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

----- X

In the Matter of the Application

RE:

S & V ALIMRON,

Applicants.

----- X

7 o'clock p.m.
August 26th, 2010
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
- KARL JAVENES, Member (Not present)
- PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by:

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

1

2 Appearances continued: 3

3

FERRICK, LYNCH & MAC CARTNEY, Esqs,
4 96 South Broadway
 South Nyack, New York 10960
5 BY: DAVID RESNICK, Esq.,Special Counsel

6

WILLIAM SHEEHAN, Town Building Inspector

7

LIZ VERRIER, Deputy Town Attorney
(Not Present)

8

KEVIN P. MAHER, P.E, Town Engineer

9

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

13

ATZL, SCATASSA & ZIGLER
14 Surveyors for Applicant
 234 North Main Street
15 New City, New York 10956
BY: DAVID ZIGLER, Architect, Surveyor

16

And the Public.

17

PULEO REPORTING & TRANSCRIPTION SERVICES

18

61 Crickettown Road

19

Stony Point, New York 10980

20

(845) 429-8986 FAX and Phone

21

22

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1 - Proceedings - 4

2 (This is the Planning Board
3 Meeting of August 26th, 2010.)

4 THE CHAIRMAN: Please stand for
5 the Pledge.

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

8 THE CHAIRMAN: Mary, just call
9 the roll, please.

10 MS. PAGANO: Mr. Muller?

11 MR. MULLER: Here.

12 MS. PAGANO: Mr. Rogers?

13 MR. ROGERS: Here.

14 MS. PAGANO: Mr. Krease?

15 MR. KREASE: Here.

16 MS. PAGANO: Mrs. Callaghan?

17 MRS. CALLAGHAN: Here.

18 MS. PAGANO: Chairman Gubitosa?

19 THE CHAIRMAN: Here.

20 All right, the first item on the

21 agenda is S and V, it's for a

22 resolution.

23 Dave, come up.

24 MR. ZIGLER: Dave Zigler, Atzl,

25 Scatassa and Zigler for S and V.

1 - Proceedings - 5

2 Okay, we, we were discussing this
3 at the workshop, about the ---
4 basically, about the final on this
5 subdivision expired.

6 I have to come back in for a
7 public hearing and submit a new filing
8 and the question was, can I modify the
9 resolution so that the first two homes
10 could stand on their own, without
11 having the entrance put in and subject
12 the last lot to that improvement.

13 So, in other words, get a
14 building permit, a C. Of 0., for the
15 two existing homes, but if anything
16 happened beyond that; if they wanted
17 to sell the house, they would have to
18 put in the driveway and go for a
19 building permit for that new home on
20 lot three --- well, actually lot one

21 --- they would have to put the driveway

22 in.

23 I was asking the Board if they

24 had any thoughts on that before I

25 submitted that map, and break out

1 - Proceedings - 6

2 exactly what improvements have to be
3 done for each lot so that there's no
4 question about it.

5 That's what we were discussing at
6 the workshop. There was some talk
7 about this and I don't know if you
8 thought about it since then, but ---

9 MR. KREASE: You are talking about
10 you were making improvements to lots
11 two and three?

12 MR. ZIGLER: Yes, then subject the
13 new driveway to either a building
14 permit or if they wanted to sell the
15 lot, anything other than the C.O. and
16 the building permit, let's say for the
17 two existing lots, that would kick in
18 the improvements having to be done.

19 MR. ROGERS: Makes sense.

20 MR. ZIGLER: If that seems, if

21 that seems to be acceptable, then I
22 will modify the application and
23 resubmit the map and I'd have to get
24 the subdivision re-opened and refile
25 it.

1 - Proceedings - 7

2 MR. MULLER: Kevin, any
3 thoughts?

4 MR. MAHER: No. I looked at the
5 plans. And really, it is just a
6 follow-up on stuff that was previously
7 improved. Nothing is going to change.
8 I think it sounds reasonable to me.

9 THE CHAIRMAN: Bill, any concerns?

10 MR. SHEEHAN: No. I mean, well,
11 the only thing I would want to happen
12 is the improvement for lots two and
13 three, includes the sewer.

14 MR. ZIGLER: Sewer, drainage;
15 everthing. I would make a phase map,
16 so you would know exactly what we are
17 talking about, and have Mr. Rogers, her
18 attorney, draw up covenants which we
19 will put them on filed map and file it.

20 MR. SHEEHAN: So, you take care of

21 the lot two and three. Whose
22 responsibility will it be to improve
23 lot one if it was sold?

24 MR. ZIGLER: We were actually
25 saying prior to the C.of O. ---

1 - Proceedings - 8

2 MR. SHEEHAN: Well, who would
3 have to be responsible?

4 MR. ZIGLER: This owner, even if
5 she wants to sell lot three, the house,
6 she would have to do the improvements
7 first; before she can sell the house,
8 so ---

9 MR. SHEEHAN: It would have to say
10 something on the deed?

11 MR. ZIGLER: Yes.

12 MR. MULLER: Mr. Chairman, I have
13 no problem, if we move in that the
14 direction.

15 THE CHAIRMAN: Yes.

16 MR. KREASE: Can you clear up
17 something? Let me just get it clear
18 one more time; so, if she wants to sell
19 lot two or three, if she has to sell
20 lot two or three, then the improvements

21 have to be made to one?

22 MR. ZIGLER: Yes. Anything other

23 than the building permit or the C.of

24 O., for those two lots would kick in

25 the improvements having to be done,

1 - Proceedings - 9

2 that remain. I will mark it out and
3 put it on there to review it at the
4 workshop.

5 MR. KREASE: Okay.

6 THE CHAIRMAN: So, we need to set
7 a Public Hearing for next month?

8 MR. ZIGLER: Yes. Well, no. I
9 have to put in the application first.

10 I believe that these notes will
11 probably take a couple of times.

12 I would like to come to workshop
13 with the total package after I've
14 returned to the client and then follow
15 it normal path.

16 MR. SHEEHAN: It is just an update
17 tonight?

18 MR. ZIGLER: Correct.

19 MR. STACH: Do you know if you are
20 going to have to go back to the D.O.T.

21 on this?

22 MR. ZIGLER: That is something we

23 are going to have to find out. I

24 didn't think of that.

25 MR. SHEEHAN: I'd check it out,

1 - Proceedings - 10

2 but they're two existing buildings, so
3 technically, if you didn't subdivide,
4 you would get it.

5 MR. ZIGLER: Right.

6 MR. SHEEHAN: Without anything.

7 MR. STACH: Yes, there was a
8 discussion early on about your
9 subdividing, but you are not able to
10 convey, like what we did last, so is it
11 really even a subdivision, until ---

12 MR. SHEEHAN: It is not a
13 subdivision. I think what they are
14 looking at, probably, 360 days; yes.

15 MR. ZIGLER: So, I got the drift
16 of what you are looking for. I will
17 just have to go back to the client.

18 She has other alternatives, also,
19 but I think I can tell her the
20 Board is working with this one. Make

21 your decision, then I will submit an
22 application.

23 Thank you.

24 THE CHAIRMAN: Thank you.

25 * * *

1 - Proceedings - 11
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22 CERTIFICATION

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

3

----- X

4

In the Matter of the Application

5

RE:

6

STONY POINT FIRE DISTRICT SUBSTATION,

7

Applicants.

8

----- X

9

7:15 o'clock p.m.
August 26th, 2010
RHO Building
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Stony Point, New York
10980

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Chairman

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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 (Not present)
PETER MULLER, Member

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MARY PAGANO,
Secretary to the Board

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Reported by:

24

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

25

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2

Appearances continued: 13

3

4 KORNFIELD, REU, NEWMAN & SIMEONE
Attorneys for Applicant
5 44 Washington Street
Suffern, New York 10901
6 BY: SCOTT DOW, Esq., Of Counsel

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

10 WILLIAM SHEEHAN, Town Building
Inspector

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LIZ VERRIER, Deputy Town Attorney
12 (Not Present)

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Planning Consultants
15 Two Executive Boulevard - Suite 401
Suffern, New York 10901
16 BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner
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Surveyors for Applicant
19 234 North Main Street
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20 BY: DAVID ZIGLER, Architect, Surveyor

21 And the Public.

22 PULEO REPORTING & TRANSCRIPTION
23 SERVICES

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61 Crickettown Road

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Stony Point, New York 10980

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1 - Proceedings - 14

2 THE CHAIRMAN: All right. Next on
3 the Agenda is the Stony Point Fire
4 District.

5 MR. DOW: Scott Dow from
6 Kornfeld, Rue, Newman and Simeone for
7 the Stony Point Fire District.

8 I am here before you this evening
9 for this applicant. When we last
10 appeared at the public hearing, I had
11 sent a letter prior to your workshop,
12 requesting that the Board adopt a
13 resolution and recommendation to the
14 Town Board, since indicating that the
15 site plan was conceptually adequate and
16 the recommendation that the Town Board
17 waive the bulk requirements, in favor
18 of the requirements as set forth on the
19 plan.

20 When we last appeared at the

21 Planning Board meeting, there were two
22 open items; one, was input from the
23 Police Department with regard to the
24 need for the pedestrian signal and
25 whether or not they were requesting

1 - Proceedings - 15

2 same.

3 They have indicated that they do
4 not, and desire a crosswalk across
5 Central Highway.

6 THE CHAIRMAN: No; not Central
7 Highway. They want it for 210. They
8 don't --- Central Highway, the Chief
9 said he was in favor of that for 210.

10 MR. DOW: That'S what I meant to
11 say. I'm sorry. I thought I said
12 that.

13 The other one is the striping.
14 It is my understanding that Adam
15 Consultanting has submitted that
16 striping plan and that the striping
17 plan is adequate with regard to the
18 site circulation.

19 There is some proposal, regarding
20 ingress and egress and some radius

21 turns.

22 It was my understanding that it
23 was made in an application to County
24 Highway Department, which I fully
25 believe has jurisdiction with respect

1 - Proceedings - 16

2 to those issues.

3 So, depending on what the
4 feedback is from them, we will address
5 those, also.

6 The recommendation to the Town
7 Board will enable us to deal with the
8 present zoning issue there and then, go
9 hopefully, after that is resolved, at
10 the September fourteenth Town Board
11 meeting we can appear before the
12 Planning Board once again to get final
13 approval.

14 Any questions?

15 THE CHAIRMAN: We drafted up a
16 letter going to the Town Board, to the
17 Supervisor and the Town Board.

18 It's --- well, I will just read
19 the letter into the record, the letter
20 going to the Supervisor and the members

21 of the Town Board, too.
22 "Hon. William E. Sherwood,
23 Supervisor and Honorable Members, Town
24 Board of Stony Point, 74 East Main
25 Street, Stony Point, New York 10980

1 - Proceedings - 17

2 "Dear Honorable Supervisor and

3 Members:

4 "The Town of Stony Point Planning

5 Board respectfully recommends that the

6 Town Board exempt the Fire District

7 from the bulk requirements of Zoning,

8 in favor of the Site Plan entitled,

9 'Proposed Substation Facility for Stony

10 Point Fire District', dated last

11 revised on 5/13/10.

12 "The Town of Stony Point Planning

13 Board further recommends that the Town

14 Board require incorporation of one of

15 the two alternative parking layouts

16 recommended by Adler Consulting in

17 their letter dated August 2nd, 2010.

18 "Lastly, the Planning Board

19 wishes to draw your attention to the

20 fact that the proposal is a

21 pre-existing, non-conforming use.

22 "Very truly yours, The Town of
23 Stony Point Planning Board, signed,
24 Thomas Gubitosa, Chairman."

25 * * *

1 - Proceedings - 18

2 THE CHAIRMAN: I just need some
3 comments on the letter from the rest of
4 the Board, or if they are okay with it.

5 MR. ROGERS: It's reasonable.
6 That was it.

7 MR. MULLER: I am fine with it.
8 I think we should send it out, If you
9 need a comment on the record ---

10 THE CHAIRMAN: Bill?

11 MR. SHEEHAN: I have no problem
12 with the Planning Board sending a
13 recommendation that the conceptual site
14 plan is fine with the Planning Board.

15 I don't know if the Planning
16 Board really wants to get into advising
17 them to exempt them from zoning or not.

18 I don't know if that is our
19 issue.

20 You may want to speak to Dave on

21 that.

22 MR. RESNICK: The Town Board is

23 just looking for the recommendation

24 from the Planning Board, if the

25 Planning Board has any issues with the

1 - Proceedings - 19

2 waiving of the zoning or the bulk, so
3 while the Planning Board wouldn't be
4 doing a waiver, they are just looking
5 for the Board's waiver input if they
6 had any objection to them waiving the
7 bulk.

8 MR. SHEEHAN: Okay. That's why I
9 asked.

10 MR. RESNICK: We should make sure
11 it is clear that the Applicant will
12 return back to the Planning Board for
13 the final the site plan approval, if
14 and when the Town Board waives the
15 zoning requirements.

16 THE CHAIRMAN: Yes.

17 Mr. Dow, once you go back to the
18 Town Board and they waive the bulk, you
19 are going to have to come back to us
20 after the Town Board, right?

21 MR. DOW: Correct.

22 THE CHAIRMAN: All right.

23 MR. SHEEHAN: Then it will be

24 treated like any other site plan.

25 THE CHAIRMAN: Yeah. It will be

1 - Proceedings - 20

2 treated like any other site plan when
3 they come back.

4 MR. SHEEHAN: The bulk
5 requirements will be what is on the
6 site plan.

7 THE CHAIRMAN: Right. For the
8 record, the letter to the Town Board
9 that we just read ---

10 MR. SHEEHAN: Excuse me, Mr.
11 Chairman, but I think we are up to the
12 point where we should probably include
13 in that letter to waive the bulk
14 requirements as per the site plan that
15 is before you.

16 MR. DOW: That's what I said.

17 THE CHAIRMAN: Incorporation is
18 one of the two alternative parking
19 layouts. I think it does say that. It
20 does.

21 I just need to poll the Board.

22 MR. STACH: It says, "...in favor

23 of the site plan", it says, and it's

24 dated and gives the date.

25 THE CHAIRMAN: I just want to

1 - Proceedings - 21

2 poll the Board to see if that letter is
3 okay.

4 MR. SHEEHAN: I just want to make
5 sure they're locked in that setbacks.

6 THE CHAIRMAN: Mary, just poll the
7 Board, please?

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MRS. CALLAGHAN: Yes.

14 MS. PAGANO: Mr. Krease?

15 MR. KREASE: Yes.

16 MS. PAGANO: Chairman Gubitosa?

17 THE CHAIRMAN: All right. So, we
18 will send this out to the Town Board.

19 What else do we have?

20 MR. DOW: That's it. Thank you.

21 THE CHAIRMAN: Thank you, Mr.

22 Dow.

23 MR. SHEEHAN: Mr. Chairman, I am

24 sure the Town Board is aware, but you

25 might want to include in that that

1 - Proceedings - 22

2 there was a negative dec done by the
3 Fire District, so that they are aware.

4 THE CHAIRMAN: Okay. We will let
5 them know about that. We can put that
6 in that letter just so they know.

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1 - Proceedings - 23

2 CERTIFICATION

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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:

K.B.T. PROPERTIES, LIMITED,

Applicants.

----- X

7:45 o'clock p.m.
August 26th, 2010
RHO Building
Five Patriot Drive
Stony Point, New York
10980

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TOWN OF STONY POINT:

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A p p e a r a n c e s:

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and Notary Public

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Appearances continued: 25

DONALD S. TRACY, Esq.(Not present)
Attorney for Applicant
317 South Little Tor Road
New City, New York 10956

LOCH SURVEYORS & ENGINEERS
Surveyor/Engineer for Applicant
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Spring Valley, New York 10977
BY: JOHN LOCH, Engineer

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

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25 Stony Point, New York 10980

(845) 429-8986 FAX and Phone

1 - Proceedings - 26

2 THE CHAIRMAN: Next on the Agenda
3 is K.B.T Properties.

4 John, state your name for the
5 record.

6 MR. LOCH: Good evening. My name
7 is John Loch and ---

8 THE CHAIRMAN: Hang on a second,
9 John.

10 (Off-the-record-discussion.)

11 THE CHAIRMAN: If we can hold
12 this up, as the Board needs to go into
13 Executive Session for a few minutes.

14 We just have to go over a few
15 issues that the Board has to resolve.

16 We need a motion?

17 MR. MULLER: I will make that
18 motion, Mr. Chairman, to go into
19 Executive Session.

20 THE CHAIRMAN: A second?

21 MRS. CALLAGHAN: I will second

22 it.

23 (At this time, 7:23 p.m., the

24 Board went into Executive Session.)

25 * * *

1 - Proceedings - 27

2 (The Board is re-convening at
3 this time, 7:45 p.m.)

4 THE CHAIRMAN: All right. Thank
5 you. Mr. Loch?

6 MR. LOCH: Good evening.

7 We have submitted a revised set
8 of plans this month.

9 We are proceeding with the other
10 agencies' reviews, including the DEC.

11 We have got an application
12 pending with the Rockland County
13 Drainage Agency.

14 We are aware of some recent
15 comments from the County Planning that
16 it will be substantially different from
17 their prior comments, and we are
18 seeking more comments from the Board,
19 if the Board has any comments on the
20 revised plan that has been provided.

21 Or any further comments on any of
22 the other materials that we have
23 provided at this time.

24 MR. KREASE: I have a couple of
25 questions.

1 - Proceedings - 28

2 MR. LOCH: Yes?

3 MR. KREASE: Are you going to
4 deal with the letter? I assume you
5 have to deal with the letter of 8/16
6 from the Department of Health; the
7 Department of Health letter?

8 MR. LOCH: Yes.

9 MR. KREASE: Okay. We still need
10 --- my understand is did you get the
11 resolution in the letter from
12 Haverstraw as of today or yesterday;
13 whenever?

14 MR. LOCH: I don't know. There
15 was a letter generated before the last
16 meeting and it was provided to you.

17 MR. KREASE: We didn't get it.

18 THE CHAIRMAN: I didn't see any
19 resolution signed by anybody.

20 MR. LOCH: I'm sorry. What

21 resolution are you referring to?

22 Is that with respect to the

23 reviews from their Planning.

24 THE CHAIRMAN: No, the easement.

25 You said Haverstraw --- something about

1 - Proceedings - 29

2 Haverstraw gave you a reciprocal
3 easement. Last month you told us about
4 that and we want to see it; we want to
5 see where that is.

6 MR. LOCH: I will have to check
7 with our legal Counsel.

8 MR. KREASE: That's enough.

9 MR. LOCH: I'm sorry. I thought
10 you were referring to the review letter
11 from the Haverstraw's Planning.

12 MR. SHEEHAN: Can I ask, that
13 easement probably isn't filed at this
14 point, right.

15 MR. LOCH: Not to my knowledge.
16 Not to my knowledge.

17 MR. RESNICK: I think at the last
18 meeting, it was at that time, at the
19 tech meeting when we were told
20 Haverstraw had resolved to enacted or

21 it was put into a reciprocal easement,

22 but it hadn't been drafted yet. At

23 this point it still wasn't drafted.

24 MR. LOCH: I'm not aware of the

25 legal mechanics of it.

1 - Proceedings - 30

2 MR. KREASE: When and if it is
3 ready, we would like a copy of that as
4 soon as you get it.

5 MR. LOCH: Sure.

6 MR. ROGERS: On the map you are
7 crossing out the Rockland County
8 Drainage Agency involvement;
9 (inaudible) has that been resolved?

10 MR. LOCH: We still --- our
11 position is still that they have no
12 jurisdiction.

13 However, we have filed an
14 application with the County Drainage
15 Agency. Notice of that application has
16 been advertised.

17 It is a --- (inaudible) and we
18 are proceeding with the application
19 before the Drainage Agency.

20 MR. STACH: John, I was going

21 through the record from the previous
22 meetings, and I just wanted to get some
23 status updates on certain items.

24 MR. LOCH: Yeah?

25 MR. STACH: At some point there

1 - Proceedings - 31

2 was a discussion about the need to
3 clear shrubs near the at-grade
4 crossing.

5 I think it was --- I don't know
6 if it was the Traffic Report or the
7 County Planning, but are you proposing
8 to do that work?

9 MR. LOCH: That work has been
10 done.

11 MR. STACH: It has been done
12 already?

13 MR. LOCH: Yes.

14 MR. STACH: All right. And that
15 is the at-grade crossing, right?

16 MR. LOCH: Yes.

17 MR. STACH: Okay. And at some
18 point, Tom had asked, he had a concern
19 about the berm.

20 I think it's a drainage berm, to

21 protect it from vehicular traffic.

22 Can you clear that up? Did you

23 address that at all?

24 MR. LOCH: I don't recall, really,

25 exactly his concern, what it was.

1 - Proceedings - 32

2 We were proposing a relatively
3 low berm that will be used in
4 conjunction with the infiltration
5 trench.

6 In terms of the protecting it
7 from traffic, one of the concerns
8 raised by both Mr. McMEnamin and a
9 couple of other Board members, was the
10 future screening from the east,
11 particularly since the higher trees are
12 located off the property, so the berm
13 has been modified so that it will be a
14 planted berm.

15 So, I think it becomes very
16 obvious that with the plantings there,
17 that you wouldn't want to drive a
18 vehicle through.

19 MR. STACH: Okay.

20 MR. LOCH: The detail does show

21 that.

22 MR. STACH: All right. Has there
23 been any review conducted by the fire
24 inspector yet?

25 MR. LOCH: I'm not aware of any

1 - Proceedings - 33

2 review done by the Stony Point Fire
3 Inspector.

4 MR. STACH: The traffic report
5 that we got from John Collins talking
6 about the signalization and you write
7 on the map that you will be doing
8 improvements to the underpass.

9 Are the signalization details;
10 about where the stopped car will be and
11 where the light will be? Is that going
12 to be on the map?

13 MR. LOCH: We will add that to the
14 thing when we have the full design from
15 John Collins. I know that he's been in
16 contact with the traffic consultant
17 that the Town was using, regarding that
18 issue, John Sarno.

19 MR. STACH: Okay. John Sarno?

20 MR. LOCH: Yes.

21 MR. STACH: Did you make any

22 headway on the DEC letter?

23 MR. LOCH: The only DEC letter we

24 have is the July 20th letter, which

25 does indicate that there was a "CC" to

1 - Proceedings - 34

2 the Stony Point Planning Board.

3 I am presuming you have that in
4 your packet?

5 MR. STACH: I don't know if the
6 Planning Board is in receipt that.

7 I don't know if they are in
8 receipt of it.

9 MR. SHEEHAN: What date? July
10 20th?

11 MR. LOCH: If you would like, I
12 will be happy to hand out copies and we
13 can discuss it.

14 MR. RESNICK: We haven't had it,
15 as of tech.

16 MS. PAGANO: We haven't received
17 anything -- --

18 MR. LOCH: If you would flip it
19 over, you can see that there was a "CC"
20 to Stony Point.

21 (At this time, Mr. Loch is
22 handing out letters to the Board.)
23 MR. LOCH: If you would like to
24 go over it briefly on a point-by-point
25 basis, and tell you where we are with

1 - Proceedings - 35

2 respect to the issues with the DEC ---

3 MR. STACH: I think you talked

4 about this at the tech meeting.

5 MR. KREASE: Yes.

6 MR. LOCH: Yes.

7 MR. STACH: Saying that everything

8 was pretty much addressed and there was

9 something with Solid Waste.

10 MR. LOCH: Solid Waste is still

11 doing a title search. Additionally, we

12 have provided the soil test; that was

13 provided; the soil testing data from

14 the site that they're reviewing.

15 At this point in time, we haven't

16 seen anything from them, and we believe

17 it's a significant issue, but they are

18 a methodical agency going through a

19 fair amount of things, simply because

20 what this site used to be; a chemical

21 plant.

22 MR. STACH: And this this one,

23 outstanding item has to do with the

24 fill material on the site. Is that

25 correct?

1 - Proceedings - 36

2 MR. LOCH: They are looking at it
3 with respect to the fill and also with
4 respect to any issues related to
5 their own efforts on the site.

6 MR. STACH: Okay. I think that
7 was all the status questions that I
8 had.

9 MR. LOCH: If you want, I will go
10 through the other items briefly.

11 We won't need a fresh water
12 wetlands permit. We will have to, of
13 course, have to make sure we don't
14 violate the use on the protection of
15 waters, but there is no specific permit
16 we need to get. There is no issue with
17 respect to the water quality
18 certification.

19 The Army Corps' review was done
20 as a coordinated review, so they have

21 seen that. They have seen that and

22 they have no issues with that.

23 State listed endangered species,

24 they have responded on that and we

25 don't have any issues on that.

1 - Proceedings - 37

2 SPDES permit, we actually have
3 had a little more discussion with them.

4 We are not entirely sure whether
5 it will be a general permit, but that
6 is what we believe is likely to happen,
7 for that. The first stop we will be in
8 the process of the SWPPP (inaudible).

9 We have also been advised that
10 virtually all of Stony Point requires a
11 SHPA review, but we are not aware of
12 anything specific with this site that
13 is likely to kick in any aspect of
14 their authority.

15 MR. SHEEHAN: Are you missing one
16 for the endangered species? They have
17 no problem with that?

18 MR. LOCH: Right.

19 MR. SHEEHAN: Do you have anything
20 in writing?

21 MR. LOCH: Yes. This letter, this
22 letter.

23 MR. SHEEHAN: It says in this
24 letter that they have no problem.

25 That's my point, right?

1 - Proceedings - 38

2 MR. LOCH: It states, "Number 5;
3 State Listed Species (Article); Our
4 review of the State's Master Databank
5 (MHBD) records indicate that NYA Listed
6 Species have been historically
7 documented with the Town of STony
8 Point. However, the Department is not
9 aware of any site specific data which
10 indicates that the subject property
11 supports any such species. Therefore,
12 an Article 1 Incidental Take Permit is
13 not required from this Department."

14 MR. SHEEHAN: I just wanted to
15 make sure what you were asking was what
16 was answered.

17 MR. LOCH: Yes.

18 MR. STACH: With regard to the
19 species, that has to do with the amount
20 of the land you are disturbing, as

21 reviewed by the DEC because you are not
22 proposing an acre of impervious.

23 MR. LOCH: No, no. It's, it's
24 basically that they have viewed this
25 thing as being construction addition

1 - Proceedings - 39

2 greater than one acre, so we need to
3 get some coverage on some kind of
4 general SPDES permit.

5 We asked them, with the sold
6 waste (inaudible), with the SPDES,
7 whether we need to have a permit that
8 extends beyond the initial construction
9 because of the nature of the operation.

10 And that is something that we may have
11 to permit. We may have to do that, but
12 that is something that wouldn't happen
13 until actual construction begins.

14 MR. STACH: But the ability of the
15 Town to approve based on the NS-4
16 (phonetically written) is set?

17 MR. LOCH: Yes. Yes?

18 MR. KREASE: I just have got one
19 more issue that I brought up before;
20 that you talked about at the tech

21 meeting in the letter from the Maiser
22 (phonetically written) on July 21st,
23 Maiser, in number seven; it says,
24 "...with regard to mulch storage, the
25 Applicant indicated that mulch would

1 - Proceedings - 40

2 not be processed on the site and only
3 mature mulch will be stored on the
4 site."

5 And, we didn't have that in our
6 application. I mentioned that to you
7 on that day, it wasn't on your
8 application, and you said that you
9 didn't want to do it. Is that still in
10 ---

11 MR. LOCH: We are not proposing to
12 be processing mulch on the site.

13 MR. KREASE: That's not what I
14 asked. I asked you are you going to
15 put a map note, that --- are you going
16 to make a map note of it or put it
17 somewhere on the application?

18 MR. LOCH: And I said, "How many
19 things will you want us to note that we
20 don't want to do here??"

21 MR. KREASE: That will be one of
22 them. Wait a minute. Step back a
23 second. You agreed to do it for them
24 and I just asked. Okay? Nothing
25 further. No further questions.

1 - Proceedings - 41

2 MR. LOCH: We didn't agree with
3 them. We clarified it that it was not
4 our intention to process mulch at the
5 site.

6 MR. STACH: The letter they sent
7 said it was their understanding that
8 will be a condition of the approval, so
9 their point is, that they have
10 submitted, is that they want that to be
11 a condition of the approval.

12 MR. SHEEHAN: First of all, it
13 will be a condition under the SEQRA
14 process. It's "processing" versus
15 "storage". It is a different
16 environmental action, so I think that
17 the would effect SEQRA.

18 I don't see where if they're not
19 proposing processing mulch, why there
20 wouldn't be a map note?

21 THE CHAIRMAN: Right, but, so it

22 should be a map that ---

23 MR. SHEEHAN: Absolutely, unless

24 they are is not proposing that ---

25 look, just because they are not

1 - Proceedings - 42

2 processing at this point, it doesn't
3 mean they are not going to process it
4 three years down the road unless it is
5 a map note.

6 MR. KREASE: That's all I asked
7 for.

8 MR. SHEEHAN: I understand. I
9 understood it.

10 MR. KREASE: Thank you.

11 THE CHAIRMAN: Any other
12 questions?

13 (No comments or questions heard.)

14 THE CHAIRMAN: All right. We
15 will see you at the tech meeting.

16 MR. SHEEHAN: I will just like to
17 bring you up -- nothing to do with
18 tonight, but, the traffic studies, I
19 apologize for not being here at the
20 tech meeting last time. I was on

21 vacation. I just came back Tuesday. I

22 did look at it slightly today.

23 I could see that there is a lot

24 of detail on it, more than on the last

25 map, but I believe their traffic

1 - Proceedings - 43

2 consultants they wanted the grade
3 crossing for emergency purposes.

4 THE CHAIRMAN: Correct.

5 MR. SHEEHAN: That was their
6 traffic consultant. I don't know if
7 that is still the case.

8 I believe the Applicant, not at
9 the last tech meeting, but the one
10 before that, they had a problem with
11 it. I said, well, I think it is pretty
12 hard to have emergency situation access
13 only, because you have other uses down
14 there. I don't know how you can do
15 that; how you can stop one and not the
16 other.

17 And I think that's, it is a major
18 issue because their own traffic
19 consultants are saying that should not
20 happen; that they should not use that

21 on a normal basis.

22 So, that is something our

23 consultants and their consultants

24 didn't agree with. I don't think, I

25 don't know what the mechanism would be

1 - Proceedings - 44

2 for, in using it, how can you say that,
3 you are to use it and the other user
4 can't use it? How can that be?

5 That is something that the
6 applicant has to consider.

7 The other issue, under the Zoning
8 Code; I think it is 215.2, I believe it
9 is, believe it might be 92, there's
10 four or five conditions in there.

11 And it's funny because it's in
12 the Zoning Code, but it gives the
13 Planning Board, it says that the
14 Planning Board "may" implement it. I
15 think you have to look at that Section.
16 Part of it is screening and fences.

17 I think you have to --- somewhere
18 down the road, sooner or later --- if
19 there is something in there, these four
20 or five conditions that you want in

21 there, you should tell the Applicant if

22 you want all or none implemented.

23 I think that it should be put on

24 with record, say under that section

25 that you did look at it and waived

1 - Proceedings - 45

2 whatever you want to do.

3 THE CHAIRMAN: That was 215.92?

4 MR. MULLER: 215.92?

5 MR. SHEEHAN: 215 is the Zoning

6 code. I think it is Section 92. Or

7 93.

8 MR. RESNICK: Are they performance

9 sections?

10 MR. SHEEHAN: Under "special

11 permit".

12 THE CHAIRMAN: Okay.

13 MR. SHEEHAN: Even though it is a

14 special permit by the Town Board, it

15 gives the Planning Board the power.

16 MR. STACH: Even though we will

17 only be making a recommendation, the

18 Planning Board can specify ---

19 MR. SHEEHAN: You can. Most of

20 them are for a screening and buffers;

21 things like that.

22 MR. STACH: Site plan issues.

23 MR. SHEEHAN: You have the right

24 to ask the Applicant to include it in

25 the site plan.

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2 THE CHAIRMAN: Okay. Thank
3 you, John.

4 MR. LOCH: Briefly, did you get a
5 chance to look at it?

6 MR. SHEEHAN: Yes, I did. It
7 could be bigger but it is good.

8 MR. LOCH: It's getting a little
9 crowded in there.

10 MR. SHEEHAN: Well --

11 MR. LOCH: May I ask if the Town
12 has received anything other than the
13 Health Department and the County
14 Planning?

15 MS. PAGANO: That's it.

16 MR. LOCH: Okay.

17 THE CHAIRMAN: Yes.

18 MR. STACH: They did receive the
19 traffic review from John Sarno? That,
20 you should have gotten a copy of. I

21 don't know.

22 MR. LOCH: Yes, I did get that.

23 THE CHAIRMAN: All right. All

24 right.

25 MR. LOCH: Thank you.

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2 THE CHAIRMAN: All right, John.

3 See you next month.

4 MR. SHEEHAN: The only other issue

5 I have has nothing to do with the

6 client, but it is a timing issue.

7 I believe the Town Board gave us

8 a ninety day extension.

9 MS. PAGANO: I have to check.

10 THE CHAIRMAN: We will check.

11 MR. SHEEHAN: I think if you think

12 it will be a little longer, we might

13 want to ask for the extension, because

14 what technically, well, what could

15 happen after that extension runs out,

16 is they can go to the Town Board

17 without our review.

18 THE CHAIRMAN: Do you know when it

19 runs out? Do you know when that

20 extension runs out?

21 MR. SHEEHAN: I think that it is
22 getting close. I think it was 90 days
23 was ---

24 MR. KREASE: After that ninety day
25 lapes, that Applicant can go --

1 - Proceedings - 48

2 MR. SHEEHAN: You have sixty days
3 automatically.

4 MR. KREASE: I understand that.

5 MR. SHEEHAN: We asked for the
6 extension of the ninety days, I think,
7 last time ---

8 MR. KREASE: Right.

9 MR. SHEEHAN: --- if that lapses
10 and we haven't sent in the
11 recommendation to the Town Board, if
12 they go there, they don't need a
13 recommendation.

14 I'm not saying they will do
15 anything, but we would like to remind
16 the Town Board that we are not ready
17 yet.

18 MR. KREASE: Right. Okay.

19 MR. RESNICK: It's our option; our
20 options are that we either give a

21 recommendation then, or the time has
22 lapsed or get an extension of the
23 recommendation.

24 MR. STACH: Or just state that we
25 are still waiting for information.

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2 MR. SHEEHAN: It is hard to make a
3 recommendation, I think, at this
4 point, for a couple of reasons; issues
5 within the grade crossing, the
6 traffic, and you still --- the DEC
7 letter, to my knowledge, still does
8 not, does not address the permit
9 application that came in three or four
10 or 5 years ago.

11 THE CHAIRMAN: Right.

12 MR. SHEEHAN: I know they are
13 working on it.

14 That deals with the site plan,
15 though and doesn't deal with that
16 permit or the permit application;
17 whatever you want to call it.

18 MR. LOCH: They don't have a
19 permit.

20 MR. SHEEHAN: But you still have

21 what conditons on filling those ponds,

22 which you still have not addressed.

23 THE CHAIRMAN: Right.

24 MS. PAGANO: I will check on the

25 date.

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2 MR. SHEEHAN: The Planning Board
3 has been asking for that for, I don't
4 know how long.

5 You have a DEC, a letter that is
6 for the site, it's not for the permit
7 that was prior to this application even
8 coming in.

9 MR. LOCH: That's because the DEC
10 didn't issue a permit for that.

11 MR. SHEEHAN: I know.

12 MR. LOCH: We asked for a
13 jurisdictional review. This is the
14 response we have gotten.

15 MR. SHEEHAN: I thought Mr.
16 Tracy, Senior was working on it?

17 MR. LOCH: That's what this is.
18 And we have this.

19 (Indicating a document.)

20 MR. SHEEHAN: We need someone to

21 take a look at it.

22 MR. STACH: They're saying they're

23 still searching their records.

24 (off-the-record discussion.)

25 MR. SHEEHAN: I know I saw

1 - Proceedings - 51

2 something. I remember some of the
3 items.

4 I know I did see it, but I would
5 have to review it again if it comes in.
6 If it comes in, I'll read it
7 cover-to-cover. That's fine.

8 (Off-the-record discussion.)

9 THE CHAIRMAN: Okay.

10 Dave, do you want to make a quick
11 comment?

12 MR. RESNICK: At this point, I
13 think, regarding the recommendation,
14 what we will do is check our time
15 periods and see if the time period has
16 run to give the recommendation.

17 The question is, is the
18 Applicant comfortable with the Planning
19 Board giving the recommendation based
20 on the application currently before it,

21 or would the Applicant like to waive

22 the time period and give us for more

23 time to report to the Town Board?

24 MR. LOCH: If I can talk to the

25 clients?

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2 (Off-the-record discussion.)

3 MR. LOCH: It a very interesting
4 question, because to some extent, I
5 really would be speculating on how you
6 would construct any recommendation.

7 I realize that there are certain
8 issues that I see as open, but I also
9 see some of them as being relatively
10 minor and it might be or it shouldn't
11 be effecting the recommendation.

12 I do understand Bill's concern;
13 with respect to how you control the
14 access to the at-grade crossing, and
15 I'm not sure if we have an answer.

16 But with respect to things like
17 not having the signalization design,
18 frankly, I think that is minutia. How
19 long we will have the light on or how
20 we are alternating the lights on each

21 side, et cetera, really is ---

22 Realistically, we have to be

23 back before this Board, so, we

24 certainly don't want to antagonize you.

25 If there is something you feel

1 - Proceedings - 53

2 you need, in terms of information, we
3 will get it to you, but at some point
4 in this process, we have to reach a
5 conclusion.

6 At this point, I will say let us
7 know where you stand on the time frame,
8 and it necessary, if that is a
9 consideration, I will consider waiving.

10 MR. SHEEHAN: I think you have
11 stated that tonight. Could we make it
12 simple for everyone and ---

13 MR. LOCH: We will make it simple.

14 Okay? We will waive it for an
15 additional thirty days from today.

16 MR. SHEEHAN: After the next
17 meeting, and that will give you time to
18 get more information.

19 I was going to say that after the
20 tech meeting, if you felt you can do a

21 Resolution or the recommendation, it is

22 fair on both sides. It doesn't tie you

23 up too much.

24 I am saying that you would, or

25 you could not go forward at the Town

1 - Proceedings - 54

2 Board level until after the next
3 meeting.

4 At the next meeting, you can do,
5 do one or two things; you can make a
6 recommendation, asking for another
7 extension or ask the Town Board for an
8 extension.

9 I think we had all discussed
10 that. I think that is fair for both
11 sides. John is right. Somewhere along
12 the line ----

13 MR. LOCH: Right. Somewhere
14 along the line, it's got to end.

15 You may ask questions that we may
16 never get an answers to. We thought
17 the letter from the DEC was very good.
18 It addressed seven out of eight
19 concerns.

20 Obviously, they have one they're

21 still looking at in terms of their own
22 records.

23 We have provided them with
24 whatever information we can, but we
25 can't set a time on it.

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2 THE CHAIRMAN: All right. We will
3 do that then.

4 MR. RESNICK: Thirty days?

5 MR. KREASE: I think after that,
6 it is up to the Town to give the
7 extension, not us. We will give them
8 thirty days.

9 MR. SHEEHAN: By the time ---
10 off-the-record.

11 (Off-the-record discussion.)

12 MR. KREASE: I am saying ---

13 MR. SHEEHAN: You ask for the
14 extension, but he is agreeing to it.

15 MR. KREASE: I understand.

16 MR. LOCH: For the record, we will
17 waive any time extension from now until
18 the next regularly scheduled Planning
19 Board meeting.

20 Does that work?

21 THE CHAIRMAN: That works. All

22 right. Thank you, John.

23 * * *

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

3

----- X

4

In the Matter of the Application

5

RE:

6

OTHER BUSINESS,

7

Applicants.

8

----- X

9

8:45 o'clock p.m.
August 26th, 2010
RHO Building
Five Patriot Drive
Stony Point, New York
10980

10

11

12

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

13

14

B E F O R E : THOMAS GUBITOSA,
Chairman

15

16

A p p e a r a n c e s:

17

18

THOMAS MC MENAMIN, Member (Not present)

GLADYS CALLAGHAN, Member

19

EUGENE KREASE, Member

GERRY ROGERS, Member

20

KARL JAVENES, Member (Not present)

PETER MULLER, Member

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by:

24

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

25

1

2

Appearances continued: 58

3

4

FERRICK, LYNCH & MAC CARTNEY, Esqs,

5

96 South Broadway

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq., Special
Counsel

7

WILLIAM SHEEHAN, Town Building
Inspector

8

9

LIZ VERRIER, Deputy Town Attorney
(Not Present)

10

KEVIN P. MAHER, P.E, Town Engineer

11

ROBERT GENESLAW COMPANY,
Planning Consultants

12

Two Executive Boulevard - Suite 401

13

Suffern, New York 10901

14

BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner
(Not Present)

15

16

And the Public.

17

PULEO REPORTING & TRANSCRIPTION
SERVICES

18

19

61 Crickettown Road

20

Stony Point, New York 10980

21 (845) 429-8986 FAX and Phone

22

23

24

25

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2 THE CHAIRMAN: Next is the
3 Other Business, the recommendation to
4 the Town Board on the LI District.

5 Do you want to have a discussion
6 on that? For this one light,
7 industrial district, the purpose was
8 the amendment to allow accessory
9 outdoor storage for uses permitted in
10 the LI District.

11 Bill, are you okay with it?

12 MR. SHEEHAN: I am okay with the
13 concept of it.

14 Again, I went over it with Max
15 --- it has been a highly --- Max
16 covered it in there.

17 This use would only apply to as
18 an accessory to a building or business
19 that is existing.

20 MR. STACH: It is proposed to be

21 listed in the general use requirements

22 as accessory uses, as permitted by

23 right.

24 MR. SHEEHAN: Right. So, in

25 other words, you wouldn't need Planning

1 - Proceedings - 60

2 Board approval.

3 But, we want to maybe make sure
4 this is only for existing businesses or
5 buildings.

6 MR. STACH: And it's only for a
7 uses permitted in the LI district.

8 MR. SHEEHAN: Correct. The
9 concerns were addressed.

10 THE CHAIRMAN: All right. So, I
11 guess we have a resolution. This is a
12 recommendation to the Town Board,
13 right?

14 MR. STACH: You just need to
15 recommend whether you concur with the
16 law, as drafted, or if you recommend
17 changes.

18 MR. SHEEHAN: That's what is
19 before the Town Board.

20 THE CHAIRMAN: So, this is the law

21 before the Town Board.

22 And if we're in favor, they want

23 to know if we are in favor. If we are

24 in favor, we just have to ---

25 MR. STACH: I will draft a letter

1 - Proceedings - 61

2 for your signature, Mr. Chairman.

3 THE CHAIRMAN: Is the Board
4 comfortable with the language? Bill is
5 comfortable with it and Max is.

6 MR. SHEEHAN: If something
7 changes, at the Town Board, we will
8 have a public hearing. You can go to
9 the public hearing and say you thought
10 more about it and ---

11 MR. MULLER: Is there any way to
12 look at this as a case-by-case basis?

13 I know that there are certain
14 circumstances where this is working
15 well, but there are circumstances where
16 it doesn't work well for a neighbor.
17 So, is there any way that --

18 MR. SHEEHAN: The reason for this
19 is to try to bring in businesses and
20 speed the process up.

21 If this law is adopted and you
22 have a steel fabricator down there and
23 he wants to lay steel down in his
24 backyard, it will come to me.
25 It wouldn't come to this Board.

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2 That is the purpose for it.

3 THE CHAIRMAN: All right.

4 MR. SHEEHAN: But part of the law

5 that we put together with Max, it

6 mimics the contractor's storage, it has

7 to be screened. It can't be seen from

8 the street, height limits; things like

9 that.

10 THE CHAIRMAN: Right.

11 MR. SHEEHAN: It is not likely

12 for him to just start putting stuff on

13 the front lawn.

14 THE CHAIRMAN: All right. S o we

15 know what they're doing --

16 MR. SHEEHAN: And, it is an

17 industrial zone. Let's face it, so ---

18 THE CHAIRMAN: Yes.

19 MR. STACH: And it allows the

20 building inspector to require

21 conditions.

22 MR. SHEEHAN: We put in as many

23 safeguards as we could.

24 This was the Town Board's wishes

25 to allow an easier process for

1 - Proceedings - 63

2 businesses in the LI zone to expand and
3 so forth.

4 THE CHAIRMAN: So, the Board is in
5 favor of it? Anyone opposed?

6 (Nothing heard, in opposition.)

7 THE CHAIRMAN: Next matter is to
8 accept the minutes of the June 24th,
9 2010 Planning Board.

10 MR. KREASE: I will make the
11 motion to accept those minutes.

12 THE CHAIRMAN: A second?

13 MR. ROGERS: I will second it.

14 THE CHAIRMAN: All in favor?

15 (Unanimous affirmative vote.)

16 THE CHAIRMAN: Motion to adjourn?

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

19 THE CHAIRMAN: I need a second?

20 MRS. CALLAGHAN: Second.

21 THE CHAIRMAN: All in favor?

22 (Unanimous affirmative vote).

23 THE CHAIRMAN: Good night all.

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