

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

August 29, 2013,

RHO BUILDING at 7:00 P.M.

Present:

Thomas McMenamin, Member
Peter Muller, Member
Michael Puccio, Member
Gene Kraese, Member
Gladys Callaghan, Member
Gerry Rogers, Member
Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner
By: Max Stach

Kevin T. Mulhearn, Esq.
Special Counsel

Dave MacCartney, Esq.
Special Counsel

*Recorder malfunction no transcribed minutes.

Jessup Ridge West – SBL 19.01-2-45.1,45.5,45.7,45.8,45.9 RR District – Amended Subdivision from nine lots to fourteen lots - Sketch, Preliminary approval, located on the west side of Jessup Lane and west side of Margarite Drive, 800 feet north of Willow Grove Road

- Major subdivision

MOTION: CLOSE PUBLIC HEARING

Made by Peter Muller and seconded by Michael Puccio
All in favor

Thomas Gubitosa

Eugene Kraese

Peter Muller -absent

Gladys Ann Callaghan

Michael Puccio

Gerry Rogers

Thomas McMenamin

All Planning Board Members agree to draft a Final Resolution at the September 26, 2013 Planning Board Meeting.

Hudson River View Warehousing – SBL 20.04-11-3 LI District Amended Site Plan – Preliminary, located on the east end of Holt Drive 1800 feet east of South Liberty Drive, then 600 feet east on an unnamed private road

MOTION: APPROVE FINAL RESOLUTION
Made by Gerry Rogers and seconded by Gene Kraese

Roll call vote all in favor

Thomas Gubitosa	
Eugene Kraese	Michael Puccio – recused from this application
Peter Muller	Gerry Rogers
Gladys Ann Callaghan	Thomas McMenamin

RESOLUTION
TOWN OF STONY POINT PLANNING BOARD

Granting Final Approval for MBC Contractors Inc., on the East end of Holt Drive (approximately 1,800 feet east of S. Liberty Drive, the 600 feet east of an unnamed private road), (SBL 20.04-11-3), LI Zoning District, for the construction of fourteen buildings, totaling 175,800 square feet, to be constructed in three sections on 17.26 acres.

A meeting of the Town of Stony Point Planning Board (“Planning Board”) was convened on August 29, 2013.

WHEREAS, the applicant has made an application to construct fourteen buildings on the above-stated premises, for the purpose of providing a proposed self-storage warehouse; and

WHEREAS, the application materials in support of the Proposed Action includes a Revised Site Plan, dated June 11, 2013, and submitted to the Planning Board on July 16, 2013; and

WHEREAS, on March 28, 2013 the Stony Point Planning Board issued a Notice of Intent to become Lead Agency, for State Environmental Quality Review (SEQRA) purposes; and designated the action as an a Type 1 Action; and

WHEREAS, on May 23, 2013, the Planning Board, as Lead Agency, issued a Negative Declaration and published notice of said Declaration in the Environmental Notice Bulletin, pursuant to NYCRR Part 617 of SEQR; and

WHEREAS, the Planning Board has determined that it has complied with the procedural requirements of 6 NYCRR Part 617 (SEQR); and

WHEREAS, the Planning Board reviewed the application and took into consideration, pursuant to GML Sections 239-L and 239-M, the recommendations of: (i) the Rockland County Department of Planning, contained in correspondence April 10, 2013 and May 31, 2013; (ii) the Rockland County Drainage Agency, contained in correspondence dated April 3, 2013 and April 22, 2013; (iii) the Rockland County Department of Health, contained in correspondence dated May 13, 2013; and

WHEREAS, the Planning Board consulted with the Turner Miller Group, the Town's planning consultant, with respect to the application and all issues raised therein; and

WHEREAS, the Planning Board adopted a Resolution on July 5, 2013, after consultation with the Town's planning consultant, the Turner Miller Group, which provided that, based upon the Planning Board's review and analysis of documents and testimony presented at a June 27, 2013 public hearing, the application would not have a negative environmental impact, or otherwise unduly interfere, with the Coastal Zone in Stony Point, and that, in fact, the application and requested use of the premises as a self-storage warehouse is entirely consistent with the Town of Stony Point's Local Waterfront Revitalization Plan (as mentioned in Chapter 209 of the Town of Stony Point's regulations); and

WHEREAS, the applicant has agreed that: (i) the applicant owner may, upon the issuance of this Resolution, fill the site to the working grade as detailed on the plans in compliance with a letter from the Town Engineer, dated October 11, 2011; (ii) the applicant owner shall contact CSX to start design by CSX of automatic warning devices for two way traffic (lights and gates) at the grade crossing (at the project site) prior to the Town of Stony Point's issuance of a building permit; (iii) the applicant, moreover, will provide the Town of Stony Point Building Department with copies of all correspondence and contracts between it (CSX) and the applicant; and (iv) prior to the issuance of a Building Permit for the second section of buildings, the applicant/owner will file a letter of credit with the Town of Stony Point for the costs of the CSX grade crossing design and construction if said grade crossing is not complete; and

WHEREAS, the Planning Board has considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference) and the recommendations of the Rockland County Planning Department; and

WHEREAS, to the extent that granting approval of this application constitutes an action contrary to the recommendations of the Rockland County Department of Planning, such approval may be granted by a vote of a "majority plus one" (i.e., a supra majority) of the Planning Board; and

NOW, IT IS HEREBY RESOLVED, that the Site Plan entitled application for Site Plan Approval for MBC Contractors, Inc., by Map of Atzl, Scatassa & Zigler, P.C., dated June 11, 2013, and submitted to the Planning Board on July 16, 2013, be and hereby is approved to permit the construction of fourteen buildings, totaling 175,800 square feet, to be constructed in three sections, on 17.26 acres in the LI Zoning District, at the East end of Holt Drive (and approximately 1,800 feet east of S. Liberty Drive, and then 600 feet east of an unnamed, private road), pursuant to the maps and plan submitted by the applicant, as described in the application, and upon compliance with all other site plan requirements set forth in the Regulations of the Town of Stony Point, the Chairman is authorized to sign the map upon the following conditions:

1. Applicant shall comply with applicable zoning and building laws, rules and regulations;
2. Applicant shall comply with all representations and agreements made by the applicant;
3. The Town's engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
4. All fees, including consultant fees, shall be paid by the applicant.
5. Map note 14 of the site plan be revised to read as follows: "Prior to the release of a building permit the applicant/owner shall file an application with CSX to design/build a grade crossing that will include automatic warning devices for 2 way traffic in compliance of acceptable standards by the Town of Stony Point and CSX. The total funds required to construct the crossing not submitted for the application will be secured by cash, bond, letter of credit or other guarantee in a form acceptable to the Town Attorney as sufficient to secure to the Town the satisfactory construction and installation of the crossing within a reasonable period of time, but not to exceed three years."
6. Map note 15 of the site plan be revised to read as follows: "If the applicant/owner request a certificate of occupancy for Buildings 3A, 3B, 4A, and/or 4B prior to the new grade crossing fully functioning the applicant/owner will install an emergency gate with construction signage at both sides of the railroad track to redirect traffic to the under pass. The underpass will have signage and a traffic signal to control the one way traffic while the grade crossing is under construction."
7. Map note 16 of the site plan be revised to read as follows: "Before the issuance of a building permit of any other building than Buildings 3A, 3B, 4A and/or 4B the new crossing designed/constructed by CSX shall fully function for two-way traffic."
8. Map note 17 of the site plan shall read as follows: "The applicant intends to maintain two points of access between the east side and west side of the tracks."
9. Prior to signature by the Chairman, the applicant will secure the consent of all owners with rights across the rail crossing to temporarily block the crossing in the event that the applicant requests certificates of occupancy prior to the construction of the grade crossing improvements.

AND BE IT FURTHER RESOLVED, that the Planning Board finds that with regards to recommendations of the County of Rockland Department of Planning, that all recommendations have been incorporated into the design of the plans, with the exception of the following, which are deemed to be unnecessary and are hereby overridden:

1. With regard to County recommendation #3, the Environmental Assessment Form Part 1 is completed to the best ability and knowledge of the project sponsor, and it is not the role or responsibility of the lead agency to correct this form or require revision thereto, but rather to review it, verify the information contained therein, and consider any

additional information provided and adopt a Part 2 in light of that information.

2. With regard to County recommendation #9, the intersection of Holt Drive and Route 9W analysis, including a build out of Holt Drive, was detailed in the Collins Engineers Traffic Impact Study for the Proposed Retail Development dated August 12, 2008. Current traffic counts east of Shoprite are reduced from the study by several changes: (a) Hudson Bay Storage is only 50% of the build out; (b) Town Line Park, an approved site, was not constructed and approval has expired; (c) Inslux Industries closed, and that business had more than 80 total employees for two shifts of work, and (d) Bay View Park has two vacant office buildings. As such, as the daily vehicle use of the Hudson Bay Storage facility count is 25 vehicles, or 0.00027% of the daily vehicle count on Route 9W, this project would equal that vehicle count.
3. With respect to County recommendation #10, the at grade crossing will be used for two lane traffic, which the applicant has agreed to upgrade per plans by CSX.

AND BE IT FURTHER RESOLVED, that the Planning Board requires that a copy of this resolution be forwarded to the County of Rockland Department of Planning as a report of final action, for the approval of the Site Plan by the Planning Board, consistent with section 239-m(6) of the General Municipal Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

YEA: (6)
NAY: (0)
RECUSED: (1)
ABSENT: (0)

There being 6 votes in favor of the motion, 0 votes against the motion and 1 recused thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA
Chairman, Town of Stony Point
Planning Board

Filed in the Office of the Clerk of the Town of Stony Point in this
2nd day of September, 2013.

Hon. Joan Skinner
Town Clerk,
Town of Stony Point