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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:

HUDSON RIVER VIEW INDUSTRIAL PARK,

Applicants.

- - - - - X

7 o'clock p.m.
December 8th, 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
KARL JAVENES, Member
PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

Reported by:
Patricia A. Puleo,

24

NYS Certified Court Reporter
and Notary Public

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Appearances continued: 3

STEVEN MANDRACIA, Esq.
Attorney for Applicants

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

WILLIAM SHEEHAN, Town Building Inspector
(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

(845) 429-8986 FAX and Phone

1 - Proceedings -

2 (This is the Planning Board for
3 December 8th, 2011.

4 THE CHAIRMAN: Can we all stand
5 for the Pledge.

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

8 THE CHAIRMAN: Mary, just call
9 the roll?

10 MS. PAGANO: Yes. Mr. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS. PAGANO: Mr. Muller?

13 MR. MULLER: Here.

14 MS. PAGANO: Mr. Javnes?

15 MR. JAVNES: Here.

16 MS. PAGANO: Mr. Krease?

17 MR. KREASE: Here.

18 MS. PAGANO: Mrs. Callaghan?

19 MRS. CALLAGHAN: Here.

20 MS. PAGANO: Mr. Rogers?

21 MR. ROGERS: Here.

22 MS. PAGANO: Chairman Gubitosa?

23 THE CHAIRMAN: Here.

24 On tonight's agenda, we are

25

moving some items around.

1 - Proceedings -

2 First on the agenda will be
3 Hudson River View Industrial Park.
4 That's a new application. It is the
5 east of Holt Drive.

6 Mr. Zigler?

7 MR. ZIGLER: I'm putting up a map.

8 MR. MANDRACIA: Steven Mandracia
9 for the applicant.

10 This is a new application. This
11 is the request to move an existing
12 approved use on the adjoining property
13 to a new location in a much more
14 industrialized location.

15 In 2007, early 2007, a site
16 permit was granted for the use of, of
17 27 Holt Drive.

18 That application was amended in
19 2008 to include an additional building
20 located on the same site.

21 We are looking to simply move
22 that use to a different piece of
23 property on the other side of the
24 railroad tracks on the property, into a

property with an approved use.

1 - Proceedings -

2 The site plan has been filed.
3 The site plan prepared by Mr. Zigler,
4 reciting the same conditions for the
5 operation of the property, with the
6 restrictions on this property that are
7 relevant to this property.

8 The other site plan had certified
9 screening requirements, because there
10 were other uses, to storing vehicles
11 outside, the stacking of vehicles in
12 the area.

13 There were two real restrictions
14 on the original one that are not
15 relevant to this one.

16 One is that the vehicles will not
17 be stacked and that the vehicles not be
18 visible beyond the fence area.

19 So, this property here is now
20 moved to the other side of the railroad
21 tracks and all the storage will be on
22 the other side of the building and
23 totally and completely distanced from
24 any residential use nearby.

(Inaudible) There's no commercial

1 - Proceedings -

2 building on the other side of the
3 railroad tracks, so the visibility
4 shouldn't be an issue to the adjoining
5 property or area.

6 We are looking to take the site
7 plan approval from the prior site and
8 move it to this location.

9 And Mr. Zigler is here to answer
10 any questions, if you would like to ask
11 him questions.

12 THE CHAIRMAN: Okay. Max, do you
13 have any questions before we ask our
14 questions?

15 MR. STACH: No.

16 THE CHAIRMAN: On the map, none of
17 those existing building are coming
18 down? Are they?

19 MR. MANDRACIA: No.

20 THE CHAIRMAN: You are just
21 moving the use from the one approved in
22 2007, 2008 to the other side of the
23 railroad tracks?

24 MR. MANDRACIA: Correct.

THE CHAIRMAN: All right. Does

1 - Proceedings -

2 the Board have any questions at this
3 time?

4 MR. KREASE: Max, you had a couple
5 of suggestions on your Memorandum,
6 didn't you? Do you want to talk about
7 them?

8 MR. STACH: Sure. I did do a
9 review.

10 We spoke about the application at
11 the tech meeting. I noted that this
12 was a previously approved use and so
13 any conditions of this Board that
14 applied to that previous use that
15 weren't relevant to the location; for
16 example, for the screening, I suggest
17 to extend to this particular
18 application and ---

19 MR. MANDRACIA: If you look at the
20 notes there, it is identical, with the
21 exception to the ones that are not
22 relevant.

23 MR. STACH: Okay. Then, the next
24 comment was that you should identify an

25

area on this map equal to the previous

1 - Proceedings -

2 area for storage of the autos or
3 designate an area for storage of the
4 cars somewhere on the plan, so that we
5 know that is set aside for that use, or
6 that it is not used in the future for
7 other parking, for example.

8 My next comment was with regard
9 to the underpass. This Planning Board
10 has reviewed a number of applications
11 for the use of the lot to your east and
12 in every application they have noted
13 and indicated that the current
14 underpass does not meet the building
15 requirement for the height, so I
16 understand that you might be paving
17 the surface there.

18 I suggest that you meet with the
19 Town engineer to make sure that's done
20 adequately and all the drainage is
21 taken care of.

22 My other comment was with regard
23 to the at-grade crossing. The Planning
24 Board, for many years now, have stated

they don't want significant public use

1 - Proceedings -

2 east of that site, until safety can be
3 assured at that at-grade crossing.

4 With regard to the five comments,
5 this has to do with the DEC monitoring
6 the wells, which I believe your client
7 has stated were decommissioned on the
8 site. You have letters with regard to
9 that?

10 MR. ZIGLER: That were
11 decommissioned when we did Insul-Ex
12 ten years ago. We will pull them for
13 you if you want.

14 MR. STACH: I notice some tanks
15 were shown on the site plan. He
16 mentioned they were removed, so we
17 suggest the site plan be updated to
18 show the tanks not being in there.

19 We suggest if you are going to
20 propose any lights, lighting, I imagine
21 that if you are going to have storage
22 of automobiles outside, twenty-four
23 hours, you probably would want some
24 security lights? I am suggesting that

those be shielded, downcast lights.

1 - Proceedings -

2 MR. BOYLE: The parking lot lights
3 are still there.

4 MR. STACH: Is that correct?
5 Okay, so then there will not be any new
6 lighting?

7 MR. BOYLE: I don't think so. I
8 don't believe they're shielding or
9 shielded already. The parking lot is
10 twenty feet below.

11 MR. ZIGLER: The answer is "yes".

12 MR. STACH: Yes, okay. That's
13 good.

14 The next thing has to do with
15 access. It's sort of --- there might
16 be some future use to the east of you.

17 I am suggesting if you look at
18 the site plan, where you have dotted
19 line, to actually stripe the lines in
20 the field so that people coming through
21 the site to the east, know there's a
22 through road now where the easement
23 ends, and know that they're not
24 supposed to go outside of that path.

MR. MANDRACIA: To stripe them?

1 - Proceedings -

2 MR. STACH: Yes.

3 MR. MANDRACIA: At the at-grade
4 or both?

5 MR. ZIGLER: The loop easement
6 that passes through Insul-Ex should be
7 marked as a traveling lane.

8 MR. MANDRACIA: On both sides?

9 MR. STACH: I would suggest that,
10 yes. That way, people leaving the site
11 also don't turn into the building.

12 And then my last comment has to
13 do with SEQRA and that it is an
14 unlisted action.

15 I am suggesting that the Board
16 declare themselves as lead agency, and
17 classify the action as unlisted and
18 that's it.

19 THE CHAIRMAN: All right. I just
20 need a motion to be lead agency?

21 MR. KREASE: I will make the
22 motion to declare us as lead agency.

23 THE CHAIRMAN: I need a second?

24 MRS. CALLAGHAN: Second.

THE CHAIRMAN: All in favor?

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- Proceedings -

(Unanimous affirmative vote.)

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: It carries.

Okay, next I need an motion to
make it an unlisted action.

MR. MULLER: I will make that
motion.

THE CHAIRMAN: I need a second.

MR. ROGERS: I will second that,
Mr. Chairman, to make this an unlisted
action.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote.)

THE CHAIRMAN: Opposed?

(No opposition.)

THE CHAIRMAN: All right. We are
unlisted and we are lead agency.

Next thing we need to do is, we
have to set a site visit. We either
have the tenth or the seventeenth;
either this Saturday or next Saturday.
What is good for the Board? If you

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can't make it ---

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- Proceedings -

(Off the record discussion.)

THE CHAIRMAN: This Saturday,
okay; 12/10 for the site visit.

MR. ZIGLER: Thank you.

THE CHAIRMAN: Any other questions
from the Board?

MR. MC MENAMIN: The other
applicants' site plan that we approved,
was it ever done?

MR. BOYLE: We started, yes, we
started, and then the church came in,
so rather than lose the tenant, we
downscaled the auto parts.

Right now, Twenty-seventh Hole is
Good Luck Auto, but because we had the
church in there, we got rid of the cars
and just confined it to one small room.

MR. MC MENAMIN: So, you were
never in full operation?

MR. BOYLE: Correct.

MR. MC MENAMIN: So, you really
are not relocating anything.

MR. BOYLE: No. We have cars

there again. It was started and is

1 - Proceedings -

2 functioning.

3 MR. MC MENAMIN: What building are
4 you going into?

5 MR. BOYLE: Well ---

6 MR. MANDRACIA: "B" as in boy.

7 MR. MC MENAMIN: "B". Okay.
8 That's the only building that you are
9 going to use?

10 MR. BOYLE: For right now, yes.
11 The reason we are here is we want --- I
12 am trying to get someone to come into
13 Stony Point as another business, so I
14 am looking to move it over in order to
15 create another entity, to bring more
16 people into Stony Point. To get more
17 businesses in here.

18 So, that is what it's really all
19 about.

20 THE CHAIRMAN: Moving from one
21 spot over there, so once this is
22 occupied, you can draw more people into
23 there?

24 MR. BOYLE: Yes.

MR. MC MENAMIN: So "B" is the

1 - Proceedings -

2 same operation you were planning to do
3 before?

4 MR. BOYLE: That we were doing;
5 yes.

6 MR. MC MENAMIN: If other
7 operation --- if you had a need for the
8 large parking lot because you are
9 storing cars there, therefore before or
10 after you stripped them --- well,
11 exactly where is that on here
12 (indicating a document)?

13 MR. BOYLE: This is going to be
14 front of "B", along the side of "B" and
15 possibly the parking lot that is there
16 right now.

17 (Indicating on a diagram.)

18 MR. BOYLE: That will all be
19 behind the railroad tracks.
20 Everything. You won't see it.

21 MR. MC MENAMIN: On the south side
22 of the underpass?

23 MR. MANDRACIA: The south side;
24 correct.

MR. MC MENAMIN: So, why --- you

1 - Proceedings -

2 had a big parking lot before, and the
3 fencing, it will all fit in what is
4 paved here (indicating) what is here
5 now?

6 MR. BOYLE: Yes.

7 MR. MC MENAMIN: And you're not
8 putting in any real drainage? You are
9 not going with the improvements
10 on-site. In other words, there are no
11 changes?

12 MR. BOYLE: No.

13 MR. MC MENAMIN: So, the only
14 thing that is different now, is that
15 you are going across the railroad
16 tracks with this?

17 MR. BOYLE: Yes. Exactly.

18 MR. MC MENAMIN: So, a certain
19 amount of cars, trucks, will either go
20 under the railroad or over it, north or
21 south, or are you just planning on
22 using the at-grade crossing?

23 MR. ZIGLER: Probably the at-grade
24 crossing, unless or until something is

1 - Proceedings -

2 Insul-Ex.

3 MR. MC MENAMIN: Using the
4 at-grade and going down to building
5 "B", back-and-forth like that?

6 MR. ZIGLER: Yes.

7 MR. MC MENAMIN: So, okay. Thank
8 you. That's all.

9 MR. KREASE: I would also note in
10 there, a letter from Rockland County,
11 you need a drainage permit.

12 MR. MANDRACIA: We shouldn't need
13 that. There is no construction and
14 none of the buildings are any where
15 near the river ---

16 MR. KREASE: That's what I
17 thought, but you did see the letter
18 from ---

19 MR. MANDRACIA: Yes. We will
20 address it next time. Their
21 jurisdiction extends only to
22 alterations and construction along the
23 river line.

24 MR. MC MENAMIN: He's probably

25

talking about --- he is not talking

1 - Proceedings -

2 about the Hudson River?

3 MR. MANDRACIA: They have no
4 jurisdiction of the Hudson River.

5 They're probably just
6 talking about the Cedar Pond Brook. It
7 is a hundred feet from the building.
8 No other building is within a hundred
9 feet of that.

10 MR. MC MENAMIN: That may be a
11 point of contention.

12 MR. KREASE: Good luck.

13 MR. MANDRACIA: Thank you. We
14 will need it.

15 THE CHAIRMAN: Anything else?

16 MR. BOYLE: No.

17 THE CHAIRMAN: We will, I guess,
18 just see you Saturday at nine, nine
19 o'clock in the morning.

20 MR. BOYLE: Thank you.

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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

8:30 o'clock p.m.
December 8th, 2011
RHO Building
Five Patriot Drive
Stony Point, New York
10980

HELD BEFORE THE PLANNING BOARD OF THE
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- GLADYS CALLAGHAN, Member
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- KARL JAVENES, Member
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MARY PAGANO,
Secretary to the Board

Reported by:
Patricia A. Puleo,

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Appearances continued: 22

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

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234 North Main Street
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THE CHAIRMAN: Next on the Agenda is Crickettown Ridge, a two-lot major subdivision located at the northeast corner of Crickettown Road and Heights Road.

MR. ZIGLER: Dave Zigler, Atzl, Scatassa and Zigler, representing the Applicant/owner.

We were here previously for the subdivision. I think you remember this piece of property, on Heights and Crickettown up at the top.

We had done a boundary line agreement about a year, year-and-a-half ago.

We come in and had proposed a three lot subdivision, the 3 lots would be on this "U" shaped piece of property. We had a Public Hearing.

We had discussions about use and the drainage conditions to the south of us and to the east of us.

After that, we went out and did

some checking the area and contacted

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the neighbors, went the whole nine yards, but when it came to getting a commitment, we didn't get any help to do any drainage easements out there.

So, we came back to the Board and we proposed to do a two lot subdivision. At the time, there was thought about instead of just doing the two lots, maybe getting this lot in the middle to conform.

So then we went back to the Applicant and met with Carl Haney (phonetically spelled) and they agreed to do that.

That led us to do, or to go to the workshop and with that discussion, we came up with the alternate plan.

So, our standard layout is this right here (indicating on a document) showing one lot off of Heights Road, forty-five thousand square foot and then, it shows one big lot here.

(Indicating.)

MR. ZIGLER: It shows it taking

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the rest of the property. That would be on Crickettown Road; that's 90,000 square foot.

We're still showing the wetlands and still waiting for the jurisdictional letter from the Army Corps of Engineers.

On the Culhane's (phonetically spelled) piece, this here, which sits in the middle, with the little house, the driveway is in front of the house. As you exit, it is actually on the property of lot number one.

With that being said, after meeting with the Planning Board, we revised the map.

It's going to look something like this. Here is the revisions on the board (indicating on a diagram) we are going to go with something like this (indicating). This mitigates some of the concerns of the neighbors and helps out with some of the problems with the

lot, and makes the Culhane's lot

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(indicating) in the middle more of a standard, regular sized lot and keeps ---- basically, the improvements there.

You know, when you look at the house, I am saying the lawn, the driveway, you look at the house, that's the improvements. It keeps the improvements on their on own property which, right now, they're not.

So, this is what we are proposing to do. We do have an application with both Applicants and owners that is signed, but of course if it doesn't proceed with this layout, we might have to just start over.

But as you see, we have the two lots again. The two lots, the standard layout, it shows the driveway that this Applicant has a right to build, of course. But in this case we are showing the two lots now and they will front on Heights Road.

That is significant because there

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is like a hump in the property like this (indicating on a drawing) so, although there's concerns from the neighbors about the drainage that goes out on the corner, we are on the other side of the hill.

The offer is to take this end of the property and either put it in the conservation easement, or give it to the Town for a park.

You can also see that the Culhane (phonetically written) piece is more of a standard, acceptable layout. It is wider and the driveway is within the bounds.

They own everything to the back property line. So, we are going to have a standard layout here (indicating) that which you are used to seeing; so it is not such an odd-shaped piece of property.

This will work, bringing the utilities into these lots off of

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concerns of the neighbors for drainage because we are not building anything over there. This plan has many problems, though.

In your code, when to do an average density in an RR Zone, the lot size is twenty-five thousand square feet.

Lot one is not and we are a little under in lot width, so although there's this a good plan, I believe we would have to go to the ZBA and hopefully get the variances for that and come back to this Board. But whether the Town Board accepts lot four, as we're saying as a Town park, if they don't, that's fine, whether it's a conservation buffer or a conservation easement, it will be attached to lot number 3.

The final point of the layout is there is going to be nothing built in the area where the drainage is flowing

down through the neighbors.

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Will it help them? No, it won't. But it won't make any change. But it is the only thing we can do to stay away from their property. So, that's the plan; that is where the plan is.

We hope that the Board --- if you want to go out and do another field trip, again we can stake it out. If not, we can start the SEQRA process and once we get a negative dec, we can ask to go to the Zoning Board of Appeals to get the variance. That is, if we get an Negative dec and then we can come back to this Board.

THE CHAIRMAN: Thank you, Dave.

MR. KREASE: On paper, this right now, without the ZBA approval, it seems to be the best solution to the problem you have in there.

MR. ZIGLER: Yes. The real solution would be to put in some drainage. But, we couldn't acquire any easements, so, the only way you can

--- we can mitigate that concern, is to

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move away from it and hopefully, the Town will put a berm out there on Crickettown because it looks like some of the run-off is coming down Crickettown and rolling into that lot and passing right through from several ways. Again, this will help the Applicant by getting the lots they deserve, but it doesn't help the drainage that the neighbors were having a problem with.

MR. KREASE: Can we get some input from the Town Engineer, to insure that if the Town decides to accept this parcel of property, that we're not biting off more than we can chew, as far as --

I mean, I have walked it, I've walked the property, it can get worse.

Again, I don't see where it was that bad, from that parcel. I am just trying to protect the Town.

MR. MAHER: One benefit to acquire

what is going to be designated as lot

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four and assuming this wetland does pass muster with the Army Corps and it's becoming a wetland, one possibility here is that the Town now has a piece of land that it can expand wetlands on, create a nature preserve there and benefit itself on some other project, where, for example, our sanitary sewer on Cedar Pond Brook we are bound to wind up filling in wetlands in order to protect it.

If we get this lot, we have the opportunity to, regarding this wetland, to then go back to the DEC and Army Corps and say, "Sure, we filled in an acre-and-a-half on Cedar Pond Brook, but now we've added some wetland acreage on a lot inside the Town of Stony Point." I can see that's a possibility just from looking at it, off the top of my head.

On this one, you can see that

what Dave mentioned with regard to the

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2 drainage out there, yes, putting in a
3 curb or a some type of berm on
4 Crickettown probably would help the
5 homeowners on the back lots off of
6 Hudson Court and also Monroe Drive.

7 That will help them out quite a
8 bit. It is something we can definitely
9 look into in the future.

10 THE CHAIRMAN: Dave, with lot
11 three, there's no improvements on the
12 lot three? It's only just one and two?

13 MR. ZIGLER: Right.

14 THE CHAIRMAN: With lot three, the
15 driveway is a circular driveway, that
16 will stay the same as on the map. It
17 wouldn't be into lot 4?

18 MR. ZIGLER: No. That is why we
19 made Lot 3, we made it much wider;
20 maybe thirty foot wider, so the
21 driveway could stay.

22 At first, we weren't going to do
23 that. You were out there, it's
24 significant trees there, so we just

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moved it over. It still is 1.8 acres.

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It's almost 1.9 acres and it is still pretty big.

MR. JAVENES: Do the people behind lot four have problems with water right now?

MR. ZIGLER: They do. We went out there, contacted them. Nothing will work.

MR. JAVENES: Will the Town be responsible for fixing their problem?

MR. ZIGLER: No. Not unless you build something. If they put, if you building something there, they would come to you just like they would come to my client if they put a house up.

That's the reason we are saying we would put it into a conservation easement; it's the same thing.

THE CHAIRMAN: With the conservation easement, once you set that, nothing can be done in there.

MR. ZIGLER: No. There are two different definitions describing

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Basically, the buffer allows you to go in there and do maintenance of trees; dead trees.

An easement, a conservation easement, you can't do anything, but it would be --- the buffer is actually better.

If it is a buffer, the gentleman can go out and put a fence around the whole thing and say, "That's my property, but I can't put a pool in there." You can put some ducks in a pond. That's a joke.

(Laughter.)

MR. KREASE: Can the Town --- Kevin, did you know this lot 4? Have you been there? In other words, have you been there before.

MR. MAHER: Yes. I was up there and walked the entire area, and the back lots, too.

MR. KREASE: My question is, do you feel that lot four is causing a

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problem being caused by some other factor on the north side of that lot four?

The Monroe --- not Monroe; sorry, but the drive that goes up when we were up there, it seemed to me, that drive that heads up towards Crickettown, that seems that was a situation with the water.

MR. MAHER: The smaller, from where I was, what I could see, I could see all the water was coming from that way, the bulk of it.

Unfortunately, the lots appear to be a little on the flat side, so there's no significant enough pitch to allow run-off to the properties.

There is a significant change in grade between Crickettown Road and these lots, the water is naturally going to come from a high spot, down.

There's quite a bit of water on the inlets, Van Buren, you know, the

water passing past that area, it tends

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to slide to what I would call to the east side of Crickettown, right in front of the lots. It pours in. I have seen it on several occasions. So, there's both off-site and on-site problems.

Probably because of the wetlands itself, is water bleeding out from the upper properties. It just is a natural weak spot from the soil, it's coming up and out and flowing out, and down onto the other lots.

Some people have tried their luck with drainage screens on their on properties and it didn't help.

It's an ongoing situation. It's probably been that way since January of '09. I'm guessing, though, that this condition has been there for several hundred years. It just has been exacerbating as the development has occurred to the north and the west of the area. It's like a natural

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the area. It's probably gone from being an infrequent wetlands to a more visible quantity of water being there on a regular basis. Even the weather patterns have been changing, too and there's so, so many factors involved that are causing the problems out there.

There are changes, so to say it is just one factor; no. I can't say that. But it is something that has been there a long time. It is not something that just popped up in the last four or five years, so --

MR. KREASE: The only reason I asked, is because if the Town is taking it over, I just didn't want it to come back and bite us and saying, "You should have look at this a little closer."

MR. MAHER: This is pre-existing --- so, correct.

MR. KREASE: That is all I wanted

to put on the record. This is

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pre-existing and the applicant is doing nothing.

MR. MAHER: Correct. Again, it is a pre-existing condition.

It is exacerbated, to some degree, by run-off from the roadway, but it is not the major cause.

Again, if we don't do anything with the land, we would be the same as the developer if we put something on it.

In it's natural state, if we do nothing, we are not adding to the problem.

Therefore in my opinion, we would have no responsibility. As good neighbors, the Town, we should try to help by possibly put a small drainage system, a simple swale or berm, but as far as being responsible for major drainage changes, I don't believe so; no.

THE CHAIRMAN: All right.

MR. KREASE: Okay.

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MR. MC MENAMIN: There is nothing being done with this subdivision with the average density layout that would have any impact on what is designated as lot four with regard to the bringing of more or less water onto Lot 4.

MR. MAHER: Correct. Yes. Again, all the work to the impervious area is to the downhill side.

MR. MC MENAMIN: Mr. Zigler said there is a hump.

MR. MAHER: It is a natural knoll on the property.

MR. MC MENAMIN: I am completely comfortable if they're saying that nothing done with this average density layout is not going to bring more or less water on to this Lot 4.

MR. MAHER: I would say the same thing. I agree.

MR. MC MENAMIN: With that being said, I like the concept of average

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My only reason for speaking up at this moment, I was wondering if there's any way to layout one, two and three, to make them totally compliant, so you don't need to go to the Zoning Board? I was wondering if you tried other layouts.

MR. ZIGLER: You know what? Yes. You could --- first of all, we are trying to keep the same property line along the side, but yes, you can cut the angle like this, (indicating).

But, if we did this, we're actually coming down lower into this area (indicating) where they're having the problems.

MR. MC MENAMIN: But that's just the line that ---

MR. ZIGLER: Yes, I understand ---

But, that's just a line ---

MR. MC MC MENAMIN: --- and he can go back in and put in the pool or something.

MR. ZIGLER: We can look at that,

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but I still think we'd be short. I can mention that, but I think it will be sharp. I will give it a try ---

MR. MC MENAMIN: I was out there.

MR. ZIGLER: I've seen you. You've not too sneaky, you know. I just wanted to stay away from that corner.

MR. MC MENAMIN: You can definitely get twenty-five thousand the way I am looking at it. I don't know if it will effect the lot width enough.

MR. ZIGLER: No, I can't make the lot width, but I can definitely --- well, if the Board will like to see an alternate layout, that's fine. We have no problem with that.

MR. MC MENAMIN: That is where you can make a difference; a triangular piece of property.

MR. ZIGLER: Do you understand what they're talking about? Come up here and I will show you.

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MR. ZIGLER: This is the original line that was created, but it is possible if we kept the line, so it is running parallel to the house. That way we can get the area that we need. That will reduce the impact.

(Talking to the owners.)

MR. ZIGLER: I am going to make a modification to the property line, just tilt it.

You probably can end up with more property because you are going deeper, but we will make a note on that.

MR. KREASE: When you do, Dave, as Tom asked, will you be able to get within your twenty-five thousand?

MR. ZIGLER: Yes, because what happens is lot one becomes or lot two on the corner is smaller.

MR. KREASE: In other words, you will do it to make sure you get the twenty five thousand?

MR. ZIGLER: Yes, but if the Board

thinks that's the way to go, it's a

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better layout ---

MR. MC MENAMIN: The only thing,
we want to make the two lots work and
be as compliant as we could.

MR. ZIGLER: I understand.

THE OWNER: It might help with
some other things, too in the future.

(Off-the-record discussion.)

MR. ZIGLER: It is putting it ---
put your back door more behind the
house, so if you walk squarely out of
the back of your house, it's a little
bit of a, it's more right behind your
house.

(Talking to owner.)

Mr. Zigler: We will do a layout
and show it to you and see what the
areas are. We should be okay with that
and probably need lot width, but if the
Board endorses it and both client's
agree ---

MR. MULLER: Are they set up?

MR. ZIGLER: No. Culhane

(phonetically spelled) is in the

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middle. They got in with this one with the average density. It is allowed. The lot has to be fiddled with.

MR. STACH: I was wondering, you have a longer proposed lot line, and you have something identified as a fifteen foot wide sewer easement?

MR. ZIGLER: Fifteen, yes, sewer easement so that they can pump out from their existing home into the Heights, so we are going to have to extend the sewer of the Heights ---

MR. STACH: So, that's not existing? That's proposed down the road?

MR. ZIGLER: Oh, yes.

MR. MAHER: The only thing you might have to worry about is the driveway for lot three. It seems that it was something that Bill Sheehan told me once about this distance between the driveway and the property line.

MR. ZIGLER: Right. We probably

have do play with the driveway if that

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becomes an issue, I can, we can just flop it out so they both exit out onto the Heights.

MR. MAHER: I'm talking about Culhane's Lot 3.

MR. ZIGLER: Oh, that is a possibility. We would be too close to the property line, though.

MR. MC MENAMIN: It is already.

MR. ZIGLER: It is possible. With the average density, it might be something that we can do. It is possible that we might need a variance, then.

MR. MAHER: If you make the setback less than it is right now, then you are making the variance greater, so you'd have to get a variance for that.

MR. JAVENES: It is a gravel driveway?

MR. ZIGLER: Yes. Let's look at the property. Basically, if we could stay with the twenty five thousand,

that's the real home run. We will give

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it a shot.

MR. ROGERS: Did I hear you just say you can flip the driveways on the new homes to have them both come out on to Heights?

MR. ZIGLER: Yes. The new homes.

MR. ROGERS: Because the line of sight from lot 1, is right where --- if it comes out onto Heights, I live down the block, so I know.

MR. ZIGLER: We will take a look at that map regarding sight distance. Maybe we can flip them both to be on the inside. I never thought about that hump in the road there. Thanks, Jerry.

THE CHAIRMAN: Does the Board have any other questions right now?

MR. STACH: At the last meeting you adopted a Part II that identified drainage tanks, erosion as potential impacts.

THE CHAIRMAN: Yes.

MR. STACH: If the engineer

concurrs that drainage can be mitigated

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with standard protocols and controls, I suggest that you adopt a negative dec.

Also, the applicant has submitted a standard plan that establishes that under a conforming standard subdivision, he can build two lots, even if those wetlands are determined to be so by the Army Corps of Engineers.

So, you can also give Sketch approval to that standard plan, contingent on the Applicant pursuing an average density plan.

That will allow him to go ahead and bring in an application for the average density plan.

THE CHAIRMAN: So, we can do the Sketch approval based upon the average density?

MR. STACH: Yes and sketch approval on the standard plan, contingent upon the fact that the Applicant is seeking an average density

2 THE CHAIRMAN: Does the Board have
3 any questions on this, so the negative
4 dec.

5 MR. STACH: I would do the neg dec
6 first.

7 THE CHAIRMAN: It's --- all
8 right, first of all, we have a proposed
9 neg dec. We just need a motion to
10 grant a neg dec. MRS.

11 CALLAGHAN: I will make it.

12 THE CHAIRMAN: I will read it
13 first. If there's any discussion, we
14 can do that before we vote. "State
15 Environmental Quality Review, Negative
16 Declaration, Notice of Determination of
17 Non-Significance.

18 "Project: Crickettown Ridge

19 "Town of Stony Point, New York

20 "Date: December 15, 2011

21 "This notice is issued pursuant
22 to Part 617 of the implementing
23 regulation pertaining to Article 8
24 (State Environmental Quality Review

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Law.

"The Planning Board of the Town of Stony Point, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

"Name of Action: Crickettown Ridge Subdivision.

"SEQRA Status: Unlisted.

"Condition Negative Declaration: No.

"Description of Action: Average Density Subdivision of two existing lots into four lots, for two new single-family detached building lots, one existing building lot and one conservation open space lot.

"Location: South side of Crickettown Road, approximately east of Heights Road.

"Reasons Supporting This

2 "The proposed action is not
3 anticipated to result in any adverse
4 environmental impacts, based on the
5 following:

6 "1) On or about February 4th,
7 2011 the Planning Board received a Part
8 1 Full Environmental Assessment Form
9 (EAF) providing project information.

10 "2) On or about March 24th, 2011
11 the Planning Board assumed lead agency
12 status and declared the action
13 unlisted.

14 "3) On or about December 15th,
15 2011, the Stony Point Planning Board
16 adopted a Part 2 EAF, indicating a
17 potential large drainage/erosion
18 impact.

19 "4) The proposed average density
20 subdivision will concentrate
21 development on a smaller portion of the
22 lot downhill from and on the portion of
23 the property furthest from the existing
24 potential wetland and areas identified

2 existing storm water runoff;

3 "5) The Town Engineer has
4 reviewed the application and finds that
5 storm water controls may be developed
6 to adequately prevent any increase in
7 the rate of runoff to neighboring
8 properties and not storm water impacts
9 are anticipated as a result of the
10 average density plan;

11 "6) No other potential large
12 impacts were identified for the site."

13 MR. KREASE: We have to change
14 December 15th to December 8th in Reason
15 #3.

16 (Off-the-record discussion.)

17 THE CHAIRMAN: Right. Thank you,
18 Gene.

19 MR. KREASE: It's under 3.

20 THE CHAIRMAN: Right. We will
21 change that. I have a motion. I just
22 need a second?

23 MR. ROGERS: I will second that,
24 Mr. Chairman.

THE CHAIRMAN: Is there any

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discussion before we vote?

(No responses heard.)

MRS. CALLAGHAN: I have a question. A neighbor approached me and asked if there were going to be modular homes up there? That is not your subdivision, is it?

MR. ZIGLER: No, but it's slim chance that there will be modular homes in this area. People want a custom home, even if it's small.

MRS. CALLAGHAN: But this is for a regular, frame houses?

MR. ZIGLER: As far as I know, yes. I haven't yet worked on a modular home in Stony Point.

MR. STACH: Can I just address that? Also, the application before you is really just for the subdivision of the land.

At some point in the future, the application will have to go for a building permit to actually construct

the house. That will be a separate

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application.

THE CHAIRMAN: Mary, just poll the Board on the neg dec.

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mr. Javnes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

MS. PAGANO: Mrs. Callaghan?

MRS. CALLAGHAN: Yes.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa.

THE CHAIRMAN: Yes. Now I just need a motion to do sketch approval.

MR. MC MENAMIN: I would like to make a motion for approval on the standard plan layout presented on the subdivision, last dated 11/7/11 for a subdivision, that's if the subdivision

is a viable subdivision, a viable two

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lot subdivision and we will give sketch approval for this plot.

THE CHAIRMAN: I need a second?

MR. KREASE: I will make a second on that.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote).

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: The motion carried.

MR. STACH: Just want to make a comment about whether it will be better for the Town for Lot 4 to be a separate lot or a conservation easement.

At the time of the tech meeting, it was my thought that it would be better to be a conservation easement for two reasons; one is parkland.

When you dedicate parklands it --- there's an assumption it will be a park, that it will provide recreation to the area.

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case. This lot is fairly wet.

I don't think that the residents are looking to have people in that area, so I don't think it really serves the description of a park, so if the Town accepts that land, with the conservation easement, it shouldn't be doing so as parkland. It should be just open space.

THE CHAIRMAN: We will make that notation.

MR. STACH: That will be my suggestion; yes. Thank you.

MS. PAGANO: Do you want the referral to the ZBA?

MR. ZIGLER: No. We're not ready.

MS. PAGANO: This is just a referral. You can go at any time.

MR. MULLER: I will make a motion to refer the applicants to the ZBA.

THE CHAIRMAN: I need a second.

MR. ROGERS: I will second it, Mr.

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- Proceedings - 56

THE CHAIRMAN: Okay. You can go to the ZBA when you want. We will see you at nine o'clock Saturday.

We can just accept the minutes of October 27th. I need a motion?

MR. KREASE: I will make the motion.

THE CHAIRMAN: Second?

MRS. CALLAGHAN: I will second it.

THE CHAIRMAN: I just need a motion to close?

MR. KREASE: I make that motion.

THE CHAIRMAN: A second?

MR. ROGERS: I will make the second.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote.)

THE CHAIRMAN: Good night. Thank you. Happy holidays.

* * *