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13	table of contents
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ROCKLAND

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STATE OF NEW YORK : COUNTY OF
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

S AND V ALIMRON,

Applicants.

- - - - - X

7 o'clock p.m.
April 28th, 2011
RHO Building
Five Patriot Drive
Stony Point, New York

10980

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,
Chairman

A p p e a r a n c e s:

THOMAS MC MENAMIN, Member
GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member (Not Present)
KARL JAVENES, Member
PETER MULLER, Member (Not Present)

MS. MARY PAGANO,
Secretary to the Board

for: 23 Reported by: R. Vecchione, Reporter
24 Patricia A. Puleo,
NYS Certified Court Reporter
25 and Notary Public

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Appearances continued: 3

Counsel

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special

Inspector

WILLIAM SHEEHAN, Town Building
(Not Present)
LIZ VERRIER, Deputy Town Attorney
(Not Present)
KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,
Planning Consultants
Two Executive Boulevard - Suite 401
Suffern, New York 10901
BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner
(Not Present)

ATZL, SCATASSA AND ZIGLER
Surveyors/Architects for Applicant
234 North Main Street
New City, New York 10956
BY: DAVID M. ZIGLER, P.E.

And the Public.

SERVICES

PULEO REPORTING & TRANSCRIPTION
61 Crickettown Road
Stony Point, New York 10980
(845) 429-8986 FAX and Phone

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1 - Proceedings -

2 (Town of Stony Point Planning
3 Board Meeting April 28th, 2011.)

4 THE CHAIRMAN: Can we stand for
5 the Pledge?

6 (At this time the Pledge of
7 Allegiance was recited.)

8 CHAIRMAN GUBITOSA: Mary, just
9 call the roll.

10 MS. PAGANO: Mr. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS. PAGANO: Mr. Javenes?

13 MR. JAVENES: Here.

14 MS. PAGANO: Mr. Kraese?

15 MR. KRAESE: Here.

16 MS. PAGANO: Miss Callaghan?

17 MS. CALLAGHAN: Here.

18 MS. PAGANO: Chairman Gubitosa?

19 CHAIRMAN GUBITOSA: Here.

20 MS. PAGANO: Mr. Rogers and
21 Mr. Muller are absent.

22 CHAIRMAN GUBITOSA: Thank you,
23 Mary.

24 I apologize that we didn't get to
25 print the agendas out. We left them in

1 - Proceedings -

2 the office.

3 Tonight there's the -- the first
4 matter is S & V Alimron on for a public
5 hearing.

6 The applicant has asked for us to
7 take them off the agenda.

8 So, what we're going to do right
9 now for S & V Alimron, as a public
10 hearing was scheduled, I need a motion
11 to open the public hearing.

12 MR. KRAESE: I'll make a motion
13 to open the public hearing.

14 MS. CALLAGHAN: Second.

15 CHAIRMAN GUBITOSA: I just need a
16 motion to continue the public hearing
17 to the next month?

18 MR. KRAESE: I'll make that
19 motion, too.

20 MS. CALLAGHAN: I'll second it.

21 CHAIRMAN GUBITOSA: All in favor?

22 MR. MC MENAMIN: Aye.

23 MR. JAVENES: Aye.

24

MR. KRAESE: Aye.

25

MS. CALLAGHAN: Aye.

1 - Proceedings -

2 CHAIRMAN GUBITOSA: Dave, next
3 month we'll do the S & V public
4 hearing. Do you to notify them --

5 MR. ZIGLER: We'll mail it out
6 regular mail just to tell them; just to
7 be polite.

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- Proceedings -
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STATE OF NEW YORK: COUNTY OF ROCKLAND
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

CRICKETTOWN RIDGE,

Applicants.

- - - - - X

7:10 o'clock p.m.
April 28th, 2011
RHO Building
Five Patriot Drive
Stony Point, New York
10980

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,
Chairman

A p p e a r a n c e s:

- THOMAS MC MENAMIN, Member
- GLADYS CALLAGHAN, Member
- EUGENE KREASE, Member
- GERRY ROGERS, Member (Not Present)
- KARL JAVENES, Member
- PETER MULLER, Member (Not Present)

MS. MARY PAGANO,
Secretary to the Board

Reported by: R. Vecchione, Reporter for;

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Patricia A. Puleo,
NYS Certified Court Reporter
and Notary Public

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Appearances continued: 9

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2 CHAIRMAN GUBITOSA: Next on the
3 agenda would be Crickettown Ridge.

4 This is a proposed three lot
5 subdivision located on the northeast
6 corner of Crickettown Road.

7 Mr. Zigler, just give us a
8 review.

9 MR. ZIGLER: Dave Zigler from
10 Atzl, Scatassa and Zigler.

11 Last month -- this month,
12 actually, we went out for a field trip
13 on the site. We're talking about a
14 piece of property on the corner of
15 Crickettown and the Heights.

16 Basically, it's about two acres
17 and it bends around an existing home
18 that's on there, actually 3.4 acres.

19 The existing home sits in the
20 middle of the property. If you're
21 coming up Crickettown when you get to
22 Heights, it sits on the right.

23 The property is -- was an early

24 part of the subdivision and so we made
25 a parcel from over 20 years ago with no

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home on it.

What the application is for is for a three-lot subdivision.

So, one home would sit facing Heights before the corner and then you would have the corner of the property onto Crickettown.

Then you have the existing home, which sits far back on the lot that's right in the center of this property.

The property is shaped like a horseshoe.

Then after that, the road starts to go up the hill and we have two homes proposed.

These homes would require water and sewer, so we would have to go to the Town Board for a sewer extension.

And neither home on Crickettown or the home on Heights are proposing any road improvements or anything to be dedicated to the Town of Stony Point.

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So, basically, it can be

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considered a minor subdivision, except

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that we're asking for variances.

One of the things we see when we were out on the inspection was a flagged area. That was mapped and delineated and was given to Mr. Torgeson to have the Army Corp look at it and do a delineation for you and either give a letter that it's wetlands or give a letter that it's isolated wetlands, which in that case, doesn't qualify -- it doesn't even qualify under your code for wetlands yard reduction.

As we were on the site, there was some questions that some of the members brought up as to possible drainage.

Since that time, we've done some investigating of the site, and we have a few ideas, but really right now we're just in for sketch.

It's the first time the Board has

24 officially seen the map. It's very
25 early in its development.

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CHAIRMAN GUBITOSA: Dave,
just to summarize. I guess originally
it was two lots?

MR. ZIGLER: Originally, the
property was owned by the same person
and the deed did not cover the
improvements where the house was.

So, in other words, the deed lot
itself barely covered the house, but
did not cover the road.

So, we come in and do a boundary
line agreement, basically, between the
owner so that the home could be sold
and all the improvements of that home
stay on the same lot.

In this case, we're coming in
with one lot that's 3.4 acres and we're
asking to subdivide. So, this is an
actual application for subdivision.

CHAIRMAN GUBITOSA: Okay. Does
the Board have any questions?

MR. MC MENAMIN: Tom, you're

24 asking for sketch now?

25 MR. ZIGLER: Well, there's going

2 to be a discussion about that.

3 I don't know how we're going to
4 handle it because there was some
5 questions about drainage. It was
6 brought up to me that there's possibly
7 people that would be here to discuss
8 that.

9 As far as the applicant and me as
10 the representative is concerned, if the
11 Board would want them to speak, that's
12 fine.

13 Any way we can get into this
14 because that's part of the SEQRA.

15 I wouldn't ask for sketch if the
16 Board has this question about it
17 because there might have to be some
18 change in the lot lines or something to
19 accommodate what we need to do, but I
20 know some of the neighbors here and if
21 they would speak, we would endorse
22 that.

23 MR. MC MENAMIN: One of the big

24 things, I think, is the determination
25 of the wetlands before we can do a

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sketch. You don't know what the determination is going to be.

MR. ZIGLER: To me, it doesn't matter because if the applicant feels he wants to proceed, and that's me or his representative, we would like to proceed as if that's not wetlands.

If that happens to become wetlands, we'll have to come back to this Board and start over again, but we're willing to take that risk.

MR. MC MENAMIN: The way you do lot one is that in, with your understanding that they are wetlands, then it wouldn't be disturbed the way you drew it or not.

MR. ZIGLER: We understand that they'll be considered isolated wetlands, which doesn't qualify.

So, we're depicting the flagging that's out there, but we're not holding it to any standard of wetlands.

24 So, in other words, we don't
25 believe that it exists.

2 MR. MC MENAMIN: So, your
3 location of the dwelling on lot one is
4 arbitrary?

5 MR. ZIGLER: Yes.

6 MR. MC MENAMIN: Further back --

7 MR. ZIGLER: Right. Anywhere
8 within the buildable envelope, yes.

9 MR. MC MENAMIN: Are you ready --
10 can you describe or just discuss your
11 solutions for the drainage at this time
12 or you haven't done that?

13 MR. ZIGLER: I don't really know
14 if -- I have a hold of all the
15 problems, and that's why I would
16 endorse, if the neighbors are hear to
17 speak about it, to let them speak
18 because in real life we're the only
19 people that are going to solve this.

20 If this applicant walks out the
21 door right now, whatever problems they
22 have, nobody is going to solve it, so
23 we're here and what we would try to

24 solve it.

25 Now, if this application leaves

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today and comes back in for a building permit of a home, it's held to a different standard than it is here.

So the best way of solving that drainage is right now, through the public hearing and that's what we would like to do. We would like to work together with the neighbors.

MR. MC MENAMIN: Can we -- can we take public comment now?

MR. STACH: Sure.

CHAIRMAN GUBITOSA: What I'll do is, if the public wants to speak about it just get up, state your name, address, and what will happen is, we'll go on the record, but not officially.

When they put up the public hearing, you'll have to come back and just re-state it, but if you want to speak tonight, you're here, so we would like to hear from you, and tell Dave what's going on so when they do come

24 back again at least we have an idea.

25 So, since you're here, we'll let

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you guys speak.

Just stand up and state your name
and address.

MR. LONERGAN: Steve Lonergan, 3
Monroe Drive. We had a meeting the
other night some of the neighbors and
the consensus -- there was a water
issue that's there, but we would go
back to the history of the property.

If you look at the lots,
originally it was two lots in '86.

Then it was proposed for three
lots.

Now, they're proposing for four
lots and they're trying to squeeze
something in that --- it's just not the
space.

We know the front space isn't
there. There is a definite water issue
that we trust that they're going to
take care of. We've been living with
the situation going on there, all the

24 neighbors in the neighborhood have.

25 (Inaudible)

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My neighbor here, he dug up his yard a couple of years ago and that water table is almost at the top of that hole. And that was in July.

Last July, that water is that high and it's not a buildable lot. I don't care how they want to twist this thing around. Two lots to three lots.

Now, you're turning it into four lots?

We also -- there's more issues in other neighborhoods that never got resolved. I see this has being another problem put on the Town that's not being taken care of.

CHAIRMAN GUBITOSA: In relationship to the map, where is your property?

MR. ZIGLER: What is your address?

MR. LONERGAN: I'm 3 Monroe Drive. That's on -- you have it as

24 Vincent Marcello as my lot.

25 MR. MC MENAMIN: Where was the

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excavation referred to? Is that on the
Jacobson property? What is your name,
sir?

MR. JACOBSON: Jacobson.

MR. MC MENAMIN: That's where the
excavation was.

(Indicating.)

MR. JACOBSON: I'm sorry?

MR. JAVENES: That's where you
found a hole?

MR. JACOBSON: I don't know about
digging a hole.

CHAIRMAN GUBITOSA: We're just
trying to get information. That's it.

We just want to find out what he
was talking about.

MR. KRAESE: Excuse me, these two
gentlemen over here, you said the swale
is coming down onto your property;
correct, Mr. Lonergan and Mr. Jacobson?

MR. LONERGAN: Yeah.

MR. KRAESE: Your concern is the

24 swale -- the property is sloping down
25 to your property, causing a wetland

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situation?

MR. LONERGAN: Yes.

MR. KRAESE: You too,
Mr. Jacobson? Anybody else?

MR. JACOBSON: The Greggs and the
Spartas. We all have water pooling in
our corners -- (inaudible) -- he's a
little bit of the lower point.

MR. LONERGAN: I'm also curious
about the original lot that was drawn
up. When was that original one when it
was two lots and how did that change to
three lots?

CHAIRMAN GUBITOSA: It's only two
now. They're asking for the three.

Right now it's two.

MR. LONERGAN: Are they asking
for three or four now?

MR. KRAESE: They're asking for
three.

MR. MC MENAMIN: What you have to
understand is that's already been

24 subdivided onto its own lot, which is
25 that center of the horseshoe.

2 That's done. That was done a
3 year or two ago, I forget.

4 MR. ZIGLER: A year ago.

5 MR. MC MENAMIN: And that's done.
6 What's left is this horseshoe piece,
7 and this horseshoe piece is now a
8 three-lot subdivision.

9 MR. LONERGAN: Three lots, that's
10 including the original lot?

11 MR. MC MENAMIN: The one that's
12 on the property now stays, and it will
13 be a total of three more houses on that
14 horseshoe piece.

15 What your concern with the water
16 is on Heights, which is that beautiful
17 part in the front that slopes down to
18 Heights and Crickettown, there will be
19 one there and two, generally back in
20 where this wetland area is.

21 MR. LONERGAN: That's the ones
22 were opposing.

23 MR. MC MENAMIN: That's what

24 we're getting from you. And your
25 concern is that the whole area is low

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lying and the water that's collecting on what is proposed lot one, is also impacting your properties, as well as Gregg, Sparta, Lonergan, and Jacobson. That's what you're saying?

MR. LONERGAN: Yes, sir. That wetland is there year around. This is not a springtime thing.

From my point I can't see building over there. And we also take issue with that with the ramification with them building three homes. That's going to have an impact on us.

MR. MC MENAMIN: You're looking for the water that's impacting your property to dry up and go away?

MR. LONERGAN: That would be great.

MR. MC MENAMIN: You would like that.

AUDIENCE MEMBER: Yes.

MR. MC MENAMIN: But you would

24

like that, that would be a solution to

25

you.

2 MR. LONERGAN: Right. Right
3 without going from our yards.

4 MR. MC MENAMIN: I'm not saying
5 there is a solution. If that was to
6 dry up and stop impacting those four
7 pieces of property --

8 MR. LONERGAN: The builder, he
9 has to be concerned. One house on the
10 side, it's still an issue that they're
11 going to deal with.

12 No matter if it's one house there
13 or two houses. There's an issue that
14 they're going to deal with to move that
15 water out.

16 MR. MC MENAMIN: That's right.
17 That water is an issue.

18 MR. KRAESE: Kevin, are you aware
19 of the situation there?

20 MR. MAHER: Yeah, I saw the
21 original maps, especially with the
22 previous submission when they
23 subdivided one lot off, but -- there

24 was no real Army Corps analysis. The
25 status was questionable.

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The soils in the area are
borderline; what they call hydric, as I
looked at them on the Rockland County
Soil Conservation district maps.

There is a possibility it will be
a wetland as Dave had said.

The question is, then is it
connected to a body of water?

Therefore, it becomes a protected
wetland or an isolated wetland, which
seems to be what the evidence is
showing at this time, but we don't know
because that's not our call. That's
the call for the Army Corps to make.

If it's isolated, it falls into
that category as well as under a
totally different jurisdiction and a
totally different way of handling it.

If it's connected to a body of
water, then there's a problem. There's
buffers and everything else that you
have to deal with.

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MR. MC MENAMIN: Are you saying

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that the creation of Madison Court and

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Monroe might have created this lowland wetland?

MR. MAHER: I'm not saying -- I don't know the history of that area.

Any kind of development can potentially cause wetlands to form by naturally trapping and/or diverting natural underground flows of water.

After a while soil morphology changes and it can change from an upland area to a wetland area simply by blocking ground water flow or diverting them to a different spot causing saturation. It could be that that developed, but then it may have always been there.

MR. MC MENAMIN: But that's irrelevant if it's not proven to be a wetland by the Army Corps.

MR. MAHER: That's the first step. Soil, plant life, and presence of water.

24 So we may have plant life and
25 there's a possibility of soil

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morphology being there. I'm not a soil scientist, nor am I an expert in wetlands.

MR. KRAESE: Mr. Gregg, what street do you live on?

MR. GREGG: I live on Riverview -- I'm sorry, Madison. Riverview was my old street.

MR. KRAESE: Mr. Lonergan, what street do you live on?

MR. LONERGAN: I live on Monroe. They have it incorrectly as Marcello where I am.

The one thing is this, I understand the builder, they do what they can to do build it.

Obviously, we'd love to keep that land as it is, but if they're going to build, not to squeeze something in there. We agree it's two houses up there, but they're trying to squeeze another one there.

24 MR. GREGG: I would like to know,
25 there's two colonials that were built

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on Crickettown that are above the same area that they want to build in, that might have impacted the drainage, as well, because two colonials are already there on Crickettown.

Are they looking to get the other two lots, is that the application?

MR. ZIGLER: Can I speak?

CHAIRMAN GUBITOSA: Sure.

MR. ZIGLER: Basically, this the first time the Planning Board is seeing this map, so this is the very beginning.

And usually by code, they have a public hearing after we're into this by a couple of months.

And we understood from the beginning that there's some problems with the drainage, so we were going to ask for this input.

What I would like to do, if possible, is since we have four of our

24 neighbors here, ask them if it would be
25 all right to go on to their property.

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We have topo, but not really as far as garage floors and their driveways.

If we can go on the property -- it would be half a day. And these are all legal guys. They're very good. We would just shoot some topo around the houses and stuff, if that would be okay with you.

Then, we can make a more accurate map that we could look at.

MR. LONERGAN: I can propose the question, get back to you, and give you an answer later on.

CHAIRMAN GUBITOSA: Tell them what a topo is.

MR. MAHER: It's elevation to the ground. We're dealing with aerial topography.

The accuracy is half the differential in the topo lines. When you're looking at a two foot -- it's plus or minus a foot, that's fairly

24 significant.

25 So, you could see actually a

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pattern developing that's not what we see on the drawing here.

So, normally speaking, it would be nice if we could get on your property within 20 feet.

When I used to work in Jersey, we never surveyed to the line unless we had topography information.

It would be in everyone's best interest to get that information and for the town engineer to look at the site because I have the aerial topography on my computer.

I can superimpose on this and analyze it, but I prefer a better, more accurate topography myself. So, it's in everyone's best interest, and Dave is right about that.

MR. LONERGAN: I want to add something. It's a small group. We're not talking about 40 people. There's six homes- seven homes. I just want to

24 call them all because --

25 AUDIENCE MEMBER: That's been

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there for the last 40 years. My son
skated on it. Never saw it dry.

MR. MAHER: There's three
indicators that it -- it has to meet
the soil commission and the water --
presence of water. The Army Corps
works with plant life.

It's the indicator if you have
soil and presence of water, you have
wetlands, but if the soil doesn't -- is
not there and you have water and
plants, that really doesn't qualify as
a wetland.

It could be an isolated trough of
water. It could exist where the water
is just trapped and it really has no
place to go. If you're building on
that and it can't drain down, it's just
going to have sit there and it would be
a permanent pond of water.

But, again, let the Army Corps
make that decision. They're the

24 experts.

25 MR. LONERGAN: I want to thank

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you. Thank you for the opportunity to speak.

CHAIRMAN GUBITOSA: Thank you for coming. That's why we want you to come. It's early on in the process that's why you need the notification of a public hearing, but we want to get the input so we know you live right there. We want to hear from you.

MR. LONERGAN: Thanks, again.

MR. KRAESE: I assume you're going to be coming back. Don't think this is over. You come back every month.

CHAIRMAN GUBITOSA: Dave, what's our next step here.

MR. ZIGLER: -- for this application I would imagine that we're going to go out and do some more fieldwork.

We also have some more information that we need to add to the

24 map with the time line. We're probably
25 not going to be on next month.

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I would say we're probably back in two months, that would be July -- June.

CHAIRMAN GUBITOSA: I'll let them know.

Guys, there's some more work to do on the major properties if you let them in. It'll probably be in June.

We'll let you know. You'll get notified back when something happens.

We're going to let you know. He has work to do. He knows your concerns. He knows that area. He'll go check it out.

AUDIENCE MEMBER: We'll tell all the neighbors to come to that.

MR. KRAESE: Mary, did you get phone numbers?

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- Proceedings -

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STATE OF NEW YORK : COUNTY OF ROCKLAND
TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

In the Matter of the Application

RE:

STONY POINT CONFERENCE CENTER,

Applicants.

- - - - - X

8 o'clock p.m.
April 28th, 2011
RHO Building
Five Patriot Drive
Stony Point, New York
10980

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,
Chairman

A p p e a r a n c e s:

- THOMAS MC MENAMIN, Member
- GLADYS CALLAGHAN, Member
- EUGENE KREASE, Member
- GERRY ROGERS, Member (Not Present)
- KARL JAVENES, Member
- PETER MULLER, Member (Not Present)

MS. MARY PAGANO,
Secretary to the Board

Reported by: R. Vecchione, Reporter for;

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25

Patricia A. Puleo,
NYS Certified Court Reporter
and Notary Public

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Appearances continued: 36

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special
Counsel

WILLIAM SHEEHAN, Town Building
Inspector
(Not Present)

LIZ VERRIER, Deputy Town Attorney
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,
Planning Consultants
Two Executive Boulevard - Suite 401
Suffern, New York 10901
BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner
(Not Present)

ATZL, SCATASSA AND ZIGLER
Surveyors/Architects for Applicant
234 North Main Street
New City, New York 10956
BY: DAVID M. ZIGLER, P.E.

And the Public.

PULEO REPORTING & TRANSCRIPTION
SERVICES

61 Crickettown Road

Stony Point, New York 10980

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(845) 429-8986 FAX and Phone

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CHAIRMAN GUBITOSA: Next is Stony Point Conference Center, the next item on the agenda, located on the north side of West Main Street behind the Sloan House.

Now, this application ---

MR. ZIGLER: Again, this really is the first time the Board has seen the maps.

We submitted new maps.

We went for a field trip out to the site and, basically, as you see it, was kind of a replacement building type of situation.

There's garages there now that they're going to remove the garages and put a two-story arts and crafts studio.

Basically, it's just a replacement of that garage.

It's going to be a two-story arts and crafts center. It's going to be utilized by that Center, that

24 community.

25 It's not open to the public, so

2 there won't be public in-and-out
3 parking.

4 It's really just staying the same
5 thing. In this case, they're just
6 making a new building.

7 We had comments from the Drainage
8 Agency and the County Highway
9 Department.

10 We have no problems with the
11 County Highway Department.

12 Most of it was just some mapping
13 that they wanted different.

14 We're not changing anything as to
15 the access to Main Street, but we still
16 need a permit from them even though
17 we're not doing anything out there
18 because we're just working fronting
19 Main Street.

20 The other comment we had was from
21 Rockland County Drainage Agency, and
22 that was two months ago from the
23 original submission.

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And we forwarded this new set of

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maps to them and asked for another

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review because we believe that we're not in their jurisdiction.

I was told over the phone we're still in their jurisdiction, so we're going to apply for a permit. We're not too scared of them because it's a very minor project.

And one of the last conversations I had at the workshop was that Kevin said he'd be a little better feeling if we did mitigate some of those drainage issues -- it was a little bit bigger, but he would feel better if we put in a seepage pit.

So, we're going to submit a report -- a drainage report for the Town, and we're going to take that and that seepage pit and runoff and submit that report to the Rockland County Drainage Agency and we're going to request a permit just to keep them happy.

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So, that's basically where we're

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at.

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We would ask the Board --
hopefully, there was some discussion
about mapping the entire property.

And if the Board would feel
comfortable, we hope you feel
comfortable.

This application it's just a very
minor type of construction, and hope
you are satisfied with this.

And we would also ask if you're
pretty well satisfied, that you set a
public hearing for a site plan approval
at the next meeting.

It's a small project and they
would like to get it going because the
kids are getting older as we stand
here.

CHAIRMAN GUBITOSA: All right,
before I go to the Board --

MR. STACH: I just want a
clarification. It looked like you had
written on the map that the addition is

24 two stories with a ground floor of
25 2,000.

2 MR. ZIGLER: Yeah, I think it is.
3 Total square foot -- the total is four.
4 One floor is 2,000 square foot.

5 MR. STACH: Last time I was under
6 the impression that it was 2,000. Now,
7 it's 4,000?

8 MR. ZIGLER: 4,000 square foot,
9 but the footprint is 2,000.

10 MR. STACH: But since it's 4,000
11 square feet and actually involves the
12 use of the former garage, it involves
13 more than 3,999, which would be the
14 threshold for a Type two action.

15 So, it actually is an unlisted
16 action under SEQRA. So, I would
17 recommend that you do lead agency and
18 classify it as unlisted.

19 I also provided you in this memo
20 with the Part 2 for the application,
21 which indicates no potential impacts;
22 at least none that I can think of.

23 If you were comfortable with it,

24 you could actually adopt that tonight
25 if you chose to, as well.

2 That was really my only point in
3 my memo.

4 The third point really had to do
5 with Mr. McMenamin's question as to the
6 last meeting about what triggers, sort
7 of, a full site plan versus a smaller
8 site plan.

9 I'm sure you had some discussion
10 at the tech meeting, which I wasn't
11 able to attend, but Bob was, and
12 reading the code, typically it
13 references to "the premises" which is
14 an exact term.

15 My understanding would be that
16 this Planning Board would have the
17 authority to really require the extent
18 of inclusion that we show when we
19 appropriate it.

20 In other words, if you find the
21 premises to be the area directly
22 affected by this application, the lot
23 that is affected by this application,

24 or the track, however you so decide.

25 MR. MC MENAMIN: Is that the

2 answer to the question I asked?

3 MR. STACH: I think that was the
4 question you asked.

5 MR. MC MENAMIN: Is that the
6 official answer?

7 MR. RESNICK: I think you asked
8 whether the code has a specific
9 requirement for that site.

10 MR. STACH: The answer to that
11 would be no.

12 MR. MC MENAMIN: No, my question
13 was, what was the trigger for updating
14 the existing site plan?

15 MR. STACH: My answer to that is
16 you have the discretion to decide if
17 it is appropriate because the only
18 guidance that is on the site plan
19 regulation -- it's not the zoning.
20 That's a separate issue.

21 If you adopt it and the Town
22 Board approves as to the premises ---
23 and there's no definition in the code

24 for "premises", but as defined

25 standardly, it has to do with land and

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the buildings on it.

So, that's open to this Board's interpretation for what you want to be included on the maps, essentially.

MR. MC MENAMIN: From what I read, the Zoning Code says the building inspector -- an application to the building inspector, or the building inspector will refer the plan to the appropriate Board for required site plan, if necessary, or something to that effect. That's in the Zoning Code.

MR. STACH: I looked at the Zoning Code. I saw no guidance.

MR. MC MENAMIN: It doesn't --

MR. STACH: -- appendix to the code of Stony Point that includes what information needs to be included. And that only -- actually, in terms of existing buildings, gives you that guidance of on "the premises".

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Everything else is left

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completely vague. It doesn't give you

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that much.

CHAIRMAN GUBITOSA: So, we can either say this is acceptable or we want more. So that's --

MR. STACH: That's how I read it.

CHAIRMAN GUBITOSA: Bill said -- the last email I saw from Bill was I think he found that, you know, that this will be acceptable. It's just this.

MR. STACH: Bill felt it would be acceptable. I'm not sure if the site plans rules and regulation are open to the building chapter.

CHAIRMAN GUBITOSA: It's up to us.

MR. STACH: I certainly think you guys can decide.

CHAIRMAN GUBITOSA: I'll go around to the rest of the Board. I think what Dave showed us, I think, is acceptable.

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Gene, what do you think.

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MR. KRAESE: I agree going on

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what the building inspector said and
the situation where we're at.

MS. CALLAGHAN: I'm fine with it.

MR. JAVENES: It's good.

CHAIRMAN GUBITOSA: Tom, what
about you?

MR. MC MENAMIN: I'm -- can I
just ask a couple more questions before
I say what I feel, because I don't
think I have a complete understanding
of what's required here to say I feel
this is good.

CHAIRMAN GUBITOSA: It's all
right.

MR. MC MENAMIN: Why did you
separate -- this is to you, Dave.

MR. ZIGLER: Yes.

MR. MC MENAMIN: Why did you
separate the tax lots for this map that
you drew.

MR. ZIGLER: Why?

MR. MC MENAMIN: Was there any --

24 was there anything that told you that
25 you could do that?

2 MR. ZIGLER: No, it's two
3 existing tax lots. That's the only
4 reason.

5 MR. MC MENAMIN: That's the only
6 reason?

7 MR. ZIGLER: Yes.

8 MR. MC MENAMIN: Is there any
9 difference between tax lot 0.3 and 0.4?

10 MR. ZIGLER: I don't understand
11 any difference.

12 MR. MC MENAMIN: Are they
13 separated in any way?

14 MR. ZIGLER: By use or anything,
15 no. It's all the same.

16 It would be like if I'm doing
17 work on a piece of property and you
18 happen to have the adjacent property,
19 but -- that are contiguous and you're
20 only working on one, I would be
21 obligated to show the other one, but
22 maybe not in detail.

23 They actually own property on

24 both sides of West Main and another tax
25 lot, which is Crickettown. We were

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just showing the whole thing, and we just popped that off the Internet from the County. And I understood your question and I was hoping that that might satisfy it.

MR. MC MENAMIN: So, the answer is you're just trying to focus on the area where the actual work is to be performed?

MR. ZIGLER: Yes.

MR. MC MENAMIN: So, my feeling is that the -- that this site there's a lot of things going on in this site.

I mean, I can't even begin to understand what goes on at this site.

There's a theater.

There's a public assembly.

There's a day care.

There's a conference center.

There appears to be a dining hall.

24 There appears to be a maintenance
25 building.

2 There appears to be what, roads
3 or sidewalks. I tried to drive around
4 a little bit while I was there. I
5 didn't know if I was on a road or a
6 sidewalk.

7 If they are roads, they seem to
8 me to be very difficult to navigate.

9 And my concern is -- I don't want
10 to force anybody to do anything that
11 isn't necessary.

12 My concern here is that the site
13 plan regulations are in the book for a
14 reason and they have not been adhered
15 to in the site, that I can see in any
16 kind of an effort to make me closely
17 tie what was built here, to what the
18 site plan regulations called for.

19 I don't understand how that
20 happened and that was the gist of my
21 question of whether what triggers an
22 updating of a site plan.

23 I was looking for some definition

24 as to some way to interpret.

25 We did a prayer structure here

1
2 just recently in the last few years and
3 it seems to me when I was there
4 Saturday morning, there was parking all
5 over the place. And you're not going
6 to talk about parking at all?

7 You're not going to even look at
8 the site around the building at all,
9 the way I understand you.

10 MR. ZIGLER: Correct.

11 MR. MC MENAMIN: You're just
12 going to focus on restructuring this
13 building, and it's going to remain the
14 way it is today. We're not making
15 anything at all better with regard to
16 how we're willfully behind in site -- I
17 understand it's small, okay.

18 So what would be -- what -- I
19 think that I'm concerned about access
20 to this new structure.

21 Maybe I would like to ask at this
22 time because I really don't know -- I
23 don't fully understand the application

24 of the site plan regulation.

25 So, one of my concerns is access

2 into this new structure for fire
3 prevention.

4 So, maybe can I ask that the fire
5 inspector take a look at this site plan
6 that we have now with the ten year-old
7 topo.

8 It's more than we had to start
9 out with it, and maybe we can just have
10 the fire department look at it and give
11 their blessings, of course. Maybe I
12 would feel better on that.

13 MS. PAGANO: Tom, I send them
14 every map that we get.

15 MR. MC MENAMIN: I think I would
16 like to hold off on this -- on making a
17 decision on this until we see maybe
18 what the fire department has to say
19 about it. Is that --

20 CHAIRMAN GUBITOSA: Well, I know
21 this plan has been out there for like
22 two weeks in our packets. I've had
23 time to review it.

24 The fire department, the building
25 inspector was fine with it. I don't

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see an issue and I guess we'll put it up to a vote to see.

MR. STACH: You can always, as a Board, change your decision down the road if you find that it's necessary for some additional part of the properties is necessary to be on the map.

CHAIRMAN GUBITOSA: You can add?

MR. STACH: You can add.

MR. ZIGLER: I would just like to say this isn't an unusual application for this Board.

It may be for the people that are sitting here, but we've done applications before on several communities just like this. And one of them I would bring up, would be the Boy Scout camp.

Several years ago they were in here, their lawyers representing, and they were going to build a cabin. And

24 we did the same thing. You know, for
25 the Boy Scouts camp, from kitchens to

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parking lots to just like this. In some aspects, they had their theater or two down by the lake.

We also did the Girl Scouts' camp, I think, in addition to the lunch hall.

So, in each instance we just sent it in the area of construction, but tried to do an overall map so you could size it up.

To go a little bit farther, if there's something on the site somewhere else that doesn't work, the person to know that would be the fire department or the building inspector or the town engineer.

So, we're not hiding anything. I mean, if somebody has a red flag to wave we would answer it.

We're just saying that if you had to do a site plan of this entire site and analyze every building on it and do

24 a parking criteria and everything else
25 that would be required, that would cost

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2 more than the building would cost. And
3 the amount of questions and variances
4 that would be needed would be
5 ridiculous.

6 I understand Tom's question, and
7 if there's an instant or some question
8 out there on safety or one of the
9 standards of being contravened by this
10 map, we would address that.

11 We would hope that this would
12 satisfy, though, in this case, because
13 it's really a replacement of a
14 building.

15 I think we would all say
16 something different if it was a brand
17 new building. It's just kind of a
18 replacement. It's a different use, we
19 understand that, but it's not for the
20 public, so we would hope that this
21 would satisfy the needs of the Board.

22 CHAIRMAN GUBITOSA: All right.

23 Let me just take a poll of the

24 Board with this current plan.

25 Gene, do you think this current

2 plan is acceptable and if we need to
3 add anything --

4 MR. KRAESE: Yes.

5 CHAIRMAN GUBITOSA: Do you need a
6 motion?

7 MR. STACH: I think you just poll
8 the Board.

9 MR. KRAESE: I'm not changing my
10 mind. I believe this is fine. If
11 there's red flags that pop up and the
12 fire department has concerns, which
13 we'll be talking about later.

14 Every time we do something, we
15 always send it to them and they never
16 respond.

17 CHAIRMAN GUBITOSA: I'm going to
18 address that later.

19 MR. KRAESE: Maybe we should
20 address that on future applications,
21 and these questions can be answered.

22 CHAIRMAN GUBITOSA: I'm in
23 accordance with Mr. Kraese.

24

MR. JAVENES: Looks good to me.

25

CHAIRMAN GUBITOSA: Tom?

1 - Proceedings - 56

2 MR. MC MENAMIN: No.

3 CHAIRMAN GUBITOSA: I liked it so
4 we're going to go with this. What we
5 need to do is --

6 MR. STACH: Declare yourselves
7 lead agency.

8 CHAIRMAN GUBITOSA: I need a
9 motion to be lead agency.

10 MS. CALLAGHAN: I'll make a
11 motion.

12 CHAIRMAN GUBITOSA: I need a
13 second.

14 MR. KRAESE: I'll second.

15 MS. PAGANO: Mr. McMenamin?

16 MR. MC MENAMIN: Yes.

17 MS. PAGANO: Mr. Javenes?

18 MR. JAVENES: Yes.

19 MS. PAGANO: Mr. Kraese?

20 MR. KRAESE: Yes.

21 MS. PAGANO: Miss Callaghan?

22 MS. CALLAGHAN: Yes.

23 MS. PAGANO: Chairman Gubitosa?

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CHAIRMAN GUBITOSA: Yes.

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Now, I just need a motion to list

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it as an unlisted action. Who wants to make the motion?

MR. KRAESE: I'll make the motion.

MS. CALLAGHAN: I'll second.

CHAIRMAN GUBITOSA: Mary, poll it one more time.

MS. PAGANO: Mr. McMenamin.

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Kraese?

MR. KRAESE: Yes.

MS. PAGANO: Miss Callaghan?

MS. CALLAGHAN: Yes.

MS. PAGANO: Chairman Gubitosa?

CHAIRMAN GUBITOSA: Yes.

So we're lead agency unlisted.

MR. STACH: Well, I recommend a Part 2 and going through the questions on potential adverse impacts, I identified no potential adverse

24 impacts.

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adopt the Part 2 or you can, you know
-- it's not necessary to happen at this
exact point.

If you are awaiting additional
information, you can hold off on that
additional information.

If you feel comfortable making
that conclusion now, then make that
now.

CHAIRMAN GUBITOSA: I open that
up. What do we feel about the Part 2?
Do we need any additional information?

MR. MC MENAMIN: You are doing
the drainage report?

MR. ZIGLER: Yes.

CHAIRMAN GUBITOSA: All right.
You want to wait for that?

MR. MC MENAMIN: I would say yes.

CHAIRMAN GUBITOSA: All right.
So, we'll wait. We can wait for the
next board meeting.

MR. MC MENAMIN: Can I ask a

24 question. If you had to do additional
25 work on this site of any size, would it

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change the SEQRA determination from
unlisted to anything else?

MR. STACH: Site work?

MR. MC MENAMIN: If you were
going to prepare a site plan, would it
change the SEQRA determination that you
made unlisted to anything else?

MR. STACH: Right now this is a
site plan for construction of
nonresidential facilities totalling
more than 40,000. It's unlisted.

I don't think you hit the type
one threshold. They're very high --
tend to be very high. I just don't see
it hitting any threshold.

We're talking about, I think,
it's 250 units of residential housing
to hit that point with water and sewer
in a town of less than 100,000.
Something like that. It's going to be
a long way.

MR. MC MENAMIN: So, the site

24 plan, it would be an unlisted action.

25 MR. STACH: It's the physical

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activity. It's the construction of non-residential facilities is really the action.

Approval of site plan is sort of the activity that you're taking towards getting this action.

CHAIRMAN GUBITOSA: What else do you need, Dave?

MR. ZIGLER: To set a public hearing, please.

CHAIRMAN GUBITOSA: We're going to set a public hearing for the site plan. I need a motion to set a public hearing for the next available meeting, which will be May 26th. I need a motion to set the public hearing for May 26th.

MS. CALLAGHAN: I'll make the motion.

CHAIRMAN GUBITOSA: Second.

MR. JAVENES: Second.

CHAIRMAN GUBITOSA: Mary, just

24 poll us on the public hearing.

25 MS. PAGANO: Mr. McMenamin?

1 - Proceedings - 61

2 MR. MC MENAMIN: Yes.

3 MS. PAGANO: Mr. Javenes?

4 MR. JAVENES: Yes.

5 MS. PAGANO: Mr. Kraese?

6 MR. KRAESE: Yes.

7 MS. PAGANO: Miss Callaghan?

8 MS. CALLAGHAN: Yes.

9 MS. PAGANO: Chairman Gubitosa?

10 CHAIRMAN GUBITOSA: Yes. We
11 have the public hearing set for the --

12 MR. ZIGLER: Send us to the ARB.

13 CHAIRMAN GUBITOSA: We can do
14 that. I need a motion to send
15 Mr. Zigler to the ARB?

16 MR. MC MENAMIN: Do you have the
17 architectural --

18 MR. ZIGLER: Yes.

19 MS. PAGANO: We need a motion.

20 MR. JAVENES: I'll make that
21 motion.

22 CHAIRMAN GUBITOSA: I need a
23 second.

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MS. CALLAGHAN: Second.

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CHAIRMAN GUBITOSA: Mary, poll

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us.

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Kraese?

MR. KRAESE: Yes.

MS. PAGANO: Miss Callaghan?

MS. CALLAGHAN: Yes.

MS. PAGANO: Chairman Gubitosa?

CHAIRMAN GUBITOSA: Yes.

Dave, thank you very much.

The last thing is to accept the minutes of February 24th. I need a motion.

MR. KRAESE: I'll accept them.

MS. CALLAGHAN: Second.

CHAIRMAN GUBITOSA: All in favor.

MR. MC MENAMIN: Aye.

MR. JAVENES: Aye.

MR. KRAESE: Aye.

MS. CALLAGHAN: Aye.

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CHAIRMAN GUBITOSA: Aye. Need a

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motion to close?

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- Proceedings - 63

MR. JAVENES: I'll make that motion.

MS. CALLAGHAN: Second.

CHAIRMAN GUBITOSA: All in favor.

MR. MC MENAMIN: Aye.

MR. JAVENES: Aye.

MR. KRAESE: Aye.

MS. CALLAGHAN: Aye.

CHAIRMAN GUBITOSA: Aye. It's closed. Thank you.

* * *

(Time noted: 8:58 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I, RANDI VECCHIONE, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

AND, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

24

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RANDI VECCHIONE

