

STATE OF NEW YORK : COUNTY OF ROCKLAND.

TOWN OF STONY POINT: PLANNING BOARD

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IN THE MATTER

OF

TIM HORTONS

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Town of Stony Point
Senior and Community Center at
Patriot Hills
19 Clubhouse Lane
Stony Point, New York
Thursday
September 26, 2024
7:08 p.m.

BEFORE:

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

APPEARANCES:

STEPHEN M. HONAN, ESQ., Special Counsel
MAX STACH, Town Planner
JOHN QUEENAN, Town Engineer
JOHN HAGER, Building Inspector

ROCKLAND & ORANGE REPORTING

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CHAIRMAN JOHNSON: Next up we have Tim Horton's. Hello.

MR. SHARMIN: Hi, guys. So I think we were waiting on the DOT, that was the last comment which we were waiting, and we have submitted that. So I hope we get a resolution today.

CHAIRMAN JOHNSON: So we got the DOT letter, right, or the e-mail I guess it was, and any questions or comments?

MR. STACH: We do not have any comments on the DOT letter, no.

CHAIRMAN JOHNSON: John, do you have questions or comments?

MR. QUEENAN: No, at this point we'll also just let the Board know the applicant submitted a cost estimate. Took a quick look at it today, it seems generally in line with the improvements and objections in that order.

CHAIRMAN JOHNSON: Okay, very good. I'll make a motion to read into the record the resolution?

MS. ALESSI: I'll second.

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CHAIRMAN JOHNSON: We got a motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right. Resolution, Granting Final Site Plan & Conditional Use Approval for the Project Tim Horton's - Stony Point, New York By Application of: Interplan LLC, of 220 East Central Parkway, Suite 4000, Altamonte Springs, Florida and by owner Gator Stony Point, LLC and Stuart O. Goldsmith Family Trust-Stony Point, of 7850 NW 146th Street, 4th Floor, Miami Lakes, Florida.

WHEREAS, an amended application for Final Site Plan and Conditional Use approval, dated April 3, 2024, a Full EAF, dated March 4, 2023, and a narrative letter to the Planning Board, dated November 1, 2023, have been submitted to the Planning Board of the Town of Stony Point seeking to redevelop/improve an existing commercial site an renovate a free standing 2,091 square foot commercial building (previously a bank) located in an existing shopping

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center and install improvements for the purpose of operating a doughnut and coffee shop with a drive through service window, which requires Conditional Use approval for "Restaurant with drive-through service", consistent with provisions of the Town Zoning Code, Article XIII, and Section 215-79, together with a submitted proposed, "Amended Site Plan" for the project designated, "Tim Hortons" consisting of seven sheets, prepared by Stuart Anderson, P.E., dated January 17, 2024 and last revised July 31, 2024, and the architectural plans and elevations prepared by Kimberly Pavlic, RC (hereinafter, Subject Application) and concerning premises designated as Section 20.04, Block 11 Lot 1 on the Tax Map of the Town of Stony Point, County of Rockland, situated in the BU Zoning District, located at 180 South Liberty Drive, Stony Point, NY 10980, and consisting of 0.55 acres (hereinafter, Subject Premises); and

WHEREAS, pursuant to the New York State

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Environmental Quality Review Act, this application constitutes a Type 2 action, and the proposed action is not expected to have a significant adverse environmental impact and accordingly no further environmental review is required; and

WHEREAS, by a letter, dated April 25, 2024, the New York State Department of Transportation (NYS-DOT) conducted a review of the application pursuant to its GML authority and made recommendations numbered 1 through 9, and directed that a traffic study be performed by the applicant and this it be submitted for review; and

WHEREAS, by a Traffic Study Letter Report, dated June 18, 2024, the applicant's traffic engineer, Dolan & Dean Consulting Engineers, LLC, submitted its findings to the Planning Board and to the NYS-DOT; and.

WHEREAS, by a response, dated August 8, 2024, the engineers for the NYS-DOT submitted comments and requested additional information from the applicant's traffic engineer, Dolan & Dean Consulting Engineers,

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LLC, concerning the previously submitted Traffic Study Letter Report, and after further communications, the NYS-DOT issued a memorandum, dated September 17, 2024, indicating satisfaction with the information provided by the applicant's traffic engineer and confirming that a highway work permit will not be required as no is proposed in the NYS-DOT right-of-way on State Route 9W (South Liberty Drive); and

WHEREAS, by a letter, dated May 20, 2024, the Rockland County Department of Planning, conducted a review of the application pursuant to its GML authority and made recommendations numbered 1 through 14, and 4 advisory recommendations concerning modifications to the project and plans, and the applicant has complied with the recommendations; and

WHEREAS, by letters, dated May 22, 2024, the Rockland County Center for Environmental Health conducted a review of the application pursuant to its GML authority and advised 'Food Service Establishments' are regulated

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by the Rockland County Department of Health,
and that plans must be submitted and
approved prior to construction; and

WHEREAS, the "Project Review" memoranda,
dated March 12, 2024, April 29, 2024, and
July 15, 2024, of John O'Rourke, P.E., of
Lanc & Tully Engineering & Surveying, P.C.,
the Town of Stony Point Engineer, reflect
the successive reviews his office conducted
of the various amended site plans and
submissions of the applicant, and by his
recommended amendments to the plans and
submissions, has resulted in the applicant's
most current proposed site plan
incorporating all recommended revisions and
resulting in a revised site plan which is
currently acceptable; and

WHEREAS, the memoranda to the Planning
Board dated March 21, 2024, May 2, 2024,
July 18, 2024 and September 20, 2024, were
received from Max Stach, AICP, and Sam
Justiniano, Planning Analyst, of Nelson,
Pope & Voorhies, LLC, the Planning
Consultants to the Town, and based upon

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their multiple reviews of the application and site plans and submissions of the applicant, including suggested revisions to the same, has resulted in the applicant's most current proposed site plan incorporating all recommended revisions and addressing all comments and resulting in a revised site plan which is currently acceptable to this Board; and

WHEREAS, by a letter, dated August 1, 2024, the Town of Stony Point Building Inspector, John Hager, issued a zoning determination concerning the proposed signage for the building and site; and

WHEREAS, by a letters to the Planning Board dated April 3, 2024, June 26, 2024, and August 2, 2024, the applicant's engineering firm, Stuart Anderson, P.E., responded to the recommendations, comments and directives set forth in the memoranda by Lanc & Tully Engineering & Surveying, P.C., the memoranda of Nelson, Pope & Voorhies, LLC, the letters of the Rockland County Department of Health, the Rockland County

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Department of Planning, and the NYS-DOT, and the aforesaid responses by the applicant's engineering firm indicated compliance with the respective recommendations and comments received relative to this application; and.

WHEREAS, this Board referred the applicant to the Architectural Review Board of the Town of Stony Point, and by a Decision, dated September 4, 2024, the ARB issued approval of the application; and

WHEREAS, this application was scheduled for a duly noticed Public Hearing before the Planning Board on May 23, 2024, at 7:00 p.m. at which time the hearing was opened to the public and thereafter the Public Hearing was closed and concluded, and;

WHEREAS, this application came up for further review and consideration as an agenda item at the regularly scheduled meeting of this Board on September 26, 2024.

NOW, THEREFORE, be it resolved that the subject application for Final Site Plan and Conditional Use Approval relative to the Subject Premises is approved, and the

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Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk, upon payment of any and all outstanding fees to the Town, subject and conditioned upon the following:

- 1.) All "WHEREAS" paragraphs are incorporated herein by reference.
- 2.) All conditions of the Approval granted by the Architectural Review Board Decision dated September 4, 2024.
- 3.) Compliance with all other applicable site plan requirements set forth in the site plan regulations of the Town of Stony Point and consistent with the General Notes on the applicant's approved site plan.
- 4.) Prior to the Chairman signing the site plan, the Town of Stony Point Engineer shall conduct a review of the final site plan for completeness and compliance with all conditions and code provisions and the provisions set forth in the engineer's memorandum to the Planning Board and shall advise the Chairman accordingly whether the site plan is in a form which will permit the

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Chairman to sign the same.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on September 26, 2024 which resulted as follows:

MR. STACH: Mr. Chairman, before you vote could I ask for a point of clarification in regard to the DOT review because the Resolution reads that the applicant's engineering firm indicated compliance with respect to recommendations and comments of the Department of Health, Department of Planning and New York DOT, but I don't think that is correct with regard to New York State DOT. They asked for a bunch of -- in their review they asked for a bunch of additional work to be done. It was my understanding that they don't have permit authority for this so it's just advisory anyway.

MR. QUEENAN: DOT had a comment letter that the applicant's engineers responded to and then the response back from the State was, thank you for the information, no

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furtherance necessary, no improvements are necessary.

MR. STACH: Okay, I missed that.

MR. QUEENAN: There was back and forth.

MR. STACH: Okay. I apologize.

MR. HONAN: There was a more recent letter.

MR. QUEENAN: Yeah.

CHAIRMAN JOHNSON: Two or three days ago; right?

MR. QUEENAN: That was the e-mail. There was a letter prior to that that they had some comments on based on the response they didn't need it.

MR. HONAN: It was September 17, 2024. New York State DOT memorandum dated September 17, 2024 letter.

CHAIRMAN JOHNSON: Okay. Mary, could you poll the Board?

THE CLERK: Yes. Mr. Biehle?

MR. BIEHLE: Yes.

THE CLERK: Mr. Jaslow?

MR. JASLOW: Yes.

THE CLERK: Mrs. Alessi?

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MS. ALESSI: Yes.

THE CLERK: Mr. Rogers?

MR. ROGERS: Yes.

THE CLERK: Mr. Ferguson?

MR. FERGUSON: Yes.

THE CLERK: Mr. Purcell?

MR. PURCELL: Yes.

THE CLERK: Chairman Johnson?

CHAIRMAN JOHNSON: Yes. All right.

THE CLERK: When can you sign the Resolution? I can't give it to him until you sign it.

CHAIRMAN JOHNSON: Do you have one?

THE CLERK: No. Because I have to --

CHAIRMAN JOHNSON: I can come in tomorrow.

MR. SHAH: So now we can apply for the building permit?

THE CLERK: Your map is not signed but.

CHAIRMAN JOHNSON: Next, other business make a motion to accept the meeting minutes from the August 22nd Planning Board meeting.

MR. ROGERS: Make that motion.

CHAIRMAN JOHNSON: I'll second. All in

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favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right, motion carries. The November December Planning Board meeting date is going to be December 12th of this year seven p.m. here. Does anybody have any other questions or comments? All right. Can I get a motion to close the meeting?

MR. JASLOW: I'll make that motion.

MR. FERGUSON: Second.

CHAIRMAN JOHNSON: Got a motion and a second, all in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right, thank you very much.

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

Melissa Pezzullo



Melissa Pezzullo