

STATE OF NEW YORK : COUNTY OF ROCKLAND.

TOWN OF STONY POINT: PLANNING BOARD

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IN THE MATTER

OF

52 WAYNE AVENUE

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Town of Stony Point  
Senior and Community Center at  
Patriot Hills  
19 Clubhouse Lane  
Stony Point, New York  
Thursday  
September 28, 2023  
7:30 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN  
MICHAEL FERGUSON, BOARD MEMBER  
KERRI ALESSI, BOARD MEMBER  
GERRY ROGERS, BOARD MEMBER  
ROLAND BIEHLE, BOARD MEMBER

APPEARANCES:

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

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Proceedings

CHAIRMAN JOHNSON: Next on the agenda 52  
Wayne Avenue.

MR. SEIDMAN: Richard Seidman for the  
applicant.

CHAIRMAN JOHNSON: How are you?

MR. SEIDMAN: How ya doing?

CHAIRMAN JOHNSON: Good. Now is there a  
submission of maps that came in late?

MR. O'ROURKE: Mr. Chairman, if you  
remember at the TAC meeting, I'll the  
summarize for the rest of the Board Members  
that weren't there, so there was some  
confusion during the time you went out I  
guess on the layout so the applicant was  
asked to go re-stake out and reschedule a  
site visit after the stake out. At that  
time we asked if they had submitted a plan  
and unfortunately these plans came in  
yesterday so if Max has reviewed them, I  
certainly had no time to review them.

CHAIRMAN JOHNSON: I think we were  
asking for a smaller version of the maps as  
well.

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2 MR. CELENTANO: Yes. We also want to  
3 reschedule a visit for that lot five.

4 MR. BIEHLE: You showing Leechfield as  
5 behind the house on Wayne Avenue?

6 MR. SIEDMAN: Yes, we are.

7 MR. BIEHLE: That's some elevation, you  
8 gonna put a water table or something there?

9 MR. CELENTANO: 332 my first floor is  
10 237 so we'll enough to service the first  
11 floor but the pump -- but there will be an  
12 ejector pump.

13 MR. O'ROURKE: Unfortunately, the Town  
14 has no collection system out on Wayne  
15 Avenue.

16 MR. SEIDMAN: We're not looking to  
17 service the basement in that area. Basement  
18 is going to be underground so we're not  
19 looking to put a bathroom down there.

20 CHAIRMAN JOHNSON: Was the water access  
21 issue ever -- ever satisfied there to know  
22 where there the water was coming from?

23 MR. SEIDMAN: Well, we have one water  
24 hooked up on lot four, right? Do you have  
25 where the basin is, where it's hooked up?

1 Proceedings

2 It's hooked up to city water.

3 CHAIRMAN JOHNSON: That's coming down  
4 from Walter Drive?

5 MR. SEIDMAN: Walter Drive. I got  
6 something that came up that I want to make  
7 notification to this Board. We looked at  
8 the -- my abstract company went ahead and  
9 did an abstract and picked up a map of the  
10 46 subdivision in back of us on -- on that  
11 street. On that street is a 46 lot  
12 subdivision of which a cul-de-sac was  
13 supposed to put in, it's deeded to -- it's  
14 deeded to the Town and it was never put in.

15 CHAIRMAN JOHNSON: At the end of Walter  
16 Drive?

17 MR. SEIDMAN: At the end of Walter  
18 Drive. Now, that was put in 30 -- 38 years  
19 ago. It's been operating for the last 38  
20 years without putting in. We were asked to  
21 put that cul-de-sac on our property which I  
22 showed on the map, okay, I also showed the  
23 location of the cul-de-sac that's in front  
24 of mine that the Town owns the property, and  
25 why wasn't it put in. I got a signed map

1 Proceedings

2 that it says it was put in.

3 MR. O'ROURKE: You're looking -- you  
4 expect me to answer you? I wasn't here 38  
5 years ago.

6 MR. SEIDMAN: I'm looking -- looking for  
7 guidance from this Board.

8 MR. O'ROURKE: Well the guidance is the  
9 reason you're putting in the cul-de-sac is  
10 because you do not have the frontage of the  
11 road nor would you have the frontage if the  
12 Town had built the cul-de-sac. So, you have  
13 don't have the lot frontage.

14 MR. SEIDMAN: If you look at the map, if  
15 you would have built the cul-de-sac I would  
16 have had frontage.

17 MR. O'ROURKE: I don't see how that  
18 would be, but in either case you're asking  
19 me a question about why the Town didn't  
20 build it, who knows, it's 38 years ago, it's  
21 not there.

22 MR. SEIDMAN: You got a filed map.  
23 We're supposed to follow the filed map.

24 MR. O'ROURKE: I suggest you go to the  
25 Town Board and ask them. This Board has

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2 nothing to do with construction or a map,  
3 but even with that I don't think you'd have  
4 a --

5 MR. SEIDMAN: We have a map there. I  
6 show where the existing -- I show it.

7 MR. O'ROURKE: The only thing I can  
8 suggest is you double check your road  
9 frontage to see if you had had that.

10 MR. SEIDMAN: I had the surveyor and the  
11 engineer look at it. I have the same road  
12 frontage --

13 MR. O'ROURKE: You can go to the Town  
14 Board, but I would guess --

15 MR. SEIDMAN: The Town Board is  
16 responsibility for that. What the  
17 responsibility is, is the Planning Board  
18 that signed the map.

19 MR. O'ROURKE: No, no, the Planning  
20 Board does not have any responsibility for  
21 the dedication. They approved a cul-de-sac.

22 MR. SEIDMAN: Right.

23 MR. O'ROURKE: The applicant, they  
24 deeded it to the Town obviously the Town  
25 Board accepted it without the cul-de-sac.

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2 This Board does not --

3 MR. SEIDMAN: I got a question for ya,  
4 say after it's built an as built is sent to  
5 the Town the as built is supposed to meet  
6 what was approved on the original approval,  
7 am I correct?

8 MR. O'ROURKE: Thirty years ago I have  
9 -- I haven't found an as built in this Town  
10 more than fifteen years old. So I can't  
11 tell you what they did 38 years ago and what  
12 was required. I know in today's ago they  
13 do. I have no as built of that plan or of  
14 that subdivision. If an as built was  
15 submitted it would have been sent to the  
16 highway department and/or the Town Board.  
17 The Planning Board does not get as built.  
18 Once the plan is approved and the plan it  
19 signed, the Planning Board is done with  
20 their responsibility.

21 MR. SEIDMAN: But isn't the  
22 responsibility to follow a map when I --

23 MR. O'ROURKE: It's not the Planning  
24 Board's responsibility.

25 MR. SEIDMAN: Well whose responsibility

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2 is it?

3 MR. O'ROURKE: I just told you. It's  
4 the Highway Superintendant or the Town  
5 Board.

6 MR. HONAN: The Planning Board has no  
7 enforcement. We only approve but once that  
8 happens it's out of our hands.

9 MR. SEIDMAN: I understand. I  
10 understand exactly what you're saying to me.  
11 But in any case, the Town's responsible for  
12 that road.

13 MR. O'ROURKE: If you understand what we  
14 said then you know this Board can do nothing  
15 about it.

16 MR. SEIDMAN: I'm agreeing with this  
17 Board.

18 MR. O'ROURKE: Okay so.

19 MR. SEIDMAN: That you yourselves can't  
20 do anything about it but the map shows me --  
21 the abstract company took ages to get it  
22 back to me doing the research on it and they  
23 found out that that road was supposed to be  
24 put in and wasn't put in. Now I asked the  
25 building inspector who I spoke to just



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2 before and he says he came in after the fact  
3 and it was already developed.

4 MR. O'ROURKE: Yeah, we all came in  
5 after the fact it was 38 years ago,

6 MR. SEIDMAN: He said if he was around  
7 it would've been put in.

8 MR. O'ROURKE: Again I would say if you  
9 have a concern or if you're trying to get  
10 the Town Board to build that road for you  
11 then I suggest you go to the Town Board.

12 MR. SEIDMAN: Okay. What I'm saying to  
13 you, I'm showing it on there, what I'm  
14 saying maybe the answer is that I build in  
15 the location that was approved 38 years ago  
16 not in the new location.

17 MR. O'ROURKE: Again, if you want to do  
18 that you'd have to go to the Town Board  
19 because you'd be building a cul-de-sac on  
20 Town property. Good luck.

21 MR. SEIDMAN: You mean they won't let me  
22 build because it's supposed to be --

23 MR. O'ROURKE: I don't know. Again  
24 please go to the Town Board and the Town  
25 Highway Superintendant. I know we're

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2 smiling but I don't know how many times I  
3 can say it.

4 MR. SEIDMAN: I showed it past that  
5 because I don't own that piece of property.  
6 It's owned by the Town.

7 CHAIRMAN JOHNSON: All the more reason  
8 why you're gonna have to go to the Town  
9 Board because you say the Town has  
10 ownership. They may have not made a  
11 dedication of that cul-de-sac.

12 MR. SEIDMAN: And the entire --

13 MR. O'ROURKE: It could have reverted  
14 back to back to the property owners. I  
15 wasn't there when it was dedicated.

16 MR. SEIDMAN: We're showing the  
17 cul-de-sac.

18 MR. BIEHLE: Did you look how close the  
19 houses were to that road, that one house  
20 that was in the cul-de-sac that's close to  
21 the road?

22 MR. SEIDMAN: That's what they approved.

23 MR. BIEHLE: I know but you're talking  
24 about building a cul-de-sac where there may  
25 be a house sitting on this.

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2 MR. SEIDMAN: Do you see the one I'm  
3 talking on Walter?

4 MR. CELETANO: If you get the approval  
5 you'll have to see.

6 MR. SEIDMAN: Okay. That was a question  
7 I had. It has nothing --

8 MR. O'ROURKE: Again this Board can't  
9 answer that question.

10 MR. SEIDMAN: I got it. So bottom line  
11 we're showing where it should be put in,  
12 where it should be if it wasn't our  
13 property.

14 MR. O'ROURKE: Well again that doesn't  
15 belong on your subdivision map so either you  
16 --

17 MR. SEIDMAN: You want me to take it off  
18 I'll take it off.

19 MR. O'ROURKE: Talk to the Town Board.  
20 If you can talk them into building a  
21 cul-de-sac.

22 MR. SEIDMAN: No, what I'm saying to you  
23 is if you want me to take that cul -- that  
24 second cul-de-sac out I'll take it off the  
25 map. That's no problem.

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2 MR. O'ROURKE: Typically you would not  
3 show that. On that survey you're showing  
4 property that's not on your property so  
5 normally that would not be shown on the map.

6 MR. SEIDMAN: I understand that because  
7 that's what's shown on the map that's why it  
8 was put there, but if you want it off I have  
9 no problem taking it off.

10 MR. O'ROURKE: Again, it's the very  
11 early stages in the review process so I  
12 wouldn't worry about that tonight.

13 MR. SEIDMAN: Okay. All right. I just  
14 in the future I won't have it on the map.

15 MR. O'ROURKE: Okay.

16 MR. SEIDMAN: Because it's ridiculous,  
17 one you're saying to me you have to go to  
18 the Town Board and let them iron it out.

19 MR. O'ROURKE: Yeah.

20 MR. SEIDMAN: Okay. So I'm saying I'm  
21 not looking to go to more Boards. I'm  
22 looking to slow it down to the point we can  
23 get this thing finished; okay? I'm willing  
24 to put the cul-de-sac in and we're showing  
25 it.

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2 CHAIRMAN JOHNSON: But make sure it's  
3 not Town property.

4 MR. SEIDMAN: That's -- I'm not showing  
5 it on Town property, on my property.

6 CHAIRMAN JOHNSON: Okay.

7 MR. SEIDMAN: The other -- the other  
8 piece is where the Town property has -- has  
9 the (inaudible) adjacent to my property if  
10 you look on the map. That's not my  
11 property. It's on Town property.

12 CHAIRMAN JOHNSON: I would -- I would --  
13 I would seriously consider getting some  
14 surveyors involved and --

15 MR. SEIDMAN: We did a survey.

16 MR. CELETANO: I think we should survey  
17 a little bit more of the existing.

18 CHAIRMAN JOHNSON: Yeah, and get the  
19 Town's record of what they have.

20 MR. SEIDMAN: I'm not a hundred percent.  
21 They're showing a cul-de-sac that's doesn't  
22 exist.

23 MR. O'ROURKE: If you're saying you're  
24 not worried about it, you're not going to  
25 show it and you're gonna build cul-de-sac --

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2 MR. SEIDMAN: And that's it.

3 MR. O'ROURKE: Issue's resolved.

4 MR. SEIDMAN: It's resolved now before  
5 -- before the abstract company gave to me.

6 MR. O'ROURKE: So this Board is  
7 basically scheduling a site visit.

8 MR. CELENTANO: To the proposed a  
9 cul-de-sac to stake the new lots.

10 MR. O'ROURKE: Yeah, I think that's  
11 where -- where the confusion came last time.

12 MR. CELENTANO: So we'll' setup a visit,  
13 Richard, and we'll move from there.

14 CHAIRMAN JOHNSON: How soon can you guys  
15 have that staked out?

16 MR. CELENTANO: I could be there Sunday  
17 so when could you guys schedule a visit?

18 CHAIRMAN JOHNSON: You could be there  
19 when?

20 MR. CELENTANO: Well I could send the  
21 guys on Sunday but.

22 CHAIRMAN JOHNSON: So we can do it the  
23 following Saturday?

24 MR. O'ROURKE: Yes, just be aware the  
25 following Saturday is the Columbus Day

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2 weekend. I don't know if any Board Members  
3 are going away.

4 CHAIRMAN JOHNSON: We're looking at the  
5 14th.

6 THE CLERK: That's after the TAC  
7 meeting. The 12th is the TAC meeting.

8 MR. CELENTANO: I'd like to get this  
9 ironed out first before we resubmit.

10 CHAIRMAN JOHNSON: Yeah, but we  
11 definitely need to get back out there to see  
12 it and --

13 MR. CELENTANO: You have to visualize  
14 the cul-de-sac, where it is.

15 CHAIRMAN JOHNSON: Is anybody available  
16 -- you're not going to be able to get out  
17 there and get it staked up for this weekend?

18 MR. SEIDMAN: It's supposed to rain  
19 tomorrow, two inches of rain.

20 MR. CELENTANO: It's going to rain.

21 CHAIRMAN JOHNSON: We can't push it any  
22 further back.

23 MR. CELENTANO: I'd rather get this  
24 ironed out. It'll be useless coming to TAC  
25 without seeing --

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2 MR. O'ROURKE: I think you need to walk  
3 before you have them back at the TAC.

4 MR. SEIDMAN: You -- you were satisfied  
5 with the other four?

6 CHAIRMAN JOHNSON: Well, I mean, once we  
7 saw what happened at the fifth lot we -- it  
8 kinda made me question --

9 MR. CELENTANO: I didn't have enough  
10 time to get that fifth lot.

11 MR. SEIDMAN: What he tells us is this,  
12 three stakes he put in before you got there,  
13 he was working to get the fourth stake in  
14 and it was too late so he did an estimate.  
15 Now, all honestly, the lot is some fifty  
16 thousand square feet and the house is twelve  
17 hundred square feet, less than twelve  
18 hundred, if you can't put a twelve hundred  
19 foot property on fifty thousand feet  
20 something's wrong.

21 CHAIRMAN JOHNSON: I get that. Just  
22 that's the not way to go about it. That was  
23 just --

24 MR. SEIDMAN: He did have three stakes  
25 that were right. They're not changing.



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2 CHAIRMAN JOHNSON: We'll see that.

3 MR. CELENTANO: And then I don't think  
4 he had the cul-de-sac.

5 CHAIRMAN JOHNSON: He had the water box  
6 in and I don't think there was any mark outs  
7 for the cul-de-sac.

8 MR. CELENTANO: So let's get that  
9 marked.

10 MR. O'ROURKE: You have the cul-de-sac  
11 around and if -- it's easy enough to do, it  
12 doesn't have to be exact, stakes are like a  
13 plus or minus because the cul-de-sac is  
14 gonna be filled so if he puts a plus, a  
15 grades and a plus, like plus ten feet so the  
16 Board can understand where the plus is.

17 Again they're not gonna be able to do it  
18 cause the Board can't see before the next  
19 TAC meeting so either you should have it for  
20 the 14th at least that Saturday and then  
21 fortunately --

22 MR. SEIDMAN: Sorry, that's not  
23 something I can control. I got a meter on  
24 my phone for my blood sugar.

25 CHAIRMAN JOHNSON: I guess we won't have

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you at the TAC meeting. If we're not going to see the mark out to the 14th so probably no need.

MR. CELENTANO No, no TAC and we'll go

--

CHAIRMAN JOHNSON: So we'll see with you on the 14th.

MR. CELENTANO: 8:00 a.m.?

CHAIRMAN JOHNSON: Is 8:00 a.m. 14th of October, 8:00 a.m. on site.

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Proceedings

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

