

# *Town of Stony Point*

## Department of Planning

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STONY POINT, NEW YORK 10980

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## RESOLUTION

### GRANTING

### A CONDITIONAL USE PERMIT and SITE PLAN APPROVAL

### For The Project

### DiMARSICO ADDITION

**BY APPLICATION OF: Anthony DiMarsico, as Owner, of 41 Washburn Lane,  
Stony Point, NY 10980**

WHEREAS, an Application, dated July 6, 2023, and a Short EAF, dated July 6, 2023, and upon a submitted plan entitled, "SITE PLAN FOR DiMARSICO" consisting of one (1) sheet, prepared by Paul Gdanski, P.E., PLLC, dated May 16, 2023, has been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a Conditional Use Permit permitting a two (2) family residence consisting of two (2) dwelling units in the existing single-family home on the premises pursuant to the Town Zoning Code Section 215, Article XII, and for approval of a Site Plan (*Subject Application*), and affecting premises consisting of 0.77 acres, and designated as Section 20.07, Block 2, Lot 64 on the Tax Map of the Town of Stony Point, County of Rockland, and commonly known as 41 Washburn Lane, Stony Point, N.Y 10980, which parcel is located in the R-1 Zoning District (*Subject Premises*); and

WHEREAS, the project designation of "DiMarsico Addition" is a misnomer because this application does not seek permission for any further additions or significant construction to the existing home, but rather intends to perform minor interior changes to the home which will result in a portion of the home becoming a separate dwelling unit and thereby converting the home to a two (2) family residence, a conditional use under the Town Zoning Code; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this is a Type II action and accordingly, no further environmental review is required; and

WHEREAS, by letter dated August 22, 2023, the Rockland County Department of Highways in reviewing the proposed site plan, dated May 16, 2023, indicated that the project is not expected to have an impact upon Washburn Lane and a RCDH road work permit must be obtained before construction work commences; and

WHEREAS, by letter, dated August 21, 2023, the Rockland County Department of Health determined that if the Planning Board requires a storm water management system that an application shall made to the RCDOH for review and for compliance with the County Mosquito Code; and

WHEREAS, the Rockland County Department of Planning (RCDP) conducted a GML review of the project and by letter, dated September 5, 2023, recommended modifications to the plan based upon a mistaken belief that the application sought an addition to a single-family home, when in actuality no addition or similar construction is sought, and the RCDP recommended modifications, *inter alia*, as follows: 1.) The applicant will require a conditional use permit from the planning board; 4.) the Designated Street Line (DSL) must be indicated on the site plan in order to identify the front yard and front setback measurements and to identify any variances required; and 5.) A floor area ratio (F.A.R.) calculation must be provided on the plan (presumably on account of the addition to the home); and

WHEREAS, the applicant requests from this Board an override of the aforementioned provisions of the RCDP letter, dated September 5, 2023, for the reasons, as follows: 1.) The applicant has, in fact, submitted an application for a conditional use permit to this Board, and a copy of the application was provided to the RCDP for its GML review; 4.) The applicant is not seeking permission to add an addition or perform construction to the exterior of the premises, and it is therefore unnecessary to locate the DSL, specify front yard and front setbacks, and area variances are not implicated; and 5.) As the applicant is not seeking permission to construct any addition to the home, a calculation of the home's F.A.R. is superfluous and unwarranted; and

WHEREAS, a duly noticed public hearing was held on August 24, 2023, at 7:00 p.m. at which date the applicant appeared, and at which time the public hearing was conducted, concluded and closed; and

WHEREAS, this application came before this Board as an agenda item at a regularly scheduled Planning Board meeting of September 28, 2023, at 7:00 p.m.

NOW, THEREFORE, be it

RESOLVED that the Subject Application concerning the Subject Premises, **be and hereby is approved**, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk as a Site Plan and for the issuance of a Conditional Use Permit, upon compliance with all provisions of the Town Code and payment of any and all outstanding fees to the Town and consultant fees, and this approval is further conditioned upon the following:

1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.
2. Recommended modification number **1.** of the Rockland County Department of Planning letter, dated September 5, 2023, is hereby **overridden** because the applicant has, in fact, submitted an application for a conditional use permit to the Planning Board, and a copy of the application was provided to the RCDP for its GML review.

3. Recommended modification number 4. of the Rockland County Department of Planning letter, dated September 5, 2023, is hereby **overridden** because the subject application does not seek permission to construct an addition or perform construction to the exterior of the premises, and it is therefore unnecessary to locate the DSL, or to specify front yard and front setbacks, and area variances are not implicated.

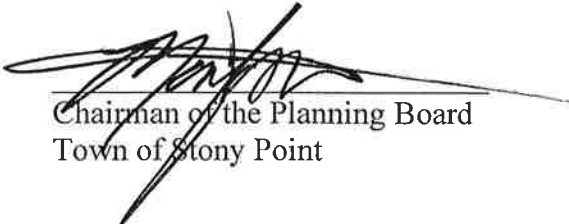
4. Recommended modification number 5. of the Rockland County Department of Planning letter, dated September 5, 2023, is hereby **overridden** because the subject application does not propose to construct an addition or perform construction to the exterior of the premises, and therefore a calculation of the home's F.A.R. is superfluous and unwarranted.

5. The Planning Board clerk shall transmit this resolution to the Rockland County Department of Planning as this Board's report of final action.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on September 28, 2023, which resulted as follows:

|                         | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|-------------------------|------------|------------|----------------|---------------|
| <u>Members Present:</u> |            |            |                |               |
| Mark Johnson, Chairman  | <u>X</u>   | ___        | ___            | ___           |
| Gerry Rogers            | X          |            |                |               |
| James Purcell           | ___        | ___        | ___            | <u>X</u>      |
| Eric Jaslow             | ___        | ___        | ___            | <u>X</u>      |
| Mike Ferguson           | <u>X</u>   | ___        | ___            | ___           |
| Kerri Alessi            | <u>X</u>   | ___        | ___            | ___           |
| Roland Biehle           | <u>X</u>   | ___        | ___            | ___           |

The Resolution 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 2<sup>nd</sup> day of Oct. ~~September~~, 2023.

Megan Carey  
Megan Carey, Town Clerk  
Town of Stony Point

STATE OF NEW YORK )  
ROCKLAND COUNTY ) SS:  
TOWN OF STONY POINT)

I, MEGAN CAREY, TOWN CLERK OF SAID TOWN OF STONY POINT, COUNTY OF ROCKLAND, HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING COPY WITH THE ORIGINAL NOW ON FILE IN SAID OFFICE, AND FIND THE SAME TO BE A TRUE AND CORRECT TRANSCRIPT THEREFROM AND THE WHOLE OF SUCH ORIGINAL.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED THE SEAL OF SAID TOWN OF STONY POINT, THIS 2<sup>nd</sup> DAY OF October, 2023.

Megan Carey  
MEGAN CAREY, TOWN CLERK