

**TOWN OF STONY POINT
Zoning Board of Appeals
Minutes February 21, 2013**

PRESENT:

Mr. Morlang
Mr. Keegan
Mr. Casscles
Mr. Vasti – Acting Chairman
Mr. Fox
Mr. Porath

ALSO PRESENT:

William Sheehan, Building Inspector

Chairman Wright (absent)

Acting Chairman Vasti: Good evening. I see by the clock it is 7:00 PM. I will call this meeting of the Zoning Board of Appeals of the Town of Stony Point to order, please rise for the Pledge of Allegiance.

Tonight, I will be filling in as the Chairman Pro-Temp for Tom Wright who cannot be here tonight. On the agenda tonight we have a new application, an appeal/interpretation, the request of Town of Haverstraw.

Request of Town of Haverstraw – App. #13-02

Interpretation and appeal of the Town of Stony Point Building Inspector’s decision in regards to permitted use, located at the east end of Holt Drive, 1800 feet and the east end of South Liberty Drive/Route 9W, (also known as Hudson River View Industrial Park Building D) (property), for the proposed gasification plant.

Section	20.02	Block	11	Lot	25	Zone	RR
----------------	--------------	--------------	-----------	------------	-----------	-------------	-----------

Acting Chairman Vasti: Members of the Board, this evening I think most of you have received an e-mail earlier in the day with information on this. It is quite voluminous at this point. I don’t know if all of you have had the chance to peruse this information and digest it. Is there anyone in the audience representing the applicant?

**STEVEN SILVERBERG – attorney for the applicant
Silverberg & Zalantis**

Acting Chairman Vasti: Good evening Mr. Silverberg. At this time I would like to entertain, if there is a motion to put this on the agenda and I would also like to pole the Board if we needed additional time before we could set a date for a Public Hearing.

Mr. Silverberg: Excuse me Mr. Chairman if I may, just before you discuss the setting of the date. I know that your next meeting is March 7, 2013...

Acting Chairman Vasti: Yes.

Mr. Silverberg: While I can certainly make that if you schedule that hearing, it would be preferable to me to do a different date because I have a bit of a conflict that night, so if that would be helpful to you to give you more time I have absolutely no problem with that.

Acting Chairman Vasti: Well we appreciate that very much. That would be two weeks from the 7th, which would be following meeting in March. Would that be amicable?

Mr. Silverberg: Yes – let me just double check the date if I may? So that would be March 20th...

Ms. Kivlehan: The 21st.

Mr. Silverberg: I am sorry the 21st. That would be absolutely fine.

Acting Chairman Vasti: Okay.

*****MOTION:** Mr. Casscles made a motion to place Application #13-02 on the March 21, 2013, agenda for a Public Hearing; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Mr. Keegan: Excuse me – what exactly is the nature of the motion; to put it on the agenda?

Mr. Casscles: That the Public Hearing will be on the 21st not the 7th.

Upon roll call, the vote was as follows: Mr. Morlang, yes; Mr. Keegan, yes; Mr. Casscles, yes; Acting Chairman Vasti, yes; Mr. Fox, yes; Mr. Porath, yes; and Chairman Wright, absent.

Acting Chairman Vasti: Okay very good. Thank you Mr. Silverberg.

Mr. Silverberg: Thank you.

Acting Chairman Vasti: Okay with that...

Mr. Porath: I need to make a statement.

Acting Chairman Vasti: Certainly.

Mr. Porath: I wish our attorney was here because I need a judgment call on this. My agency as the Executive Director of the Industrial Development Agency, I've worked closely with the property owner and have also had a number of meetings with the applicant as have my IDA counsel. I don't believe there is any direct conflict in this, but I wanted to divulge fully that my agency is involved with the applicant as far as this project. There is no pending application, there is no direct conflict, I just don't know where that line stands and I will defer any involvement on this to the counsel. We have time for that.

Acting Chairman Vasti: So noted. Any other comments from the Board? With that I will entertain a motion at this time to close...

Mr. Fox: The minutes?

Acting Chairman Vasti: I don't see any minutes on here from the last meeting.

Ms. Kivlehan: I just got out of the hospital and haven't been able to do the minutes from the last meeting.

Acting Chairman Vasti: Okay.

Mr. Casscles: The site visit for next Saturday.

Acting Chairman Vasti: Let's set a date for the site visit for next Saturday – rather Sunday.

Mr. Sheehan: Why do you need a site visit?

Mr. Casscles: No, we have a site visit for something else for next Sunday.

Ms. Kivlehan: That is for Nancy Miranda, Heights Road.

Acting Chairman Vasti: For those that can attend, the site visit is still on for next Sunday. For those that are unable to attend they can do a drive by at their own discretion.

Mr. Keegan: When is the site visit for this project?

Acting Chairman Vasti: There isn't any yet set for this. This is for the project we had at the last meeting. We haven't set a site visit for this application as yet.

Mr. Silverberg: Excuse me Mr. Chairman if a site visit is scheduled, could I please be advised. I believe I do have a right to attend.

Acting Chairman Vasti: Certainly.

Mr. Sheehan: I would like to make a statement. What I believe is before the Board is an appeal/interpretation. It's really not site specific. It's actually the code here.

Mr. Casscles: I think I threw you off by asking if the site visit was on...

Mr. Sheehan: Yes.

Mr. Casscles: It was for a different application. There is no site visit.

Acting Chairman Vasti: There is no site visit entertained at this time for the application that is before us tonight. We will be discussing that as we mentioned at the meeting on the 21st. So if at that time there is a request of a decision to make a site visit, certainly Mr. Silverberg you will be so advised in advance.

Mr. Silverberg: Excuse me. This is one time where I agree with Mr. Sheehan. You probably don't need a site visit.

Acting Chairman Vasti: Okay, with that I will entertain a motion to close.

*****MOTION:** Mr. Casscles made a motion to adjourn the meeting of February 21, 2013; seconded by Mr. Porath. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan
Secretary
Zoning Board of Appeals