNEY: Near where the 5.4 is?

16 MR. DeGENNARO: Yes.

17 MR. MacCARTNEY: And that's a -- the
18 wall that you're proposing is eight feet
19 tall. And the code requires the setback to
20 be two thirds of the height.

21 MR. DeGENNARO: Yes.

22 MR. MacCARTNEY: And so you're providing
23 three feet, but it needs to be 5.4 feet. Is
24 that the -- do I have that right or did I get
25 it backwards?

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2 MR. DeGENNARO: The maximum height based
3 on that setback would be three feet. And we
4 are proposing -- it's, I think we're
5 proposing eight-foot maximum. So we would be
6 allowed --

7 CHAIRMAN WRIGHT: And is that all
8 commercial property, as you understand it, to
9 the north there?

10 MR. DeGENNARO: Yes. With its own
11 retaining wall. So again, the height of the
12 retaining wall varies. The maximum height as
13 it kind of goes into grade, the maximum
14 height of the wall is 8.2 feet. And that's
15 shown on the profile within the drawings.
16 So -- I'm sorry, let me just go through the
17 exact notes. So the eight-foot high wall
18 would require a 5.4-foot setback. We were
19 providing a three-foot setback. So the
20 variance requires 2.4 feet.

21 CHAIRMAN WRIGHT: And what is the
22 purpose of the higher wall to --

23 MR. DeGENNARO: It's just to match
24 existing grade from the adjacent property.
25 So we have our building elevations set. And

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2 through the course of the Planning Board
3 review and TAC review, we actually lowered
4 the first floor elevation to reduce the scale
5 of the building. So this retaining wall
6 variance originally was being requested for a
7 higher degree of variance. But the retaining
8 wall was lowered in height as a result of
9 lowering the building garage elevation.

10 And we have a garage. We have an access
11 road on the north side that leads from 9W
12 into the garage. We could only come up at
13 certain grade, maximum grade, maximum slope.
14 And it's, we have -- let's see.

15 We have about 50 feet from the building
16 face to the property line. So we have the
17 access road in between the building base and
18 parking permitted on that access road. And
19 that is dictated by maximum slopes you could
20 have, you know, for a parking area to be
21 practical and including having the drop of
22 the slope. So what's, what you can't get
23 back down to grade, which we build the
24 retaining wall. So that's why we have a
25 retaining wall at that location, to max grade

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2 at the property line. And again, it's
3 similar to the retaining wall that's on the
4 adjacent property.

5 CHAIRMAN WRIGHT: And this height was as
6 a result of a discussion with the Planning
7 Board?

8 MR. DeGENNARO: Correct. It was reduced
9 as per discussion with the Planning Board.

10 CHAIRMAN WRIGHT: And that was their
11 recommendation.

12 MR. DeGENNARO: Their recommendation was
13 to try to minimize the overall impact of the
14 height of the building. So we lowered
15 from -- from lowest floor to ceiling remained
16 the same. That dimension remained the same.
17 But instead of siting it higher in elevation,
18 because the ground slopes from back to front,
19 it slopes downhill, so we originally had it
20 set higher in elevation within the slope and
21 the topography of the property. Having the
22 building set higher in elevation caused it to
23 be, you know, slightly more prominent.

24 In the Planning Board's review, the
25 recommendation was made to investigate means

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2 to decrease the effect of the height of the
3 building, of which that was lowering the
4 first floor elevation on the site. So we
5 reduced that. And as a result, kind of a
6 tangential result, the retaining wall height
7 was reduced as well because everything, all
8 of the proposed conditions grade just became
9 lower. The retaining wall height was.

10 CHAIRMAN WRIGHT: Now, did the three
11 variances requested, are they all as a result
12 of discussions you had with the Planning
13 Board?

14 MR. DeGENNARO: Yes. It was. We could
15 eliminate this retaining wall if we
16 eliminated parking in that area. That would
17 have required a waiver of the Planning Board
18 and not a variance for, you know, allowing a
19 reduction in parking spaces. They thought it
20 was more important to have the full parking
21 space requirement for the zoning code, of
22 which we proposed at this location along the
23 north property line, which resulted in a
24 grade of six feet. So if we didn't have that
25 extra 20 feet of parking space, we certainly

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2 could either eliminate the wall or reduce it
3 in height, to which a variance would not be
4 required.

5 CHAIRMAN WRIGHT: And John, were you
6 part of those discussions, too?

7 MR. HAGER: Not really. I was present
8 for them, but I wasn't part of the
9 discussion.

10 CHAIRMAN WRIGHT: Board, are there any
11 questions?

12 BOARD MEMBER ANGINOLI: In developing
13 this plan.

14 MR. DeGENNARO: Yes.

15 BOARD MEMBER ANGINOLI: Is there any way
16 that you can develop them to eliminate the
17 need of variances?

18 MR. DeGENNARO: In our opinion, we
19 cannot. There were several other variances
20 that were on the original site plan. And
21 just, I guess for the record also, this plan
22 has undergone multiple iterations starting in
23 2019. And this was what we feel is kind of
24 barebones variances that are need to advance
25 the project.

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2 The parking and the retaining wall
3 request, we -- in discussions we had with our
4 interpretation of the situation as well,
5 since they do abut commercial property that's
6 developed in a similar fashion, we certainly
7 did not think those variances were extreme or
8 would cause any detriment, you know. The
9 driveway in the rear, yes, it does encroach
10 into the rear yard.

11 But again, this scenario already has a
12 30-foot buffer zone before the start of the
13 measurement of the required yard. So there's
14 a fair amount of non-disturbed area that will
15 remain in that area where the driveway does
16 encroach into the yard. And, you know, there
17 are significant opportunities for landscaping
18 and planting, and honestly, less development
19 than what currently exists with respect to
20 the barn, the house, and the other features.

21 So again, that was a design feature that
22 our design team, along with review from the
23 Planning Board, thought was a variance that
24 did not result in any significant impact.

25 CHAIRMAN WRIGHT: So would they be

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2 amenable to adding vegetation in that 30-foot
3 buffer zone?

4 MR. DeGENNARO: Yes. Yes. A
5 landscaping plan has been provided to the
6 Planning Board with, you know, with
7 replanting of that area for screening.

8 CHAIRMAN WRIGHT: Sorry, Joe. I didn't
9 mean to interrupt.

10 MR. MacCARTNEY: And I'm sorry. Did you
11 say you submitted one, or you're going to
12 submit one?

13 MR. DeGENNARO: We've submitted it
14 several times. Revised as to the layout was
15 revised, and additional plantings in
16 accordance with comments received from both
17 the Planning Board and the Planning Board
18 professionals.

19 CHAIRMAN WRIGHT: Sorry to interrupt.

20 BOARD MEMBER ANGINOLI: In terms, we
21 conducted a site visit. And the property was
22 not marked.

23 MR. DeGENNARO: Okay.

24 BOARD MEMBER ANGINOLI: So it made it
25 virtually impossible for us to really see

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2 where it was and what the scope of the
3 variances were. All that was marked were the
4 holes for bedrock, really.

5 MR. DeGENNARO: Okay. Okay.

6 BOARD MEMBER ANGINOLI: You have to have
7 it marked.

8 MR. DeGENNARO: Okay.

9 BOARD MEMBER LYNCH: Now, how many
10 parking spots is on that north side right
11 there? How many is that, how many parking
12 spots would it affect on your number of
13 apartments that you have for this building?

14 MR. DeGENNARO: There are 20 parking
15 spaces in that area. There are also four
16 vegetation islands between spaces.

17 BOARD MEMBER LYNCH: I mean, if you
18 just, if you took that and made it compliant,
19 because I know you moved parking spots around
20 very easily. You did that from the last plan
21 that was presented to us, showing that you
22 were going to look for an area variance on
23 the previous one. But as soon as you found
24 out it was an area variance, you changed it,
25 the plans, to present us with this one.

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2 So if you, you know, do something with
3 those parking spots and rearrange it around
4 once again, see what you can do there.
5 Because we didn't have a good look at it to
6 measure it out, to see the extra variance,
7 what you're asking for. But if you can move
8 spots around that easily, you may want to
9 give it a go.

10 MR. DeGENNARO: We've already moved
11 spots from the residential area. That was
12 based on the interpretation of that parking
13 being a use variance. One potential
14 alternative would be to designate the parking
15 as parking for compact cars. It would
16 decrease the stall lengths slightly. We
17 could look into that. You see that from time
18 to time. It's certainly an alternative.

19 CHAIRMAN WRIGHT: Anything else, John?
20 Any questions?

21 BOARD MEMBER STRIETER: Well, I want to
22 follow up on Joe's question. Are you saying
23 that it's not possible to build a structure
24 that would eliminate these variances? I
25 mean, yes or no? I mean, is it possible?

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2 MR. DeGENNARO: It's possible. It's
3 possible.

4 BOARD MEMBER STRIETER: All right. I
5 mean, before when he asked, you said no.

6 MR. DeGENNARO: Well, the question was
7 yes or no, and is it possible to build a
8 structure that doesn't need variances.

9 BOARD MEMBER STRIETER: Right.

10 MR. DeGENNARO: So, yes. The answer is
11 yes, it's possible.

12 PUBLIC SPEAKER: Less units.

13 MR. DeGENNARO: But it's a difficult
14 site to develop. The topography is changing.
15 There's a fair amount of roadwork involved.
16 So there is economics involved. And it's not
17 the purview of the Board, but in order to see
18 this land get redeveloped, it's a combination
19 of items that need to be balanced.

20 And it also, just to reiterate on the
21 history, the original project was two
22 alternatives shown to TAC. Each had 100
23 units. And one was the alternative similar
24 to this. The other one was an alternative
25 with two separate buildings.

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2 The initial feedback was to move forward
3 with the single building. We did that. And
4 we reduced the density to 88 units from 100.

5 Additional discussions were had.
6 Reviews were done. And we now did drop from
7 88 to 86 units. So we have been, through the
8 course of the project's development and
9 review, we have been reducing units. And
10 right now, the applicant -- this is
11 (inaudible) to present to the ZBA.

12 CHAIRMAN WRIGHT: Excuse me. Can I
13 just -- it's very hard to hear as it is. We
14 just need --

15 PUBLIC SPEAKER: Get a better sound
16 system.

17 CHAIRMAN WRIGHT: Well, we don't have
18 one. So if we can just keep it back -- we
19 don't want to be here all night. It's
20 already hot, it's uncomfortable. I
21 appreciate the assistance from the crowd.
22 But the best way to get through this stuff is
23 just try to keep the minimum, the noise down
24 to a minimum. We'll try to be as -- we'll
25 project as well we can. Any other questions?

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2 BOARD MEMBER KEEGAN: At the meeting
3 with the Planning Board, when the planner was
4 here, okay, and he advised us that the floor
5 area ratio didn't apply in this particular
6 case, okay, I asked him, well, if the floor
7 area ratio doesn't apply, what limits the
8 size of this building? I mean, if it doesn't
9 apply, then we could build the Empire State
10 Building. And he said no, that the parking
11 and the side yards and the front yards and
12 everything would determine the size of the
13 building. Were you there at that meeting?

14 MR. DeGENNARO: I certainly was. And I
15 believe the Building Inspector made the
16 determination or the request that your Board,
17 the Zoning Board of Appeals, make the
18 interpretation with respect to the floor area
19 ratio, whether or not it applies.

20 BOARD MEMBER KEEGAN: That's correct.
21 But what I'm saying is in the absence of the
22 floor area ratio, okay, we were told that the
23 number of parking spaces, okay, and the
24 requirements in the different yards around
25 the project would determine the size of the

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2 project. Am I right?

3 MR. DeGENNARO: It certainly
4 contributes, yes.

5 BOARD MEMBER KEEGAN: Excuse me?

6 MR. DeGENNARO: It's one of the
7 contributing factors that, you know,
8 ultimately present the plan.

9 BOARD MEMBER KEEGAN: Okay. And then
10 the second part of that was with the
11 recreation, okay, we were putting 200 feet on
12 the ground and 200 feet on the roof, but -- I
13 mean, if my memory serves me correct. Is
14 that right?

15 MR. DeGENNARO: It was 200 square feet
16 per unit, yes. So it's a combination.

17 BOARD MEMBER KEEGAN: Okay. And we were
18 told at that time that if we were to
19 determine that that was okay, okay, there
20 wasn't a need for any other variances, okay.
21 That moving the recreation up there gave us
22 ample room to build the building the way it
23 was.

24 CHAIRMAN WRIGHT: But I think,
25 Mr. Keegan, where we are is that the --

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2 BOARD MEMBER KEEGAN: I'm not making a
3 statement. I'm asking a question.

4 CHAIRMAN WRIGHT: I know, but let me
5 just respond and then I'll let him finish up.
6 They've gone through -- after we had the
7 discussion about the floor area ratio, they
8 went back to the Planning Board. This is
9 what they came up with. And what this plan
10 requires are three variances. So I'll let
11 you take it from there.

12 MR. DeGENNARO: These variances have
13 been on this plan in some form or another
14 basically since the beginning. And it was,
15 there was many design constraints for this
16 property. And it was our opinion and, you
17 know, with feedback from the Board and
18 consultants, that the variances that were
19 being requested, given the location and
20 similarly developed areas adjacent to the
21 property, were not significant.

22 BOARD MEMBER KEEGAN: Okay. Let me, let
23 me just say this. Okay. Asking for these
24 variances is admitting that you don't have
25 the amount of property that you need to build

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2 this particular building. Right. Okay.

3 MR. DeGENNARO: I'm sorry. I'm not an
4 attorney.

5 BOARD MEMBER KEEGAN: Okay.

6 MR. DeGENNARO: But we can't admit that.
7 Your Board exists for a reason. That's the
8 reason variances exist.

9 CHAIRMAN WRIGHT: Really, please. If we
10 could just -- I understand there's a lot of
11 emotion about this, but we want to try to get
12 through this as best we can. So just try to
13 hold your enthusiasm down as much as you can
14 and try to keep the speech down as little as
15 you can so we get through this. It's already
16 hot and muggy here, so it would be a lot
17 easier for everybody. Thank you. Go ahead.

18 BOARD MEMBER KEEGAN: Okay, just one
19 more. What you're asking this Board to do,
20 okay, is to grant these variances, okay, to
21 allow you to build this building.

22 MR. DeGENNARO: We are asking the Board
23 to grant these variances to allow us to
24 redevelop the site in this manner.

25 BOARD MEMBER KEEGAN: Fair enough.

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2 Okay, thank you.

3 CHAIRMAN WRIGHT: Any other questions
4 from the Board? Did you get the memorandum
5 from the Rockland County Planning Department
6 dated July 5th?

7 MR. DeGENNARO: I do not -- dated
8 July 5th?

9 CHAIRMAN WRIGHT: It's one we got it
10 today ourselves, July 5th.

11 MR. DeGENNARO: I did not.

12 CHAIRMAN WRIGHT: Nicole, do you have
13 another copy of that from --

14 THE CLERK: I think the one from today
15 might have been for the last project we just
16 got over. I have June 30th, from
17 environmental.

18 CHAIRMAN WRIGHT: I thought I saw one
19 that said July 5th on it.

20 BOARD MEMBER DAVIS: Yeah, there is.

21 CHAIRMAN WRIGHT: There's one for
22 July 5th, yeah.

23 THE CLERK: Oh, no. You're right,
24 you're right. I apologize. Yes, I have an
25 extra.

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2 CHAIRMAN WRIGHT: So we'll probably do
3 the same thing that -- Mr. DeGennaro, we'll
4 give it to you. We'll review it. You'll
5 review it. You can respond back to the
6 points on that one. And we'll still have the
7 public hearing going on here. We'll have it
8 at our next meeting in two weeks. Are there
9 any other questions from the Board?

10 BOARD MEMBER LYNCH: When are we going
11 to schedule another site visit?

12 CHAIRMAN WRIGHT: So, yeah, so.

13 BOARD MEMBER LYNCH: We want it marked
14 out.

15 CHAIRMAN WRIGHT: Yeah. If you could
16 mark that out as best you can for this map,
17 because I was there yesterday. I couldn't
18 make heads or tails of it.

19 MR. DeGENNARO: That's a fair point.
20 And I do recall that being requested last
21 time. So in terms of marking out, we're just
22 marking out what is germane to the variances.
23 So we'll mark out the locations of the walls
24 and the location of the encroachment of the
25 driveway into the side yard.

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2 CHAIRMAN WRIGHT: Yeah. If you could
3 make them very visible.

4 MR. DeGENNARO: Okay.

5 CHAIRMAN WRIGHT: Because pulling into
6 the driveway, there's not -- it's very, it's
7 hard to see the fence there.

8 MR. DeGENNARO: Okay.

9 CHAIRMAN WRIGHT: Any other requests on
10 the staking out? He's going to stake out
11 where the three variances are going to be
12 required.

13 BOARD MEMBER LYNCH: Okay.

14 CHAIRMAN WRIGHT: Fair to everybody?

15 BOARD MEMBER DAVIS: Yeah.

16 CHAIRMAN WRIGHT: So we'll do the
17 site -- we have to do the site visit this
18 Saturday if we're going to have it for the
19 next --

20 THE CLERK: It's either this Saturday or
21 next Saturday.

22 CHAIRMAN WRIGHT: Any preferences?

23 BOARD MEMBER LYNCH: Next Saturday.

24 MR. DeGENNARO: Next Saturday would be
25 better.

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2 BOARD MEMBER DAVIS: 15th.

3 BOARD MEMBER ANGINOLI: 15th, you said.

4 CHAIRMAN WRIGHT: July 15th.

5 BOARD MEMBER ANGINOLI: What's that?

6 BOARD MEMBER DAVIS: July 15th.

7 CHAIRMAN WRIGHT: July 15th at 9:00.

8 BOARD MEMBER DAVIS: And make sure that
9 it's marked so we can see it, please.

10 MR. DeGENNARO: I will take pictures of
11 the flags and with the map, and I'll send
12 that to you in advance.

13 CHAIRMAN WRIGHT: Any other questions
14 from the Board? All right, so what I'm going
15 to do is I'm going to open it up to questions
16 from the town. Given the number of people
17 here, I'm going to ask you to keep your
18 questions to about three minutes, and
19 specific to the three variances that are
20 here, right.

21 We can't -- if you just don't like the
22 idea that they're building something here,
23 there's nothing that's before this Board that
24 says they can't do it. What they're here for
25 are three different variances. That's for

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2 parking, and a wall, and a driveway. So
3 limit them to them. Try to keep it to three
4 minutes. If I see you're drifting, I'll try
5 to guide you back on the path. But just to
6 keep things crisp and targeted, I'm going to
7 ask that of the questions.

8 Yeah, and if somebody has asked the
9 question, I mean, ask it again. It means
10 it's important. But we think all the
11 questions are important, anyway. So if
12 somebody has asked your question, and you
13 don't need to ask it again, that's great. If
14 you have a point, that's (inaudible).

15 The idea here is to elicit public input.
16 I'm not looking to discourage you. I'm just
17 looking to be efficient with our time and
18 temperature here, so. Given that, are there
19 any questions from the public? Yes, sir?

20 MR. POTANOVIC: Comments.

21 CHAIRMAN WRIGHT: Comments, sure.

22 Again, targeted, three minutes.

23 MR. POTANOVIC: Good evening, Members
24 the Zoning Board, members of the public. My
25 name is George Potanovic. I live at 597 Old

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2 Gate Hill Road in Stony Point. I'm President
3 of the Stony Point Action Committee for the
4 Environment, SPACE.

5 One of the comments I want to make first
6 to the Board and to the Town Attorney is
7 whether or not the applicant has met the
8 minimum legal requirement to notify the
9 public of tonight's meeting. There was no
10 notice published in the Rockland County Times
11 that I saw this week. I called up the
12 editor, and he said he never received a legal
13 notice of the agenda for this meeting.

14 CHAIRMAN WRIGHT: Sorry, just --

15 MR. POTANOVIC: Excuse me. I wanted
16 public access.

17 CHAIRMAN WRIGHT: No, no, no. Listen.
18 All questions are directed to me and now the
19 attorney will listen.

20 MR. POTANOVIC: Okay. And the public
21 access to this meeting is important. The
22 people are here tonight not because they
23 received notices in the mail. Probably
24 because I sent something out, and maybe other
25 people sent it out. And that's why they know

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2 about this meeting. Not because you notified
3 them. Not because you notified them.

4 In fact, you withheld the agenda last
5 week when I asked for a copy of it. I had to
6 do a FOIL request. And the agenda was only
7 published on the website yesterday. Morning.
8 Okay, so that's ridiculous to have a public
9 hearing on such an important application and
10 not give the public sufficient advance
11 notice --

12 CHAIRMAN WRIGHT: You don't need to yell
13 at us.

14 MR. POTANOVIC: -- to know about the
15 meeting. We're happy that people showed up
16 tonight, and I appreciate you being here.

17 CHAIRMAN WRIGHT: You don't need to yell
18 at us.

19 MR. POTANOVIC: Okay. Well, I can talk
20 loud if I want. And you can listen if you
21 want. Okay.

22 So it was no notice in the
23 Rockland County Times. I don't know if you
24 have a copy of the record. Is it legally
25 required for the applicant or for the Town to

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2 put a legal notice in the newspaper prior to
3 the public hearing? That's my understanding,
4 and I've attended a lot of Planning and
5 Zoning Board meetings over the years. And
6 it's not publicly noticed. Is this even a
7 legal public hearing?

8 CHAIRMAN WRIGHT: Well, Mr. Potanovic, I
9 can cancel the whole meeting, have everybody
10 walk out of here and we got nothing done, so.

11 MR. POTANOVIC: Oh, so you're saying
12 that it's not a legal meeting and you're
13 going to hold the meeting, anyway.

14 CHAIRMAN WRIGHT: I didn't -- don't put
15 words in my mouth.

16 MR. POTANOVIC: Well, I'd like to know.
17 Please let me know. If you didn't notify the
18 people, there's a lot of people who are not
19 here tonight.

20 CHAIRMAN WRIGHT: Ask your question,
21 Mr. Potanovic.

22 MR. MacCARTNEY: Nicole, did we receive
23 an affidavit of publication?

24 THE CLERK: Yes.

25 MR. MacCARTNEY: And do we have proof

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2 that it was published?

3 THE CLERK: Yes. And the publication is
4 right here as well.

5 MR. POTANOVIC: Okay. What date was it
6 published, on two weeks ago?

7 THE CLERK: June 8th.

8 CHAIRMAN WRIGHT: So you can apologize
9 to --

10 MR. POTANOVIC: Well, I'm sorry. The
11 thing is, I had most of the, most of the
12 copies of the Rockland County Times. It was
13 probably one I didn't have. Okay, so it was
14 done way back on June 8th. But that does not
15 also say that the problem was that the, is
16 the agenda, which usually is published a week
17 in advance. It was only published a day in
18 advance. And that's not sufficient notice,
19 in my view in any case. So you didn't go out
20 of your way to let the public know about this
21 meeting.

22 This is a meeting, a request for a
23 conditional use, okay. There's a certain
24 criteria for conditional use. And it does
25 relate to what we're talking about, okay. I

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2 didn't want to say that. Is it shall be
3 subject to location, size, and character that
4 would be in harmony with the appropriate and
5 orderly development of the district. That's
6 one of the conditions for a conditional use.

7 And so you're being asked for variances
8 here. One the Zoning Board Members raised a
9 question, can you build this without the
10 variances? Should the applicant be able to
11 build this without the variances if it's a
12 use that fits in with the conditional use of
13 this property? Why are we even considering
14 giving additional area variances, like from
15 looking at nailing the two area variances,
16 the parking and the west side drive.

17 You have a required side yard on the
18 north parking, 20 feet, and the applicant
19 only has 5.4 feet. So they're asking for a
20 variance of 14.6 feet. And on the west side
21 driveway, the requirement is 20 feet, okay.
22 And the proposed side yard is only six. So
23 you have 14-foot variance that's being
24 required. So it's more than twice of what is
25 required is not available. So there is a

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2 shortage of space here.

3 The -- as you know, the -- and I did not
4 get a copy of the most recent Planning Board
5 agenda, Planning Board, Department of
6 Planning review. I understand it came, one
7 came out just very recently. The one I was
8 able to get a copy of was from March.

9 But in the case of the March Department
10 of Planning review, they suggest disapproving
11 this project. They say that the proposed
12 building is massive in scale, exceptionally
13 well with the content of the surrounding
14 neighborhoods, the ability of existing
15 infrastructure to accommodate the mixed use.
16 There's many concerns that they have. And
17 the conditional use, by definition, is
18 subject to a higher standard of review.

19 Okay, and I know the Planning Board is
20 reviewing this for site plan. I realize
21 that. But you're part of that because you're
22 being asked to do a variance, which if you
23 give these variances, that just adds to the
24 idea that the Planning Board can give the
25 higher density that's being requested by the

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2 applicant, and we shouldn't be doing that.

3 What's our obligation to ask -- what's
4 our obligation to give them a bigger project?
5 We don't have any obligation for that. So
6 it's more financially better for him, but
7 it's feeding us with potential traffic
8 problems.

9 The Rockland County Department of
10 Highways has asked for a traffic study. I
11 don't think the traffic study has been done.
12 Why are we having this public hearing and not
13 even have any traffic study to look at from
14 the state? We don't have any information.
15 We don't have any information from which to
16 even understand what the impact is going to
17 be.

18 CHAIRMAN WRIGHT: Mr. Potanovic, so
19 others can get a chance, you want to come
20 back later on.

21 MR. POTANOVIC: Okay. There are other
22 comments that I would like to add. And I
23 appreciate your having the public hearing.
24 But I think you have to announce public
25 hearings with more public notices. And I'm

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2 very discouraged with the fact that you did
3 not let the public know about this meeting in
4 advance. And, but I'm happy that everybody's
5 here. Thank you.

6 CHAIRMAN WRIGHT: Anybody else? Please
7 rise and I'll recognize you. All right. And
8 just so you know, you can also -- after we're
9 done here, we will take written requests and
10 comments, and we'll incorporate them into the
11 record.

12 MR. CERRATI: I don't know if I have a
13 question for this. But it might be at the
14 end.

15 CHAIRMAN WRIGHT: Could you just -- I'm
16 sorry. Could you just give us your name?

17 MR. CERRATI: Arthur Cerrati, 8 Michael
18 Court, Stony Point.

19 MR. MacCARTNEY: You have to give your
20 name and address, please.

21 MR. CERRATI: Arthur Cerrati, 8 Michael
22 Court, Stony Point, New York.

23 MR. MacCARTNEY: Thank you.

24 MR. CERRATI: I stood in front of this
25 group about five years ago, about variances

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2 for new construction. I love building. I'm,
3 I'm a contractor. I own my own business.
4 I'm a capitalist. I want to maximum every
5 dollar that I invest in a project, I do.

6 Maybe you bought the wrong piece of
7 property, my friend. You've got to figure
8 out what you could put on this property that
9 doesn't piss off this entire community.

10 CHAIRMAN WRIGHT: Mr. Cerrati. I'll let
11 you go on with this, but if you could focus
12 your questions on the three variances.

13 MR. CERRATI: I am focusing. I just
14 did. I'm saying he bought a piece of
15 property that he shouldn't have bought. Or
16 we ratchet down your project so it fits
17 within the confines of our community.

18 That is your job on this Board. Okay.
19 That's what you guys should be looking at.
20 But every variance that we grant for projects
21 that just don't belong, we are opening up
22 doors for more problems down the road. We
23 need to stay focused on what we're doing.

24 Mr. Keegan at the end, thank you. You
25 had a wonderful comment to make, and hundred

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2 percent. And I hope that you can convince
3 the rest of this Board that this project --
4 maybe it does belong here. Maybe you should
5 be developing it. You got to bring it down.

6 It is -- those variances just means it's
7 too big. We need to lower it. And how it's
8 not going to be a security problem for the
9 future. That is not a place to be putting
10 that many homes and businesses.

11 So no questions, just comments. Thank
12 you.

13 CHAIRMAN WRIGHT: I'm just going to ask,
14 you don't have to comply, but if you can just
15 withhold your applause, we'll get through
16 this faster. I understand everybody's
17 emotions. I appreciate your positions. But
18 we're going to be here longer.

19 Yes, sir. We have a speaker. Please.

20 MR. EVANGELISTA: Can you flip this over
21 for me? Good evening. I'm David
22 Evangelista, 54 Wilderness Drive,
23 Stony Point. Thank you for your time.

24 First of all, since someone said, yeah,
25 I want to thank the residents for coming out

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2 on a night like this to something like this.

3 It's been encouraging over the last couple
4 years to see people, no matter what side
5 you're on, coming out and demanding the
6 transparency and the information and making
7 your voices heard. So please keep doing
8 that.

9 I'm also encouraged, like the previous
10 speaker, to some of the things I've heard the
11 Board ask and inquire about. So if my
12 comments -- I'll try to keep them on point.
13 But there's some of you who know who I am.
14 I'm a simple kind of guy. I've lived here,
15 I've lived here many years. 60 years I've
16 been in Stony Point. 61, to be exact. And I
17 don't like what I see.

18 And I'm looking here at this variance
19 for this west side and north side. If I'm
20 looking at this drawing right, that's the
21 Govan Drive side. Those are residential
22 properties, longtime Stony Point residential
23 property owners. All right. Who are being
24 asked to give up -- I'm going to have
25 five feet from my property, I'm going to have

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2 parking. I'm going to have this retaining
3 wall getting a variance, where if something
4 happens to this wall, it could affect my
5 property. I think you need to realize that
6 these are real residents, and this affects
7 people.

8 I'm also looking at, you know, I do a
9 little bit of numbers. And I understand the
10 economics of making a project work. But I
11 looked at some of the information that's out
12 there, and I did a count. And on a weekend
13 day, when all the residents are there with
14 two or more cars per unit, and some guests,
15 and the retail is open, there is not enough
16 parking even with the variances.

17 Where are they going? Are they going to
18 park in the senior residential thing across
19 the street on 9W? Are they going to park on
20 Govan Drive?

21 So I'm going to leave you with this. I
22 think people have said it, but I'm going to
23 say it in a different way. This Board, this
24 is -- there are other issues under the
25 purview of the Planning Board and other

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2 agencies such as the County. This project
3 has a lot of problems that we all can see.
4 What I'm asking you is you do not empower it
5 to go forward by granting a variance for
6 something that doesn't fit and doesn't make
7 sense. Right.

8 Where is this traffic going? This is
9 not downtown, all these little towns and
10 villages in New Jersey that have mass transit
11 and a village where people walk to shop and
12 walk to eat. They have to drive somewhere.

13 You do not need to empower -- Patsy goes
14 back a long way. Is Patsy still here? All
15 right, Patsy goes back a long way. Maybe
16 even longer than me, I'm not sure. But she
17 said it right. When you buy a property, you
18 know what you're buying. If it doesn't fit,
19 don't make exceptions. That's the way this
20 town was built, right.

21 So I think you need to consider that. I
22 think you need to consider even simple
23 things, like drive up and down 9W. Do we
24 need more retail? No. There's plenty of
25 retail.

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2 Don't empower them to build something
3 that doesn't fit, doesn't conform, and
4 doesn't meet our criteria. And those
5 exceptions, those exceptions become the rule.
6 You bring an exception, whether this is built
7 or not, whether it includes the Planning
8 Board or not, you create an exception for
9 these variances, now it's there. And
10 somebody can come right in afterwards and use
11 it again.

12 So I'm going to leave you with that
13 concept. Your goal is to protect the public
14 of Stony Point. Thank you for your time.

15 CHAIRMAN WRIGHT: Anybody else? Have
16 them come on up, the Yankee fan.

17 MR. HART: Hi. I'm Greg Hart,
18 5 Rochelle Court, Stony Point. I do have a
19 bunch of questions. I apologize if
20 anything's been addressed. I have a hearing
21 disability. I have otosclerosis. I've lost
22 35 decibels in each ear. I can't hear any of
23 you guys. I even brought speakers for that.

24 So, you're the Town Attorney? Can I
25 maybe get your information so I can request

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2 an ADA accommodation? Just a speaker,
3 something, because I can't participate.

4 MR. MacCARTNEY: You can certainly
5 request it, yes.

6 MR. HART: Okay. So, thank you, I
7 appreciate that.

8 I do have questions about these
9 variances. So, do these variances -- because
10 I'm, I don't know anything, really, about
11 this. But does this set a precedent that
12 leaves, like, the Town liable in the future?
13 Like, if you grant these variances and then
14 someone else wants to do an equal, similar
15 project, that it's granted for them and then
16 it's not granted for the next people, that
17 the Town is liable for lawsuits or anything?

18 CHAIRMAN WRIGHT: There are five
19 criteria, balancing criteria that we use to
20 make a decision based on all the information
21 we get, including information we're getting
22 here tonight from all the residents. I'd
23 love to see more people come to all of our
24 meetings. Normally, there's nobody here. We
25 actually had to move because we expected

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2 overflow.

3 For the most part, there's five
4 balancing criteria. We discuss -- everything
5 we discuss, we discuss in public so you know
6 what our positions are as we discuss them.
7 So that's generally what we do. Five
8 criteria, then come to a decision.

9 MR. HART: Okay, thank you. Now I also,
10 with these variances, it seems like I've
11 been, I've been starting to read all this
12 stuff. I've got laws with me here. You
13 know, the mixed use zoning that was passed.
14 And it seems like our zoning laws are good.

15 The only problem that's here, that why
16 they need these variances, is because there's
17 too many units in this building. If this
18 building -- because it says in the mixed use
19 zoning, the residential mixed use in the
20 business zoning district, because I mean, we
21 all know the retail is a -- they don't care
22 about that. It's to put in apartments.

23 They need to have two parking spaces for
24 each unit. Because there's too many units,
25 more than should be there, they're requesting

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2 variances on other things. There's a simple
3 solution here. Less units means no
4 variances.

5 And that's what I'd like to see you guys
6 uphold. We have good laws that are in front
7 of us, and the solution is simple. And I'm
8 hoping that you guys will view it like that
9 and say hey, look, there is a solution here.
10 Fewer units. Thank you.

11 CHAIRMAN WRIGHT: I want to make one
12 other note, too. We have a stenographer
13 here. So if you don't see us officially
14 taking notes, we're more --

15 PUBLIC SPEAKER: We can't hear you.

16 CHAIRMAN WRIGHT: We have a stenographer
17 here. So if you don't see us taking notes,
18 it's because we know we're going to capture
19 the dialogue from the stenographer. We'd
20 rather listen to you in realtime than sit
21 there and take a bunch of notes on our own.

22 Is there any, are there any other, any
23 other residents who have questions? Let me
24 have a hand up. I have two people spoken
25 already. All right, you.

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2 MR. GALANTI: Gary Galanti, 18 River
3 Road, Stony Point. I do have one specific
4 question, which we never seem to get the
5 number. As far as I understand, there's 88
6 units here. If you don't give him the
7 variance, how many can he build? What's the
8 number?

9 CHAIRMAN WRIGHT: Are you prepared to
10 answer that, or you're not able to answer
11 that tonight? Or do you want to just kind of
12 give a comment.

13 MR. DeGENNARO: It's 86 units that are
14 being proposed. And I cannot answer that
15 question without coordinating with the
16 architect.

17 CHAIRMAN WRIGHT: So he said --

18 MR. DeGENNARO: We would have to
19 coordinate with the architect that designed
20 the building itself and the footprint of the
21 building in order to answer that question.
22 It's not a simple of -- it's not a simple
23 calculation.

24 CHAIRMAN WRIGHT: So as it stands right
25 now, he said there's 86 units right now. And

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2 he really couldn't give you an answer off the
3 top of his head if they were going to reduce
4 that number.

5 MR. GALANTI: Well, if that's -- that's
6 the one question I would like an answer to.
7 And then a couple comments from living on
8 River Road, which runs parallel to 9W. In
9 the last couple years, I've noticed a large
10 increase in traffic during rush hours. Okay.
11 There's cars coming from 9W, come down
12 Tomkins Avenue, and then they go up to where
13 Ba Mar is, and then take River Road all the
14 way around rather than use 9W.

15 CHAIRMAN WRIGHT: Okay. Does that
16 impact this at all, or?

17 MR. GALANTI: Well, it's going to, he's
18 going to impact the traffic coming down 9W
19 because there's going to be more people
20 trying to do that. And on top of that, you
21 have Eagle Bay or whatever the final call
22 was, and Ba Mar that still hasn't opened, and
23 you're talking a lot of cars heading down
24 River Road.

25 And now I also notice, since I'm

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2 retired, school buses. They're using River
3 Road to get back to the yard in Haverstraw.
4 Go sit down there at 3:30 and 4:30 and see
5 how many buses go by with no kids on them.

6 Those are my comments. Thank you.

7 CHAIRMAN WRIGHT: Thank you very much.
8 I guess next? Okay.

9 MS. O'CONNOR: First, I also want to
10 thank you guys because this job is not easy.
11 It's a lot of time. It's a lot of research.
12 It's a lot. So I want to --

13 BOARD MEMBER DAVIS: Name and address.

14 MS. O'CONNOR: My name is Deirdra
15 O'Connor. I'm on Cross Creek Lane. And I
16 just also want to make a point that this
17 isn't about emotions or pissing people off.
18 This is about, and relevant comments are
19 about the health and safety of our community
20 and our town and future generations as well.
21 We've always been a close, inclusive
22 community. And I also grew up in Haverstraw,
23 and we are one community as well.

24 So I heard some things I had a little
25 bit of concern about. You know, we talked,

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2 there was talk about slopes, there was talk
3 about retaining walls, and there was talk
4 about an access road, okay, that these
5 variances would impact.

6 So my question is, and it's something
7 that I've been asking the town to do for a
8 few years now, has there been a comprehensive
9 strategic collaborative plan made with the
10 police chief, the school superintendent, the
11 environmental engineers, all the people that
12 have knowledge that are without your
13 boundaries, you know, your one brain. And so
14 we need the expertise. How will this impact
15 school buses, emergency vehicles, you know,
16 roads on that car daily, all emergency
17 evacuation?

18 So we need a demography report. We need
19 environmental, traffic. All of these things
20 need to be done, and that's what keeps
21 emotions in place. It has to do with
22 intelligent, researched conversation. And
23 asking the Board to (inaudible). So thank
24 you.

25 CHAIRMAN WRIGHT: I just -- so just so

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2 you know, those are all very valid points.

3 But those aren't in the purview of the Zoning
4 Board. Those are the purview of the Planning
5 Board. So while you come here and express
6 your opinions, I would encourage you, when
7 these come up in the Planning Board, to go to
8 those and raise these same issues. We have,
9 like I said, there are three variances that
10 we look at. Anything beyond that, we have no
11 control over, so.

12 Any other person? Yes, I promised the
13 woman in front. Okay. You're next.

14 MS. MARI: Hi. My name is Colleen Mari.
15 I live at 142 Route 210 in Stony Point. I am
16 also a real estate agent in the county. And
17 I just want to say the fact that I live in
18 this town and there is -- I couldn't hear a
19 word any of you people said. From the get
20 go.

21 I buried a friend today. And I made
22 sure I came back in time to get to the Zoning
23 Board, and I didn't hear a word you said.
24 It's pathetic. And this is my town that I
25 love. So I am very -- this is

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2 heart-wrenching, that the fact that the
3 people in the back cannot hear what you are
4 saying. And it might be very valid. But
5 what does it matter if you can't hear it?

6 So I have no questions. I appreciate
7 your time. But it's very sad.

8 MS. ROBERTS: Theresa Roberts,
9 34 Nordica Circle, Stony Point. I've never
10 been to one of these meetings before, so I
11 agree with you that it's a lot of us diving
12 into the experience. So my first question is
13 does granting these variances improve the
14 property value or the way of life for the
15 existing residents in the surrounding area?
16 That's my first question.

17 PUBLIC SPEAKER: What's the answer?

18 CHAIRMAN WRIGHT: Well, this will be
19 part of the public discussion, so.

20 MS. ROBERTS: Okay. Then the next one
21 is do these variances improve the impact on
22 traffic in the area? Because I know some of
23 them refer to parking. So I don't know if
24 that's to help with the entering or exiting
25 of the area. Has a traffic impact study been

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2 done? Those are my questions.

3 My only comment is I don't appreciate
4 the not significant quote that he believes
5 he's asking for. I don't do building, but it
6 seems to me that the minimum says 20 feet,
7 and they're asking for one fourth the size of
8 the minimum, which is half of half of the
9 minimum. That's significant to us. That's
10 why we're all here.

11 CHAIRMAN WRIGHT: Anybody else?

12 MR. MAHER: Good evening, Board Members.
13 Kevin Maher, 130 Central Highway,
14 Stony Point.

15 I wasn't born and raised in this town.
16 I came here in 2011. And as some of the
17 Board Members are aware, I was the Town
18 Engineer for about six years. And I
19 participated in a lot of applications in
20 front of the Planning and Zoning Boards as a
21 consultant to the Board.

22 So I look at this application and say to
23 myself, why. Even the variances that are
24 being asked of this Board, in my professional
25 opinion, are self-created variances. And as

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2 such, I think you should be asking the
3 applicant to prove financial profit. Why
4 can't he build smaller and still make a
5 profit?

6 And by doing that, chances are these
7 variances would disappear, and the project
8 would be more in tune with the character of
9 the neighborhood. This project is more
10 suited for Bruckner Boulevard or Tremont
11 Avenue in the Bronx where I grew up. Not in
12 Stony Point.

13 To even think about the granting
14 variances, as this other gentleman just said,
15 you're going to set a dangerous precedent in
16 this town. Because if you do it once, you
17 got to keep doing it. Otherwise, you're
18 going to be arbitrary and capricious, and you
19 set yourself up for an Article 78 proceeding
20 as a result. I know all about Article 78s.
21 Thank you.

22 CHAIRMAN WRIGHT: All right. We're
23 still open. Anybody else?

24 MR. ROSADO: Good evening, everyone.
25 Angel Rosado, 14 Wiles Drive, Stony Point.

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2 I'm not familiar much with the Zoning Board,
3 but thank you for being here today. Thank
4 you, everyone, for showing up.

5 Just a question. Are there -- how does
6 the zoning relate to safety? So I know part
7 of the zoning he's asking for is more space
8 for a parking lot, more space for a wall. So
9 when my son's in town riding his bicycle, is
10 he supposed to not pay attention to these
11 extra ordinances because we have this
12 building that three years ago, when I looked
13 in this neighborhood, wasn't there.

14 I picked this neighborhood because of
15 the people and the community. Not because --
16 and just like the gentleman before me, I came
17 from Southern Boulevard three years ago.
18 This can stay there. We don't need this
19 here. It's not for our kids. It's not for
20 us.

21 But how about -- so are there any safety
22 metrics that are done, or safety studies on
23 how the kids will be impacted in that direct
24 neighborhood? That's a question for the
25 Board, for the engineer. Are there any

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2 studies for how this project and these
3 ordinances will impact the kids in the
4 community?

5 CHAIRMAN WRIGHT: So the site plan, the
6 planning is done by the Planning Board.

7 MR. ROSADO: Okay. And when do those
8 meetings happen?

9 MR. POTANOVIC: Thursday the 27th.

10 CHAIRMAN WRIGHT: 27th at 7:00 here,
11 continued public hearing on this project.

12 MR. ROSADO: And that's going to be made
13 public, right, as the gentleman said, that
14 should be easy to come. Okay, thank you.
15 I'll be here. Thank you, everyone. Have a
16 good day.

17 PUBLIC SPEAKER: We can change our zip
18 code to 10461, too.

19 CHAIRMAN WRIGHT: Anybody else? All
20 right, so --

21 PUBLIC SPEAKER: Did everyone hear?
22 July 27th, 7:00, continued public hearing on
23 the Planning Board on this project. So be
24 here then also. Bring friends.

25 MR. MULLIGAN: George Mulligan,

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4 Liberty Square Mall, Stony Point. I attended, I've attended, actually, a number of meetings concerning discussions of 111 South Liberty Drive. And I can tell you I am not in favor of this project as it's currently constituted.

I don't believe that this fits in the character of the town of Stony Point. And I do not believe that the Zoning Board should grant the variances that have been requested by the applicant. The applicant has every right to request them. And you have every right to deny them. And that is what I would urge you to do.

And this is not a tangential comment, but looking at the property literally every day for years and years, it is kept in a state of disrepair. In fact, we have had multiple residents, even this year, have had to call because the property itself was not being maintained on the outside. There are still large branches that have fallen and have never been carted away. That could impede emergency services in our community

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2 from responding and doing the proper job,
3 especially if there is a fire in that
4 building.

5 And I think, quite frankly, it is very
6 disturbing. And then, you know, I think
7 about it. Well, what will the future portend
8 if this property -- according to me, it's my
9 opinion -- is being kept in such poor
10 condition as we speak right now.

11 So again, thank you for being here. And
12 I would thank everybody else that's speaking
13 and showing up tonight. And I do hope you
14 consider the public's comments. Thank you.

15 CHAIRMAN WRIGHT: Anybody else? All
16 right. So I'll move that we close this
17 meeting out today. We'll keep the public
18 hearing open. You'll all get a chance to
19 come back in two weeks, and we can do this
20 some more and have some more comments.

21 In the meantime, we'll stake out the
22 property. We've gotten -- and I do, I
23 appreciate all your comments. It's hot.
24 It's muggy. It's uncomfortable. And I'll
25 see if we can't get better acoustics in --

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2 the acoustics I can't do anything about. If
3 there's a way we can get it to project
4 better, I'll see if we can do that.

5 In the meantime, unless there's anything
6 else, I'll take a motion to close the
7 meeting.

8 MR. MacCARTNEY: I would take a motion
9 to continue the public hearing to July --

10 CHAIRMAN WRIGHT: So we'll make a motion
11 to continue the public hearing.

12 BOARD MEMBER LYNCH: I'll second the
13 motion to continue the public hearing.

14 MR. MacCARTNEY: What's the date?

15 CHAIRMAN WRIGHT: No, no. When is the
16 next -- Nicole?

17 MR. MacCARTNEY: Nicole, when is the
18 next date?

19 THE CLERK: The 20th.

20 CHAIRMAN WRIGHT: So I make a motion to
21 continue this until July 20th.

22 BOARD MEMBER DAVIS: I make a motion to
23 continue this July 20th.

24 CHAIRMAN WRIGHT: All in favor?

25 (Response of aye was given.)

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CHAIRMAN WRIGHT: Make a motion to
adjourn.

BOARD MEMBER DAVIS: I'll make a motion
to adjourn.

CHAIRMAN WRIGHT: Second. All in favor?
(Response of aye was given.)

CHAIRMAN WRIGHT: Thank you, everyone,
for participating.

(Time noted: 8:27 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.



Jennifer L. Johnson

