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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:

S AND V ALIMRON

Applicants.

- - - - - X

7 o'clock p.m.
June 23rd, 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: 5

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

WILLIAM SHEEHAN, Town Building Inspector

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 (The Planning Board of the Town
3 of Stony Point, June 23rd, 2011
4 Meeting.)

5 THE CHAIRMAN: Can we all stand
6 for the
7 Pledge?

8 (At this time, the Pledge of
9 Allegiance was recited.)

10 THE CHAIRMAN: Mary, just call the
11 roll, please?

12 MS. PAGANO: Mr. McMenamin?

13 MR. MC MENAMIN: Here.

14 MS. PAGANO: Mr. Muller?

15 MR. MULLER: Here.

16 MS. PAGANO: Mr. Javenes?

17 MR. JAVENES: Here.

18 MS. PAGANO: Mr. Krease?

19 MR. KREASE: Here.

20 MS. PAGANO: Mrs. Callaghan?

21 MRS. CALLAGHAN: Here.

22 MS. PAGANO: Mr. Rogers?

23 MR. ROGERS: Here.

24 MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Here.

1 - Proceedings -

2 All right, the first item on the
3 Agenda is S and V Alimron. This is for
4 a Public Hearing. Mr. Zigler?

5 MR. ZIGLER: Yes, Dave Zigler from
6 Atzl, Scatassa and Zigler representing
7 Alimron.

8 At the last meeting we discussed
9 the drainage. I think the Board even
10 did a few field trips out there.

11 We had put together a package,
12 which basically addresses the drainage
13 on each lot, as each lot was built,
14 whether it was the two existing homes
15 or the new home, we offset the drainage
16 by doing seepage pits and grass swells.

17 There were some concern with the
18 neighbors and the Board about the
19 drainage now as it flows down 9W from
20 the Bluebird Dinner --- or whatever
21 the name of the restaurant is now ---
22 going north, which is actually downhill
23 towards Lighthouse Court and how it was
24 ponding up by the gas station, and

whatever we did, we wouldn't stop that,

1 - Proceedings -

2 down Park Road.

3 But, either way, we have
4 conquered any problem that we would
5 have created, and as you well know, we
6 are removing more impervious coverage
7 instead of adding. That was the only
8 outstanding issue.

9 We are hopeful that the Board
10 will be comfortable to vote on it
11 and -- --

12 MR. MULLER: Kevin, do you have
13 any questions? I think the last time I
14 believe that Kevin was going to get an
15 answer to that question. You where
16 going to speak with the state. Did you
17 speak with them?

18 MR. MAHER: I've been playing
19 telephone tag with Jennifer. I've
20 called that number and left another
21 message this afternoon. I will call
22 again tomorrow morning. She does want
23 to set up a meeting.

24 MR. MULLER: Have you spoken to

25

her?

1 - Proceedings -

2 MR. MAHER: Yes. The message she
3 gave me was to call her back and set up
4 a meeting.

5 MR. MULLER: Did you speak to
6 her?

7 MR. MAHER: No. I said, I called
8 her back this afternoon. I missed her.
9 I left her a message that, yes, I want
10 to have the meeting. I want to set a
11 meeting. I am going to call her again
12 tomorrow morning.

13 Ever since we started this
14 conversation with the D.O.T., they have
15 started taking some interest. The
16 fact that there's a storm drain
17 running, their storm drain running
18 south of Park Road (inaudible) drains
19 into the same storm drain, they were
20 just out there cleaning it about two
21 weeks ago.

22 I asked the foreman on the job,
23 are you also going to be cleaning the
24 one going down Park Road, and he said,

"I know nothing about it. I am just

1 - Proceedings -

2 here to clean out the drains going
3 south from Prado Court." (Phonetically
4 written).

5 So, Prado Court, north that
6 below coming or flowing into that the
7 manhole as well there. So, there's
8 minimum reverse pitch on the other
9 side, as well, of flow coming into that
10 structure.

11 So, the state is showing a lot of
12 interest all of a sudden because we
13 started asking questions.

14 THE CHAIRMAN: At this time we
15 will open the Public Hearing.

16 The only thing is, if you wish
17 to speak, state your name and address
18 for the record.

19 (No responses heard.)

20 THE CHAIRMAN: Anyone? Anyone
21 want to speak on S and V?

22 (No responses were heard.)

23 MR. ROGERS: I will make a motion
24 to close the public hearing.

1 - Proceedings -

2 MRS. CALLAGHAN: I will second it.

3 THE CHAIRMAN: All in favor?

4 (Unanimous affirmative vote).

5 THE CHAIRMAN: Opposed?

6 (No responses heard.)

7 THE CHAIRMAN: All right, so we
8 will close the public hearing.

9 All right, Dave what else do you
10 need.

11 MR. ZIGLER: Hopefully, a vote for
12 the approval; a vote so I don't have to
13 come back to see you no more on this
14 application.

15 MR. JAVENES: Weren't you going to
16 ---

17 MR. ZIGLER: We changed the plan
18 and made a note. It is about some of
19 the things we were talking about on the
20 new plans. You have a set of plans
21 that should be dated May 5 and after
22 approval, we still have to get a
23 maintenance agreement for the common
24 area and ask the Town to review it.

So, we have additional documents

1 - Proceedings -

2 that have to be reviewed by the
3 attorney, but, I think, you know, we
4 are talking at the workshop, and
5 basically it's when somebody or the
6 owner goes for the C.O. on lots two or
7 three, they have to meet code and they
8 are going to have to meet each portion
9 of this map, which is dedicated for
10 that lot.

11 MR. MULLER: In the Resolution,
12 Bill, it is says that you would have
13 input as to whether it will be a better
14 plan and whether it will be the seepage
15 pit or the pipe?

16 MR. SHEEHAN: No. All's I can
17 say, in my opinion, there's no way the
18 state is going to do any work on Park
19 Road, which is a Town road.

20 We're lucky if they do work on
21 their own stuff. So, my feeling is
22 that they will end up with the seepage
23 pits.

24 Their engineers need a net zero

1 - Proceedings -

2 site now.

3 I believe, in coming to the tech
4 meeting, that one of the proposals that
5 is tied into the C.O.'s is that if the
6 drainage is available, hence catch
7 basins, that's what they will have to
8 do.

9 If it's not available at the time
10 of the C.O., they have to do the
11 seepage pits.

12 In my opinion, I think it will be
13 seepage pits because I can't see the
14 state doing work on a Town road.

15 MR. STACH: Me and Dave worked on
16 the Resolution together based upon the
17 resolution at the tech meeting.

18 The way it was written was that
19 essentially, the Planning Board is
20 approving Two A, which is the plan to
21 connect to the Park Road system, unless
22 the Town Engineer, pursuant to
23 discussions with the D.O.T., makes a
24 preference for the other plan, which is

25

2B.

1 - Proceedings -

2 MR. SHEEHAN: No. You don't want
3 to do it that way.

4 MR. STACH: Why?

5 MR. SHEEHAN: Because --- well,
6 Kevin can elaborate --- but, my
7 understanding is that the drainage on
8 Park Road is not aligned correctly.
9 That is why we can't look into that, so
10 it has to be one or the other.

11 You can't say we will ---

12 MR. STACH: That is what I just
13 said. If it can't be the one, then
14 Kevin will require the other.

15 MR. SHEEHAN: Well, I think it has
16 to be if it's not available. I don't
17 think it should be left up to anybody
18 to make that decision.

19 It is either, yes you can hook up
20 to Park Road because the state is
21 fixing the drainage, or you can't.

22 I don't think it's not up to
23 anybody. It is either fixed or it's
24 not.

THE CHAIRMAN: They can fix it and

1 - Proceedings -

2 go with the one. If they can't fix it,
3 that's it, they go with the other.

4 MR. SHEEHAN: The state can say
5 we'll come in two years and fix it
6 and, really, it's --- you can't hold up
7 the developer because the state has
8 decided or not decided to fix it.

9 It should be left up to be
10 whatever is available at the time.

11 If you haven't fixed the pipes at
12 that time you do it, then it's the
13 seepage pits.

14 MR. STACH: It's written either he
15 is going to do 2A or 2B.

16 MR. SHEEHAN: Right.

17 MR. STACH: Somebody has to make a
18 determination on which one, or whether
19 2A is possible and that is normally
20 done by a determination of the Town
21 engineer.

22 If it's not possible to do 2A,
23 they have to do 2B or -- --

24 MR. SHEEHAN: I agree with you

there, but there has to be a time

1 - Proceedings -

2 frame. Obviously, it is possible to
3 fix the pipe, but it could be three
4 years down the road. There has to be a
5 time frame.

6 MR. ZIGLER: At application for
7 the building permit.

8 MR. STACH: I would think that
9 would be the time, yeah.

10 MR. ZIGLER: A building permit
11 for any lot because once you do one
12 lot, you are going with the system that
13 the one lot has.

14 MR. SHEEHAN: Yeah. Once it is
15 started, it is started.

16 (Inaudible. Cross-talking.)

17 MR. STACH: You don't have to do
18 the whole grading plan on Lot 1 --

19 MR. ZIGLER: Lot one doesn't have
20 seepage pits, so if lot one goes in for
21 a building permit goes in, and that
22 pipe isn't available, it makes
23 everything is seepage pits.

24 MR. STACH: Then if lot 2 goes

in for the building permit or C.O.

1 - Proceedings -

2 MR. ZIGLER: Building permit
3 because we want to have a C.O.

4 MR. STACH: Right. If you go for
5 a building permit and you don't have
6 the seepage pit you are not connecting
7 to any of the drainage.

8 MR. ZIGLER: No. Each one of
9 these lots stands on their own with
10 seepage pits and the grass swales.

11 So, whatever lot goes in for a
12 building permit at the time of that
13 building permit, the decision will be
14 made and it will be over, so, if lot
15 one goes in and that pipe is available,
16 they are going to have to put in
17 drainage coming down the road.

18 MR. STACH: But, the driveway will
19 not be there.

20 MR. ZIGLER: We have agreed to put
21 the drainage in. Period.

22 The drainage is out in the road,
23 so it doesn't matter. The drainage
24 hinges on --- it doesn't hinge on

anything. It stands on its own.

1 - Proceedings -

2 MR. STACH: When you do lot three,
3 which is the existing two-family house,
4 when you put in the little driveway,
5 there, why are you not going to bring
6 the drainage down to the road?

7 MR. ZIGLER: You are old ---
8 whatever lot goes in first, it will be
9 the commitment to the drainage system
10 and the two existing homes will be
11 going for a building permit first, so
12 if that pipe is available, we have made
13 the commitment to put the drainage down
14 the road.

15 MR. STACH: That's not what the
16 map note says.

17 If you look at the map note, the
18 map note says you only have to do the
19 grading plan for lot three, if you come
20 in for lot 3, and you only have to do
21 the grading plan for lot 2, if you come
22 in for lot 2 ---

23 MR. ZIGLER: The drainage is in
24 the road, though. It stands on its own.

It is in the road.

1 - Proceedings -

2 MR. SHEEHAN: I think what he's
3 saying is whatever comes in, not lot
4 one, two or three and the drainage is
5 available, it has to be done.

6 However, if they come in on lot
7 two for a building permit, they would
8 only have to go with seepage pits on
9 lot two.

10 MR. STACH: Okay, so if Park Road
11 is available when you do lot two, you
12 do lot three, and you come in for lot
13 one, Park Road is available, so you do
14 the drainage then?

15 MR. ZIGLER: Yes. No. You do it
16 with the first one. The first one,
17 that triggers the ---

18 MR. SHEEHAN: If drainage is
19 available, on either of the three lots,
20 then drainage is available.

21 If drainage is not available, on
22 the first lot, then they have only have
23 to do the seepage pits on that lot.

24 Once they commit themselves to

the seepage pits, that is the way they

1 - Proceedings -

2 will have to go on all three lots
3 because you can't make them do seepage
4 pits on one lot and then the drainage
5 pipe.

6 But in my mind, in reality, it
7 will be seepage pits. Ain't no way the
8 state is coming in and doing drainage
9 on Park Road. Let us just put that in
10 our heads.

11 MR. ZIGLER: You don't believe in
12 the Easter Bunny, either, do you?

13 MR. SHEEHAN: Yeah, right.

14 MR. KREASE: It's the Town
15 Engineer's responsibility to do the
16 impossible and get the state to clean
17 out their drainage.

18 Am I correct?

19 MR. SHEEHAN: No, no, no, no.

20 Kevin should have an answer, but
21 I believe that based on that, his
22 response will be that he wants them to
23 replace the pipes on the Town road,
24 Park Road and that's not ---

MR. KREASE: My impression was

1 - Proceedings -

2 that I thought we were the going to
3 attempt to insert a smaller pipe within
4 the original pipe?

5 MR. MAHER: Right. That was my
6 suggestion, as a repair, compared to
7 ripping up 210 or 9W in order to
8 replace it.

9 The storm sewer belongs to the
10 state.

11 MR. KREASE: I have no problem
12 with that, with what you're planning on
13 doing here.

14 I got a problem with once we
15 approve this with the Resolution
16 tonight, I mean this whole thing with
17 the state gets swept under the rug with
18 the rest of it.

19 I'd like to see some way to get
20 the state --- like you said, it may not
21 wait for this Applicant here, but you
22 started with the state and, once
23 started with the state, it will be
24 impossible to deal with them, I know.

What I am saying is don't give it up

1 - Proceedings -

2 trying to get that ---

3 MR. MAHER: Oh, no. There's a
4 home on 70 Park Road North whose
5 driveway is collapsing because of the
6 pipe. They rebuilt their driveway, I
7 think, twice.

8 Our camera evidence shows that it
9 is misaligned and the joints are
10 opening up in the that area, so in my
11 opinion, the state has the
12 responsibility to replace and/or fix
13 the pipe.

14 MR. KREASE: Yes. Just keep it up
15 on that.

16 MR. MAHER: Sure.

17 MR. SHEEHAN: I think the net
18 result is that either plan; preferably
19 is the catch basin, but in any event,
20 the Applicant has to show, I believe
21 that there will be a zero net increase
22 of run-off and that's what the law
23 requires, on either plan.

24 MR. MC MENAMIN: Actually, I

thought I read it was a decrease of the

before you four years.

1 - Proceedings -

2 MR. ZIGLER: The sooner the
3 better.

4 MR. STACH: That will be important
5 for Kevin to know.

6 MR. ZIGLER: We probably got a
7 couple months.

8 MR. SHEEHAN: I have to say,
9 normally, on infrastructures, before I
10 issue a building permit, the Town
11 Engineer gets the plans, as far as
12 grading and stuff.

13 Typically, on a renovation, he
14 does not.

15 So, we will just have to keep it
16 is in mind on this subdivision, before
17 I issue a building permit, the existing
18 dwelling, that he gets to look at it.
19 If you want to make that a map note,
20 that's fine with me.

21 MR. STACH: Yes. It is necessary,
22 but we changed the Resolution to note
23 that at the time that any building
24 permit is issued.

MR. SHEEHAN: I will probably be

1 - Proceedings -

2 retired by the time it's in, but that's
3 okay.

4 MR. STACH: All right.

5 MR. MULLER: Mr. Chairman, I'd
6 like to make a motion to approve this
7 subdivision.

8 THE CHAIRMAN: I need a second?

9 MR. KREASE: I will second it.

10 MS. PAGANO: Read the resolution.

11 THE CHAIRMAN: We will read the
12 Resolution.

13 "Final Resolution: A meeting of
14 the Town of Stony Point Planning Board
15 (the 'Planning Board') was convened on
16 June 23, 2011 at 7 o'clock p.m.

17 "The following resolution was
18 duly offered and seconded, to wit:

19 "Resolution - S and V Alimron
20 Subdivision

21 "Resolution granting preliminary
22 and final approval with respect to the
23 new application of S and V Almiron for
24 a three lot subdivision plat and

1 - Proceedings -

2 property located in the Town of Stony
3 Point, R1 zoning district at North
4 Liberty Drive, north of the
5 intersection of Park Road North, Town
6 of Stony Point, New York.

7 "Whereas, previously an
8 application was made to the Town of
9 Stony Point Planning Board ('the
10 Planning Board') for approval of the
11 subdivision of one building lot to
12 three building lots, entitled, 'S and V
13 Almiron, dated September 4, 2007, last
14 revised March 1, 2008, as well as a
15 conditional use for the building on Lot
16 2 of said subdivision (the Project)
17 affecting property located in the R1
18 Zoning District at 175 North liberty
19 Drive, north of the intersection of
20 Park Road North, Town of Stony Point,
21 State of New York, designated on the
22 Town of Stony Point Tax Map as Lot
23 15.02-2-25 (the Premises), and;

24 "Whereas, by Final Resolution

- Proceedings -

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Board granted the Applicant preliminary and final approval for said subdivision and conditional use, said preliminary and final approval subsequently amended by the Planning Board at the Applicant's request by Amended Final Resolution dated April 23, 2009, and;

"Whereas, subsequent to said amended approval, the applicant submitted a new application dated December 27, 2010, together with a new subdivision plat dated December 30, 2010 and last revised June 23, 2011, to the Planning Board due to lapse of the Applicant's previous approval, with the Applicant appearing before the Planning Board seeking final subdivision approval, including, but not limited to the addition of new plat notes with respect to construction of improvements and Project phasing for the subdivided lots prior to conveyance or development as a condition to signature of the plat

by the Planning Board Chairman, and;

1 - Proceedings -

2 "Whereas, the Applicant submitted
3 a Long Form EAF, Part I to the Planning
4 Board, dated January 10, 2011, and;

5 "Whereas, the Planning Board of
6 the Town of Stony Point ('Planning
7 Board') continuing in its role as Lead
8 Agency, determined that the Applicant's
9 previous granted variances were still
10 in effect and adopted an Amended
11 Negative Declaration for the Project,
12 dated March 17, 2011 pursuant to the
13 New York State Environmental Quality
14 Review Act (SEQRA), and;

15 "Whereas, the Planning Board set
16 the date for a public hearing to be
17 duly noticed for the Project for March
18 24, 2011, which Public Hearing was
19 opened and continued by the Planning
20 Board at its meetings of April 28,
21 2011, May 26, 2011 and June 23, 2011
22 and thereafter duly closed by motion of
23 the Planning Board at its meeting of
24 June 23, 2011, during which hearing

1 - Proceedings -

2 its consultants were heard by the
3 Planning Board and their comments duly
4 taken into consideration, and;

5 "Whereas, the Project application
6 and all documentation in support of the
7 application was distributed for review
8 and comments by all involved Town and
9 County agencies and necessary
10 consultants, and;

11 "Whereas, the Planning Board duly
12 considered the requests, comments and
13 recommendations of the public,
14 reviewing agencies and consultants for
15 the new Application, including but not
16 limited to the County of Rockland
17 Department of Planning, by letters
18 dated February 7, 2011, April 6, 2011,
19 April 29, 2011 and June 9, 2011; the
20 Rockland County Department of Health,
21 by letters dated March 14, 2011 and May
22 12, 2011; Rockland County Highway
23 Department, by letter dated May 25,
24 2011; the New York State Department of

1 - Proceedings -

2 February 18, 2011, April 6, 2011 and
3 May 20, 2011; and the letters of Atzl,
4 Scatassa and Zigler, dated March 2,
5 2011, March 23, 2011 and March 30,
6 2011, among other submissions, and;

7 "Whereas, the Applicant has
8 and/or will amend its subdivision plat
9 to include the required additional map
10 notes;

11 "Whereas, it appears that the
12 best interests of the Town of Stony
13 Point will be served if the application
14 of S and V Almiron is approved, subject
15 to certain conditions;

16 "Now, therefore be it resolved by
17 the members of the Town of Stony Point
18 Planning Board, as follows:

19 "The application for a three lot
20 subdivision plat affecting property
21 located in the R1 Zoning District at
22 175 North Liberty Drive, north of the
23 intersection of Park Road North, Town
24 of Stony Point, State of New York,

1 - Proceedings -

2 Tax Map as Lot 15.02-2-25, as well as a
3 conditional use on Lot 2 of said plat,
4 be and is hereby approved, and the
5 Chairman is hereby authorized to sign
6 same and to permit same to be filed in
7 the office of the Rockland County Clerk
8 upon payment of any and all outstanding
9 fees to the Town of Stony Point and its
10 consultants and only after compliance
11 with and subject to the following:

12 "1. Compliance with each and
13 every condition indicated in the
14 Planning Board's previously granted
15 subdivision approvals as noted
16 hereinabove, which are incorporated by
17 reference herein, except that if any
18 said previous conditions are in
19 conflict with anything contained
20 herein, the conditions of this
21 Resolution shall supersede those of the
22 previous resolutions;

23 "2. Inclusion on the plat of the
24 following additional Notes:

"a) Prior to issuance of a

1 - Proceedings -

2 Certificate of Occupancy for the
3 structure on Lot 3, the improvements as
4 shown on S and V Almiron Grading Plan
5 and Detail Lot 3 (Sheet 3) shall be
6 performed to the satisfaction of the
7 Town of Stony Point Building Inspector.

8 "b) Prior to the issuance
9 of a Certificate of Occupancy for the
10 structure on Lot 2, the improvements as
11 shown on S and V Almiron Grading Plan
12 and Detail Lot 2 (Sheet 4) shall be
13 performed to the satisfaction of the
14 Town of Stony Point Building Inspector.

15 "c) Prior to issuance of a
16 Certificate of Occupancy for the
17 structure on Lot 1 or prior to the
18 conveyance of any lot or lots created
19 by this subdivision, the improvements
20 as shown on S and V Almiron Overall
21 Grading Plan (Sheet 2 and 2A) shall be
22 performed to the satisfaction of the
23 Town of Stony Point Building Inspector.

24 "d) As scheduled above, the

25

improvements shown on Sheet 2A (Overall

1 - Proceedings -

2 Grading Plan) shall be constructed
3 pursuant to approval by the New York
4 State DOT and the Town of Stony Point
5 Engineer. In the event that the New
6 York State DOT or the Town Engineer
7 does not approve the drainage
8 improvements to Route 9W, as shown on
9 Sheet 2A, prior to the issuance of a
10 Building Permit for any of the
11 aforementioned lots, the improvements,
12 as shown on Sheet 2 (Overall Grading
13 Plan) shall be constructed.

14 "e) Prior to signature by
15 the Planning Board Chairman, the
16 Applicant shall file with the Rockland
17 County Clerk, maintenance agreements
18 for the access easements and on-site
19 drainage infrastructure, satisfactory
20 to the Town of Stony Point Planning
21 Board Attorney.

22 "3. Upon (i) payment of all
23 required fees to the Town and its
24 consultants and (ii) submission and

1 - Proceedings -

2 Subdivision Plat with such additions as
3 may be required, (iii) approval of any
4 and all permits required by any
5 involved agencies, the Subdivision Plat
6 may be approved and signed by the
7 Chairman of the Planning Board and duly
8 filed in the Office of the Clerk of the
9 Town of Stony Point and the County of
10 Rockland."

11 * * *

12 MR. SHEEHAN: Mr. Chairman, I
13 think, if I heard it right, a
14 maintenance agreement approved by you
15 and really, it should be the Town
16 attorney.

17 MR. KREASE: No, it said the Town
18 attorney.

19 MR. SHEEHAN: Oh, all right. I
20 misheard, then.

21 THE CHAIRMAN: It's prior to the
22 signature of the Planning Board
23 Chairman, then it's the Town attorney.

24 MR. SHEEHAN: Okay.

THE CHAIRMAN: All right. I have

1 - Proceedings -

2 a motion and a second ---

3 MR. MC MENAMIN: I am a little
4 confused.

5 Nowhere in this resolution does
6 it talk about the new set of plans, the
7 date of the revision of the new set of
8 plans. The plans that they are
9 referring to and the notes we talked
10 about --- well, in the first area we
11 talk about, I believe, what was the
12 original approval, but I think
13 somewhere in this resolution we should
14 mention the latest date of the drawing
15 that we are looking at and to that, I
16 believe I don't have the latest set.

17 I have one here that is dated
18 May 5, 2011; then 2A, which is what
19 showed up in our packets this month,
20 and refers to 2A, for which is 5A of
21 the D.O.T.'s comments from their April
22 sixth letter, or the letter of Mary
23 Russo and then 5B, there is a drawing
24 alternate 2A.

So, I think we have to clear up,

1 - Proceedings -

2 figure out, somewhere in the
3 resolution, what is the latest set of
4 plans that you are talking about and
5 where the notes will be added.

6 MR. RESNICK: We can put that in
7 after the third "whereas".

8 MR. MC MENAMIN: Before that, what
9 is the latest revision?

10 MR. ZIGLER: All the maps are
11 dated May 5, 2011, except page 2A,
12 which is dated June first, 2011, and
13 12/30/10 was the one prior.

14 MR. MC MENAMIN: We also have the
15 fourth edition, which is the D.O.T.
16 copies, which only shows up on the 2A
17 drawing.

18 MR. STACH: Because that is what I
19 put in.

20 MR. MC MENAMIN: Not that much

21 ---

22 MR. ZIGLER: Make the final date
23 6/1/11 and we'll make all of the dates
24 the same on each page.

MR. MC MENAMIN: Okay. One more

- Proceedings -

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2

thing.

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They're going to be the same, so

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MR. ZIGLER: Are you sure it's the

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last thing?

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MR. MC MENAMIN: This is the set

8

we have or just dated as being the

9

approved set.

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MR. ZIGLER: It will have the

11

covenants recorded on it.

12

MR. MC MENAMIN: Okay, I think

13

that is a good idea to make the whole

14

set revision dated June one, or June

15

23rd, 2011.

16

MR. ZIGLER: Okay. 6/23/11.

17

MR. RESNICK: That is in the third

18

"whereas" where we discussed the

19

December 2010 information?

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MR. ZIGLER: Yes.

21

MR. RESNICK: We will insert it in

22

there.

23

MR. STACH: Probably we should

24

also change the date on 2A from

25

December 30th, 2010 to whatever you

1 - Proceedings -

2 have on the map set.

3 MR. ZIGLER: No problem. We will
4 make all the revisions that matter. We
5 will make them all.

6 It just got a little bit out of
7 sinc with that extra drainage thing.

8 THE CHAIRMAN: Okay.

9 MR. ZIGLER: Did I miss it, or did
10 I note it ---

11 THE CHAIRMAN: So, we are making
12 the addition in the third "whereas"
13 new application is dated 12/30/2010,
14 last revised June 23rd, 2011.

15 We will do that and that will be
16 inserted in the third "whereas" on the
17 Paragraphs.

18 One second and we will call the
19 roll when Mary comes back in.

20 Pete made the motion and Gene
21 seconded it.

22 We will, vote on it.

23 (Ms. Pagano is returning to the
24 room.)

THE CHAIRMAN: Mary, just call

1 - Proceedings -

2 the roll.

3 MS. PAGANO: Who made it?

4 THE CHAIRMAN: Pete made the
5 motion and Gene seconded it on the
6 final resolution.

7 MS. PAGANO: Mr. McMenamin?

8 MR. MC MENAMIN: Yes.

9 MS. PAGANO: Mr. Muller?

10 MR. MULLER: Yes.

11 MS. PAGANO: Mr. Javenes?

12 MR. JAVENES: Yes.

13 MS. PAGANO: Mr. Krease?

14 MR. KREASE: Yes.

15 MS. PAGANO: Mrs. Callaghan?

16 MRS. CALLAGHAN: Yes.

17 MS. PAGANO: Mr. Rogers?

18 MR. ROGERS: Yes.

19 MS. PAGANO: Chairman Gubitosa?

20 THE CHAIRMAN: Yes. All right.

21 That's it.

22 MR. ZIGLER: Thank you.

23 * * *

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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

7:40 o'clock p.m.
June 23rd, 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,

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Appearances continued: 41

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

WILLIAM SHEEHAN, Town Building
Inspector

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

2 THE CHAIRMAN: Next up is the
3 Stony Point Conference Center. That
4 is the next item on the agenda.

5 This is for site plan approval,
6 located in the RR District, on the
7 north side 240 feet off of West Main
8 Street behind Gilmore Sloane House.

9 Dave?

10 MR. ZIGLER: Dave Zigler, from
11 Atzl, Scatassa and Zigler for the
12 Applicant.

13 We are here for the Stony Point
14 Center. We did a field trip up there.
15 We are basically talking about
16 replacing footprint, changing the
17 garage to an arts and crafts building.

18 We had some comments from the
19 Town, some Board members, also from the
20 Rockland County Drainage Agency.

21 As far as the maps, the maps were
22 changed to accommodate most of those
23 comments and if there is any additional
24 items that have to be added to the maps

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Inspector; whoever, well, we will do that, but the plans, on page one, there's new details of the existing parking spaces and the existing building use on the entire site.

On page 2, are the details that are just for the area of the construction. We've added erosion; erosion control was added. We've added ghost parking, or reserved parking --- whatever you want to call it --- of ten spaces, which was added. We thought that will mitigate any questions about parking up there and we added drainage.

The drainage report was filed with the Town on drainage. The Town Engineer, basically, approved it.

We copied that and sent it to the Rockland County Drainage Agency. They still maintain that we need a permit.

We filed for a permit and notification of the permit is going

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into the mail tomorrow. That will be

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posted in the paper and then we should be issued a permit.

So, that is really the only outstanding issues we have had and we've addressed them.

As far as any issues that might be outstanding, would be the fire plans, or the fire signage, the Fire Chief said it, but we have received no comments on that.

Other than that, we have addressed all comments and agreed to them.

THE CHAIRMAN: Does the Board have any questions?

(No responses heard.)

MR. MC MENAMIN: I am sorry, I guess last month the concept on the zero parking --- I don't see any note on there telling us when or under what conditions the reserved parking will be put in.

MR. ZIGLER: Usually the reserved

parking, if the Board wants me to

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remove it, I will remove it. I will, but if the Board thinks it was a good idea, like they did at the workshop, we would just add a note and that would be note number eight. If tonight the Town advises --- and that will be the engineer or the building inspector coming out or if the Fire Chief believes there is a problem, we will do the additional parking.

MR. SHEEHAN: Typically, all the parking lanes like on the Walgreen's site and so forth, has been done only if the Building Department requires it.

MR. MC MENAMIN: I would like to request to put a note on that there that describes that, just so it is clear because it might kick in.

MR. ZIGLER: Okay.

MR. MC MENAMIN: Is there a difference between, well, the names that you are calling it, this parking?

MR. ZIGLER: Well, if you're from

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of parking. And if you live in New York you call it reserved parking and the south side of the Stony Point Bridge, you call it ghost parking.

MR. MC MENAMIN: Our codes ---

MR. SHEEHAN: Typically, what we should do is name it, as we did with Walgreen's.

I don't remember the verbiage whatever it was that that was approved by this Board.

MR. MC MENAMIN: I think I'd like to see that on the Map.

MR. ZIGLER: Not a problem. That will be note eight.

MR. STACH: We will put it in the resolution as "C".

MR. ZIGLER: Fine.

THE CHAIRMAN: Kevin, do have anything to say?

MR. MAHER: No, not at all.

THE CHAIRMAN: Bill?

MR. SHEEHAN: No.

MR. MULLER: I will make a motion

2 to approve.

3 THE CHAIRMAN: I need a second?

4 MR. KREASE: I will make the
5 second.

6 THE CHAIRMAN: Very good. I will
7 read the resolution.

8 "Resolution: A meeting of the
9 Town of Stony Point Planning Board (the
10 Planning Board) was held at the RHO
11 Building, Stony Point, New York on June
12 23rd, 2011 at 7 o'clock p.m.

13 "The following resolution was
14 duly offered and seconded, to wit:

15 "Resolution granting Preliminary
16 and final site plan approval with
17 respect to the application of the Stony
18 Point Conference Center Arts and Crafts
19 Building for demolition of existing
20 garage structure and construction of a
21 two-story arts and crafts building on
22 the same footprint, located in an RR
23 Zoning district at the north side of
24 Main Street, 600 feet west of

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Point, New York.

"The Chairman advised that the hearing before the Planning Board concerned Preliminary and Final Site Plan approval for the application of the Stony Point Conference Center (the Applicant), pursuant to the Town of Stony Point's Site Plan Rules and Regulations;

"The Chairman opened the meeting, explained the purpose of the hearing and the history of the Applicant's proposal before the Planning Board. David Zigler, P.L.S. from Atzl, Scatassa and Zigler, P.C. I.A. was present on behalf of the Applicant. Special Counsel to the Planning Board, Feerick, Lynch, MacCartney, P.L.L.C. was present by David J. Resnick, Esq. Robert Geneslaw Company, Planning Consultant to the Planning Board was present by Maximilian Stach.

"The Planning Board previously

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Consultant, Robert Geneslaw Company and Kevin Maher, Town Engineer with respect to the Applicant's proposal.

"Whereas, the Applicant has made an application to the Planning Board for Site Plan approval for the demolition of an existing garage structure of approximately 2,000 square feet and the construction of a new, two-story structure of approximately 4,000 square feet on the same footprint as the demolished garage, to be utilized as an arts and crafts center with wood shop, art studio and ceramics/pottery shop for use by the Stony Point Conference Center located in an RR Zoning District at the north side of West Main Street, approximately 600 feet west of Crickettown Road, Town of Stony Point, State of New York (the Premises). Said Premises being designated on the Town of Stony Point Tax Map as Section 15.03-5-24, Block 5,

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Lots 21, 23 and 24, with the present

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2 action to be limited to Lot 15.03-5-24,
3 as shown on the 'Site plan for Stony
4 Point Conference Center Arts and Crafts
5 Building, as prepared by David Zigler,
6 P.L.S. of Atzl, Scatassa and Zigler,
7 P.C. dated March 3rd, 2011, last
8 revised May 29th, 2011 (the Project)
9 and;

10 "Whereas, the Planning Board of
11 the Town of Stony Point (Planning
12 Board) at its meeting of March 24,
13 2011, determined that the Project was a
14 Type II action, pursuant to the New
15 York State Environmental Quality Review
16 Act (SEQRA) and that Lead Agency was
17 not required and set a site visit for
18 April 9, 2011, and;

19 "Whereas, the Planning Board
20 conducted a site visit to the premises
21 on April 9, 2011, and;

22 "Whereas, the Planning Board at
23 its meeting of April 28, 2011 rescinded
24 its prior determination regarding SEQRA

and declared its intent to be Lead

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2 Agency for the Project, determining
3 that the proposed Project constituted
4 an Unlisted Action under SEQRA, due to
5 the revised square footage of the
6 Project, and;

7 "Whereas, the Planning Board also
8 at its meeting of April 28, 2011
9 referred the Applicant to the Town of
10 Stony Point Architectural Review Board
11 (SPARB) and set the date for a duly
12 noticed Public Hearing for the Project
13 to be held May 26, 2011, and;

14 "Whereas, at its meeting of May
15 27, 2011, the Planning Board, acting as
16 Lead Agency, adopted a Negative
17 Declaration for the Project, pursuant
18 to SEQRA following a thorough review
19 and consideration of the Applicant's
20 submissions and the comments of all
21 concerned agencies and consultants,
22 and;

23 "Whereas, the Planning Board duly
24 opened a Public Hearing for the Project

on May 27, 2011 and thereafter duly

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closed said Public Hearing by motion of the Planning Board on May 26, 2011, during which hearing members of the public, the Applicant and its consultants were able to be heard by the Planning Board and their comments duly taken into consideration, and;

"Whereas, the Applicant appeared before the SPARB and received approval from the same on June 18, 2011 and;

"Whereas, the Project application and all documentation in support of the application was distributed for review and comments by all involved Town and County agencies and necessary consultants, and;

"Whereas, the Planning Board duly considered the requests, comments and recommendations of the public, reviewing agencies and consultants, including the County of Rockland Department of Planning, by letters dated June 8, 201, April 29, 2011 and

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2 Department of Health, by letters dated
3 June 9, 2011, April 11, 2011, March 14,
4 2011 and February 17, 2011; The
5 Rockland County Drainage Agency, by
6 letter dated February 28, 2011; the
7 Rockland County Department of Highways,
8 by letters dated April 14, 2011 and
9 March 1, 2011 and the New York State
10 Department of Transportation, by letter
11 dated April 6, 2011, as well as
12 submissions of the Town Engineer and
13 the Applicant;

14 "Whereas, the Applicant, in
15 response to the comments and concerns
16 of all interested and involved agencies
17 and consultants, make substantial
18 changes to the proposed Site Plan to
19 the satisfaction of the Planning Board,
20 including, but not limited to those
21 addressing site drainage, and;

22 "Whereas, it appears that the
23 best interest of the Town of Stony
24 Point will be served if the application

2 approved, subject to certain
3 conditions;

4 "Now, therefore, be it resolved
5 by the members of the Town of Stony
6 Point Planning Board as follows:

7 "Section 1: The site plan
8 entitled, 'Site Plan for Stony Point
9 Conference Center Arts and Crafts
10 Building, as prepared by David Zigler,
11 P.L.S. of Atzl, Scatassa and Zigler,
12 P.C, dated March 3, 2011, last revised
13 May 29, 2011, submitted to the Planning
14 Board for approval and affecting
15 premises designated on the Tax Map of
16 the Town of Stony Point as above
17 referenced, be and hereby is approved
18 upon payment of any and all outstanding
19 fees and expressly after compliance
20 with and subject to the following
21 conditions:

22 "A. The Applicant shall comply
23 with all pertinent and applicable
24 conditions set forth in the letters of

1
2 Planning and other reviewing agencies
3 as referred to herein, to the
4 satisfaction of the Town of Stony Point
5 and shall obtain all necessary permits,
6 if any, and;

7 "B. Upon (i) payment of all
8 required fees to the Town and its
9 consultants and (ii) approval of any
10 and all permits required by any Agency,
11 the Site Plan may be approved and
12 signed by the Chairman of the Planning
13 Board and duly filed in the Office of
14 the Clerk of the Town of Stony Point.

15 "C. A map note shall be added,
16 stating that the areas indicated as
17 reserve parking on the Detail Site Plan
18 (Sheet 2) shall be improved within 60
19 days of the Applicant's receipt of a
20 notification from the Building
21 Inspector of the Town of Stony Point
22 that Reserve Parking is required."

23 So, I have a motion and a
24 second.

Mary, just poll the Board.

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MR. MC MENAMIN: I have no copy of the Resolution. I didn't receive a copy of the Resolution.

THE CHAIRMAN: Either did I.

MR. MC MENAMIN: Has the second one --- This is the second application in a row (inaudible).

(Off-the-record discussion.)

THE CHAIRMAN: They were passed out, I guess, but we will get you a copy. I don't know what happened. It will be duly noted and we will get you a copy.

Mary, call the roll?

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Abstain.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

MS. PAGANO: Mrs. Callaghan?

MRS. CALLAGHAN: Yes.

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- Proceedings - 57

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes.

MR. ZIGLER: Thank you.

THE CHAIRMAN: 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:

KENNETH A. BABCOCK SUBDIVISION,

Applicants.

- - - - - X

8 o'clock p.m.
June 23rd, 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,

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Appearances continued: 41

IRA EMANUEL, ESQ., FOR APPLICANTS

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

WILLIAM SHEEHAN, Town Building
Inspector

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

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THE CHAIRMAN: Okay, the next item on the agenda is Item Number 3, Babcock. This is for a two-lot minor subdivision located on the north side of Franck Road, 480 feet east of Bulsontown Road.

MR. EMANUEL: Good evening, Ira Emanuel, attorney for the Applicant and Dave Zigler from Atzl, Scatassa and Zigler is here, also for the Applicant.

This was here before you at the May meeting.

You undertook a site visit on June fourth and referred us to the ZBA.

We are here for the results of the site visit and any comments you may have as a result of the that visit and hopefully, to get a neg dec so that we can proceed with the ZBA.

THE CHAIRMAN: Okay. You went to the ZBA?

MR. EMANUEL: We made application to the ZBA, but we need to get a neg

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dec.

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MR. KREASE: Dave, how did you do with the Health Department?

MR. ZIGLER: I spoke to Sam Rully (phonetically written) and he said that they really have no jurisdiction over something that exists, unless it is --- or unless it doesn't work correctly, so I requested a note from him on it.

I can't ask for your approval, but something in the response to the Town, because your code requires a response, so we are still waiting on that.

But, most likely what he will do most likely is request us to test the wells. If the wells are good, which they are; they were recently tested, they will be left in the exactly location they are and if something fails, they have to re-drill that one well on the house up on the hill behind the house.

That is the way Sam Rully

(phonetically written) left it. He

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said that he was going to send a note to the Town.

THE CHAIRMAN: Thank you.

MR. STACH: With regard to, that, Mr. Chairman, and the neg dec, I actually had suggested in Item four, saying that approval of the application might result in physical changes, and relocation of the existing well, which is currently too near a septic sewer and the physical relocation of the well will remedy the potential health hazard and will be subject for review by the Rockland County Health Department under all applicable New York State standards.

I think we are going to make a minor revision to that, saying, "... with the possible exception of relocation...", in the negative dec.

I will also like to bring to your attention, well, I had provided the Board with a short form Part II,

indicating no potential large impact.

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I'm sorry, but it's printed on double sides. Off-the-record.

(Off-the record discussion took place.)

MR. STACH: --- and my rationale for that is essentially we are dealing with an existing two-house site.

Both subdivisions will continue to be an existing two-house site, just with different ownership. So, there is no change in the use of the land.

MR. MULLER: The well and the septic are in place now?

MR. ZIGLER: Yes.

MR. STACH: Correct.

MR. MULLER: Why are we requiring it to move the well if you tested it, and it seems stable and acceptable, there is no need to move it.

MR. ZIGLER: Correct.

MR. STACH: It is subject to change. It's to read, "possible exception".

MR. MULLER: Okay.

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MR. SHEEHAN: I think it is probably in your interest, well, they have to go to the ZBA and then back here, so you might want to make that statement saying, "...Health Department approval", because we will end up getting a letter from them regardless, saying they don't have to move it, whatever, prior to final approval, so as per the Health Department approval or their recommendation; whatever.

MR. STACH: It does refer -- basically, we are saying in the negative dec, this removal might be required, but will not result in any impact.

MR. SHEEHAN: Yes, but I don't think the Planning Board should dictate possible remedies. That's up to the Department of Health. That we should do that or say, as per the Rockland County Health Department requirement. Something to that effect.

We shouldn't be telling the

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Applicant he has to move the well or
drill a new well, or that everything's
okay. We should leave it up to the
Health Department.

MR. STACH: Right, what this does
is that type of the activity would not
be an environmental activity.

MR. SHEEHAN: I'm just answering
Pete's concern. We shouldn't get into
the Health Department's business. If
they're fine with it, we're fine with
it. I think the statement should be,
"as per Health Department".

MR. STACH: Yes. The second
statement is, "... and will be subject
to review by the Rockland County Health
Department."

MR. SHEEHAN: Yeah. Ask for a
statement.

MR. MULLER: It is really not
close to the septic, the well. It's
really not. If the well passed the
Health Department, we don't even need

to mention it.

2 MR. SHEEHAN: Exactly. The
3 Planning Board doesn't have that
4 purview. The Health Department should
5 make the statement.

6 (Cross-talking)

7 MR. MULLER: I prefer it to say,
8 "based on the Health Department's
9 approval."

10 MR. STACH: That is qualified by
11 the fact that the Health Department may
12 require changes, but even then, it
13 wouldn't be an environmental impact.

14 MR. SHEEHAN: Okay.

15 MR. STACH: So, I think what we
16 have, where, where it says that,
17 "physical change remedies...", we will
18 say "...with the exception of the
19 relocation of the existing well, if
20 required by Rockland County Health
21 Department."

22 MR. SHEEHAN: That is fine.

23 MR. STACH: "If required."

24 MR. KREASE: If required by the

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MR. STACH: Yes. "If required by the Rockland County Health Department."

MR. MC MENAMIN: I am looking at this in a different way.

What happens if --- or let me ask this: Are you confident there is a way that if one or the other failed, that there is enough area left in both lots that they have a compliant well/septic set up and then if the answer is "no", what happens if something fails and there isn't any space?

MR. ZIGLER: We can meet code.

MR. MC MENAMIN: So, you are confident?

MR. ZIGLER: Absolutely. That well will be tested. Whether they test it today or tomorrow, if somebody buys the house and goes for a mortgage, it will be tested. It's a County law. It will be tested. If at any time it fails, you going to have to drill a new well ----

MR. MC MENAMIN: But, if for some

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2 reason you couldn't do that, would we
3 be complicit in a bad move here. You
4 know, this guy will come back and say,
5 well, now I have to meet the
6 requirements and there's not enough
7 property for whatever reason, steep
8 slopes will prevent me from doing that
9 now and all of a sudden, my lot is
10 useless because of your subdivision.
11 No chance of that?

12 MR. EMANUEL: It may cost him a
13 little more than he wants.

14 MR. SHEEHAN: Can't we settle it
15 --- we have --- you still have to get
16 to the ZBA and then you still have to
17 come back here, so ---

18 MR. EMANUEL: Tom is saying if, at
19 some point in the future, a new well
20 has to be drilled, is there room to
21 build it.

22 MR. SHEEHAN: I think our point
23 is, it has to be good to go. Anything
24 can be approved now, any well can be

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the road it goes bad. I mean my well, I mean anytime you dig a well, you have to have it tested. It took me three times to go through the test because I was asking for the wrong test. It cost five hundred dollars extra.

Well, that is besides the point, but a well can go bad at any time.

It is important to have the well and to have the Health Department sign off with their test prior to us granting final.

After that, anything can happen.

MR. MULLER: Just so I have it clear; you need a neg dec from us to go to ZBA, and then you're coming back to us for the final approval?

MR. ZIGLER: Correct.

MR. MULLER: But, you will still be back before us. This is just to get you to the ZBA.

MR. SHEEHAN: The neg dec lets or allows the ZBA to take action.

MR. MULLER: I will make that

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motion to send them to the ZBA and read
the negative declaration.

MR. STACH: Before that, you
should adopt the Part II.

THE CHAIRMAN: This is, is a
revised Part II.

MR. STACH: There is no revisions
to the Part II.

THE CHAIRMAN: This is just a Part
II. Okay. I need a motion to adopt
the Part II.

MR. ROGERS: I will make that
motion, Mr. Chairman.

THE CHAIRMAN: And a second?

MR. KREASE: I will second it.

THE CHAIRMAN: I have a motion
and a second. All in favor of adopting
the Part II?

(Unanimous affirmative vote was
heard.)

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: We have adopted

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Now we will do the neg dec. I
will read it.

"Proposed Draft, State
Environmental Quality Review Negative
Declaration. Notice of Determination
of non-Significance.

"Project: KA Babcock Minor
Subdivision

"Town of Stony Point, New York

"Date: June 23rd, 2011

"This notice is issued pursuant
to Part 617 of the implementing
regulation pertaining to Article 8
(State Environmental Quality Review
Act) of the Environmental Conservation
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: KA Babcock

2 Minor Subdivision.

3 "SEQRA Status: Unlisted.

4 "Condition Negative Declaration:

5 No.

6 "Description of Action: Two lot
7 subdivision of existing parcel
8 containing two single-family detached
9 residences. No new residential units
10 will be created as a result of this
11 subdivision.

12 "Location: North side of Franck
13 Road, approximately 250 feet west of
14 Richard C. Brown Drive.

15 "Reasons Supporting This
16 Determination:

17 "The proposed action is not
18 anticipated to result in any adverse
19 environmental impacts, based on the
20 following:

21 "1. On or about May 3rd, 2011,
22 the Planning Board received a Part I
23 Short Environmental Assessment Form
24 (EAF) providing project information;

"2. On or about May 26th, 2011

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the Planning Board assumed lead agency status and declared the action Unlisted.

"3. On or about June 23rd, 2011 the Stony Point Planning Board adopted a Part II EAF, indicating no potential large impacts.

"4. Approval of the application will not result in physical changes, with the possible exception of relocation of an existing well, if required, by the Rockland County Health Department under all applicable Rockland County and New York State standards.

"5. No other potential large impacts were identified for the site."

I just need a motion to adopt the Negative Dec?

MR. MULLER: I will make the motion to accept the Negative Dec.

THE CHAIRMAN: Okay. I need a second?

MR. ROGERS: I will second that.

2 THE CHAIRMAN: Mary, poll the
3 Board, please.

4 MS. PAGANO: Mr. McMenamin?

5 MR. MC MENAMIN: Yes.

6 MS. PAGANO: Mr. Muller?

7 MR. MULLER: Yes.

8 MS. PAGANO: Mr. Javenes?

9 MR. JAVENES: Yes.

10 MS. PAGANO: Mr. Krease?

11 MR KREASE: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MRS. CALLAGHAN: Yes.

14 MS. PAGANO: Mr. Rogers?

15 MR. ROGERS: Yes.

16 MS. PAGANO: Chairman Gubitosa?

17 THE CHAIRMAN: Yes.

18 MR. EMANUEL: Thank you. We would
19 ask that you set a public hearing,
20 hopefully for the July meeting.

21 THE CHAIRMAN: I need a motion to
22 set a public hearing for the next
23 available meeting, which is July 21.

24 MR. MULLER: I will make that

motion, Mr. Chairman.

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THE CHAIRMAN: Second?

MR. ROGERS I will second that,
Mr. Chairman.

MR. EMANUEL: 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:

KENNETH A. BABCOCK SUBDIVISION,
Applicants.

- - - - - X

8 o'clock p.m.
June 23rd, 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,

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Appearances continued: 79

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

WILLIAM SHEEHAN, Town Building
Inspector

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

2 THE CHAIRMAN: All right, next
3 item on the Agenda is Crickettown
4 Ridge. This is a three lot major
5 subdivision, located at the north east
6 corner of Crickettown Road and Heights
7 Road.

8 MR. ZIGLER: Hi again; Dave
9 Zigler, Atzl, Scatassa and Zigler, for
10 the Applicant.

11 We did a site visit. We had some
12 concerns at the public hearing.

13 We had a public hearing for
14 informational purposes, so with the
15 concerns and further investigation of
16 the drainage, which is a concern of the
17 neighbors flowing off the property, to
18 the east, we revised our plan.

19 We revised our plan because of
20 without some kind of outlets, we
21 couldn't stake two houses on
22 Crickettown Road.

23 So, basically, what we are
24 showing is one house facing Crickettown

and one house facing the Heights.

2 So, The subdivision consists of 2
3 lots. Before when we had three, we
4 had 2 over here (indicating on a
5 diagram) on Crickettown, and one here
6 (indicating) and there were concerns
7 with the neighbors on the drainage
8 off-site.

9 This (indicating) still will
10 probably create concern for some of the
11 neighbors, so at the request of the
12 Applicant, the request of the Applicant
13 is to go to an average density and move
14 the 2 homes.

15 On --- you need page 2 --- and
16 move the two homes to The Heights. The
17 benefit of moving over to the Heights
18 is because from The Heights --- it is
19 beneficial because the property goes
20 uphill, so any house placed along the
21 road on Heights, will drain into the
22 drainage system that's there.

23 Over here (indicating on a
24 diagram) and the Crickettown, it is a

depression there. So, any water will

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be setting over here (indicating on a drawing). The water naturally wants to flow to the east of the property.

So, our request is to put the 2 homes over here (indicating on a document), using average density and take the rest of the property and put it into a conservation easement.

That means Lot one over here (indicating on a diagram), he owns all of this property (indicating) but, basically he can't do anything with it. He can't go back there and build a pool or a shed or anything else.

We think this does mitigate the concern about the drainage, because we are not doing anything over there (indicating).

We can place 2 homes here (indicating) and service the 2 homes off of The Heights and the homes will drain toward The Heights, just like the old house to the east does.

2 Heights and at the intersection of
3 Crickettown Road, so we will be able to
4 drain right to it.

5 It is a revised plan and it is a
6 revised application. And this is the
7 first time you've seen it, so I don't
8 know how the Board would want to do it,
9 if you want to do a new field trip or
10 whatever.

11 THE CHAIRMAN: Does the Board have
12 any questions? Tom?

13 MR. MC MENAMIN: Lot 2, being a
14 cluster, doesn't show a driveway or I'm
15 not picking it up?

16 MR. ZIGLER: The driveway is going
17 out to Crickettown Road.

18 It's actually, it is facing
19 towards Prespotino's (phonetically
20 written) house; number 33 across the
21 street.

22 It's a very light line here
23 (indicating).

24 MR. MULLER: It's so light.

MR. ZIGLER: I will draw it in

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better.

THE CHAIRMAN: You may have to highlight it for us.

MR. ZIGLER: Yup.

MR. KREASE: Are you going to do that to all of the maps?

(Laughter)

MR. ZIGLER: Yes.

MR. MC MENAMIN: Going back to the standard -- --

MR. ZIGLER: Yes?

MR. MC MENAMIN: --- you put the house in on lot one, way out on Crickettown where there was spacing to the rear, where the house could have been and the way I understand is that the standard plan has to be buildable.

So, what we are going to do, what would be your plan for handling the drainage situation on lot one as a standard layout?

MR. ZIGLER: Probably build it up, build the lot up and bring in

fill, tilt it toward Crickettown by

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bringing in fill and then most likely, have a walk-out basement and the front of the house will be two or three foot above Crickettown.

The driveway will be the driveway up, meaning higher than the road, and then the roof draining would have to pitch, we would say out to Crickettown Road, and the only thing that will be going east would be from the rear of the house.

The surface flowing eastbound and the basement would be a walk-out basement. That would automatically reduce the drainage which was now is flowing through the property because we are cutting it off at that grade.

MR. MC MENAMIN: So, you are saying that you can handle the drainage with the layout that you showed before and basically send no water towards the back neighbors and everything will go out, except for the slight amount in

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the rear?

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MR. ZIGLER: We can do a grading plan and do that; yes.

MR. MC MENAMIN: Even if you put the house a little further back, you can probably put some kind of a better measure in the rear, either going to the wetlands or to the neighbors.

Have you received your determination on the wetlands yet, by the way.

MR. ZIGLER: No.

MR. MC MENAMIN: You expect that any time soon?

MR. ZIGLER: We probably haven't even begun to wait.

MR. MC MENAMIN: At Caddy's Corner (phonetically written) we did a Nation Wide permit that allows the fill the sun porch ---

MR. ZIGLER: Technically, both houses are on one tenth of an acre bill; (inaudible) four thousand square feet.

MR. MC MENAMIN: Did we have a

2 determination on that one?

3 MR. ZIGLER: I don't remember
4 that.

5 MR. SHEEHAN: And it is my
6 understanding, as I understand the
7 layout, on a standard layout you won't
8 be touching the wetlands, anyway.

9 MR. ZIGLER: Yes.

10 MR. MC MENAMIN: I am saying in
11 Caddy's Corner we filled in four
12 thousand square feet of the wetlands.

13 Couldn't you do that on lot one
14 now?

15 MR. SHEEHAN: Yes.

16 MR. MC MENAMIN: So, you can
17 actually fill the portion of the
18 wetlands and maybe use that for the
19 water flowing backwards?

20 MR. ZIGLER: Yes.

21 MR. MC MENAMIN: So, lot one is
22 very buildable, as far as I am
23 concerned.

24 MR. ZIGLER: It is.

MR. MC MENAMIN: With little or no

2 impact, engineering-wise.

3 MR. ZIGLER: Engineering wise,
4 you're correct.

5 Perception-wise, you will be
6 wrong be ---

7 MR. MC MENAMIN: What was that
8 word?

9 MR. ZIGLER: Perception.

10 MR. MC MENAMIN: Perception.

11 MR. ZIGLER: Yeah, because
12 someone will see something there, and,
13 you know, it is just a perception.
14 That is why we are requesting the move
15 to the average density.

16 If I tell you we are not going to
17 get anything there, there's no problem.
18 It is a perceived problem.

19 We haven't created a problem or
20 solved a problem, but if I put a house
21 there and give it to your Town
22 Engineer, I guarantee you that somebody
23 in the public will come out and say
24 there's a problem. So, why fight a

2 That is the only reason for the
3 change from Crickettown; it's just a
4 perception.

5 MR. MC MENAMIN: Two more
6 questions.

7 MR. ZIGLER: Wow, usually you say
8 one, and it's more, but two?

9 MR. MC MENAMIN: You stated you
10 were going to build a shoot, shoots and
11 grade it on the neighbors' property ---

12 MR. ZIGLER: Did.

13 MR. MC MENAMIN: Did?

14 MR. ZIGLER: Did. Yes.

15 MR. MC MENAMIN: Did you come up
16 with a plan for either fixing some of
17 their concerns or improving the
18 circumstances?

19 MR. ZIGLER: Yes. We went and did
20 shoot grades on the neighbors'
21 properties, homes and driveways, to see
22 where the low and high points were.

23 It's a little more defined than
24 the County topo and we wrote a letter

to the neighbors to see if any of them

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wanted to participate in solving the problem. We could solve the problem.

There's actually a positive drainage in one of the yards and we could possibly bring it into the site and channel it out but, we didn't have any takers on the offer, so that's what got us to move to this new layout.

We need to have help to attack the drainage problem that the neighbors discussed two months ago.

MR. MC MENAMIN: You do?

MR. ZIGLER: Yes.

MR. MC MENAMIN: You didn't get it?

MR. ZIGLER: No.

MR. MC MENAMIN: One more question. That's it.

In Fernstrom and Roberts we did that. We cut that little piece out there.

MR. ZIGLER: Yes.

MR. MC MENAMIN: That is one acre

2 MR. ZIGLER: Yes.

3 MR. MC MENAMIN: How do you get
4 such a small lot?

5 MR. ZIGLER: A boundary line
6 agreement, which doesn't put one lot in
7 deficit and require a variance. It can
8 be done.

9 In our case, the lot was so
10 small, that adding the property to it
11 made it actually more conforming than
12 it was. It was done as a simple
13 boundary line agreement.

14 MR. MC MENAMIN: Why didn't we add
15 the full acres?

16 MR. ZIGLER: Because they didn't
17 know what they were going to do with
18 the remaining piece of the property.

19 MR. SHEEHAN: If I can interrupt,
20 what I'd like to see happen, I think
21 with the average density, well, you can
22 do the standard layout, get sketch on
23 that, and what I'd like to see happen
24 is this; drawing a line down this to

this here (Mr. Sheehan is indicating on

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a diagram) and give that to the Town.

MR. ZIGLER: I think my lines are better.

MR. MC MENAMIN: Why would the Town want the swampy land?

MR. SHEEHAN: It is actually not a bad piece of property. It will be open space; park land.

MR. MC MENAMIN: It will have to stay that way.

MR. SHEEHAN: It could be parkland.

MR. STACH: Well -- --

MR. MC MENAMIN: It will be a good site for a well.

MR. SHEEHAN: Because on a building department issued lot, one can't do anything with it, so it won't be maintained. The neighbors across the street, they will have to look at this thing. All they see is the grass five feet high. At least the Town can go in there and then cut the

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grass.

2 If you make a lot line change in
3 the middle, it makes it more
4 conforming.

5 He benefits because it gets more
6 land. I'm sure that the Applicant will
7 probably get some type of a financial
8 gain from it and we have control over
9 the rest of it, the Town does.

10 MR. MC MENAMIN: Who --- how can
11 you give that little piece to Fernstrom
12 and Roberts, 'cause he's already
13 subdivided and ---

14 MR. SHEEHAN: Because if they do
15 standard layout, if they come to some
16 type of agreement, who owns it ---
17 well, once you get to average density,
18 that will become part of this
19 subdivision.

20 MR. MC MENAMIN: You do the line
21 connecting with him putting that land,
22 put it into his amount? You mean to do
23 that or ----

24 MR. SHEEHAN: No, no, no. What

I mean, what I am saying is, his

2 driveway in that shaded area, that
3 feeds the existing house, so if you put
4 that property line to the north, he
5 keeps the driveway, the property backs
6 up to the property line, and the rest
7 of it goes to the Town.

8 MR. MC MENAMIN: You're giving it
9 to them. Maybe they don't want it.

10 MR. SHEEHAN: He want it. This
11 way the Town can go in and maintain it
12 as a conservation easement or parkland.

13 MR. MC MENAMIN: Which has a
14 different definition.

15 MR. SHEEHAN: The Town can do
16 whatever they want to do with it.
17 They can't sell it. It is parkland.

18 We have got pieces of property
19 all over the Town like that. Most
20 people don't even know it.

21 MR. STACH: Why even dedicate it
22 as park lands?

23 MR. SHEEHAN: You have to, with
24 regard to money.

MR. STACH: So, you want to.

2 Okay. It only makes sense.

3 MR. SHEEHAN: Sure.

4 MR. STACH: My concern will be, I
5 don't know if you can use parkland for
6 things like wells.

7 If the Town wants to put a well
8 or a pump station.

9 MR. SHEEHAN: Parkland is
10 parkland. You have to keep it for
11 recreation.

12 MR. STACH: Like if the Town wants
13 it to expand the sewer district and
14 put in a pump station.

15 MR. MAHER: Then the Town can go
16 get approval. There's a house across
17 the street, up here. (Indicating on a
18 Diagram.) That was parkland and then
19 the Town traded that with the Lime Kiln
20 on 210 on Bender. (Phonetically
21 written.)

22 MR. STACH: So, they cut a piece
23 and traded for the Lime Kiln on 210.

24 MR. MC MENAMIN: I thought it was

a requirement in a cluster that if land

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is forever green, it can't be touched.
You can't touch it.

MR. SHEEHAN: It's open space.

MR. MC MENAMIN: You can't have
anything on it. You can't cut the
trees down.

MR. ZIGLER: There's two, two
different easements and a buffer. It
can be either one.

MR. SHEEHAN: It has to be open
space.

MR. MC MENAMIN: But, it also
could be park land?

MR. SHEEHAN: Park land is open
space. It can't be built upon.

MR. MC MENAMIN: You can't put a
basketball park.

MR. SHEEHAN: You can't put a Town
Hall on it.

MR. MC MENAMIN: Conservation.

MR. SHEEHAN: Do you know how many
of those things we have? You drive by
and think it's someone's property, but

the Town owns it.

2 Or you can do what I suggested
3 and the only problem is if you put the
4 conservation easement, you have to hook
5 it up to one of the lots.

6 You can do that conservation
7 easement with the existing lot, as part
8 of the subdivision, but he would own
9 that property.

10 My concern is who is going to
11 maintain it? It's the houses across
12 the street that have to look at this
13 thing.

14 If it's a conservation easement,
15 you can't touch it, so that grass grows
16 five feet high. That's the way it is.

17 MR. MC MENAMIN: That is the way
18 it is now.

19 MR. SHEEHAN: It was always
20 maintained until the owner died. They
21 always cut the grass.

22 That is only my suggestion, but
23 you have to get to that point. You
24 have to get sketch on the standard;

layout you're a hundred percent right,

2 Tom, they have to prove that the
3 standard layout can be built.

4 MR. MC MENAMIN: Yes, but the
5 cluster on the lot, Lot 2, it is a
6 beautiful piece of property. I hate
7 that, but the fact that we have
8 Fernstrom and Roberts, which is also
9 such a small lot, now you will have all
10 325 thousand square foot lots, instead
11 of an acre-and-a-half.

12 MR. SHEEHAN: I actually, at the
13 tech meeting, they offered that
14 property to the Town and my suggestion
15 was, no.

16 But, then I got thinking, I'm
17 saying, why not? It will make the
18 existing lot better. Carl was there
19 and Jerry Rogers was there.

20 My first opinion was, no, we
21 don't want it. Then I thought, why
22 not?

23 MR. MC MENAMIN: The Town would
24 have to insure it.

MR. SHEEHAN: So?

2 MR. MC MENAMIN: So, they aren't
3 allowed to build anything on it, so
4 ---

5 MR. SHEEHAN: I think, actually,
6 my first reaction was, no, but then I
7 got to thinking about it ---

8 MR. MC MENAMIN: The natural thing
9 is not to take land; especially swampy
10 land.

11 MR. SHEEHAN: It is not a small
12 piece of property.

13 MR. STACH: I also think it is a
14 good idea to add to Fernstrom and
15 Roberts' lot, but does it have to
16 remain part of the subdivision? I
17 wonder that.

18 MR. SHEEHAN: Not on the standard
19 layout, but on the average density,
20 yes.

21 If that is made a part of the
22 average density, it will bring sewer to
23 that house.

24 MR. STACH: Since we don't know if

the Town would want the lot, it should

to one of the existing lots.

2 MR. ZIGLER: Lot one.

3 MR. STACH: My point is, don't
4 draw it as a separate lot.

5 MR. SHEEHAN: You are jumping the
6 gun. We have to get sketch.

7 MR. STACH: By the way, I believe
8 you have to have the Town authority for
9 the average density, too.

10 MR. SHEEHAN: No. We actually
11 --- the Town Board passed a resolution
12 years ago. Ira was there, actually,
13 that gave the Planning Board authority
14 to do average density without Town
15 Board approval.

16 I'd have to check it.

17 It has been a long time, but I
18 don't believe --- I believe that's the
19 case.

20 MR. ROGERS: Can I ask a question?

21 Let's go on the pretext that this
22 all gets worked out and this becomes
23 Town property, any concern on the
24 Town's part, if the existing people

experienced a water problem, is it not

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now going to come to the Town, saying
now this is your water problem?

MR. SHEEHAN: No, because the
way the code reads, "zero net
increase". It is what it is.

If they add something that is
different, but they have --- the Town
or the Applicant will have to prove
there was zero net increase.

We have so many pieces like this
in this Town, so -- --

MR. ROGERS: Okay. I was just
wondering.

THE CHAIRMAN: All right.

MR. STACH: I think the first step
you have to go through, and I'm going
to assume that Bill's recollection is
correct, you're first step right now, I
believe you can do it tonight, if you
wanted to give sketch approval to the
standard plan and establish that the
lot you would say, could yield two
buildable lots.

MR. SHEEHAN: You are basically

2 doing a lot.

3 MR. STACH: Sketch approval
4 doesn't authorize him to build
5 anything. It is buildable and is
6 acceptable to the Planning Board.

7 MR. SHEEHAN: If you do the
8 average density, probably you remember
9 Tiorati Trail, that did an average
10 density and tried to come back in and
11 subdivide one of the lots. They
12 couldn't because they did average
13 density and they got a lot count.

14 Once you get that, once you get a
15 lot count, you can't go any higher,
16 even if you have a over-sized lot.

17 Once you do average density, the
18 lot count is what it is. This then
19 becomes an extends the sewer, it's in
20 the subdivision and it's automatically,
21 it automatically becomes a major
22 subdivision and it doesn't matter how
23 many lots you have.

24 MR. MC MENAMIN: Wait, wait.

MR. ZIGLER: There's no sewer on

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that road.

MR. MC MENAMIN: I know. Why can't he have a septic system?

MR. ZIGLER: No. If sewers are available we have to put a pump station. We have to extend the sewer from Madison to the west for service. It is drawn on the map ---

MR. SHEEHAN: If they did nothing with the existing lot, as far as his proposal, no, they can stay on septic.

But if that existing lot becomes part of this subdivision, then they have to hook it up because it is part of this proposal.

MR. MULLER: At whose expense?

MR. SHEEHAN: That is between them.

MR. STACH: That's why that guy has to be part of the average density.

MR. SHEEHAN: That guy, yes, if they're going to give him property. If not, that's a different story.

MR. STACH: He's got to understand

2 because of the fact that they are
3 giving him extra lands, he can't come
4 back in later for a second lot
5 and then ---

6 MR. SHEEHAN: That's why if you, I
7 would want it included in the average
8 density plan. If you do average
9 density, you can't.

10 (Inaudible).

11 MR. KREASE: Is this a done deal.

12 MR. SHEEHAN: No. If you give
13 sketch approval tonight ---

14 MR. KREASE: I'm talking about the
15 other lot. The average density lot.
16 Once we finalize that, an average
17 density lot, later on; not tonight, it
18 is what it is?

19 MR. SHEEHAN: Right. It is what
20 it is.

21 Right now, that existing lot is
22 not part of the standard plat.

23 It might become part of the
24 average density, but that is between

the Applicant and the homeowner.

2 Maybe they will come to terms and
3 it's not part of it. I don't know, but
4 it is up to them, not us.

5 I'd like to see, because we would
6 like to get that lot more conforming
7 than it is, but it is not up to us.
8 It is up to them.

9 MR. ROGERS: So, what is the
10 next, logical step?

11 MR. SHEEHAN: They're proposing
12 two lots on the standard layout.

13 They have to prove they do meet
14 all the zoning requirements. No doubt.
15 It can't be built.

16 If Tom is happy with Dave's
17 scenario, they pick-up the drainage on
18 lot 2 for the wetlands and do the
19 standard layout and then they can go
20 back to the drawing board and present a
21 new map to us on the average density.

22 So, I think if you guys are ready
23 to go, you can do sketch approval and
24 ask the Applicant to submit an average

2 MR. MC MENAMIN: I will make the
3 motion to approve the sketch of the
4 standard layout for establishing a lot
5 count of two lots for the eventual
6 consideration of the Planning Board for
7 a clustered layout, facing towards
8 Crickettown and Heights Roads.

9 THE CHAIRMAN: I need a second.

10 MR. KREASE: Second.

11 THE CHAIRMAN: Mary, poll the
12 Board.

13 MS. PAGANO: Mr. McMenamin?

14 MR. MC MENAMIN: Yes.

15 MS. PAGANO: Mr. Muller?

16 MR. MULLER: Yes.

17 MS. PAGANO: Mr. Javenes?

18 MR. JAVENES: Yes.

19 MS. PAGANO: Mr. Krease?

20 MR. KREASE: Yes.

21 MS. PAGANO: Mrs. Callaghan?

22 MRS. CALLAGHAN: Yes.

23 MS. PAGANO: Mr. Rogers?

24 MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

2 THE CHAIRMAN: Yes.

3 MR. STACH: Mr. Chairman, the
4 next step of this will be for you to do
5 SEQRA, but you will be doing it on the
6 average density plan.

7 I actually submitted a notice of
8 intent and the Town Board would have to
9 authorize it, but I don't need to do
10 that, as I provided you with a Part
11 II, which has only indicated potential
12 drainage impacts.

13 You could adopt this tonight, but
14 I ask that you hold off by the next
15 meeting because I believe this
16 Applicant should investigate everything
17 and if you have no further concerns,
18 beyond --

19 THE CHAIRMAN: Well, are there any
20 questions with regard to the Part II?

21 (No responses heard.)

22 THE CHAIRMAN: We can adopt it.

23 MR. STACH: And it's pending the
24 Applicant investigating the drainage on

the proposed action, and alter the

2 reading the existing drainage patterns
3 as noted on the Part II.

4 THE CHAIRMAN: I need a motion to
5 adopt the Part II.

6 MR. MC MENAMIN: I will make a
7 motion to adopt the Part II, as
8 written.

9 THE CHAIRMAN: I need a second.

10 MRS. CALLAGHAN: I will second
11 it.

12 THE CHAIRMAN: So, I have a
13 motion to adopt the Part II and a
14 second.

15 Mary, poll the Board.

16 MS. PAGANO: Mr. McMenamin?

17 MR. MC MENAMIN: Yes.

18 MS. PAGANO: Mr. Muller?

19 MR. MULLER: Yes.

20 MS. PAGANO: Mr. Javenes?

21 MR. JAVENES: Yes.

22 MS. PAGANO: Mr. Krease?

23 MR. KREASE: Yes.

24 MS. PAGANO: Mrs. Callaghan?

MRS. CALLAGHAN: Yes.

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MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes.

MR. STACH: You have already done lead agency and the Board or Kevin, he is going to explore the issues that Bill brought up about potentially including that in the average density.

MR. ZIGLER: Probably we won't be back next month. We will be skipping a month, so it won't make any difference, one way or the other.

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:

VIRGIN MARY & SAINT PACHOMIOUS COPTIC
ORTHODOX CHURCH,

Applicants.

- - - - - X

9:40 o'clock p.m.
June 23rd, 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,
NYS Certified Court Reporter
and Notary Public

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Appearances continued: 79

NABIL N. MIJALLI, Architect for
Applicant

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

WILLIAM SHEEHAN, Town Building
Inspector

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

2 THE CHAIRMAN: Next is Virgin
3 Mary and Saint Pachomious Coptic
4 Orthodox Church, located on the north
5 side of Swim Club Road, 250 feet east
6 of Sherwood Farms Court.

7 MR. RESNICK: Doesn't everybody
8 have this resolution?

9 MR. MC MENAMIN: I have three
10 copies of that.

11 (Off-the-record discussion.)

12 MR. ZIGLER: Dave Zigler, Atzl,
13 Scatassa and Zigler for the Applicant.

14 The Applicant came to the
15 conclusion that right now they're not
16 able to build the entire site and they
17 are looking for some relief to phase
18 the plan.

19 So, we met at the workshop and
20 what the Applicant would like to do, if
21 you remember where the patio was,
22 behind the old catering house, they
23 would like to put that portion of the
24 addition in and being that that is not

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review for the overall new church, we are hoping that the Board will feel that it's minor, an added map note, number ten to the map, basically, giving the permission to release the permit for that portion of the building which we have it labeled 1B.

And it really just covers that patio area and that any further request for a permit, we would need the Health Department approval and also the Rockland County Drainage Agency approval at that point.

So, what the Applicant is asking is to --- maybe we should have done it in the beginning --- but, not realizing what was happening with the project, we should have seen this, but we didn't, and what they're doing, they're now asking to put that small addition on to help them out right now and finish up, you know, do the construction at a later date for the rest of it.

MR. MULLER: Sort of like a phase

2 one and phase two?

3 MR. ZIGLER: Right.

4 THE CHAIRMAN: Any questions?

5 Kevin?

6 MR. MAHER: It is a minor impact.

7 As far as the drainage is concerned. I

8 don't see any engineering reasons to

9 object to it.

10 THE CHAIRMAN: Bill?

11 MR. SHEEHAN: Typically, if they
12 didn't have approval from the Planning
13 Board, I wouldn't be able to issue that
14 permit without Planning Board approval
15 for the patio area.

16 I felt since it was before the
17 Planning Board, I'd want it to come
18 back here, so we discussed it at the
19 tech meeting, you know, how or what
20 the choices were and I mentioned that I
21 thought it would be easier to do a
22 Phase One and Phase Two, instead of
23 doing two mylars; one with the overall
24 plan and the small addition, without

approval from the Health Department.

2 So, I have no problem with it.

3 The Drainage Agency --- even with
4 the smaller addition, I can't, so I
5 don't think that needs to be in the
6 resolution.

7 We have no authority to overstep
8 the Drainage Agency, but beyond that, I
9 think it's the way to go.

10 They need the room, you know.
11 When they come back in for the overall
12 church, we will make sure they have
13 Health Department approval prior to
14 issuing a permit.

15 I don't see it's a big deal. I
16 think it is a cleaner way to do it
17 instead of doing two maps, to just
18 phase it.

19 MRS. CALLAGHAN: Do we have a
20 problem with the Palisades Interstate
21 Parkway?

22 MR. SHEEHAN: This plan, the
23 overall plan --- the problem they have
24 is they can't follow the mylar --- they

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can't get a sign from us because they

MR. MC MENAMIN: If they didn't

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have this approval on this, this little additional?

MR. SHEEHAN: I would make sure they had Drainage Agency and whatever else they needed, but the Building Department can issue minor additions.

If you have a ten thousand square foot building and you are adding on a thousand square foot, I consider it minor.

I didn't want to do that in this case, because it has been before you guys before, just bring you up to speed.

MR. MC MENAMIN: So, this was totally described on the original set of plans?

MR. SHEEHAN: Oh, yeah.

MR. MC MENAMIN: What is this for?

MR. SHEEHAN: The breezeway from the existing building to the new part; a dining room.

MR. ZIGLER: The architect is

25

here.

2 MR. MIJALLI: Just, good evening.
3 My name is Nabil N. Mijalli, the
4 architect.

5 This is the area in front of the
6 kitchen. It is a big eating room.

7 So, after the masses every Sunday
8 so the people can eat. The bathroom
9 here, there's just the one small
10 bathroom.

11 MR. MC MENAMIN: Are there
12 additional kitchens?

13 MR. MIJALLI: The existing
14 kitchen. It is the same kitchen.

15 MR. MC MENAMIN: No additional
16 kitchen?

17 MR. MIJALLI: The kitchen is
18 existing now. We removed this a
19 little, but it is the same existing
20 kitchen.

21 MRS. CALLAGHAN: How many people
22 do you expect?

23 MR. MIJALLI: Normally, maybe it
24 is two hundred people that they come

for the service.

2 MR. SHEEHAN: It's no different
3 than what you guys approved already.
4 It's just omitting the church at this
5 point.

6 MR. MC MENAMIN: What I am
7 driving at, is the additional load this
8 building will bring forth on the sewer,
9 the drainage, storm water; whatever
10 else the structure on the site as it
11 is, without the improvements made as
12 per the site plan, everything is
13 acceptable as far as the construction,
14 building you approved it already.

15 MR. SHEEHAN: Basically ---

16 MR. MC MENAMIN: New construction
17 means before that, there's new
18 infrastructure, new storm water
19 management, sewer line.

20 MR. SHEEHAN: No. That is why I
21 made the statement that I would not
22 issue a permit until the Drainage
23 Agency issued their comments.

24 If they sign off on it, I have no

2 MR. MC MENAMIN: It is up to them.

3 MR. SHEEHAN: Yes. That is why I
4 made the statement.

5 MR. MC MENAMIN: I didn't
6 understand, so that's why I asked. The
7 Health Department is dragging its
8 feet. Drainage is separate. We approve
9 this and they go forward on the lot.

10 MR. SHEEHAN: Basically, the
11 only thing that you are approving is
12 that they can do it in phase one and
13 phase two.

14 Before phase two starts, they
15 will need Health Department approval.

16 They are not pursuing the sewer
17 system now ---

18 MR. MC MENAMIN: But, the capacity
19 existing today, this small space
20 they're adding won't ---

21 MR. SHEEHAN: As you probability
22 know, the Health Department regulates
23 bedrooms and occupancy, well not
24 bedrooms itself, but ---

MR. MC MENAMIN: And he's not

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changing anything as far as the kitchen goes?

MR. SHEEHAN: Correct. You can have ten bathrooms in your house and one bedroom, but you can only have so many occupants in the bedroom.

MR. MC MENAMIN: I was more concerned about the kitchen.

MR. SHEEHAN: It's a dining room with a bathroom.

MR. MC MENAMIN: So, will the grease traps, they are not going to be increased?

MR. SHEEHAN: I didn't know about grease traps, but they're on a septic system.

Obviously, the church will be on the sewer when it's updated.

MR. MC MENAMIN: But, in the interim, if we approve this basic plan, the capacity, what they have there now will continue except for the drainage. The capacity they have there is there?

MR. SHEEHAN: Correct.

2 MR. MC MENAMIN: Thank you. Thank
3 you.

4 MR. STACH: Because you had
5 adopted a neg dec, because of the
6 circumstances, it has changed.

7 So, I prepared an amended
8 negative dec for you to consider.

9 It is almost identical to the
10 previous one and except for the date
11 and item 11, the reason for the
12 supporting Items 12 through 15 note
13 that and an application was approved
14 prior to the site plan and that a new
15 application was received on June 15th
16 and as of that date, the phasing of
17 this addition is not anticipated to
18 change anything. Phasing this addition
19 is not anticipating a change for
20 potential impacts.

21 On the previous neg dec, as it
22 states, (reading).

23 THE CHAIRMAN: Wait. I have to
24 first --- I have to read the amended

25

Dec.

2 "State Environmental Quality
3 Review, Amended Negative Declaration,
4 Notice of Determination of
5 non-Significance.

6 "Project: Virgin Mary and Saint
7 Pachomious Church

8 "Town of Stony Point, New York

9 "Date: June 23rd, 201

10 "This notice is issued pursuant
11 to Part 617 of the implementing
12 regulation pertaining to Article 8
13 (State Environmental Quality Review
14 Act) of the Environmental Conservation
15 Law.

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

23 "Name of Action: Virgin Mary and
24 Saint Pachomious Church

"SEQRA Status: Unlisted.

2 "Description of Action:

3 Expansion of an existing church
4 building, formerly used as a catering
5 hall, into a more traditional church
6 building, with accessory educational
7 and banquet space.

8 "Location: North side of Swim
9 Club Road, 250 feet east of Sherwood
10 Farms Court in the Town of Stony Point,
11 Rockland County, New York 10980. Lot
12 is designated as Section 14.02 Block 1,
13 Lot 30 on the Town of Stony Point Tax
14 Map.

15 "Reasons Supporting This
16 Determination:

17 "The proposed action is not
18 anticipated to result in any adverse
19 environmental impacts based on the
20 following:

21 "1. On or about April 26,
22 2010, the Planning Board received a
23 Part I Full Environmental Assessment
24 Form (EAF) providing project

2 "2. On or about April 22,
3 2010, the Planning Board noticed its
4 intent to declare lead agency status.

5 "3. On or about June 24,
6 2010 the Planning Board assumed lead
7 agency status and declared the action a
8 Type I action. At this time, a Part II
9 EAF was also adopted indicating
10 potential large impact to:

11 "a) A protected water
12 body, including extension of utilities
13 through the protected water body.

14 "b) A freshwater
15 wetland.

16 "c) A county stream.

17 "d) Erosion.

18 "e) Visual impacts to
19 esthetic resources.

20 "4. The Planning Board
21 adopted a Part 3 EAF at its July 22,
22 2010 meeting, having reviewed the
23 submission and having found the
24 document provided adequate information

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2 importance of potential large impacts,
3 and;

4 "5. It was determined that
5 there will be no disturbance within 150
6 feet of protected water bodies and that
7 the existing septic system will be
8 disabled and removed, and;

9 "6. The stream crossing
10 will follow all requirements of
11 multiple agencies reviewing the
12 proposal, included the DEC and Rockland
13 County Drainage Agency and the Town of
14 Stony Point. All sewer lines will be
15 vacuum tested for leaks prior to
16 utilization.

17 "7. There will be no
18 disturbance to Army Corps or New York
19 State DEC wetlands.

20 "8. The applicant will file
21 for a Rockland County Drainage Permit
22 and adhere to its requirements.

23 "9. The project sponsor has
24 provided a storm water management

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previous plan with the exception that it allows for an approximately 4,000 square foot addition to the existing church building to be constructed as a first phase prior to completion of other site improvements.

"15. The phasing of this addition is not anticipated to change the potential for impacts beyond the original project which was the subject of the lead agency's previous Negative Declaration.

"16. No other environmental impacts are anticipated."

All right. I just need a motion to adopt the neg dec.

MR. ROGERS: I will make that motion, Mr. Chairman.

THE CHAIRMAN: I need a second?

MRS. CALLAGHAN: I will second it.

THE CHAIRMAN: Mary, poll the Board.

MS. PAGANO: Mr. McMenamin?

2 MR. MC MENAMIN: Yes.

3 MS. PAGANO: Mr. Muller?

4 MR. MULLER: Yes.

5 MS. PAGANO: Mr. Javenes?

6 MR. JAVENES: Yes.

7 MS. PAGANO: Mr. Krease?

8 MR. KREASE: Yes.

9 MS. PAGANO: Mrs. Callaghan?

10 MRS. CALLAGHAN: Yes.

11 MS. PAGANO: Mr. Rogers?

12 MR. ROGERS: Yes.

13 MS. PAGANO: Chairman Gubitosa?

14 THE CHAIRMAN: Yes. All right,
15 now I need a motion to, I guess, accept
16 the amended final resolution.

17 MR. MULLER: I will make the
18 motion.

19 MR. ROGERS: Second.

20 THE CHAIRMAN: Jerry, I will
21 ask you to read it, though.

22 MR. ROGERS: Yes.

23 "Amended resolution:

24 "A meeting of the Town of Stony

2 "The Chairman opened the meeting,
3 explained the purpose of the hearing
4 and the history of the Applicant's
5 proposal before the Planning Board.
6 Ira A. Emanuel, Esq., and David M.
7 Zigler, PLS were present on behalf of
8 the Applicant. Kevin Maher was present
9 as Town Engineer, Special Counsel to
10 the Planning Board, Feerick, Lynch,
11 MacCartney, was present by David J.
12 Resnick, Esq.; Robert Geneslaw Company
13 Planning Consultant to the Planning
14 Board was present by Maximilian Stach.

15 "The Planning Board previously
16 heard from the Town's Planning
17 Consultant, Robert Geneslaw Company and
18 Kevin Maher, Town Engineer with respect
19 to the Applicant's proposal.

20 "Whereas, the Applicant
21 previously made application to the Town
22 of Stony Point Planning Board (Planning
23 Board) for Site Plan approval for the
24 utilization of existing structures and

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structure of approximately 9,000 square feet, located in an RR Zoning District at the north side of Swim Club Road, 250 feet east of Sherwood Farms Court, Town of Stony Point, State of New York (the Premises). Said premises being designated on the Town of Stony Point Tax Map as Section 14.02, Block 1, Lot 30, as shown on the 'Overall Site and Development Plan' for Virgin Mary and Saint Pachomious Coptic Orthodox Church, consisting of nine pages, as prepared by Atzl, Scatassa and Zigler, P.C. and first dated May 6, 2010, last revised August 12, 2010 (the Project), and;

"Whereas, the Planning Board in its role as Lead Agency duly considered the Applications and the requests, comments and recommendations of the public, reviewing agencies and the consultants and by super majority vote, granted Conditional Approval for the

1
2 December 9, 2010 (the Conditional
3 Approval) and;

4 "Whereas, the Applicant has not
5 submitted a Revised Site Plan dated May
6 6th, 2010, last revised June 14, 2011
7 (the Revised Site Plan) with the
8 Applicant now appearing again before
9 the Planning Board, seeking Amended
10 Conditional Site Plan Approval, so as
11 to allow construction of a portion of
12 the Project (Building 1B) prior to
13 receiving final Rockland County Board
14 of Health approval, as required in the
15 prior Resolution, granting Conditional
16 Approval, with the balance of the
17 Project to be completed only following
18 the Applicant's compliance with all
19 conditions of the Conditional Approval,
20 including, but not limited to Rockland
21 County Board of Health review and
22 approval of the Applicant's sewer
23 connection, as set for in new Map Note
24 Number 10 on the Revised Site Plan,

25

and;

2 "Whereas, the Planning Boar
3 acting as Lead Agency, adopted an
4 Amended Negative Declaration for the
5 Project, dated June 23, 2011, pursuant
6 to the New York State Environmental
7 Quality Review Act (SEQRA) and
8 determined that a Public Hearing is not
9 required for this revision, and;

10 "Whereas, the Project application
11 and all documentation in support of the
12 Application was distributed for review
13 and comment by all involved Town and
14 County agencies and necessary
15 consultants and the Planning Board has
16 duly taken into consideration the
17 comments of the Applicant, and;

18 "Whereas, it appears that the
19 best interest of the Town of Stony
20 Point will be served if this
21 application of the Virgin Mary and
22 Saint Pachomious Coptic Church for
23 Revised Site Plan, is approved.

24 "Now, therefore, be it resolved

2 Point Planning Board, as follows:

3 "Section 1: The site plan
4 entitled, 'Overall Site Development
5 Plan for Virgin Mary and Saint
6 Pachomious Coptic Orthodox Church',
7 consisting of nine pages, as prepared
8 by Atzl, Scatassa and Zigler, P. C,
9 and first dated May 6, 2010, last
10 revised June 14, 2011 submitted to the
11 Planning Board for approval and
12 affecting premises designed on the Tax
13 Map of the Town of Stony Point as above
14 referenced, be and hereby is approved
15 upon payment of any and all outstanding
16 fees and expressly after compliance
17 with and subject to the following
18 conditions:

19 "A) The Applicant shall
20 comply with all pertinent and
21 applicable conditions as mandated in
22 the Planning Board's previous
23 Resolution of Approval for the Project,
24 dated December 9, 2010, with the

exception that the Applicant shall be

2 permitted upon application to the Town
3 Building Inspector and to the
4 satisfaction of the Building Inspector,
5 to construct that portion of the
6 Project designated as Building 1B,
7 prior to receiving required approvals
8 from the Rockland County Board of
9 Health;

10 "B) Upon (i) payment of all
11 required fees to the Town and its
12 consultants and (ii) submission and
13 approval of any legal documents and the
14 Site Plan with such additions as may be
15 required (iii) approval of any and all
16 permits required by the Rockland County
17 Drainage Agency, (iv) approval of any
18 and all permits required by the New
19 York State Department of Environmental
20 Conservation, and the Site Plan may be
21 approved and signed by the Chairman of
22 the Planning Board and duly filed in
23 the Office of the Clerk of the Town of
24 Stony Point."

CHAIRMAN: Thank you. All right,

2 I have a motion and a second.

3 MR. STACH: A quick suggestion
4 with regard to item A, where it says,
5 "...shall comply with all pertinent and
6 applicable conditions, as set forth..."
7 when we previously approved it, we
8 overrided the condition relevant to the
9 letter of the Palisades Interstate
10 Parkway Park Commission, dated October
11 7th, 2010.

12 I think it is appropriate to note
13 that here, as well, so ---

14 MR. KREASE: We can put it in.
15 We will put in some language after,
16 "Department of Planning to the extent
17 as set forth in the Board's previous
18 Resolution..."

19 MR. STACH: Or only say that the
20 Applicant shall comply with all
21 pertinent and applicable conditions, as
22 mandated by the Board's previous
23 resolution of the approval. Or if you
24 delete everything from, "...in the

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Department of Planning and reviewing agencies and we can add or it will read "... all applicable conditions as mandated in the Board's previous resolution."

THE CHAIRMAN: All right. We will receive it under advisement. I have a motion and a second.

Poll the Board on this, Mary.

MS. PAGANO: Mr. McMenamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mr. Javenes?

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.

MR. ZGLER: Thank you.