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Table of Contents

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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,

Applicants.

- - - - - X

7 o'clock p.m.
October 27th, 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

24

Reported by:

Patricia A. Puleo,

25

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)

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
(845) 429-8986 FAX and Phone

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27th,

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2011)

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will

THE CHAIRMAN: Good evening. We

6

stand for the Pledge.

7

Allegiance was

(At this time the Pledge of

8

recited).

9

roll?

THE CHAIRMAN: Mary, just call the

10

MS. PAGANO: Mr. McMenamin?

11

MR. MC MENAMIN: Here.

12

MS. PAGANO: Mr. Muller?

13

MR. MULLER: Here.

14

MS. PAGANO: Mr. Javenes?

15

MR. JAVENES: Here.

16

MS. PAGANO: Mr. Krease?

17

MR. KREASE: Here.

18

MS. PAGANO: Mrs. Callaghan?

19

MRS. CALLAGHAN: Yes.

20

MS. PAGANO: Mr. Rogers?

21

MR. ROGERS: Here.

22

MS. PAGANO: Chairman Gubitosa?

23 THE CHAIRMAN: Here.

24 Okay. Before the Planner gets

here, we'll

25 just move some things around; under "Other

2 Business", we will accept the minutes of
the
3 September 22, 2011 meeting.

4 We need a motion to accept the
minutes.

5 MR. MULLER: I will make the motion
to

6 accept the September 22nd minutes.

7 THE CHAIRMAN: I need a second?

8 MR. ROGERS: Second.

9 THE CHAIRMAN: All in favor?

10 (Unanimous affirmative vote).

11 THE CHAIRMAN: Opposed?

12 Next is the date of the
November/December

13 2011 Planning Board meeting; November
10th, 2011

14 is our deadline. November 17th, 2011 is
the tech

15 meeting, and December 8th is the Planning
Board

16 meeting. That's the November/December
dates.

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

- - - - - X

In the Matter of the Application

RE:

HUDSON BAY COMPLEX/CHEER MANIA

Public
Hearing

ALLSTARS,

Applicants.

- - - - - X

7:30 o'clock p.m.
October 27th, 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,

23 Secretary to the Board

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

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Appearances continued: 8

JAMES BOYLE, HUDSON BAY COMPLEX

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special Counsel
(Recused)
AMY SHAEFER, Esq., Of Counsel

WILLIAM SHEEHAN, Town Building Inspector
(Not Present)

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

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
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BY: DAVID M. ZIGLER, P.E.

And the Public.

SERVICES PULEO REPORTING & TRANSCRIPTION

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Stony Point, New York 10980
(845) 429-8986 FAX and Phone

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1 - Proceedings - 9

2

3 THE CHAIRMAN: Okay, so we will
4 take the Hudson Bay matter. It is a
5 public hearing.

6 MR. KREASE: Did we open it up?

7 THE CHAIRMAN: No. We have to
8 open it. Give first give us an update,
9 Dave?

10 MR. ZIGLER: Hi. Dave Zigler,
11 Atzl, Scatassa and Zigler. This is
12 Dave Boyle next to me, to my right.

13 Okay, what we are here for is
14 Cheer Mania which is to be installed in
15 one of the units. It actually is the
16 second unit from the north and that
17 will be the two-story unit, Hudson Bay
18 Holt Drive. The unit that you had to
19 do amendment for.

20 The Cheer Mania is currently
21 located in industrial park in West
22 Haverstraw, Railroad Avenue. As you
23 know that's kind of like a one parking,
24 one entrance only type of thing, and

1 - Proceedings - 10

2 this operation will move into this
3 building that we are talking about.
4 Partitioned off about 57 hundred square
5 foot and they're going to do their
6 thing, which is basically to practice
7 cheering.

8 There's girls from different
9 areas and different ages. It's in the
10 after. This will take place in the
11 afternoon. It is a school-type forum.

12 They come in in groups at certain
13 times. That is why it works in the
14 industrial park. It has single access.

15 When they come in, they drop off
16 the child and leave. If they want to
17 stay, they can park in the front. So
18 this user doesn't need many spaces.

19 Most of it is in the early
20 evening.

21 So, what we proposed to do was do
22 some attractive improvements of the
23 signage there.

24 Actually, I had a discussion with

Max Stach at the workshop. I told the

1 - Proceedings - 11

2 Board what we are going to do. It is a
3 Nascar-style arrangement. You just
4 come in and go around to the right.
5 When Max called me, he countered with,
6 you would be often on the wrong side of
7 the car. I said, "Yup, you are right."
8 Max said something to that effect I
9 probably said to him.

10 So, anyway, so anyway, well, we
11 changed it and this is what we were
12 talking about on the phone.

13 Basically, what I am handing out
14 to you James wants to put a speed bump
15 at the gate.

16 When the cars come in, they have
17 to right, slow down and then they would
18 go straight up the hill and drop their
19 child off. As they're going through
20 the gate, they will see a sign that
21 says, "Cheer Mania", with a arrow
22 pointing straight ahead. That is the
23 first thing for the check-in.

24 Secondly, there's a sign right on

the building that say, "Exit to the

1 - Proceedings - 12

2 right". That sign will be right on
3 the building.

4 I would imagine that after a
5 couple of sessions, everybody will have
6 it down pat. It would be easier to
7 come in, drop the child off and go
8 around the complete unit and come out.
9 The speed bump will stop people from
10 coming through the gate fast. If you
11 are coming down, and you're exiting in
12 front of the building, and somebody is
13 entering, there won't be a problem.
14 They have the slow down for the speed
15 bump.

16 That is basically what's going
17 on. It is basically a new user in an
18 industrial park and in this case, it's
19 the west end of the building and all
20 the operations will be inside. Nothing
21 will be outside.

22 That's all we are here for.

23 MR. MULLER: When you were last
24 here, we had sent a recommendation to

the Building Department to speed up to

25

floor use space of 5750 square feet is

1 - Proceedings - 14

2 so noted on the plan.

3 THE CHAIRMAN: We will make that
4 note. Thank you, Jean.

5 I just need a motion to open the
6 Public Hearing on Cheer Mania. I will
7 open the public hearing for Cheer
8 Mania. If you have any comments,
9 please address the Board and ask any
10 questions you may have to the Board.

11 MR. KREASE: I will make the
12 motion to open this for a Public
13 Hearing.

14 THE CHAIRMAN: A second?

15 MR. ROGERS: Second.

16 (No responses heard from the
17 audience.)

18 THE CHAIRMAN: No comments from
19 the public?

20 (No responses.)

21 THE CHAIRMAN: Okay. Can I get a
22 motion to close since there are no
23 comments?

24 MR. MULLER: I'll make the motion

to close the public hearing.

1 - Proceedings - 15

2 THE CHAIRMAN: I need a second?

3 MR. ROGERS: I will second it.

4 THE CHAIRMAN: All in favor?

5 (Unanimous affirmative voted.)

6 THE CHAIRMAN: Opposed?

7 (No responses.)

8 THE CHAIRMAN: The motion to

9 close the public hearing passed.

10 The next thing --- well, Max,

11 did you have any questions?

12 MR. STACH: I do not.

13 THE CHAIRMAN: What I need now is

14 --- we need to --- I know everyone has

15 a copy of the resolution, for the

16 approval tonight for Cheer Mania.

17 The attorney that is sitting in

18 tonight on this matter is Amy Schafer.

19 She will be filling in for Harold

20 MacCartney.

21 I just need a motion to accept

22 the resolution.

23 MR. ROGERS: I will make that

24 motion, Mr. Chairman.

THE CHAIRMAN: And a second, then

1 - Proceedings - 16

2 we will read it.

3 MR. JAVENES: I will second it.

4 THE CHAIRMAN: Do you want to
5 read it?

6 MR. ROGERS: Sure.

7 "Resolution: A meeting of the
8 Town of Stony Point Planning Board
9 (thereinafter, 'this Board') was
10 convened on October 27th, 2011 at 7:00
11 p.m.

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

14 "Resolution granting approval of
15 an amended site plan entitled, 'Cheer
16 Mania Allstars Amended Site Development
17 Plan', for building "C", amending a
18 previously approved final site plan
19 identified as Hudson Bay Complex.

20 "Whereas, an application for
21 approval of an amended site plan
22 entitled, 'Cheer Mania Allstars Amended
23 Site Development Plan' consisting of
24 one sheet dated September 9th, 2011,

which proposes to amend a previously

1 - Proceedings - 17

2 approved site plan entitled 'Hudson Bay
3 Complex' has been presented by PMBC
4 Holding Company, LLC, owner and Lauren
5 & John Gould/Cheer Mania Allstars,
6 applicant, and;

7 "Whereas, on September 22nd,
8 2011, the Planning Board of the Town of
9 Stony Point (hereinafter 'the Planning
10 Board') declared itself as Lead Agency,
11 pursuant to SEQRA and found and
12 determined that because the application
13 consisted only of a change of use of
14 interior space in an existing building,
15 which required no variances from the
16 Board of Appeals, was consistent with
17 local land use controls (6 NYCRR
18 Chapter 617.5), would not result in
19 substantial changes to noise or
20 lighting levels at the site, is not
21 likely to result in odors that disturb
22 adjacent residences and the 50' wide
23 easement and buffer will not be reduced
24 by this application, the action was a

found and determined that the premises

1 - Proceedings - 19

2 are situate in the LI Zoning District
3 and that the proposed use requires a
4 conditional use permit from the
5 Planning Board, and;

6 "Whereas, the Planning Board has
7 further found and determined that the
8 application consists only of a change
9 of use of interior space in an existing
10 building which requires no variance
11 from the Board of Appeals and it is
12 consistent with local land use controls
13 and that the general conditions and
14 standards for conditional use and/or
15 special permit approval set forth in
16 Section 215-79 of the Code of the Town
17 of Stony Point, have been met and that
18 no other additional standards,
19 conditions or requirements are deemed
20 necessary or appropriate to promote the
21 public health, safety and welfare or
22 otherwise implement the intent of
23 Section 215-79 of the Code of the Town
24 of Stony Point;

"Now, therefore be it resolved,

1 - Proceedings - 20

2 that the Amended Site Plan entitled,
3 'Cheer Mania Allstars Amended Site
4 Development Plan' for Building "C",
5 affecting premises known as Section 20.
6 04-11-2.3, as shown on the Town of
7 Stony Point Tax Map, be and hereby is
8 approved and a conditional use permit
9 be and the same is hereby granted to
10 permit interior construction,
11 maintenance and use of a portion of
12 Building "C", Hudson Bay Complex,
13 consisting of approximately 5,750
14 square feet of second floor space in
15 the existing building as a professional
16 youth training facility as described in
17 the application and upon compliance
18 with all other applicable site plan
19 requirements set forth in the
20 Regulations of the Town of Stony Point,
21 the Chairman is authorized to sign the
22 map upon fulfillment of the following
23 conditions:

24 "1) The site place should be

1 - Proceedings - 21

2 parking spaces on the site are
3 designated for Cheer Mania Allstars
4 use;

5 "2) The site plan should be
6 revised to include traffic calming
7 devices and a circulation pattern
8 (generally clockwise around the site)
9 that will encourage the orderly drop
10 off and pick up of patron students
11 using the commercial recreation
12 establishment. A speed bump should be
13 installed near the exterior entrance
14 and 1 - 2 directional signs should be
15 installed at locations designated by
16 the Town."

17 That's it.

18 MR. STACH: Okay, but on the first
19 page the second "whereas", the
20 reference to 6 NYCRR 17.5, should be 6
21 NYCCR 617.5.

22 THE CHAIRMAN: Very good. We
23 will correct that in the record.

24 Any other comments?

(No responses heard.)

1 - Proceedings - 22

2 THE CHAIRMAN: All right. We
3 have a motion and a second on the
4 Resolution. Carl did the second.
5 Jerry made the motion. Any other
6 comments on the Resolution?

7 (No responses heard.)

8 THE CHAIRMAN: All right, the
9 Resolution is accepted.

10 All right. Mary, just poll the
11 Board.

12 MS. PAGANO: Mr. McMenamin?

13 MR. MC MENAMIN: Yes.

14 MS. PAGANO: Mr. Muller?

15 MR. MULLER: Yes.

16 MS. PAGANO: Mr. Javenes?

17 MR. JAVENES: Yes.

18 MS. PAGANO: Mr. Krease?

19 MR. KREASE: Yes.

20 MS. PAGANO: Mrs. Callaghan?

21 MRS. CALLAGHAN: Yes.

22 MS. PAGANO: Mr. Rogers?

23 MR. ROGERS: Yes.

24 MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes.

1 - Proceedings - 23

2 All right.

3 MR. BOYLE: I'd just like to thank
4 you, everyone for working to expedite
5 this and getting it done. I appreciate
6 it a lot.

7 MS. PAGANO: Bye, James.

8 (David Resnick, Special Counsel,
9 was recused on Hudson Bay Storage
10 matter.)

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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:

KENNETH A. BABCOCK SUBDIVISION,

Applicants.

- - - - - X

8:30 o'clock p.m.
October 27th, 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 :

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GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

Reported by:

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

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Appearances continued: 26

IRA EMANUEL, Esq., Attorney for Applicant

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

WILLIAM SHEEHAN, Town Building Inspector
(Not Present)

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

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BY: MAXIMILIAN STACH, Town Planner
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Surveyors/Architects for Applicant
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BY: DAVID M. ZIGLER, P.E.

And the Public.

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THE CHAIRMAN: Let the record reflect that Dave Resnick is here, present on the next matter, which is Babcock.

Ira?

MR. EMANUAL: Ira Emanuel, Laurel Drive, New City, New York, for the Applicant.

We were here last month. The Public Hearing was closed.

We are here for a decision tonight. Dave Zigler is also here with me. It is up for the final resolution.

THE CHAIRMAN: Does the Board have any questions before we go for final resolution?

MR. MC MENAMIN: The resolution says, "latest revised, July twenty".

The latest revision that I have is 7/11. Can you just give me what the chain was from revision three to the final?

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submitted was dated August 17th. That was the relocated field; the one that was submitted to the Health Department.

So, basically, the plan itself has never changed, after we put the variance table on it, which is dated June or after your first resolution.

MR. MC MENAMIN: The variance table? You mean the bulk table?

MR. ZIGLER: When we went for the changes. Yes. The remaining changes had to do with the septic and the well locations, and basically, as you know, Artie --- he's there all his life --- basically, he felt the septic was in this one spot --- it ended up that they found other maps, the Health Department, and the septic was moved over, so we just changed the septic location.

That was the only thing that was going on.

Then, the Health Department asked

for the separations to be put on the

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map.

So, really, there are no changes in the property line, or no changes to anything, just the changes of the location of the septic field in front of the old house.

MR. RESNICK: Dave, just so I can be clear on the resolution --- July 28th is there a revised application after that?

The third one was July 11th. But, the map --- I am looking at the actual application.

MR. ZIGLER: No, no. There is no July 20th. The time was July 11th.

MR. RESNICK: July 20th, okay.

MR. ZIGLER: That's it. No. No revised application. I was looking at the map. I'm sorry.

MR. RESNICK: That's what I have. I'm trying to differentiate between the two for the resolution.

MR. MC MENAMIN: So, we're not

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map? Is what that what you are saying?

MR. RESNICK: This first --- the application itself, we can certainly put in a reference to the map, to state we have the revised map; if you like, the July 11th.

THE CHAIRMAN: Yes, July 11. This one here says about the relocated slope areas. July 11. It is highlighted.

MR. RESNICK: I will reference the last revised sketch, 8/17/11.

MR. MC MENAMIN: Then, it should be on the Resolution also. We are talking about the notes for Lot 2, if the well fails on Lot 2 fails, it fails.

MR. EMANUEL: A proposed declaration was prepared with covenants.

A copy was sent to Mr. Resnick and also sent to the Health Department.

We haven't heard anything from the Health Department.

I don't know if Mr. Resnick had

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an opportunity to review it. Certainly it is conditioned by approval of that declaration by both the Health Department and the Town attorney.

MR. MC MENAMIN: The resolution reflects the executed declaration. The only reason I brought it up is that I don't have it.

So, you're saying ---

MR. RESNICK: It is a conditional plan signature. I have a draft. We have to review it. It will be in a form acceptable to the Town. It is available for review by the County, although the County has no jurisdiction. They should be able to review it, though, if they wanted to.

MR. EMANUEL: That is fine with us.

MR. MC MENAMIN: And you sent one to the County, too --- oh, and the note on the map, we don't have it on the map.

MR. EMANUEL: In plain English,

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the declaration said, if the well on Lot two fails for any reason, the owner of Lot two at the time, or at any time, will have to put in a new well at his or her own expense, that complies with all rules and regulations in effect.

MR. MC MENAMIN: The Resolution says, "the cause is to be the placed on the subdivision plat...", and that note is ---

MR. ZIGLER: It is not on there because it hasn't been approved yet.

MR. MC MENAMIN: You are going to add it to the map?

MR. ZIGLER: Sure and the filing information, so that it is cross-referenced.

MR. MC MENAMIN: Because that might be the most important thing.

MR. ZIGLER: Yup.

MR. EMANUEL: Basically, the declaration of the plat will be filed

more or less simultaneously.

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MR. MC MENAMIN: And it goes with
land and any new owner of the lot 2 --
--

MR. EMANUEL: It expressly states
that, the declaration expressly states
that any deeds issued for lot 2 has the
reference the declaration and it will
specifically run with the land.

MR. MC MENAMIN: Cool. Thank
you.

THE CHAIRMAN: Any other questions
from the Board before I read it? I
need a motion to accept the final
resolution?

MR. MULLER: I'll make that
motion, Mr. Chairman.

THE CHAIRMAN: Second?

MRS. CALLAGHAN: I will second
it.

THE CHAIRMAN: I have a motion
and a second. What I'll do is ---
off the record.

(At this time, there was an

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Resnick.)

THE CHAIRMAN: I will read it or we will insert the new, corrected resolution.

(Off-the-record discussion.)

THE CHAIRMAN:

"Final Resolution: A meeting of the Town of Stony Point Planning Board (the Planning Board) was convened on Thursday, October 27th, 2011 at 7 o'clock p.m.

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

"Resolution, K. A. Babcock, Jr.

"Resolution granting preliminary and final approval with respect to the application of K. A. Babcock, Jr. For a two-lot subdivision plat for property located in the Town of Stony Point, RR Zoning District at the north side of Franck Road, 480 feet east of Bulsontown Road, Town of Stony Point, New York.

"Whereas, an application has been

1
2 made to the Town of Stony Point
3 Planning Board (Planning Board) for
4 approval of the subdivision of one (1)
5 building lot into two (2) building lots
6 to be served by well and septic,
7 entitled, "K.A. BABCOCK, JR.," May 2nd,
8 2011, last revised July 20, 2011, along
9 with a Minor Subdivision Sketch, dated
10 June 6th, 201, last revised August
11 17th, 2011 (the Project) affecting a
12 1.6 acre property located at 51 Franck
13 Road, at the north side of Franck Road,
14 480 feet from Bulsontown Road, Town of
15 Stony Point, State of New York,
16 designated on the Town of Stony Point
17 Tax Map as Lot 15.01-1-4 (the
18 Premises), and;

19 "WHEREAS, the Planning Board, at
20 its meeting of May 26, 2011, heard the
21 Applicant's initial presentation,
22 declared its intent to be Lead Agency
23 for the Application as an Unlisted
24 Action, set a site visit for the

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referred the Applicant to the Stony Point Zoning Board of Appeals for variances necessary to the application, and;

"Whereas, the members of the Planning Board personally visited the applicant's premises on or about June 4, 2011, and;

"Whereas, pursuant to the New York State Environmental Quality Review Act (SEQRA) the Town of Stony Point Planning Board, acting as Lead Agency undertook all appropriate action and adopted a EAF Part II and a Negative Declaration for the Project at its meeting of June 23, 2011, and;

"Whereas, by letters dated May 12, 2011 and August 8, 2011, the County of Rockland Department of Health raised questions regarding the positioning of the presently existing well at the premises that would be located on the newly created Lot 2 for the subdivision

and voiced concern that the well is

subdivision provided the Applicant take

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several mitigating actions, as suggested by the Applicant, with regard to the non-conforming status of the well on Lot 2 of the newly created subdivision, and;

"Whereas, a public hearing was opened by the Planning Board at its meeting of September 22, 2011 and subsequently closed on September 22, after the Planning Board received and duly considered the comments of the public, and;

Whereas, the Town of Stony Point Zoning Board of Appeals, following a public hearing and testimony from David Zigler on October 6, 2011, approved variances for the Project from the Town of Stony Point Zoning Code, by Resolution dated October 6, 2011, and;

"Whereas, the Planning Board, at its meeting of October 27, 2011 duly considered correspondence from and the presentation of David Zigler, Atzl,

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2 correspondence from the Rockland County
3 Department of Health, and upon the
4 testimony of David Zigler and said
5 correspondence, voted to waive
6 compliance by the Applicant with
7 Section 191-14(B) of the Town of Stony
8 Point subdivision regulations regarding
9 the necessity of County Health
10 Department endorsement of the
11 Applicant's subdivision plat, provided
12 the Applicant's comply with certain
13 mitigating conditions reviewed by the
14 Rockland County Department of Health,
15 as set forth herein, and;

16 "Whereas, the Planning Board has
17 examined and carefully considered all
18 written documentation, testimony and
19 comments received with respect to the
20 Project, including, but not limited to
21 those of the public, applicant's
22 consultants and the Town of Stony
23 Point's consultants, and;

24

"Now, therefore, be it resolved

2 by the members of the Town of Stony
3 Point Planning Board as follows:

4 "That the plate entitled, "Minor
5 Subdivision Sketch for K.A. Babcock,
6 Jr.," dated June 6, 2011 and last
7 revised August 17, 2011, affecting a
8 1.6 acre parcel of property located at
9 51 Franck Road, at the north side of
10 Franck Road, 480 feet from Bulsontown
11 Road, Town of Stony Point, State of New
12 York, designated on the he Town of
13 Stony Point Tax Map as Lot 15.02-1-4,
14 be and is hereby approved and the
15 Chairman is hereby authorized to sign
16 same and to permit same to be filed in
17 the office of the Rockland County
18 Clerk, upon payment of any and all
19 outstanding fees to the Town of Stony
20 Point and its consultants and only
21 after compliance with and subject to
22 the following:

23 "1) Recording in the office of
24 the Clerk of the County of Rockland of

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Covenants in a form acceptable to the Town of Stony Point and available for review by the Rockland County Department of Health, with regard to the non-conforming status of the drilled well located on newly created subdivision Lot 2;.

"2) Cause to be placed on the Subdivision Plat, a Note stating that in the event the drilled well on newly created Lot 2 fails a well test at any time in the future, the Applicant or any subsequent owner of Lot 2 would be required to install a new, drilled well on Lot 2 and that would meet or exceed Rockland County Department of Health standards for well and septic separation and testing per the Department of Health's then current regulations, and;.

"3) All conditions, covenants and restrictions of aforesaid Declaration of Covenants."

Okay. I have a motion and a

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second for the final resolution.

Mary, can you just poll the Board?

MR. MC MENAMIN: At least in two places the man's name is spelled wrong.

THE CHAIRMAN: Dave already fixed it on his copies.

MS. PAGANO: Dave will send me a corrected copy and I will send it to you; I will send it to everyone. It won't be until next week, though.

MR. MC MENAMIN: All right.

THE CHAIRMAN: I have a motion and a second more the final resolution.

Mary, please poll the Board.

MS. PAGANO: Yes.

Mr. Mc Menamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

