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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

7 o'clock p.m.
May 26th, 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 (Not Present)
GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member (Not Present)
KARL JAVENES, Member
PETER MULLER, Member (Not Present@Roll)

MARY PAGANO,
Secretary to the Board

Reported by:
Patricia A. Puleo,

24

NYS Certified Court Reporter
and Notary Public

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Appearances continued: 3

IRA EMANUEL, Esq.
Attorney for Applicants
Four Laurel Drive
New City, New York 0956

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)

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 CHAIRMAN: Are we ready?

3 Okay. Mary, just call the roll,
4 please?

5 MS. PAGANO: Mr. Javenes?

6 MR. JAVENES: Here.

7 MS. PAGANO: Mr. Krease?

8 MR. KREASE: Here.

9 MS. PAGANO: Mrs. Callaghan?

10 MRS. CALLAGHAN: Here.

11 MS. PAGANO: Chairman Gubitosa?

12 THE CHAIRMAN: Here. Okay. Dave
13 Resnick is not here yet.

14 All right, we are switching item
15 three. We are moving that up, Babcock
16 Subdivision. It is a new application.

17 I see Ira Emanuel and Dave
18 Zigler. Mr. Resnick is not here yet,
19 but we can go forward with this one.
20 Dave?

21 MR. ZIGLER: Hello. Dave Zigler,
22 Atzl, Scatassa and Zigler, as you know,
23 and to my right is Ira Emanuel,
24 representing Mr. Babcock.

Everybody calls him Artie's, so I'm

1 - Proceedings -

2 going to call him Artie. That was
3 Artie's house, or his mother and
4 father's house. Then, to the left,
5 was a smaller house that years ago it
6 was rented out and then was transferred
7 or transformed into a single family
8 house. But then when Artie was
9 married about twenty years ago, he just
10 fixed it up.

11 Now, I remember that house.
12 Friends of ours live were living in
13 that little house back in the late
14 fifties, so this was a non-conforming
15 situation, at least from the late 50's.

16 That is nothing new.

17 So, we've created these two lots
18 and our proposal is to, kind of split
19 the property down the middle.

20 In doing that, lot one, which is
21 the smaller house, actually meets code
22 for the Health Department. That would
23 be a separation for the well and
24 septic.

For lot two, which is the bigger

1 - Proceedings -

2 house up on top of the hill, that will
3 need a new well.

4 So, how ever we split up this
5 thing, we will have to have variances.

6 There is no way, overall, of the
7 property meeting the code with the
8 reduction for the slope. We are
9 talking about two lots, thirty-five
10 thousand square foot and we need a
11 gross of fifty thousand, so we are
12 under in acreage.

13 The homes will meet the code in
14 every other aspect, as far as the
15 yards, so this is the first time we are
16 looking at it.

17 We can set a field trip and put
18 the property line in, so you see it or
19 whatever you would like.

20 THE CHAIRMAN: Basically, all you
21 want us to do is set a site visit for
22 this?

23 MR. ZIGLER: Yes.

24 THE CHAIRMAN: Before we do, I

need a motion to be lead agency.

1 - Proceedings -

2 MRS. CALLAGHAN: I will make the
3 motion to be lead agency.

4 THE CHAIRMAN: I need a second?

5 MR. KREASE: I will second it.

6 THE CHAIRMAN: All in favor?

7 (Unanimous affirmative vote.)

8 THE CHAIRMAN: Opposed?

9 (No responses heard.)

10 THE CHAIRMAN: Okay, the motion
11 passed to be lead agency.

12 Also, I need a motion for this to
13 be an unlisted action.

14 MR. KREASE: Ill make that motion.

15 THE CHAIRMAN: All right.

16 Second?

17 MRS. CALLAGHAN: I will second.

18 THE CHAIRMAN: All in favor?

19 (Unanimous affirmative vote.)

20 THE CHAIRMAN: Opposed?

21 (No responses heard.)

22 THE CHAIRMAN: The motion passed.

23 Okay, so this is the lead agency
24 and it is an unlisted action. Okay.

1 - Proceedings -

2 I just need to set a site visit
3 for the June fourth, the Saturday
4 before the tech.

5 MS. PAGANO: Yes.

6 THE CHAIRMAN: Tech is on the
7 ninth, so that Saturday is the fourth.

8 MR. KREASE: Good for me.

9 MRS. CALLAGHAN: Okay.

10 THE CHAIRMAN: I need a motion to
11 set the site visit for June fourth?

12 MR. KREASE: I will make that
13 motion.

14 MRS. CALLAGHAN: I will second
15 it.

16 THE CHAIRMAN: All in favor?

17 (Unanimous affirmative vote.)

18 THE CHAIRMAN: Opposed?

19 (No responses heard.)

20 THE CHAIRMAN: Okay. We will the
21 site visit June fourth, at 8:45.

22 We will meet at Town Hall and go
23 over to the site and you know, just
24 mark it out for us.

MR. ZIGLER: Yes. We will put in

1 - Proceedings -

2 the property line so that you can see
3 it. It, basically, is just splitting
4 it in half.

5 THE CHAIRMAN: Very good.

6 MR. KREASE: One second. You got
7 the letter from the County Health
8 Department regarding the wells?

9 MR. ZIGLER: Yes. I was in touch
10 with them. They're waiting until you
11 make a movement with your neg dec and
12 then we will have to go back to them
13 and straighten out the well.

14 THE CHAIRMAN: I still have that
15 from the Highway Department, May
16 twenty-sixth. They have no issue with
17 this. It doesn't impact any of the
18 County roads, so ---

19 MR. ZIGLER: Right. It is about
20 four hundred-some foot off of the
21 County road.

22 MR. STACH: Do you want to go to
23 the Zoning Board?

24 MR. EMANUEL: We do have to go to

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- Proceedings -

MR. ZIGLER: Fine. So, we will
take a referral, as well.

THE CHAIRMAN: I need a motion to
send him to the ZBA.

MR. JAVENES: I will make that
motion to send them to the ZBA.

THE CHAIRMAN: I need a second?

MRS. CALLAGHAN: Second.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote).

THE CHAIRMAN: Okay. We have the
motion to send you to the Zoning Board.

MR. EMANUAL: Thank you.

MR. ZIGLER: Thank you.

* * *

- 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

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S AND V ALIMRON

Applicants.

- - - - - X

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- GERRY ROGERS, Member (Not Present)
- KARL JAVENES, Member
- PETER MULLER, Member (Not Present@Roll)

MARY PAGANO,
Secretary to the Board

Reported by:
Patricia A. Puleo,

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THE CHAIRMAN: All right, then we will get back to the Agenda.

First on the Agenda is a public hearing on Alimron, S and V Alimron, located at the west side of Route 9W and Polk Court.

This is a public hearing, so Mr. Zigler, tell us where we are.

MR. ZIGLER: I'm back. Okay.

Basically at the last meeting, the Board wanted to have a drainage study provided because we had comments from the New York State D.O.T., and they wanted to see drainage studies, especially on the new home.

What we tried to do was leave that to be answered when we submitted for a plan, and the building permit for that new lot.

But, the Board was uncomfortable, so we stepped back and resubmitted or submitted a drainage study and we got

comments back from the Town Engineer.

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He agrees with the report that removing the impervious pavement that were on the two lots, and that, basically reduced the drainage, and then with our option for the seepage pits on each lot, it further reduces it, so it reduces it 5 percent just by removing the pavement and then reduces it further with the pits.

Kevin said okay, but he would like to change the structure; instead of having pits. We don't have a problem with that. We agreed to compromise.

If it is in the best interest of Kevin's thought and of course, he has to sign the map, so, I don't think that will be a problem, but whatever happens, we are reducing the drainage off of the property.

There were four or five notes that the state wanted put on the map, which we did. We filed for the permit

to the D.O.T., three copies of the

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drainage reports and three copies of the map. We are back here, hopefully for final approval.

THE CHAIRMAN: Before we go to the public hearing, Kevin, can you just comment on the drainage?

MR. MAHER: Yeah, I reviewed the report that was done by Ray Monte (phonetically written). I agree with it.

They're definitely reducing the peak run-off from the site, meaning they have to do no storm water retention or the recharge on the site.

My comments were that the dry wells, while a great idea, they do re-charge, the only requirements, is water quality measures by the quality measures controls actually double up as the recharge capability, to reduce peak run-off even further.

That's why I was leaning more in favor of the swales constructed on the

property, to allow percolation into the

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ground, therefore getting both water quality and water quantity control, which again they don't have to do.

My impression, in looking at the site, I don't see how there is a problem for the property to the north, but I can see looking at the topographic maps, that there is a probability of a problem in the direction from the north side of the property, running down the hill, so if a little bit of swale work can be done there to re-direct that flow, maybe the problem will disappear all together.

But, as far as the quality control, it is not necessary.

Quality control is better than dry wells. Dry wells become a maintenance nightmare down the road for the home owners; you know the old saying, "out of sight, out of mind"?

By the time you realize it's got a problem, when it fills up with

silt, then any problems are obvious and

2 significant when it malfunctions.

3 That's my only observation. I'm
4 not saying they can't --- I just don't
5 think it is appropriate for the home
6 owner to have to maintain something
7 like that when there are other things
8 that will work just as well.

9 THE CHAIRMAN: Thank you.

10 MR. KREASE: I have another
11 question; it seems to me that, it's
12 before my time on the Planning Board,
13 coming down the pike now, we always
14 seem to have a problem with drainage.

15 I talked to you about this
16 before.

17 It seems that every time we
18 improve something and the engineers
19 come back with "no net increase", you
20 are saying to us that there's a 6.7 net
21 decrease. That's great. Okay? Great,
22 when we look at these things now, and I
23 know that you are not that happy with
24 dry wells, but down the road, there

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always seems to be a significant amount

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of problems with drainage.

So my concern is now, talking to the people who have the property north of there, and listening to some of their complaints, there was a water problem on the north side of that property years ago that was addressed and it still seems to be an issue.

So, I am kind of skeptical, in agreeing with engineers, even though they know more than me, that if you solve the problem today, but in two years down the road, the problem is still there or back again and the state wants the Applicant to clean the catch basin upon completion of the work, which is not even on their property.

I mean, everyone seems to be passing the buck. Some people, residents and taxpayers of this Town, get stuck holding the bag with a problem that just doesn't go away.

So, I am trying to say is when we

are here before they solved the problem

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at the north end and it seems that
problem is back again.

I understand where you are going
from now. I agree with what you're
saying about the numbers, but I am just
afraid in two years down the road what
will happen.

MR. MAHER: We can't guarantee
that the property owners will have
exactly what is shown on their
property.

You look at any neighborhood, I
mean, they change with time, over time;
people add patios, they extend the
pavement on their property, their
parking areas. When you think about
it, it's, you think it is
insignificant. But, in fact, it is
not insignificant. Any increase in
impervious area is a problem.

The only thing that we have in
our favor is that the DEC says that
these methodologies that they

recommended, a green infrastructure, if

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they are put in place and they are maintained properly, they will function.

That means these swales, you mow them. That's all you have to do.

You don't have to grade up, or go in there with a vacuum and pick-up, or clean out a structure every five or six years. You just maintain the landscaping.

Just make sure your flower beds, which are the rain gardens, are functioning.

DEC said that's all you have to do. These things is simple stuff for homeowners. You don't want to complicate their lives like giving them something, something that the Highway Department should be doing.

That is not to say that dry wells are bad. I'm not saying that.

Just saying that there are alternatives to the homeowners that are

easier for them to maintain, and

1
2 actually work for the benefit of their
3 property. Especially with the
4 landscaping and the rain gardens.

5 That is a great sales feature on
6 a house. You pull up in front of a
7 house and it has a beautiful garden in
8 front of it, it is good curb appeal.

9 Again, there are methods that go
10 above and beyond what are shown on the
11 drawings.

12 I think those alternatives should
13 be looked at and dry wells used as the
14 last method.

15 Even the DEC is saying the same
16 thing at all of the seminars that I've
17 been to.

18 Dry wells, they work, but we
19 are all concerned about five or six
20 years down the road. They would rather
21 see the natural ways of controlling
22 run-off; not the man-made ways.

23 MR. KREASE: I am just concerned
24 because we hear about it all the time,

and, you know, then they blame us.

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MR. MAHER: If I can talk about the D.O.T. mandating the cleaning of the catch basin, I hate to say it, but it's just common sense because during construction on the site, there is bound to be materials washing down hill in that direction until the site is completely stabilized.

No amount of soil erosion control is perfect. There may come a time, when they're working on these properties, like March 11th, when we had a major, major rain storm here.

Four inches of rain within an hour, and along with the combination of snow melt, we got eight inches of water in twenty-four hours; basically, a hundred year storm.

You can't say it's not going to happen again in the middle of construction.

If it does happen, there will be mud washing down and, yes, they should

clean that catch basin out.

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I don't think that it is an unreasonable request from the D.O.T. It is something pretty common place.

It is common place when you front on a right-of-way such as theirs, you would want the nearest structure cleaned out before the construction is finished. It is more of a maintenance issue at that point in time. It doesn't mean you have to keep cleaning it out every five years.

MR. KREASE: Thank you, Kevin.

THE CHAIRMAN: We will go to the public hearing now.

If you would like to comment, please just state your name and address for the record and address the Board.

I will open the public hearing for S and V.

MR. MC QUINN: My name is Robert McQuinn. I own the property to the north, north of this property at 177

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We had an issue couple years ago when this thing first started. They piped it out, but the trench is still there. I put up the berm. It still puddles.

Now, it is making its way under the berm, and when it rains, I got the water running down my property, down the parking lot into trenches again.

I dug trenches, which, when I addressed the Town, I don't know how many years ago when John Loche was here. John, he had said to dig a four foot hole, so when it goes down, it slows down and just trickles out. That was a long time ago when this whole thing started with water coming off of the property.

That was his cure for fixing it; digging a three foot hole and let it fill, then it slows it down some, washes out.

But, I just don't understand,

taking the driveway out on the south

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side and putting it in the middle.

With the blacktop, water runs off the blacktop faster than it does on grass, so now you move the driveway to the north side, middle of the property, 9W has a crest and now and all that water goes to the north side.

It is not going toward the south side anymore, towards Stony Point News, 'cause that's the way it went, coming down the driveway now.

So, I just feel --- like I said, it floods my parking lot.

I got the catch basin in there. It's probably three or four inches deep when it rains, because the catch basin is not designed right and the water goes into the storm drain and down into Lighthouse Court, which they have flooding problems.

I just think they will have a problem with heavy rain. They are going to get more water.

Now they're saying they're taking

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down the wall and moving it back ten feet? Not put the wall back up?

That is even a steeper grade. I think there will more run-off coming northbound.

That is my opinion of it.

MR. MAHER: If I can make a comment about the catch basins there?

I tracked that down. That catch basin discharges north toward Polk Court, and goes through the ditch and Lighthouse Court can ---

MR. MC QUINN: That's the only stretch it has.

MR. MAHER: True; that's why you have to slow it down on the site, hold back as much as you can and release it slowly.

Don't let something come pouring down as it has been. Yes, to do a little more, take it and shift it to another position and make sure the water is not rushing at you, that is

the right way to handle it. If you can

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take it from one spot and slow it down there, if there's a real problem in your area, the hole that Mr. Loche was talking about, I think he was trying to develop or intimate a small retention basin, and it might have worked if the soil conditions were appropriate.

In other words, a hole in the ground where the water could percolate fast enough, I don't know what the surface is, but it makes you want to think it is rock underneath -- --

MR. MC QUINN: It's all rock.

MR. MAHER: If you try to dig a hole in rock, it will fill up, spill over and then it comes out.

MR. MC QUINN: That's what he said. And I put up a three foot berm and it puddles behind it and the other day with that heavy rain, it just shoots water out of the drain. It made its way through.

MR. JAVENES: Will they take care

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of that problem for him?

MR. MAHER: If the run-off is coming directly from the subject property, they have a responsibility to do something to help.

MR. JAVENES: Is that what is happening now? The water comes from ---

MR. MAHER: Well, I haven't been on the property ---

MR. JAVENES: The water that was coming into your property ---

MR. MC QUINN: There was a catch basin in front of the two-family and they had a catch basin at that time at the lowest property. The pipes go out.

I don't know if the catch basin is there anymore.

MR. MAHER: It doesn't show clearly on the original water shed map.

MR. JAVENES: So, we have to address that issue.

MR. MAHER: Yeah, if the catch

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there, it is obviously going to have to be re-directed from the swale on the property.

MR. ZIGLER: We have the swale on the drainage plan intercepting that flow he's talking to you about.

MR. JAVENES: Would you be satisfied with, or if the water don't doesn't come ---

MR. MC QUINN: It's like a river. It is coming from the property down the road.

MR. JAVENES: That will make you happy?

MR. MC QUINN: Yes. I don't have a flow problem because it's running through; maybe there's two inches of water, but I am thinking of the Lighthouse Court people.

MR. JAVENES: It's on there on the plans?

MR. ZIGLER: Yes.

MR. JAVENES: Can you just show

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where you are talking about, Dave?

MR. ZIGLER: Sure. Okay, here
(indicating on a map).

Right now we will put drainage in
here (indicating) and put it into the
pipes, directing it to the swale, which
brings it down here.

(Indicating on a diagram).

MR. MC QUINN: The catch basin is
here. (Indicating). It comes out
here. This is where the water is
running like a river.

MR. ZIGLER: We would be
eliminating that, right there
(indicating).

THE CHAIRMAN: Hopefully, with
that plan, it will hopefully address
that area that he's worried about.

(Off-the-record discussion).

THE CHAIRMAN: Hopefully, that
will address the area that he's worried
about.

MR. ZIGLER: Yes, that's about --

you know, the only other thing would be

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if he'd kick in and move the drainage, bring it right up to the end of his property to the south, we will carry it along the frontage of our property, then just drain into it and take it out to the ditch. But, that's really Kevin's call because, you know what I will be saying is eliminate the structures in the proposal and just put our drainage in, but we would need his help to do some of that.

So, if he brought it to the end of his property, we would carry it past our property and up to the road.

MR. JAVENES: Can you show him what you are talking about?

MR. ZIGLER: Bring this catch basin, which is right here (indicating on a drawing) extend it up to end of your property, if you extend it from there to the end of your property, we could take it from there and pick it up and intercept the water right there

(indicating) and just stick it in the

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pipe, so, with Kevin, I'm sure the
D.O.T. wouldn't complain.

MR. MAHER: They almost always
like to see an extension; that's if
they accept that it's their drain.

MR. MC QUINN: Yeah, I don't know
how many years ago, but when I called
them, it was collapsing, and they're
like --- it's not ours. I said, it's
not mine. They're, like you can't fill
it, 'cause, I'm like, I'll fill it.
The state came and fixed it.

MR. MAHER: Wait, you're referring
to the catch basin.

MR. MC QUINN: Yes. They're
saying it's mine and then I said I
will fill it in and then they came.

I didn't put it there, but they
are saying it's too far off the road
and that it's not the DOT's; it not the
State's. Okay? It's not the States
and it's not the Town's, so whose storm
drain is it?

MR. ZIGLER: It is yours if it's

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on your property. To carry it out ---

MR. MC QUINN: Do you know what is underneath the property? The rock your are jack hammering. The rock is probably at six or seven --- It's two foot down in my parking lot; two foot down is solid rock.

MR. ZIGLER: I don't know what the solution is, other than trying to contain it on our own property.

We didn't create this condition.

This condition was non-conforming.

This was an issue before this Board in 1990 and the Board sent it home and it didn't get the approval for this service station.

Now, since then, this parking lot was built in the back, so in other words, instead of this Board at that time --- not you, but this Board --- addressing the issue, with a nice, new service station and getting new fences,

and everything else, they sent the

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2 application packing. I don't mind that
3 there's a parking lot there.

4 My daughter-in-law takes the car
5 there. I ain't going to say her name
6 anytime soon, but it's a tough
7 neighborhood. There's rock there and
8 bad soil.

9 The only way we can do it if
10 there's rock underneath that pavement,
11 you're not going to hammer through
12 there with the sewer pan and the water
13 line and everything else.

14 We will just put structures on
15 our side and contain it. That is what
16 we are offering to do.

17 MR. JAVENES: Kevin, what do you
18 think about that?

19 MR. MAHER: The dry wells, I'm
20 not a big fan of dry wells, but it
21 seems to be the type of situation in
22 order to control the run-off onto this
23 gentleman's property, this might be the
24 only way to do it.

Yes, I mean, we can use porous

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asphalt or the porous pavers, which would also knock down the run-off significantly, but you have --- you will have an awful lot of parking area there.

Then you get back into the maintenance issue. How do the home owners maintain it?

That's why you don't want to use porous pavers on homes, unless you absolutely have no other choice.

You can divert the water with diversion ditches. That is another common thing that the DEC promotes, but I don't know if diverting it that much, you will only be catching the water that is coming off of the hillside above.

If you do something along the back property line, trying to push the water towards the common driveway away, but then it goes out to 9W.

I am sure it will help because

you are taking off all the run-off and

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shuttling it somewhere else, but it eventually gets there. Because it is now going to be out on the street, uphill of the garage.

So, it's really six of one, half dozen of the other.

Really, this is a tricky site.

Swales will help, but it is a matter of how much and how far you can actually direct it. You can't have a swale dead flat at --- the topography is not such that the property is running from north-to-south.

It's east-to-west towards 9W, so any diversion ditch you try to install in the back property line, it will be flat and not do --- it's not going to catch anything. You are just going to be collecting it and leaving it set there. That is not the proper function of a swale or ditch.

MR. ZIGLER: The plan, as it stands, works mathematically and is

signed by an engineer.

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The plan works.

What I am stating now is, we can redo some swales, add swales to it, leave the same structures we have there, add swales and we can regrade that back driveway, so that it doesn't split.

Right now we have the portion of the common driveway flowing north, and a portion of it flowing south.

So, we can regrade that driveway. It's only about a foot-and-a-half, and then take all of that water in the driveway away from him and push it down towards the other end. So, we can work and pull the water away.

I don't think you really have, he really has a problem with the area that he's talking about, once we finish.

But he will still have the water coming off the back of the properties through the back here (indicating on a

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So, maybe if we can run a swale back here (indicating) and bring that into our paved area, that might help him out to get it out of the parking lot and get it down on the pavement.

MR. MC QUINN: The only problem is right here.

(Indicating on a map.)

MR. ZIGLER: I think we can solve that.

MR. KREASE: You're saying by regrading, there will be a reduction in water going north?

MR. ZIGLER: Yes.

MR. KREASE: Getting back to what I said before, I hate to have these things come back in two or three years after. If we can do something to alleviate it ---

MR. MAHER: Well, the shuttling of the water from the north to the south, extends the time the water has to travel and more chance for percolation

but it also stretches out the time that

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the water flows. So, you will have a longer period of time that that water is flowing, but it is flowing at a slower rate. Therefore, it will not go quickly onto the property. It will not take a long time, but it will be a longer time to get there.

By the time it does get there, the catch basin will probably not be filled with water as it currently is.

MR. KREASE: Dave, are you proposing to take some blacktop off the property?

(Several people are speaking at one time.)

MR. ZIGLER: Yes; yes, both lots. Both houses. The one against his, unfortunately has very little blacktop.

The next house is half blacktop. It is paved all the way around. It looks like a parking lot. There will be grass on the north side of the

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house.

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On the bigger house there will be grass on the north, east and the south, which is all paved right now, so that will help.

MR. KREASE: So, with the swale and the extension of time of water run-off, you're saying ---

MR. ZIGLER: And any other modifications we can come up with, we will add it, in addition to what we have offered already.

MR. KREASE: I have no problem. I'm just trying to solve it.

MR. ZIGLER: I understand. You have to have neighbors, unless you are in Utah somewhere.

THE CHAIRMAN: The record should reflect that Mr. Muller has arrived now.

(Off-the-record discussion.)

MR. ZIGLER: That was put in. That's by Polk Court.

When it was built, the owner

owned a gas station. He was trying to

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fix it up and he brought the pipe up,
but being it was a private pipe, nobody
took care or maintained it.

It could be crushed or clogged;
anything.

MR. MULLER: I'm sure removal of
the blacktop will help. We don't get
normal rains anymore. We have
torrential rain storms now, so, when
you talk about slowing it down, how
much will it help?

On a normal rain storm, yeah. It
will perc into the ground, but ---

MR. ZIGLER: It wouldn't solve his
problem.

Two catch basins may solve the
problem.

We are just alleviating some of
the problem, instead of the puddles
being six or eight inches deep, it
will be two inches deep or three inches
deep, but the puddles will be there.

Nothing we can do there. He is

down hill from us, but there is enough

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pitch --- it is less than one percent and 9W comes right towards it, so after you leave the catch basin at the end of our existing catch basin, that is down hill towards him so, he's getting more from 9W than from anybody else, but the catch basin isn't working. Then that is a problem.

MR. JAVENES: What did the D.O.T. say?

MR. KREASE: They told the Applicant to clean it when they're done.

MR. ZIGLER: Yes, but they're talking about either one, because we have one on each end, but yes.

MR. MAHER: The one by Park Road, the pipe going down Park Road, I'm having a discussion with the D.O.T. on that.

The problem there is that corrugated metal pipe goes down Park Road on the north side under several

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we allow people to extend the pipes,
so, therefore, it is ours.

My position is it belongs to the
state because it's their problem,
regardless. The catch basin belongs to
them. No catch basins were installed
on Park Road north that belongs to the
Town of Stony Point. There's it is a
MS-4 entity and at this time it is
draining into the catch basin and
belongs to them and therefore the
outlet pipe belongs to them. That
pipe is theirs and they're responsible
for it.

MR. MULLER: Where are you getting
with that, Kevin?

MR. MAHER: I'm setting up a
meeting with someone from the region.

I spoke to Jennifer at the local
office, who first got a little testy
with me on the phone, but when I threw
the MS-4 (phonetically written) at her,
she stopped it and got a little quiet.

MR. MULLER: That may solve the

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problem. That seems to be the way to handle the water.

MR. MAHER: Right now, the third house down on the left side, as you are going down Park Road from 9W, their driveway is collapsing because the pipe is collapsing.

So, it's an immediate situation that needs to be taken care of.

It has nothing to do with this Applicant, though. I'm trying to get the DOT to fix it. They should fix it. It is not our problem.

MR. MULLER: Well, it will have something to do with this property because that will stop a lot of water from coming down.

MR. MAHER: It will have a positive impact on this project. It will get it out faster.

Right now, it is a converted manhole, which is not proper drainage structure that should be out there,

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Hydraulically, it is not properly working. Not the pipe, nor the grate that is on top of it.

It should have been something totally different. Unfortunately, it is something we have to live with. It is a state right-of-way, not ours.

Hopefully, I can have this solved within the next two weeks. Or at least have a commitment by the state to take care of their problem.

THE CHAIRMAN: All right. Good. Thank you.

Any other public comments?

(No responses heard.)

MR. STACH: Are you going to be making any changes.

MR. ZIGLER: Slight changes in the swales and grading.

It doesn't effect the lots or anything, but the drainage, which is being reviewed by the Town Engineer anyway, so I would hope that the Board

will make a decision on this.

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If the Town is successful on getting that catch basin that is at the south end of the property refurbished, we can regrade and direct the majority of our water towards it. In any fashion we can, and we will agree with the Town Engineer and work with him.

THE CHAIRMAN: All right.

(Off-the-record discussion.)

THE CHAIRMAN: I need a motion to continue the Public Hearing?

MR. MULLER: I'll make that motion.

THE CHAIRMAN: I need a second?

MR. KREASE: I will second it, because that's as far as you can go with this right now.

You understand it as far as we can go right now and that Kevin will be speaking to the state within two weeks. The person --- it makes no difference when we --- I understand what you are saying.

So, I will second it to keep it

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open because there is no resolution
anyway. If nothing comes back by next
meeting, we will close it and make a
new resolution.

MR. RESNICK: We will know by the
tech meeting.

MR. MAHER: Yes. When I have the
meeting with the state, I will know
whether or what they're intentions are.

I gave them a week to set a date
with me and Larry to go up there and
talk with them to see what we have to
do or what they have to do. They are
claiming it is not theirs. It is
really a no-brainer, in my opinion,
that is theirs.

MR. KREASE: We have to make a
decision by next meeting, one way or
the other.

We can't hold up Applicant if the
state is playing games with the Town of
Stony Point. We can't have an
applicant wait because of them.

THE CHAIRMAN: Right.

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The motion and second was to keep the Public Hearing open until next month. All in favor?

(Unanimous affirmative vote.)

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: Kevin, we will keep the Public Hearing open and next month we will have to make a decision, which way to go. Kevin, try to get some kind of answer by the next meeting. We will let you know what the state plans on doing, if the state plans on doing anything.

MR. MAHER: I will see if I can get some pressure on them to take care of the catch basin going down through his property.

MR. JAVENES: Bring them down and show them the catch basin in front of his property. If they're on a roll, you might as well have them look at everything.

MR. MAHER: Yes.

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MR. MULLER: You think we have a chance of having the Town fixing the pipe going down Park Road, if the state takes care of the other, because we have such a serious water issue and that will solve a lot of the water going down into Polk Court from the service center and that helps us dramatically.

MR. MAHER: True, but my concern is the effort that it will take to do a traditional open cut to replace that pipe. There will definitely have to pull a smaller pipe into and through the existing pipe, an 18 inch plastic pipe, inside a 24 inch corrugated metal pipe.

My opinion, hydraulically, they're equal. The 18 inch pipe can easily slide through, but the problem becomes who is paying for it and if it's a shared cost, how much should Stony Point have to pay, versus how

much the state has to pay?

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I think it's the quickest and easiest solution to the problem.

I don't want to jackhammer through ten inches of reinforced concrete, plus three-to-six inches of blacktop, as well.

That will be absolutely a nightmare cutting that road open. Not only with the utilities, but just the road itself. It is a main thoroughfare.

We close that, and it will be a serious impact on the Town for such a quite highly used road as 9W to be closed. You would have to cut across 9W.

MR. MULLER: My question is, do you think we have a shot at the Town replacing down Park Road. I mean, we have driveways that are collapsing.

MR. MAHER: The way I said to pull a plastic pipe through it. Doing that, it can be done in two days.

They, I did it when I worked for

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the City of Yonkers, with sanitary
sewers in Yonkers.

MR. MULLER: But the work on 9W
will be done by the state?

MR. MAHER: Yes.

MR. MULLER: Do you think we
have a shot at the Town replacing the
line going down Park Road, alleviating
a lot of the water for this project and
what's on 9W, and the water ending up
on Polk Court.

MR. MAHER: Like I said, the line
that goes down Park road is nothing but
an extension of the existing pipe that
was first put in by the state and dead
ended 50 feet past the edge of the
pavement on 9W. When that house was
were built, they kept adding sections
of the pipe, extending it.

MR. MULLER: So, it is a Town
pipe?

MR. MAHER: No. My opinion is
that it belongs is to the state because

it's an extension of the state drainage

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system. There were no manholes placed on that line.

No Town catch basins are on that line.

Therefore, in my opinion, it is an extension of the state's sewer storm system. They have had to infer --- no, not infer --- but, it would have had an impact on their outflow; they're extending their outflow further down.

My opinion is it belongs to the state; not the Town of Stony Point.

THE CHAIRMAN: So, by the tech meeting, you will have some kind of answer, because we are getting off track?

MR. MAHER: I will have much more information than I have right now.

I should have an answer, I hope; yes.

THE CHAIRMAN: What else do you need?

MR. ZIGLER: An aspirin.

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THE CHAIRMAN: Thank you.

MR. ZIGLER: We are going to make the changes we talked about with the swale in the back and change the grade on the common driveway. So, those changes will be made.

Thank you.

THE CHAIRMAN: All right.

Thanks, Dave.

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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: Public Hearing
STONY POINT CONFERENCE CENTER,

Applicants.

- - - - - X

8:45 o'clock p.m.
May 26th, 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 (Not Present)
- GLADYS CALLAGHAN, Member
- EUGENE KREASE, Member
- GERRY ROGERS, Member (Not Present)
- KARL JAVENES, Member
- PETER MULLER, Member (Not Present@Roll)
- MARY PAGANO,
Secretary to the Board

Reported by:
Patricia A. Puleo,

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Appearances continued: 58

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)

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

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Stony Point, New York 10980

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THE CHAIRMAN: Next item on the Agenda is the Stony Point Conference Center. This is a public hearing. Dave, give us a quick update?

MR. ZIGLER: Dave Zigler, Atzl, Scatassa and Zigler for this Applicant.

Okay, on this one, you know, basically what we have done since the field trip out there, made a detailed plan of the area around the construction site, which is really the garage and the garage is going to be coming down almost totally, leaving a little twelve foot section up here (indicating on a diagram) and then you will have a new two thousand square foot footprint of the arts and crafts building itself, which is going to be used by the community only.

It is not going to be open for commercial use, so the community itself has many buildings in it; dormitories, and such, so this is just another use

within the community.

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The footprint of the building it's replacing is just a couple hundred foot short of this brand new development plan.

So, with that, we did do a drainage analysis on that because we had comments from the Rockland County Drainage Agency, although we are far outside their jurisdiction, but to be nice people, we submitted for a permit.

So, we have submitted for a permit to the Drainage Agency with that, it included the plan that you have and also the drainage reports.

We did put a pit on this; a seepage pit on this because the parking lot, as you have seen, on the other end had quite a belly and you can see where the water goes.

So, after they finish the building, they'll repave that parking and loop it around the building and then we put a catch basin in there and

drain it into the seepage pit that will

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be an outfall to it, so it will either work completely or if it is a really heavy rain, it will flow out the top and meander down the side of that hill.

The reason we did that is because with several projects with the Drainage Agency, they like this, they are very particular in what they do like and what they don't like.

With the seepage pit, it totally reduces the run-off on the site. That should make them happy and issue a permit to us.

That is the only permit this thing needs, other than the County road opening permit, but we are not doing anything to the County. The County just requires that so they know what is going on, on one of the frontages of their road. So, we would have to get that.

The connections to the building itself are just utilities. There are

no main extensions. Nothing of that

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sort. Everything is there underground and ready to go.

There was some concern at the last meeting about the uses on the map.

I've talked to the Director and they took a map and labeled the buildings, the uses for the buildings on the map.

It not, per se, a site plan as you would have for the entire site, but at least, if you want to look at the overall plan, page one, it has a list of the buildings and the use of the buildings on the site.

We also have counted the parking spaces, the way they are lined; how they are parking and not meeting the Code.

Overall, it gives us the first real description of the entire site.

It was a big discussion, but we've done some work, work for the boy and girl scouts. Whatever was on the

map, we did. If we are going to follow

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on the same footprint from it as to what we previously had done, we would add this definition of the building on the map.

There is no grading changes. No drainage changes, very little drainage changes. There are drainage reports and comments by the Town Engineer.

We submitted to the Drainage Agency for a permit and it should be coming by the end of next month.

The Applicant has to go to the ARB prior to your vote and we would need no variances, so we are here for a Public hearing.

THE CHAIRMAN: Before that, Kevin, do you want to comment about the drainage?

MR. MAHER: I looked at the calculations done by Ray Monte (phonetically written). The only concern I have is the dry well is four times larger than what they needed.

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environmental swale to handle the water run-off, but that's a personal choice.

I have no problem if they can't use this dry well. But they will have to have to maintain it, with a requirement to clean it out as needed.

It is obviously large enough to handle run-off if the run-off you have that will be generated, possibly along the lines of the storm we just had on March 11th.

It is very well sized for that type of storm event.

Other than that, if there's a maintenance problem down the road, I have no problem with the highway's choice, I just suggested an alternative that is a little easier to maintain, but the choice is up to the property owner.

In my opinion on this case, if they weren't to use it, I have no problem with it.

THE CHAIRMAN: Thank you. Does

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the Board have any questions?

MR. KREASE: The dry well situation, here's a situation where it only effects the Applicant, not the neighbors. So, if the Applicant, down the road, comes up with a problem down the road that it fills up, it is to his benefit to clean it up here and to me, it is not an issue, either.

MR. MAHER: Right. That's what I said. It is solely their problem if it malfunctions, so I just want to give an alternative that will be acceptable to me, but again, I have no issue with the dry well; just giving an alternative to something easier to maintain.

MR. KREASE: Dave, are you going with the dry well?

MR. ZIGLER: Yeah, we have used that already with the Drainage Agency. We have tried a few other things. There is a word I can throw in there, but I'm not going to, but it just seems

to be their protocol.

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If the Town Engineer is happy,
that will be more of an impact to them.

Hopefully it will go through very
fast.

MR. MAHER: Again, Dave just hit
the nail on the head. If it is
something they like to see, it will
move faster.

THE CHAIRMAN: All right, good.
What we will do now is open the public
hearing.

MR. STACH: Before you do that, I
provided you with a Part II at the
last meeting and sent you for this
meeting along with the neg dec.

I would suggest that you adopt
those before, adopt the Part II. We
are just waiting for Kevin's reports.

MR. KREASE: I will make a motion
to accept the Part II.

THE CHAIRMAN: I need a second?

MR. MULLER: Second.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote.)

2 THE CHAIRMAN: Opposed?

3 (No response heard.)

4 THE CHAIRMAN: Okay, motion is
5 passed to, to accept the Part II, next
6 is ---

7 MR. STACH: I'd just like to ask
8 a question of our Counsel; if you have
9 to read it into the record, or
10 possibly, can you just adopt it as
11 prepared by your Planning consultant?

12 THE CHAIRMAN: Dave?

13 (Off-the-record.)

14 THE CHAIRMAN: We will read it. I
15 will read it at this time.

16 "Proposed Draft, State
17 Environmental Quality Review, Negative
18 Declaration, Notice of Determination of
19 Non-Significance.

20 "Project: Stony Point Conference
21 Center Arts and Crafts Building.

22 "Town of Stony Point, New York.

23 "Date: May 26th, 2011.

24 "This notice is issued pursuant

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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: Stony Point
Conference Center Arts and Crafts
Building.

"SEQRA Status: Unlisted.

"Condition Negative Declaration:
No.

"Description of Action: Reuse
and expansion of an existing garage
structure for an arts and crafts
building for the exclusive use of
residents.

"Location: Northwest corner of

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"Reasons Supporting This
Determination: The proposed action is
not anticipated to result in any
adverse environmental impacts based on
the following."

"1. On or about March 28th,
2011, the Planning Board received a
Part I, Short Environmental Assessment
Form (EAF) providing project
information;

"2. On or about April 28th, 2011
the Planning Board assumed lead agency
status and declared the action
unlisted.

"3. On or about May 15th, 2011,
the Town Engineer provided review of
the proposed storm water management
plan and found that appropriate
mitigations were possible.

"4. On or about May 26th, the
Stony Point Planning Board adopted a
Part II EAF was also adopted indicating
no potential large impacts;

"5. The applicant will file for

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a Rockland County Drainage Permit and
adhere to its requirements.

"6. The applicant will file for
a Rockland County Highway Department
Work Permit and adhere to its
requirements;

"7. The Applicant will adhere to
any requirements of the Fire Inspector.

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

Okay, I just need a motion to
accept the neg dec?

MR. JAVENES: I will make the
motion to accept the negative dec.

THE CHAIRMAN: I need a second.

MRS. CALLAGHAN: I will second
it.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote.)

THE CHAIRMAN: Opposed?

(No responses heard.)

THE CHAIRMAN: Okay, the neg dec
is accepted; adopted.

MR. KREASE: Did you go to ARB?

2 MR. ZIGLER: Next month. We will
3 see you at the workshop and see if
4 there's any other items.

5 THE CHAIRMAN: We have to open the
6 public hearing for the Stony Point
7 Conference Center.

8 If you want to speak, come up and
9 just state your name and address. At
10 this point, we will open the public
11 hearing.

12 (No one came forward at this
13 time.)

14 THE CHAIRMAN: Seeing there are
15 no comments, I need a motion to close
16 the Public Hearing.

17 MR. JAVENES: I will make the
18 motion to close the public hearing.

19 THE CHAIRMAN: Second?

20 MR. MULLER: Second.

21 THE CHAIRMAN: All in favor?

22 (Unanimous affirmative vote
23 heard.)

24 * * *

MR. ZIGLER: To update you, we are

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filing Ingaglia. We are going to file that.

(Off-the-record discussion.)

THE CHAIRMAN: Thank you, Mr. Zigler. I need a motion to accept the minutes of March 21st?

MR. KREASE: I will make the motion.

THE CHAIRMAN: Second?

MR. MULLER: Second.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote heard.)

THE CHAIRMAN: Motion to close?

MR. MULLER: I will make the motion to close.

MRS. CALLAGHAN: Second.

THE CHAIRMAN: Thank you. Good night.

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certification