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

- - - - - X

In the Matter of the Application

RE:

S AND V ALIMRON,

Applicants.

- - - - - X

7 o'clock p.m.
March 24th, 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

23

Reported by:

Patricia A. Puleo,

24

NYS Certified Court Reporter

and Notary Public

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Appearances continued:

3

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

Counsel

WILLIAM SHEEHAN, Town Building

Inspector

(Not Present)

LIZ VERRIER, Deputy Town Attorney
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer
(Not Present)

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

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

And the Public.

SERVICES

PULEO REPORTING & TRANSCRIPTION

61 Crickettown Road
Stony Point, New York 10980

22

(845) 429-8986 FAX and Phone

23

24

25

1 - Proceedings -

2 (3/24/11 Stony Point Planning

3 Board.)

4 THE CHAIRMAN: Stand for the

5 Pledge, please.

6 (At this time the Pledge of

7 Allegiance was recited).

8 THE CHAIRMAN: Roll call, Mary,

9 please.

10 MS. PAGANO: Mr. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS. PAGANO: Mr. Javenes?

13 MR. JAVENES: Here.

14 MS. PAGANO: Mr. Muller?

15 MR. MULLER: Here.

16 MS. PAGANO: Mr. Krease?

17 MR. KREASE: Here.

18 MS. PAGANO: Mrs. Callaghan?

19 MRS. CALLAGHAN: Here.

20 MS. PAGANO: Mr. Rogers?

21 MR. ROGERS: Here?

22 MS. PAGANO: Chairman Gubitosa?

23 THE CHAIRMAN: Here.

24 All right, first on the Agenda is
25 S & V Alimron, located on the west side

1 - Proceedings -

2 of Route 9W, three hundred feet south
3 of Polk Road.

4 This is the public hearing.

5 Mr. Zigler, please update us.

6 MR. ZIGLER: Am I supposed to
7 stand over here or there? I notice
8 also that we lost our board to hang
9 stuff up.

10 THE CHAIRMAN: I will have to find
11 out where it is. If you want to put it
12 on the table, that's fine, for now.

13 MR. ZIGLER: Yes. We were here
14 three years ago, roughly, for a final
15 on the Alimron subdivision.

16 After we received final, of
17 course, the owner/Applicant, put the
18 property up for sale and as everything
19 else in this market, it did not sell.

20 On top of that, both of the
21 owners had some health problems,
22 serious health problems. They just
23 recovered from that now.

24

They want me to come back to the

25

Board to get approval, to re-submit and

1 - Proceedings -

2 get approval and instead of selling the
3 property, keep it themselves and
4 upgrade the homes.

5 So, the only difference, from
6 three years ago, to this map that we're
7 looking at now is basically two things;
8 we moved the property line over on the
9 proposed house, so that the easement
10 going on to 9W, here (indicating on a
11 diagram) was on the proposed house and
12 this map I am holding up --- well, here
13 are (indicating) the two existing
14 homes.

15 They are in the orange color.

16 This (indicating) is the triangle
17 piece where driveway goes out over the
18 lawn.

19 The proposal is to build a house
20 on that lot. So, actually, what you
21 have today, you have one lot with two
22 homes.

23 We are proposing to make three

24 lots, one for each of the existing
25 homes, then build a new single-family

1 - Proceedings -

2 home. The two homes will be brought
3 back into code. Right now they are
4 more like apartment houses.

5 You know, the code only allows a
6 two-family house, so they'd have to be
7 brought back into code, brought up to
8 snuff with the paving, and all of the
9 improvements and stand on its own as a
10 two-family home.

11 So, our proposal is the same as
12 the original, to bring both existing
13 homes around for the parking, upgrade
14 the grading around them a little bit,
15 provide more lawn area in front by
16 removing some of the pavement.

17 There is a lot of pavement around
18 the house in front. The house to the
19 south has gone to the ARB for review
20 and approval three years ago.

21 So, what we would like the Board
22 to do is to vote on a subdivision of
23 three lots.

24

We will create the third lot for

25

a new home in the future and we are

1 - Proceedings -

2 going to put in a sequence of
3 construction which we discussed at the
4 workshop.

5 To that extent, I wrote a letter
6 to the Board asking for this to be
7 continued to next month.

8 I'm not ready to address the
9 construction sequence because the
10 clients were away. I would like to
11 detail the map a little more.

12 We had quite a discussion at the
13 workshop and I would like to detail the
14 map more. Then we'll come back to the
15 Board with all the answers; some were
16 in answer to Max's comments, and some
17 were brought up at the workshop.

18 Really, basically, it's the same
19 application of three years ago.

20 THE CHAIRMAN: All right.

21 So, right now what we will do, I
22 will open the public hearing.

23 All I ask, if you want to speak,

24 just raise your hands and just state
25 your name and address for the record

1 - Proceedings -

2 and if you don't want to step up, step
3 up a little so that we can hear you.
4 We will try to address your concerns.
5 The public hearing is open.

6 If you would like to comment,
7 come up a little more.

8 MS. KORN: My name is Kathleen
9 Korn and I live at 24 Gilmore Drive.

10 THE CHAIRMAN: Come up a little
11 more so we can hear.

12 MS. KORN: What is the size of
13 the lot for that third house?

14 MR. ZIGLER: All the lots exceed
15 forty thousand square foot.

16 THE CHAIRMAN: If you look --- if
17 you'd like to come up and look at the
18 map, at least you can get an idea of
19 it.

20 MR. ZIGLER: It's exactly the same
21 as it was originally.

22 MS. KORN: From my backyard, it
23 looks like a tiny, little lot.

24

MR. ZIGLER: No. This is around

25

sixty thousand. (Indicating on a map.)

1 - Proceedings -

2 And this is (indicating) is
3 around forty-five; and that's around
4 forty (indicating), okay?

5 So, you live behind the existing
6 home here on the north. You are right
7 here (indicating on a map.) We are not
8 doing anything there.

9 MS. KORN: No, we are here.

10 MR. ZIGLER: I'm sorry. Sorry.
11 They will, she will be right between
12 the two homes. There will be a third
13 house on the triangle here.

14 MS. KORN: Right. It should be
15 right around here (indicating).

16 MR. ZIGLER: Yes and down ---

17 MS. KORN: Again, he is right on
18 the turn, but it is a teeny, tiny
19 piece.

20 It's like a pie-shaped ---

21 MR. ZIGLER: That lot is actually
22 larger than this lot.

23 MS. KORN: What is the code for

24 Stony Point for allowing this and how
25 big does the house have to be for the

1 - Proceedings -

2 size of the lot? When we moved in, you
3 had to have a third of an acre.

4 MR. MULLER: Forty thousand
5 square feet; that's a building acre.

6 MS. KORN: The built house is on
7 plenty and so is the first house ---

8 MR. MULLER: The proposed lot is
9 one building acre.

10 MS. KORN: Will they both be the
11 same size?

12 MR. MULLER: No. The one proposed
13 lot will be forty thousand square feet.

14 MR. ZIGLER: These two lots
15 (indicating on a map) are over an
16 acre; twice as big as the lots that are
17 in your neighborhood.

18 MR. MULLER: Sixty-three
19 thousand.

20 MR. ZIGLER: But the one we're
21 proposing will for forty thousand
22 square feet.

23 MS. KORN: So, you are --- are you

24 going to gut this house?

25 MR. ZIGLER: Stripped in the

1 - Proceedings -

2 front; they went to the ARB for it. It
3 will be re-built. The porch will be
4 removed. Yes, it won't be in the shape
5 it is now. It is more of an apartment
6 house now.

7 Both homes, they're going to be
8 inspected for the C. Of O.

9 So, part of this application is
10 going back to the building inspector
11 for the C.O. for both lots to be legal,
12 for a two-family home, legal
13 two-family homes and then there's
14 parking around each home, around here,
15 around each home.

16 The pavement is in the front now
17 and between the homes and on 9W will be
18 removed. You can actually drive around
19 the home now.

20 The second one ---

21 MS. KORN: All that pavement by
22 the two-family will be decks and where
23 the gazebo is ---

24

MR. ZIGLER: Yeah, that's all

25

coming out. On the north side of that

1 - Proceedings -

2 house, where the gazebo is, all of that
3 pavement is coming out.

4 MS. KORN: All right.

5 THE CHAIRMAN: Any further
6 questions, ma'am?

7 MS. KORN: No, thank you.

8 THE CHAIRMAN: Thank you. Anyone
9 else have any comments?

10 MR. MULLER: I have a question.
11 I see Rob here tonight.

12 Several years ago you had water
13 issues. Have they been satisfied,
14 Robert?

15 UNIDENTIFIED MALE: Yup. I
16 haven't seen any water ---

17 THE STENOGRAPHER: What is your
18 name?

19 MR. MC GUINN: Rob McGuinn
20 (phonetically written).

21 MR. MULLER: So, so far you are
22 good?

23 MR. MC GUINN: I have no water

24 problems. I haven't looked to see if
25 any water is coming out of that pipe

1 - Proceedings -

2 anymore, but I put a berm up there, so
3 it stays there.

4 THE CHAIRMAN: We will keep the
5 public hearing open.

6 MR. MULLER: I will make that
7 motion, Mr. Chairman, to keep the
8 public hearing open.

9 THE CHAIRMAN: I need a second.

10 MR. ROGERS: I will second it.

11 THE CHAIRMAN: All in favor?

12 (Unanimous affirmative vote.)

13 THE CHAIRMAN: Opposed?

14 (No responses heard.)

15 THE CHAIRMAN: All right. We
16 will keep the public hearing open on
17 Alimron. The public hearing will be
18 open for next month.

19 Now we have, I guess, the
20 negative declaration, if you want to go
21 through that?

22 MR. STACH: This is the amended
23 negative declaration I prepared for

24 your review.

25 Previously, you had already

1 - Proceedings -

2 adopted a neg dec on this application.

3 There are minor changes, not
4 resulting in any additional impacts but
5 SEQRA will require that you amend the
6 original negative declaration to state
7 the changes as they were made will not
8 impact, so I have drafted, that, no
9 additional environmental impacts.

10 THE CHAIRMAN: What changes?

11 MR. STACH: Really, what the
12 consequential or substantive changes to
13 the map are, the removal of the rock
14 wall and the phasing the order of the
15 improvements. The order in which they
16 must be installed is being changed
17 here.

18 Beyond that, they're are no
19 significant changes between the
20 originally considered plan and the one
21 more recent.

22 THE CHAIRMAN: All right. So
23 basically, back in 2008 we adopted the

24 original neg dec.

25 Now, this neg dec does have, or

1 - Proceedings -

2 did have some slight additions from the
3 original.

4 MR. STACH: It essentially says
5 that we've reviewed the new plan
6 against the old plans. I did that on
7 the new plan and that you don't find
8 any substantial impacts, by the
9 D.O.T. and it addresses whether or not
10 that wall being moved is vital to the
11 character of the community, and this
12 negative dec states "No, it doesn't".

13 That was the only impact that I
14 could foresee from the plan changes.

15 THE CHAIRMAN: Does the Board
16 have any questions before I read the
17 amended one, amended neg dec into the
18 record?

19 MR. RESNICK: I have a question;
20 do you know, do you know if the
21 variances granted from '08, where was
22 that to the land, do you have to go
23 back to the ZBA?

24 MR. ZIGLER: No changes. We're not
25 impinging. We don't have to go back

1 - Proceedings -

2 to the ZBA. No change.

3 MR. RESNICK: Okay, the old
4 variances are still in effect?

5 MR. ZIGLER: Correct.

6 THE CHAIRMAN: I am going to read
7 the negative dec into the record, the
8 amended negative dec and then we'll
9 make a motion;

10 "State Environmental Quality
11 Review, Amended Negative Declaration,
12 Notice of Determination of Non --
13 Significance:

14 "Town of Stony Point, New York.

15 "Date: March 24th, 2011

16 "This notice is issued pursuant
17 to Part 617 of the implementing
18 regulation pertaining to Article 8
19 (State Environmental Quality Review
20 Act) of the Environmental Conservation
21 Law.

22 "The Planning Board of the Town
23 of Stony Point, as lead agency, has

24 determined that the proposed action
25 described below will not have a

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- Proceedings -

significant effect on the environment
and a Draft Environmental Impact
Statement will not be prepared.

"Name of Action: S & V Alimron
Subdivision

"SEQRA Status: Unlisted.

"Condition Negative Declaration:
No.

"Description of Action:
Subdivision Approval creating three
separate building lots, two containing
existing residential structures and one
new lot for a single-family residence.
The application has been changed to
remove the rock wall along the front
yard and to modify the phasing of
improvements.

"Location: On the western side
of Route 9W, 300 feet south of Polk
Court. Existing lot is designated on
the Stony Point Tax Map as Lot
15.02-2-35.

24	"Reasons Supporting
25	Determination:

1 - Proceedings -

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

6 "1. The Town of Stony Point
7 Planning Board had adopted a Negative
8 Declaration of Environmental
9 Significance for the S and V Alimron
10 Subdivision on March 27th, 2008 and
11 subsequently approved the application,
12 but this subdivision was never filed;

13 "2. An application for a
14 substantially similar subdivision was
15 submitted to the Planning Board on
16 January 4th, 2011, differing only as to
17 the phasing of improvements and with
18 the removal of a rock wall along Route
19 9W;

20 "3. The Planning Board remains
21 the lead agency for the proposed
22 action;

23 "4. The Town Engineer has

24 reviewed the plans and believes that
25 the proposed changes will not result in

1 - Proceedings -

2 impacts to soil erosion or storm water
3 runoff;

4 "5. The New York State D.O.T.
5 has reviewed the plan and all of their
6 comments have been incorporated;

7 "6. The removal of the wall will
8 result in significantly increased sight
9 distance at the new site entrance
10 without the attendant expense of
11 reconstructing the wall further from
12 the street;

13 "7. The Planning Board did not
14 find that the wall was vital to the
15 character of the surrounding
16 community';

17 "8. No other impacts have been
18 anticipated."

19 All right. I have a negative
20 dec. I just need a motion to adopt it?

21 MR. MC MENAMIN: I have a
22 question.

23 THE CHAIRMAN: Yes, Tom?

24

MR. MC MENAMIN: Twice in the

25

resolution, we referred to the phasing

1 - Proceedings -

2 plan, and we had a long discussion at
3 the tech meeting about the phasing plan
4 and some of us were not there.

5 Is it possible that you can
6 synopsise, generally speaking, the
7 concepts behind the phasing plan you
8 are intending to come up with for us
9 now, because it refers to the phasing
10 plan twice in the resolution.

11 So, can you give us a kind of
12 reasoning behind how you are coming up
13 with it and what your intentions are?

14 Is that possible?

15 MR. ZIGLER: Yes, basically, you
16 have a submission with three pages;
17 each one deals with a lot, as it
18 stands, by itself, as if the
19 Applicant/store owner would only work
20 on that one lot.

21 There were some questions about
22 utilities and about the wall, and the
23 three pages that I had, that didn't

24 address that. That's why I want to
25 change the maps for the next

1 - Proceedings -

2 submission, but the bottom line is, as
3 previously proposed on the other
4 subdivision, this application will be
5 sequenced in construction, unless the
6 owner intends to sell the property,
7 then they have to do all the
8 improvements, or if they go for the
9 building permit for the third home,
10 before the C.O. is issued, they have to
11 do all the improvements.

12 The phasing only matters if the
13 owner keeps the property. Then they
14 will be not phasing if the owner
15 doesn't keep the property.

16 And if this was granted, it is
17 approval next month and she wants to
18 sell the two homes in the next month,
19 there is no phasing because all of the
20 improvements have to be done. The
21 owner keeps the property. There will
22 be no phasing if the owner keeps the
23 property.

24 All of the improvements have to
25 be done prior to the selling of the

1 - Proceedings -

2 lots and that is covered by map notes
3 and a covenant filed in the County
4 clerk's office. So, the phasing only
5 has to do with if ---

6 If the owner keeps the property
7 and goes for the C.O.'s on the houses.
8 That's what we got into a discussion
9 on. All the improvements have to be
10 done.

11 If it's not clear yet, then I
12 would rather not have the Board vote on
13 it until I give you the maps, because
14 it really wasn't clear, the way I had
15 depicted it on the maps.

16 MR. MC MENAMIN: So, if the
17 property is sold, there will be no
18 phasing ---

19 MR. ZIGLER: There will be no
20 phasing because prior to the selling of
21 the property, all improvements have to
22 be done; any lot, one lot, two lots;
23 all three lots; whatever.

24

MR. MC MENAMIN: If the owner

25

presses on with the work, then, then

1 - Proceedings -

2 the phasing would then begin.

3 MR. ZIGLER: Yes, it is will be
4 according to which lot they're working
5 on.

6 MR. MC MENAMIN: The logic on the,
7 or behind the phasing is what?

8 MR. ZIGLER: The logic was to make
9 it affordable to do.

10 If you are going to go out and
11 fix both homes and do all the
12 improvements, it will never happen.

13 That is what kind of happened
14 before.

15 We are trying to phase like a big
16 construction job, so it is more
17 affordable to work on it and do it
18 correctly.

19 The owners did agree to every, to
20 everything the Board has asked for
21 previously with the prior submission,
22 fixing the home up, going to the ARB.

23 It is a financial burden.

24 That is what brought the thing up
25 on about phasing the improvements.

1 - Proceedings -

2 MR. MC MENAMIN: I understand, but
3 the phasing, will it be, will you take
4 down the wall, do all the utilities,
5 put in the construction entrance and
6 try to build a new house first or will
7 that be done after the two families are
8 established and both finished with and
9 ---

10 MR. ZIGLER: No.

11 MR. MC MENAMIN: --- I don't want
12 to gloss over it?

13 MR. ZIGLER: I find --- if the new
14 house goes for the C.O., or a building
15 permit prior to granting a C.O., Stony
16 Point will require all the improvements
17 to be done on all lots, but if they're
18 just working on one of the existing
19 homes, the improvements are only the
20 impact of that lot.

21 Only the improvements that impact
22 the C.O. of that lot will be required.

23 MR. MC MENAMIN: On the other two,

24 if ---

25 MR. ZIGLER: If they go for the

1 - Proceedings -

2 C.O. or a building permit prior for
3 that new home, prior to the C.O. on
4 that new home, all of the improvements
5 have to be done; everything.

6 That's what we agreed upon.

7 MR. MC MENAMIN: Okay. I am asking
8 the Chairman here, so that we have
9 some time, this is very important,
10 that the phasing is reviewed and agreed
11 to.

12 I would like to have the ability
13 to study that before we are into next
14 months meeting and the Resolution.
15 Well, is there some way to do that?

16 Will you have that done in time?

17 MR. ZIGLER: At the workshop.

18 MR. MC MENAMIN: You will have a
19 draft of the phasing on the job?

20 MR. ZIGLER: We are going to
21 change the detailing on the map to make
22 it clear. They don't make it clear
23 right now.

24 MR. MC MENAMIN: I'm not trying to
25 put you on the spot.

1 - Proceedings -

2 MR. ZIGLER: That, my wife does
3 it all the time, Tom, that's why I
4 asked for the continuation. I didn't
5 want it to be an uncomfortable vote
6 for the Board.

7 MR. MC MENAMIN: I just want to
8 understand it.

9 MR. JAVENES: How --- you are
10 going to do the utilities?

11 MR. ZIGLER: Yes. I wasn't happy
12 with the answer I gave you at the
13 workshop, it wasn't clear and my
14 clients were away, so I had a couple
15 things going on.

16 MR. STACH: As just a point of
17 information, the consideration of the
18 resolution for the neg dec, we would
19 normally have done this prior to
20 opening the public hearing.

21 I think while I was the looking
22 for an easel, that might have slipped
23 between the cracks.

24 So, I would suggest that you
25 adopt it now. You are leaving the

1 - Proceedings -

2 public hearing open, so the public will
3 have the full application before that
4 and make any comments at that time, as
5 well any questions they might have.

6 THE CHAIRMAN: Thank you. Any
7 other questions?

8 (No responses heard.)

9 THE CHAIRMAN: All right I have a
10 motion to adopt the neg dec. I need it
11 a second.

12 (Off-the-record.)

13 THE CHAIRMAN: I need a motion.

14 MR. MULLER: I will make that
15 motion.

16 THE CHAIRMAN: Now, I need a
17 second?

18 MRS. CALLAGHAN: Second.

19 THE CHAIRMAN: Mary, just poll
20 the Board, please?

21 MS. PAGANO: Mr. McMenamin?

22 MR. MC MENAMIN: Yes.

23 MS. PAGANO: Mr. Rogers?

24

MR. ROGERS: Yes.

25

MS. PAGANO: Mr. Javenes?

1 - Proceedings -

2 MR. JAVENES: Yes.

3 MS. PAGANO: Mr. Muller?

4 MR. MULLER: Yes.

5 MS. PAGANO: Mr. Krease?

6 MR. KREASE: Yes.

7 MS. PAGANO: Mrs. Callaghan?

8 MRS. CALLAGHAN: Yes.

9 MS. PAGANO: Chairman Gubitosa?

10 THE CHAIRMAN: Yes. All right,
11 so we have got the negative dec. We
12 are keeping the Public hearing open
13 that it.

14 MR. ZIGLER: Yes. Thank you.

15 THE CHAIRMAN: Thank you.

16 * * *

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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

7:45 o'clock p.m.
March 24th, 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,
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Reported by:

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Appearances continued: 32

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

WILLIAM SHEEHAN, Town Building
Inspector
(Not Present)

LIZ VERRIER, Deputy Town Attorney
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer
(Not Present)

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

24

(845) 429-8986 FAX and Phone

25

2 THE CHAIRMAN: Okay, item two on
3 the Agenda is the Stony Point
4 Conference Center, this is located on
5 the north side, 240 feet off West Main
6 Street, behind the Gilmore Sloane
7 House. It is a new application.

8 Mr. Zigler, just give us an
9 update?

10 MR. ZIGLER: This is a new
11 application. It was actually filed a
12 couple months ago.

13 It had to do with the removing of
14 a garage and the construction of a
15 craft center with an apartment over the
16 top.

17 After much discussion, the
18 Applicant will revise that portion of
19 it about the apartment, and remove that
20 apartment from the addition, because
21 bringing the apartment in, brought in
22 all sort of issues about the extension
23 of the nonconforming use, and so on and

24 so forth and that wasn't the intent
25 from the beginning, so we are preparing

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a map that shows where the extension will be going, which is basically on top of the existing garage.

The garage will be removed then, instead of it saying "an apartment" it will just state a craft center; it's just going to be a craft center.

I sent a letter. Hopefully, the Board will set a field trip and you can take a look at it. It is a very little project.

The new construction basically is just replacing the existing garage, so it's not doubling or tripling the size.

It is small construction, but because of the zone and the use, it requires the Board's review.

THE CHAIRMAN: Okay.

MR. STACH: What is the new structure? How big it is, 2000 square foot. But, there's no addition?

MR. ZIGLER: No.

24 MR. STACH: So, this will be a
25 Type II action under SEQRA?

2 MR. ZIGLER: Yes.

3 THE CHAIRMAN: Okay. It is a
4 Type II action.

5 MR. ZIGLER: We will be revising
6 the application with the maps because
7 it states there is an apartment
8 involved with the application.

9 MR. STACH: Right. That will make
10 it an unlisted action.

11 MR. ZIGLER: Yes. That will be
12 eliminated. That will change the SEQRA
13 and that will come in with the
14 submission of the maps.

15 We are going to revise that. We
16 were hoping that the Board makes a
17 field trip, and it include this in the
18 field trip this month.

19 THE CHAIRMAN: Sure. We can set a
20 site visit for April ninth, Saturday
21 before the tech meeting.

22 So, I will need a motion to set
23 the site visit for April ninth.

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MR. ROGERS: I will make that

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motion, Mr. Chairman.

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- Proceedings - 36

MR. MULLER: I will second it.

THE CHAIRMAN: All in favor?

(Unanimous affirmative response.)

THE CHAIRMAN: Opposed?

(No responses heard.)

MR. MC MENAMIN: This one has been weighing heavy on my mind. This is not a subdivision?

MR. ZIGLER: No.

MR. MC MENAMIN: So, this is the other thing we do is site plan. So, this is a site plan, so ---

MR. ZIGLER: Right, absolutely.

MR. MC MENAMIN: You are submitting a plan that's ancient. Is that right?

MR. ZIGLER: Yes.

MR. MC MENAMINA: You agree with that?

MR. ZIGLER: Absolutely.

We are revising it. That was actually from the architect. It will

24 be more concurrent with the plans you
25 are used to seeing.

2 MR. MC MENAMIN: Well, my question
3 is, is it going to be, or if I can
4 ask, what is the extent of the site
5 plan you are going to submit, is it for
6 the whole site?

7 MR. ZIGLER: No. It's only for
8 the construction area. It probably
9 will be just covering about a hundred
10 fifty by a hundred fifty.

11 There were some questions from
12 the Health Department, to get into
13 bringing up issues with that, but it is
14 not a problem. There is no septic.
15 So, then there's no problem.

16 Really, the application will be
17 for the tax lot and the designated
18 area of construction, which is mainly
19 one fifty by one fifty but within that,
20 that will meet your code with regard to
21 location of the trees and all that.

22 MR. MC MENAMIN: That's the
23 question; what level of work or change

24 modification or whatever

25 re-construction, requires a new site

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plan because the site plan you are presenting us is very old and it is inadequate as a site plan, with regard to our regulations for a site plan today.

MR. ZIGLER: That is why we are replacing it with a new one.

MR. MC MENAMIN: On just this small area of construction?

MR. ZIGLER: No, it will show the entire complex and, but it will be detailed with the site plan requirements in just that area.

MR. MC MENAMIN: So, you are not detailing all the other areas?

MR. ZIGLER: No.

MR. MC MENAMIN: So, my question is ---

MR. ZIGLER: Your question is actually for you because it is up to the Board to require more or be happy with what is submitted.

24

If the site plan that you are

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reviewing, so, if you are not happy and

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you want us to do the entire site,
which is actually three tax lots,
including on the other side of West
Main Street, or 210 as they call it, if
you are really old --- I mean, I will.
And the two lots are -- that's why I'd
like you to go out and look at the site
and see how it affects the site.

MR. MC MENAMIN: Didn't we just do
something there?

MR. ZIGLER: No.

MR. MC MENAMIN: We did a few
years back with a --- something that --
--

MR. ZIGLER: Bill didn't remember.

MR. MC MENAMIN: We did do
something there, years back, and I
don't remember what level site plan was
involved. I guess I am asking if this
is the latest site plan we have for the
property?

MR. ZIGLER: No; again, we are

24 submitting a new one.

25 MR. MC MENAMIN: Besides that,

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when you came up with this map, this was the latest site plan?

MR. ZIGLER: I don't know.

MR. MC MENAMIN: You don't know?

MR. ZIGLER: It's easy for me to say I don't know. It's for me to say I don't know.

MR. MC MENAMIN: It's hard for a man to say he doesn't know. I appreciate that.

UNIDENTIFIED MALE VOICE: Perhaps I can clear it up. The site plan that --- THE STENOGRAPHER: Can I have your name, please?

MR. CASTINEIRAS: Yes. Fernando Castineiras.

THE STENOGRAPHER: Can you spell that, please?

MR. CASTINEIRAS:
C-A-S-T-I-N-E-I-R-A-S, Fernando.

The site plan that you have in front of you was made up by the

24 architect, located in Pennsylvania

25 somewhere and that site plan was made

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up of various plans that we had laying around.

He took it to try to make something that would be workable.

When we found out it wasn't, that's when we hired Mr. Zigler to help us with the project and to provide you and us with a site plan that is viable.

That site plan that is in front of you was something that was taken from a few different plans the architect had and tried it, you know, just to get our foot in the door and be on the agenda. We saw it was not adequate. Not acceptable.

Once again, that's why we hired Mr. Zigler to bring it up to standards that it needs to be in order to answer your questions and so we can go ahead and build our art crafts center on the footprint of the existing garage.

THE CHAIRMAN: Thank you.

24 MR. MULLER: We, as a Board will
25 decide how much information we will

2 need and what you will have to show and
3 you will draw up a site plan based upon
4 our recommendations and whatever we
5 require. Is that right?

6 MR. ZIGLER: You betcha.

7 MR. MC MENAMIN: That's
8 interesting.

9 I think that I'd like to see a
10 total site plan of the entire property.

11 I don't know how that --- how to
12 go about asking for that. I am putting
13 it on the record. I think that what we
14 have is would be fully inadequate for
15 the entire site. A lot of things go on
16 there.

17 I believe, I don't know when it
18 has to be done, as well. I think we
19 are here doing this now. That's what I
20 am asking for.

21 THE CHAIRMAN: All right. Like
22 Dave said, he hasn't given us a site
23 plan yet, so we can't comment on what

24 he is going to give us. Or hasn't
25 given us yet.

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MR. MC MENAMIN: I understand, but, he told us what he is going to give us, so ---

THE CHAIRMAN: But, we haven't seen it yet. I have a motion for the site visit.

MS. PAGANO: We did it already.

MR. RESNICK: Is the proposed building located solely on one lot?

MR. ZIGLER: Yes.

MR. RESNICK: The access is across another lot?

MR. ZIGLER: No. It is directly from West Main Street on to the site and crosses no other line.

MR. STACH: I think in this case, you should probably go and look at the site plan requirements.

I think that it is likely that the Board can require all lots in this common ownership be shown on the site plan.

24 If this Board decides that it can
25 request that, but it is normal practice

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2 that the Applicants submit things to
3 this Board and if this Board finds
4 additional information is required, to
5 ask or on the site plan regulations,
6 that is something that can be asked for
7 in the course of the SEQRA review. It
8 can request those and therefore ask for
9 additional information.

10 It is normal practice to do that.

11 I would suggest rather than
12 identifying what is to be on the plan,
13 and the site visit, I would suggest
14 that Dave submit something to this
15 Board.

16 THE CHAIRMAN: That's what I said.

17 MR. STACH: And if you feel you
18 need additional information for you
19 make a determination, you request it
20 then.

21 MR. MULLER: I think a site
22 visit will tell me whether I need more
23 information or not and then we can

24 discuss our concerns on that date.

25 MR. MC MENAMIN: I particularly

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ask for an interpretation of the code,
as far as a review by Dave, to tell me
what is the trigger or guiding needs
for having an updated site plan and
when -- because if, you know, if Dave
gives what he's talking about, a
hundred by a hundred and fifty, very
detailed information all around the
area where the work will be done, it's
like one, one hundredth of something;
one, one hundredth of the site.

I know right now what he's going
to give me is not what I'm talking
about.

I guess the lawyer or the
Consultant can notify the Board if and
when ---

MR. RESNICK: Myself and the
building inspection or and the
consultants can certainly review what
is required for the project and/or if
it's optional.

24 MR. MC MENAMIN: What we have
25 here is the best something from

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drawings cobbled together from drawings from the 18 hundreds.

I can tell there's if the parking lot is there, there is no lighting, which is required by our site plan regulations, so to stick our heads in the sand and say one hundred fifty by one hundred fifty is okay, it is probably not fair.

I don't know. I don't know. It is a large site and a lot of activities go on there.

MR. RESNICK: I was wondering, if everything that is going to be done is encompassed on one lot, you can questions about lighting or whatever, you can have that on the site plan.

If you had to cross over two lots, you may want to see both on the site plan, but I will take a look at it and the code.

MR. MC MENAMIN: Thank you.

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THE CHAIRMAN: April nine we will

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see you at Town Hall at eighty-four

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five, or if you want us to meet you there?

MR. ZIGLER: Just one other thing. This is not for the public use. I should add that.

It is only going to be used for the community. There wouldn't be additional parking or parking lots.

In other words, this is not for folks up on Jay Street to bring their kids down for day time arts and crafts.

It is for the community use, which is a little odd, but, thank you.

THE CHAIRMAN: Thank you. Thank you.

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

- - - - - X

In the Matter of the Application

RE:

CRICKETTOWN RIDGE,

Applicants.

- - - - - X

8:10 o'clock p.m.
March 24th, 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 (Not Present)

MARY PAGANO,
Secretary to the Board

Reported by:

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

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Appearances continued: 50

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THE CHAIRMAN: The next on the Agenda, it's item three, Crickettown Ridge. This is the 3 lot subdivision located at the north east corner of Crickettown Road and Heights Road.

New application. Dave? Can you give us an update?

MR. ZIGLER: Yes. This is a new application, as well.

THE CHAIRMAN: At one time this was Burnstom and Roberts (phonetically written.)

MR. ZIGLER: I will be putting it up on the easel.

(Complying.)

MR. ZIGLER: Okay. About four or five months ago, it could have been half-a-year ago, we were before the Board on a boundary line agreement with this piece of property. It was very small and didn't encase the home.

It was wall-to-wall on the lot.

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It was a boundary line agreement

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to basically keep the house in the

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center of this lot and basically keep driveway and things around the house on the lot, as it was thought to be, over the years.

That left an odd U-shaped lot, which is fronting on Heights and fronting on Crickettown Road. And at this time we are making application to the Board to subdivide it.

We ended up with the three lots.

Two will access off of Crickettown Road. Both lots are oversized in area, but require variances because they don't meet code for lot width and frontage.

The third lot, which is fronting on Heights and a little bit of the corner, meets the code.

There was a comment from the Health Department, the sewer main would have to be extended.

There's water in front of the

24 lots, but the sewer main is going to
25 have to be extended mainly from

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Heights and also for Crickettown to service the homes.

Other than that, the homes do not need any other permit. They are both Town roads. If it requires a sewer main to be extended, if it is needed, as required by the Rockland County Health Department for the sewer main, it may not be required for the water, because that is just a house connection.

Then again, the two lots which are numbered one and two, here (indicating on a document) they need variances.

This is the first time we are before the Board, so we just ask to set a field trip on this.

We did go out and locate the pavement and some major trees on the lot. On the next map we will have more details.

24 Now, we just ask the Board to set
25 a field trip for this at this point.

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THE CHAIRMAN: I can. We can go right after we do the Conference Center. We can go right around the corner, so --- we will just do it on the ninth.

MR. ZIGLER: Okay. So, after the Conference Center we will just shoot over to this?

THE CHAIRMAN: Right.

MR. STACH: This is an unlisted action, because the activity that will be going to the ZBA for a Type II actions, you don't need to coordinate your actions with them.

THE CHAIRMAN: Okay. I need a motion to be lead agency?

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

THE CHAIRMAN: I need a second?

MR. ROGERS: I will second that motion.

THE CHAIRMAN: All in favor of

24 being lead agency?

25 (Unanimous affirmative vote.)

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- Proceedings - 55

THE CHAIRMAN: We will be lead agency.

I need a motion to make this an unlisted action.

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

THE CHAIRMAN: I need a second?

MR. MULLER: Second.

THE CHAIRMAN: All in favor of making this an unlisted action, say aye?

(Unanimous affirmative vote).

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: Okay, it is an unlisted action and lead agency. I guess we will just see you on the ninth, April nine.

MR. KREASE: Wait, on the previous little parcel that we voted on in May or March, there was an issue about wetlands that was addressed.

24

If there's going to be an issue

25

with wetlands, can we address it before

2 we get down to the end of the road ---

3 MR. ZIGLER: Sure. We had some
4 discussion about that at the workshop.

5 Pete Torgeson, or his office went
6 out and located the wetlands and we're
7 going to locate the wetlands will be
8 located and submit it to the Army
9 Corps of Engineers for the
10 jurisdictional.

11 If you remember, last time there
12 was a discussion about that, so rather
13 than wait until the end, we addressed
14 it immediately.

15 MR. KREASE: You will come back
16 with a percentage of the wetlands we
17 have in that area?

18 MR. ZIGLER: Yes. We will see if
19 it ---

20 MR. ROGERS: Was it always four
21 dwellings being proposed for this site?

22 MR. ZIGLER: No, I previously made
23 a map, but it was very early on in the

24 application and it is was two lots.

25 MR. MC MENAMIN: He wrote a

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letter saying it was a wetlands.

Did he change his mind?

MR. ZIGLER: No. It was a change of mind. Actually, the only way to get a letter from the Army Corps is to submit a map to them.

There is a couple of hot spots in Stony Point the Army Corps is watching. The only way to get a letter is give them a map.

The next time they go by, they will look at the map and look at the flagging and we will get a letter.

MR. MC MENAMIN: There are no wetlands. It said in the EAF. Are you changing ---

MR. ZIGLER: No, I didn't say that. The law actually states he has a right, but it is his onus. If he is wrong and certain sized wetlands --- in this case we got into this question the last time, but because the lots are

24 oversized, he wrote the letter on his
25 interpretation.

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MR. MC MENAMIN: Now he is double checking?

MR. ZIGLER: No. He is doing exactly what you were going to ask me to do, so we are doing it already.

Were you going to ask us to do that?

MR. MC MENAMIN: Yes.

MR. ZIGLER: Case closed.

THE CHAIRMAN: Okay.

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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:

OTHER BUSINESS -- INGAGLIO

Applicants.

- - - - - X

8:50 o'clock p.m.
March 24th, 2011
RHO Building
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BY: DAVID M. ZIGLER, P.E.

And the Public.

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THE CHAIRMAN: Okay, Other Business, Ingaglio. They are asking for the extension?

MR. ZIGLER: Yes. For signature review and we are in the process of filing it and we just run out of time this month.

MR. MULLER: I would like to make a motion to extend it ninety days.

MS. PAGANO: Who made the motion?

MR. MULLER: I did.

THE CHAIRMAN: Gladys seconded it.

MS. PAGANO: Mr. McMenamin?.

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

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MS. PAGANO: Mrs. Callaghan?

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MRS. CALLAGHAN: Yes.

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MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes.

MS. PAGANO: And who seconded it?

MRS. CALLAGHAN: I seconded it.

MR. KREASE: Mr. Chairman, I'd like to just ask, if anyone is not able to make the April nine meeting, we will get in contact with you like myself, on both of these applications.

THE CHAIRMAN: I will send out an e-mail later on, tomorrow; probably tomorrow, you know, with the dates of site visits and if you can't make it, let me know and if we have to go separately, we will.

(Off-the-record discussion.)

THE CHAIRMAN: Next we will accept the minutes of the January 27th, 2011 meeting.

MR. KREASE: I will make the

24 motion.

25 MR. ROGERS: Second.

