

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

January 22, 2014

RHO BUILDING at 7:00 P.M.

Present:

Eric Jaslow, Member - absent
Peter Muller, Member
Michael Puccio, Member
Gene Kraese, Member - absent
Gerry Rogers, Member
Michael Ferguson - Member
Thomas Gubitosa, Chairman

Stephen Honen, Esq.
Special Counsel

Max Stach
Town Planner

APPLICATIONS:

1. New Planet Sustainable Fuels - SBL 20.02-11-26, 20.04-11-3 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W, Stony Point, and New York

- SEQRA coordination with DEC and DEC's Lead Agency Designation

2. Sullivan-Varano SBL 15.03-1-21.1-21.2-23 4 lot Major Subdivision located on the East side of Wayne Avenue and the South Side of Tyler Place.

- New Application

3. Verizon Wireless Proposed Public Utility Wireless Telecommunications Facility (NY Mott Farm) at 560 Liberty Drive, Tomkins Cove, New York SBL 10.02-3-10 BU Zone Site Plan/ Conditional Use, located on the East side of North Liberty Drive, Tomkins Cove

- New Application

Other Business:

December 11, 2014 minutes

Chairman: First on the agenda is New Planet Sustainable Fuels - Mr. Puccio is going to recuse himself for this application.

New Planet Sustainable Fuels - SBL 20.02-11-26, 20.04-11-3 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W, Stony Point, and New York

- SEQRA coordination with DEC and DEC's Lead Agency Designation

Chairman: To let the public know January 8 2015 when we had our meeting when New Planet did the presentation that morning myself and the Building Inspector and the Town Attorney and our Town Planner all meet with the DEC and we talk about our coordination with the DEC and what our role would be and we just stressed with them do to the Zoning Amendments and changes to the New Planet site and other properties within the Town. That we would like to be an active participant and be heavily involved the DEC at that time told us they had no issue with that. They will coordinate with us when they get information they will be handling the Public Hearings but they are going to be Lead Agency. Max do you want to follow up on the meeting.

Mr. Stach: No that was it they did say that they would be leaning on this Board heavily when it came to discussing particulars of the Zoning Map amendment and Text Amendment especially in regards to the Zoning at this particular site. As you recall the Zoning doesn't only affect 45-50 Holt Drive but the entire LI Zone but the LI Zone throughout the Town. They will be looking to us to provide a lot of input with regard to zoning and the impacts of that Zoning maybe more generally affecting the Town.

Chairman: John would you like to follow up with anything?

Mr. Furst: No just to piggy back on Max's comment about the DEC's alliance on the Planning Board we also kind of reach out to the applicant since Planning Board is not going to be Lead Agency under SEQRA they are not entitled (inaudible) fees for the consultant maybe we can reach out to the applicant we already mentioned to the applicant about maybe recouping some of the fees in connection with the Planning Board Consultant review of the SEQRA documents. Planning Board is entitled to recoup the fees anyway as part of the Site Plan and the Zoning amendments so a lot of that will overlap but some strictly SEQRA related issues that may not be covered under the general billing and Planning Board (inaudible) fees.

Chairman: Ok thanks John, Bill any comments?

Mr. Sheehan: No comments.

Chairman: I think what we have to do tonight is just do a resolution give the DEC Lead Agency what I am going to do is I am going to read a resolution and then ask for a motion and a second.

Motion: Resolution on Lead Agency for New Planet Sustainable Fuels.
Made by Gerry Rogers and seconded by Peter Muller

TOWN OF STONY POINT

PLANNING BOARD

RESOLUTION OF THE TOWN OF STONY POINT PLANNING BOARD IN CONNECTION WITH THE PROPOSED WASTE TO BIO-FUEL FACILITY TO BE LOCATED AT THE END OF HOLT DRIVE

WHEREAS, A waste to bio-fuel facility (the "Facility") is proposed to be located at 30/45/50 Holt Drive in the Town of Stony Point consisting of Tax Lot(s) Section 20.04, Block 11, Lot 03, and Section 20.02, Block 11, Lots 25 and 28 (the "Property"); and

WHEREAS, Petitions for zoning amendments were submitted to the Town Board and a site plan application was submitted to the Planning Board; and

WHEREAS, on or about November 5, 2014, the Planning Board circulated a Notice of Intent to act as Lead Agency under the State Environmental Quality Review Act (SEQR); and

WHEREAS, on December 5, 2014, the New York State Department of Environmental Conservation (“DEC”), via letter, provided its formal notice of the DEC’s intent to serve as Lead Agency in response to the Planning Board’s Notice of Intent; and

WHEREAS, on December 17, 2014, the Planning Board responded to the DEC, via letter, wherein the Planning Board did not object to the DEC acting as Lead Agency and requested that the Planning Board be actively involved as a Co-Lead Agency; and

WHEREAS, on January 8, 2014, the Planning Board’s Chairman and the Board’s consultants conducted a meeting with DEC to discuss coordination between the two agencies during the SEQRA process; and

WHEREAS, as the Planning Board members have been fully briefed on the meeting with the DEC; and

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The Planning Board formally revokes its intent to serve as Lead Agency with respect to this proposal as long as DEC is named the sole Lead Agency;
2. The Planning Board formally withdraws its request to the DEC to act as Co-Lead Agency with the DEC given the assurances and promises made by the DEC that the Planning Board will play a very active role in the environmental review process; and
3. The Planning Board authorizes its attorney to draft and negotiate an escrow agreement with the applicant(s) to confirm that the Planning Board will be able to seek reimbursement for its consultants’ reasonable and necessary fees associated with the SEQRA review since the Planning Board will not be Lead Agency.

**BY ORDER OF THE PLANNING BOARD OF THE
TOWN OF STONY POINT, NEW YORK.**

Roll Call Vote				
Names	Ayes	Noes	Abstain	Absent
<i>Chairman</i> Thomas Gubitosa	x			
<i>Vice-Chair</i> Peter Muller	x			
<i>Board Member</i> Eugene Kraese				x
<i>Board Member</i> Eric Jaslow				x
<i>Board Member</i> Gerry Rogers	x			
<i>Board Member</i> Michael Ferguson	x			
TOTAL	4			

The following was presented
By: Gerry Rogers
Seconded By: Peter Muller
Date of Adoption: January 22, 2015

DATED: January 22, 2015

**THOMAS GUBITOSA, Chairman
Town of Stony Point Planning Board**

Filed in the Office of the Clerk of the Town of Stony Point on this 26th day of January 2015.

**Hon. Joan Skinner, Town Clerk
Town of Stony Point**

Chairman: We had sent RFP's out for an Engineer the middle of December for an Environmental Consultant and we received some response back.

Mr. Furst: Just make sure that the Planning Board Members get copies of the RFP's so they can review it to discuss at the next meeting.

Chairman: Members before you leave make sure you get the RFP's from Mary and we will discuss that at the next meeting. Next item will be the Sullivan/Varano Subdivision.

Mr. Muller has to leave the meeting and Mr. Puccio is coming back in.

Sullivan-Varano SBL 15.03-1-21.1-21.2-23 4 lot Major Subdivision located on the East side of Wayne Avenue and the South Side of Tyler Place.

- New Application

Chairman: Mr. Zigler.

Mr. Zigler: We had a meeting in December and had a field trip to the site which is off of Tyler Place and at the field meeting we were discussing we were discussion our original layout that is not up there and we were discussing doing a standard layout and requesting to do a cluster average density from the Planning Board. What I had done was I sent in a few maps for the workshop but that workshop was canceled so tonight I would just follow up with those maps that we sent in and for the next workshop I will give you more detail maps. What we are going to request from the Planning Board is to do a standard layout and the reason we want to do a standard layout is to take the lots after we get a count and move them around like we had on our original plan but if you remember that on our original plan we had trouble over there at Freedman up there in the corner at Kennedy and the only way we could justify that is to do a standard. So the plan that is up on the top here that is what we would call a standard layout we have done that several times and the last one we did in Stony Point was about 10 years ago.

With the standard layout we are just trying to prove that we can get five lots two existing homes and we have all three lots propose on the Baisley piece but what we are showing is a cul de sac so that qualifies in our mind the project to have five separate lots. Three new homes and two existing homes and what we would like to do is use the average density and the reason you use the average density is you should be giving some kind of quality back to the Town of Stony Point. It could be an environmental thing or a park or something in our case we say we are going to be giving two things we say we can get the same layout without any driveways I mean without the road and we can also give a wider berth to the stream which is a classified DEC stream and to the Army Corpe Wetlands which is that dark line right there in the middle so our top map what we are trying to show is we can bring a road up we can grade three homes that meet the code and we can keep the two homes that are existing everything meets the code and we can do a buffer around the stream and the wetlands and the benefit we think is if we get the average density we apply to the Planning Board for average density and the Planning Board can do that on their own an they don't need to send us to the Town Board if the Planning Board does grant that we are going to disturb less property and we will put the mathematics on the plans but basically there will be seventy percent less disturbance and we are going to not have to build the road. That is the plan we would like to bring to the next workshop we would like the Board and the new engineer to review this plan. The other thing we have to discuss I talked to the Health Department and I explained when we were out in the field the Health Department looks at only the new lots so if we construct three or two new homes that is what they would look at and they would not review the whole thing but in the case of Stony Point if you have a lot and you want to put a septic tank in we would have to get approval of that septic prior to the Planning Board giving us final approval. So I have to talk to the clients and see which layout they would like to do and what kind of services we are going to do. The next thing I might just give this off to the Board and if the Board feels comfortable at this time maybe have a Public Hearing because for a little piece of property we have a lot of neighbors and we have people on Tyler that would be very interested and we are going to have a lot of people on Kennedy. So rather than get to deep into the average density and then have a Public Hearing and the Board likes the average density but the public comes out and has a different idea maybe it would be a good idea to have the Public Hearing and we agree to leave it open and finish what he have left open at the time.

Chairman: Any comments.

Mr. Stach: Am I reading this right the standard plan yields five and you are asking for four?

Mr. Zigler: Yes that is something else I would like to talk to the Board at the workshop really the applicant would not subdivide his property but we know for a standard layout if you do not certify lots that would mean he could never subdivide his property. So basically what I would like to do is qualify the map for five lots and if we do go to the average density we would put a note on this one oversize lot then it could be further subdivide one more time. Then we could do that through the tax maps we would be agreed to file a covenant or whatever you have to do.

Mr. Stach: Would you show the line or would you defer it till later?

Mr. Zigler: He really doesn't know if he wants to do it but he wants the opunity to do it in the future.

Chairman: Bill do you have any comments.

Mr. Sheehan: What (inaudible) did you use?

Mr. Zigler: We actually did 60,000 when we did Tyler Place we use 50,000 and then Celentano did the two lots here off of Tyler for Conklin they used 60,000 so we used 60,000.

Mr. Sheehan: I am just a little concerned about the trade off to go to the average density and more concerned about the future subdivion of that lot to go to the average density you are going to save some of that lot to get to the average density they you are going to come in ten years down the road. Are you going to put anything in the conservation easement?

Mr. Zigler: We would suggest something around the stream.

Mr. Sheehan: So that is what you are going to use for the average density?

Mr. Zigler: Yes. The only thing is maybe we can open a Public Hearing and see if we get any neighbor input.

Mr. Stach: We did lead agency last time.

Mr. Zigler: We had comments from two agencies.

Mr. Stach: I almost think it would be good also to understand the whole idea of preserving a lot for average density. So of the questions that I would come up with are what if the property needs setbacks would that lot be able to transfer to the lot the south?

Mr. Sheehan: That lot in itself is going to have to stand on its own if it comes back in. You were going from five to four but you are leaving the fifth for the future whatever the future is whatever the zoning is at that time.

Mr. Honen: The average density four lot subdivisions could provide that you could subdivide further is just a concern. If you agree with average density they you have a note on the plans that you sometime in the future we are going to further subdivide this lot.

Mr. Sheehan: Normally during this mitigation we go to average density so your impact is on five lots.

Mr. Honen: The average density is good plan.

Mr. Stach: I will feel more confident if we discussed this in a workshop.

Mr. Zigler: That's no problem. We will come to the workshop and submit new maps.

Chairman: Next item on the agenda is Verizon Wireless and it is a new application.

Verizon Wireless Proposed Public Utility Wireless Telecommunications Facility (NY Mott Farm) at 560 Liberty Drive, Tomkins Cove, New York
SBL 10.02-3-10 BU Zone Site Plan/ Conditional Use, located on the East side of North Liberty Drive, Tomkins Cove

- New Application

Michael Sheridan, Esq. and associate with Snyder and Snyder LLP

Mr. Sheridan: As you indicated Verizon Wireless is requesting a Conditional Use and Site Plan approval in connection with the wireless telecommunication facility to be located at 560 North Liberty Drive. The facility is necessary to remedy a significant gap in service in that area and improve service to that part of Stony Point. The facility is permitted by conditional use permit from the Town Board after Site Plan review from the Planning Board please note that we are on the Town Board agenda for next Tuesday. The facility has been designed as a stealth flag pole and will be located on 2.5 acre property with equipment located in an equipment compound that is approximately 2,000 square feet of that property. The related equipment shelter and propane tank will all comply with the noise ordinance with the Town of Stony Point and we are here tonight to discuss what needs to be done going forward. I would like to discuss tonight is the visuals and I would like to get the determination on the location of those visuals if you have any comments for that otherwise we can certainly choose those areas I would also like to discuss the set backs there is one set back that does not meet the requirements of the code there are provisions in your code that provide for waivers it does not appear if this Board can do that you do seem to have the ability to wave so of the provisions of the code. If you cannot do that I would request a referral to the Zoning Board so we can get that variance if it is necessary.

Chairman: What is at the site right now is there a building there?

Mr. Sheridan: Yes.

Chairman: Is it going to be similar to the one at Stony Ridge Plaza?

Mr. Sheehan: We didn't have the workshop on it and we didn't get to talk about it. I don't have concern about the cell tower itself I think it kind of close to 9W. You have to go to the Zoning Board but they cannot act until SEQRA is completed. I would do Lead Agency classify the action and set a site visit.

Mr. Stach: I think it is worth it to note that we are sort of advancing you a little bit normally we would have required you to submit it for the TAC Meeting to get on this agenda but I think we realize that typically the first step is always site visit so we put you on this agenda up a month so we could get that set up knowing that this is going to part of the issue. So that being said what we really want to do tonight is as Bill was saying you want to classify the action as unlisted I have not reviewed this plan I assume there is not historic resources or park directly adjacent?

Mr. Sheridan: My understanding is there is not an issue with any.

Mr. O'Rourke: I reviewed the EAF and that came back clear endanger species in the area they did submit a report stating that the habit was not conducive to that endanger species I did a quick site visit so I agree with that.

Mr. Stach: So I would go ahead and do the Intent to become Lead Agency notifying the Zoning Board it is automatic with the Town Board so if there is a variance needed we do have to coordinate with the Zoning Board so I would do Unlisted Action and Notice your Intent to be Lead Agency. You would be able to get onto the Zoning Boards agenda until February.

Mr. Sheehan: Again Max is correct that they are a permitting agency we have to involve them in the SEQRA process again I didn't look at this application because we did not have a TAC Meeting but is there any way possible that we could avoid a variance? I believe that they are along 9W so the contractor does not lose their storage yard.

Mr. Sheridan: It is located on the storage yard to the south of the building.

Mr. Stach: The other thing is I actually spoke with the Supervisor and one of the things I anticipate them to do is to authorize this Board to designate a cellular consultant. John you don't typically have an RF guy or somebody the code requires the standard RF to verify the RF studies just to retain a consultant for that purpose. First I would say is there any consultant that you know of that you would object to this Board retaining and second of all I think the other thing is this Board might want to have a couple of names for the next meeting. We can help you with that I am sure that John knows some people he works with we can get some names together so we can select somebody with your approval to review this.

Mr. Sheridan: If you want to put together some names and get that in front of me and I can definitely give my opinion if you are willing to take it.

Mr. O'Rourke: Couple of thing I did look at the submission you noted that the noise report was completed as part of the package in my package the only thing I saw was the summary letter there was not actually a noise study. The only reason I question it is the Town Code appears to require 27 decibel 50 feet from the property line your equipment is about 12 to 15 feet from the property line so I would like to see the actual report rather just a general summary just so we can document that and suggested in your report that you are going to schedule balloon tests I would just question 120 feet with any wind that close to the power line it is going to be pretty tricky next to those high tension lines right there so.

Mr. Stach: We have done with the Fire Department instead of doing a balloon maybe a ladder.

Mr. Sheehan: I don't know off hand (inaudible)

Mr. Stach: Right off the river it is going to be windy.

Mr. Ferguson: You still have plenty of room that is all within the falls zone if you drop the balloon it still will not hit the power lines.

Mr. O'Rourke: With a 120 feet?

Mr. Ferguson: You still will not hit the power lines you still have plenty.

Mr. Stach: I also find in one of the things we talked about when we did the Church is balloons are not always the most effective. I don't know is the Fire Department still doing those. I think the Fire Department came out with their ladder truck Tommy do you know?

Mr. Larking: That truck is not 100 feet.

Mr. Stach: Ok my mistake.

Mr. Sheehan: I think the best is to do the site visit and we are going to have the TAC Meeting a week earlier so things can be ironed out there.

Mr. Sheridan: So you want to discuss the balloon test or crane test at that meeting.

Mr. Stach: We actually did a similar application at Liberty Plaza which is not too far south from where you are so I think we will look at what viewpoints we had there and we will also notice certain communities with that too.

Mr. Sheridan: I know your code has references 30 days from filing the application to get the balloon test done is that going to be an issue to wait until we discuss that and notice it.

Mr. Stach: I think as long as you are open to it and say so on the record of course.

Mr. Sheridan: So we would decide this at the TAC Meeting be able to get the balloon test up shortly thereafter and go with that.

Mr. Sheehan: When do you expect the Town Board decision on that?

Mr. Sheridan: I will advise them of what happens here tonight and request that whatever they can do to get moving would be appreciated.

Mr. Sheehan: They cannot take too much action either.

Mr. Stach: I spoke to the Supervisor and I understand what he is going to be doing is he is going to be taking three actions – one is they are going to ask the Planning Board for a recommendation on Special Use Permit - they are going to ask the Planning Board to be Lead Agency for the application and third they are going to designate the Planning Board as the agent in selecting a consultant for review in term of the communications consultant. Those are the three actions I understood are on the agenda.

Mr. Sheehan: Typically they are going to wait until we get through most of our site plan we have 30 days to make a recommendation we might ask for an extension of time so by time you get back to the Town Board your site plan is pretty much done. The Town Board is going to rely on the Planning Board to get through all the SEQA and Site Plan their concern is the height.

Mr. Sheridan: So at this point if the TAC meeting is going to happen on the 5th would it make more sense to try and squeeze in the site visit before then? So we get to that meeting everybody knows what the site looks like.

Mr. Sheehan: It would be beneficial to look at the site before the TAC meeting. I think you need to see why they have to place the stuff where they place it.

Chairman: Let's do Lead Agency first I need a motion to do Intent to be Lead Agency.

MOTION: INTENT TO DECLAR LEAD AGENCY

Made by Michael Puccio and seconded by Michael Ferguson

All in favor

MOTION: UNLISTED ACTION

Made by Gerry Rogers and seconded by Michael Ferguson
All in favor

Chairman: Site Visit the TAC meeting is the 5th so we have the 24th or the 31st so.

Mr. Stach: You need to flag the base location.

Mr. Puccio: You are going to mark this all out to see where everything is going to be?

Mr. Sheridan: Yes it can be.

Chairman: I say we do the 31st weather permitting at 8:30 AM at the site just mark it out for us.

Mr. Puccio: So you are going to mark it all out where everything is going to go - the propane tank you are going to mark the four corners.

Mr. Sheridan: I will be there and it will be staked out. At this point could I get in front of the Zoning Board?

Mr. Sheehan: They would have to make a recommendation.

Mr. Stach: I think it is a little early for that lets discuss it at the TAC meeting after the site visit.

Chairman: The last thing the December 11, 2014 minutes a motion to accept.

MOTION: ACCEPT MINUTES OF DECEMBER 11, 2014

Made by Michael Puccio and seconded by Michael Ferguson

MOTION: CLOSE MEETING

Made by Tom Gubitosa and seconded by Michael Ferguson

Respectfully submitted,

Mary Pagano, Clerk to the Board