

# *Town of Stony Point*

## Department of Planning

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### **PLANNING BOARD MINUTES AUGUST 23, 2012 RHO BUILDING at 6:00 P.M**

**Present:**

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

**Also Present:**

Ferrick, Lynch & MacCartney, Esq.  
By, Steve Honan, Esq.

Turner Miller Group, Principle Planner  
By: Mr. Max Stach

Kevin Maher, Town Engineer

### **PLANNING BOARD AGENDA August 23, 2012**

**Public Hearing:**

1. Crickettown Ridge – SBL 15.03-3-2 RR District, 3 lot minor subdivision located at the northeast corner of Crickettown Road and Heights Road

**OTHER BUSINESS:**

Notice of Intent – The Breakers  
S & V Almiron SBL 15.02-2-35 - Cost Estimate  
Accept minutes of June 28, 2012 and July 26, 2012

Chairman: Good evening, we are going to make a change with the agenda items first we will be doing the cost estimate for S & V Almiron.

S & V Almiron - SBL 15.02-2-35 - Cost Estimate

Mr. Kraese: This estimate is on all three lots.

Mr. Maher: Yes, I treated that as right of way work the general work for the entire site falls there also grade for that front area too.

Mr. Kraese: Is that under site preparation and erosion control?

Mr. Maher: Well you can see if you look at the grading you can see there are changes on the front of the lot so I looked at that and went back to the estimate and there was nothing there for erosion.

Mr. Kraese: There is still nothing here.

Mr. Maher: It is a cross section going through, a typical cross section showed the front of the property being graded out.

Mr. Kraese: So on all three now you worked it in.

Mr. Maher: The general work and the storm sewer leading out in front of the property, tree removals, wall removal and the general right of way grading as far as the site is concern. There is definitely some grading going on in the right of way.

Mr. Kraese: So the applicant agrees with his revisions?

Mr. Zigler: Yes

Mr. Kraese: So we are going to vote on these revisions.

Chairman: Yes, we need a motion to accept the changes to the cost estimate.

Mr. Kraese: I will make a motion to accept the revisions per the Town Engineer of August 20, 2012.

MOTION: Accept the revisions of the Cost Estimate of the Town Engineers dated August 20, 2012

Made by Gene Kraese and seconded by Gerry Rogers

Chairman: All in favor --- yes, motion passed for revised Cost Estimate.

Chairman: Next item is the Notice of Intent from the Town Board on the Breakers. They want to become lead agency with the Breakers the project down by the water. I think basically they sent us something the other day with this project there are some zoning changes involved. They want to become lead agency. Max can you give us an update on this one.

Mr. Stach: The Town Board has received an application from a owner of the Stony Point Marina who is looking to adopt a zone changes to amended the PW District to allow him to build a mixed use development. Now this is in the very preliminary stages of that process as part of that process he will have to prepare likely an environmental impact statement so what you received here is a notice from the Town Board that they intend to serve a lead agency for the project and do all the environmental reviews themselves . They're telling you this because down the road you will have site plan approval and depending on how the zoning amendment is phrased you may have conditional use approval authority, so you're Board could assume lead agency status and could say no you want to be lead agency it is part of the process. In this instance they thought they were the agency best suited to handle the environmental review they are notifying you and if you disagree with that you have to give them your reason in 30 days otherwise you have no other obligation except to review the materials submitted to you.

Chairman: All right so right now let's get some comments from the Board. Gene do you have any comments? Max for the Lead Agency they are going to do the SEQRA now after they do the SEQRA they still have to come back to us for site plan approval.

Mr. Stach: I will give you a little insight into this it is likely that this project will require a full DEIS which is something they don't see often in Stony Point which is usually a voluminous study of environmental impacts as the Lead Agency they will oversee the preparation of that document however as an involved agency you will be copies on that document so you will get seven copies of that document you will be entitled to receive or submit your comments on that document and they will have to answer your comments on that document. So you will be fully involved in that review to the extent you want to but they will be responsible for the preparation.

Mr. Rogers: It was like the same when they became Lead Agency for the Fire District.

Mr. Stach: The Fire District was a very cursory review this will go to phase two of the environmental. It will be positive declaration likely with will mean that they will be much more involved with the agencies than the Fire House this Board didn't involve itself.

Chairman: We are just filling Peter in basically we got a Notice of Intent for the Town Board for The Breakers site for the marina they want to be lead agency they sent us a Notice of Intent and Max says they are going to be doing all the SEQRA we will get copies of everything they do we will be able to comment and make a recommendation but they are going to be the lead agency and do all the review but we still get a chance to comment. They need an answer back so how does the Board feel? As long as we comment and we are involved in the process we are fine with it.

Mr. Stach: I don't think you need to respond I actually will be assisting the Town Board with their review so I will make sure that the Planning Board is given seven copies of the document for review.

Mr. Honan: I just wanted to ask Max because I am a little unclear there seems to be a request for the Town Board to amend the zoning code itself.

Mr. Stach: Correct.

Mr. Honan: That had now been passed by the Town Board they have agreed to that?

Mr. Stach: No.

Mr. Honan: What they are looking for now is doing SEQRA review to amend the Zoning Law at this time is that correct?

Mr. Stach: No

Mr. Honan: What are they doing then?

Mr. Stach: When you got a SEQRA application you have to review concurrently all the phases of environment review that (inaudible) at the time not only do they have to look at the impacts of the zone change but they are actually required the applicant to submit its plan and they are going to review the impacts of the plan itself. That's done it is the segmentation issue your state is not letting you divide the reviews into multiple steps because they feel that would under mind the purpose of taking a hard look at the impacts. They will be doing an environment review on the zone change, the PW and the actual site. Both of those will be in environmental documents that you will be reviewing.

Chairman: Then they will be making an application for stuff that they want to do then.

Mr. Stach: Till they have that review the zoning cannot be adopted till the zoning is adopted that will start the ball running.

Mr. Honan: It seems that they would be the reasonably be lead agency.

Mr. Stach: They have the greatest control over the project.

Chairman: If the Board does not have any objections we will just let them be Lead Agency. I don't think we need a motion for this.

Mr. Stach: No you just have to decide as a Board not to respond.

Ms. Pagano: So we don't need a letter to the Town Board?

Mr. Stach: No after the 30 days they will assume Lead Agency status.

Chairman: Alright good next on the agenda Crickettown Ridge it is the three lot subdivision, Mr. Zigler give us a quick update.

Crickettown Ridge – SBL 15.03-3-2 RR District, 3 lot minor subdivision located at the northeast corner of Crickettown Road and Heights Road

Mr. Zigler: Basically since last spring we have revised the map to eliminate the variances required. We were doing an average density and we need variances on two bulk items one was the lot width and one was the lot area. We did not receive those variances so we revised the map to meet the code. So it actually meets your code for average density by making one lot a very long thin triangle and by making another lot a little bit narrower so we could get the lot width. Those two lots now meet your code the middle the Culhane lot actually gains property to the rear of the property to the east and it gains property to the north. That property to the north will cover the existing driveway and allow extra on the other side of the driveway for future widening or whatever. The remaining piece of property is under conservation buffer and that is going to be accepted and merged with the Jacobson property. So right now we have the conservation buffer being merged with an existing tax lot so we are not creating a lot and the Culhane lot is an existing lot and it is just growing in size to the east and to the north and we have two new lots. The two new lots are on Crickettown now all the lots meet your code it needs no variances we actually do not have to go to the Health Department I got a call from the Health Department since it is only two new lots we do not have to go there for the reality map but we do have to go there for the extension of the sewer main for review. So that is it we need no other permits other than extension of the sewer main and the normal Town permits to do construction on the lots. Hopefully we have everything you want and we can get a final vote on these applications.

Chairman: Just to clarify for the public the conservation buffer they can't build anything in there they can go in clean up but no building.

Mr. Zigler: You can clean it up you could landscape it you could put a fence around it but you can't put any structures in it no sheds nothing it has to stay natural but it allows you to clean it up and make it look good put a fence around it and create it as your own lot.

Chairman: I think that was from the beginning the neighbors concern on the disturbance of that wet area. We are going to leave it like that the other we didn't need any variances so everything looks good. Mary do we still have the Public Hearing open.

Ms. Pagano: Yes the Public Hearing is open.

Chairman: I guess what I will do is I will go to the public to see if they have any comments and then we will go to the Board so I will open the Public Hearing if you have anything to say state your name and address the Board with your comments. I am going to open the Public Hearing.

Mr. Brian Healy: I would just like to know where it is I received a letter and it just says the northeast corner of Crickettown Road.

Chairman: Where are you in relation to so I can see? You are down here on the bottom right come up by the map.

Mr. Healy: What street is the corner?

Chairman: Height and Crickettown you are right here. The two lots are going right here but because you are in the distance you get notified. These are the new ones coming in.

Mr. Healy: OK, thank you.

Mr. Zigler: Can I just explain that for a second. You have people here that were never here before because once we added the Jacobson lot to the map we went out and notified so you have people who have never been notified of this application.

Chairman: Ok that explains it thank you Mr. Zigler. Any other comments?

Mr. Mike Hekker: I just want you to explain where the width was picked up for the two lots.

Mr. Zigler: When we were going for the variances we had straight property lines between lot 2 and Culhane and that was carried straight through. This lot number 2 we had drawn and

perpendicular line so what we had to do was got the lot width on lot 1 and then because lot 2 is on the corner so we always had plenty of room for lot width on that so lot 1 is drawn at the set back line we have the lot width all the way to Calhan's to pick up area for lot 1 which is 27,000 square foot and then 25,000 square foot is lot 2.

Mr. Hekker: Lot one is the one that original didn't have the?

Mr. Zigler: Bulk area and lot width.

Mr. Hekker: Thank you.

Chairman: Any other comments?

Mr. Muller: I make a motion to close the Public Hearing.

MOTION: Close Public Hearing  
Made by Peter Muller and seconded by Gerry Rogers  
Roll call vote all in favor

Chairman: Kevin any comments.

Mr. Maher: No, other than individual site plans to be submitted for the houses so it will address any of the low impact development requirements of that time.

Chairman: Max do you have any comments.

Mr. Stach: No comments.

Mr. Kraese: Just to make it clear that Mr. Jacobson whatever he did became the sole owner of the conservation buffer at this point. So technically it is in private hands it is not owned by the Town and I assume he is going to be responsible to take care of that area to keep it a pristine area it is now that is the assumption we have now and the right that he has.

Chairman: Any other comments, I close the Public Hearing.

Mr. Kraese: Let him talk.

Chairman: Ok go ahead.

Mr. Hekker: I just want to know the difference between an easement and a buffer.

Chairman: The easement you can't go in there and clean up dead trees you can't take them out the buffer you can go in there and put a fence around it. The easement stays exactly the way it is if the trees pile up if it ugly it stays like that we did it the buffer so they can go in and clean things up and make it presentable.

Mr. Hekker: No buildings.

Chairman: No nothing that is why we left it like that. I just need a motion to approval of the three lot minor subdivision then I will read it.

MOTION: Approve Resolution for the three lot minor subdivision.  
Made by Gene Kraese and seconded by Gerry Rogers  
Roll call vote all in favor

**RESOLUTION PB August 23-2012**

**GRANTING APPROVAL  
OF A THREE-LOT MINOR SUBDIVISION**

**For The Project**

**CRICKETTOWN RIDGE**

**BY APPLICATION OF: Anne Kennedy, John & Angela Culhane & Redmond Jacobsen, Jr.**

**WHEREAS, an application has been made to the Planning Board for approval of an average density three lot minor subdivision plat, designated CRICKETTOWN RIDGE SUBDIVISION , affecting premises designated as Section 15.03, Block 3, Lot 2 on the Tax Map of the Town of Stony Point, located in an RR District; and**

WHEREAS, pursuant to the New York State Environmental Quality Review Act, a negative declaration was issued by this Board on December 8, 2011 and an amended negative declaration was issued by this Board on July 26, 2012; and

WHEREAS, by letter dated April 9, 2012, the Rockland County Department of Health made certain comments applicable to the project, including the requirement of future application to the RCDH for sanitary sewer extension; and

WHEREAS, a public hearing was held on February 23, 2012 and held open and continued at subsequent planning board meetings to and including August 23, 2012, at which date the public hearing was concluded and closed.

**NOW, THEREFORE, be it**

**RESOLVED that the plat submitted for approval of an average density three lot minor subdivision plat, designated CRICKETTOWN RIDGE SUBDIVISION, affecting premises designated as Section 15.03, Block 3, Lot 2 on the Tax Map of the Town of Stony Point, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point, subject to the following:**

**1. This Board finds that there is insufficient land available in the premises to be subdivided to warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Town in lieu of land in the amount set forth in the Town's Schedule of Fees.**

**2. The Applicant shall submit to the Town Attorney for approval a proposed deed, and/or other documents required by the Town, containing an appropriate restrictive covenant establishing a conservation buffer on the North-western most lot of the subject subdivision, which lot is to be merged with the lot n/f Redmond Jacobsen, Jr. (15.05 – 3 – 7).**

**3. Signature of the Chairman of the Rockland County Drainage Agency pursuant to the requirements of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended).**

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

Yea                      Nay                      Abstain                      Absent

Members Present:

Chairman Gubitosa	<u>  X  </u>	_____	_____	_____
Peter Muller	<u>  X  </u>	_____	_____	_____
Thomas McMenamin	_____	_____	_____	<u>  X  </u>
Gerry Rogers	<u>  X  </u>	_____	_____	_____
Gladys Ann Callaghan	<u>  X  </u>	_____	_____	_____
Eugene Kraese	<u>  X  </u>	_____	_____	_____
Michael Puccio	<u>  X  </u>	_____	_____	_____

The Resolution was thereupon duly adopted.

Chairman: I think last we have minutes of June 27, 2012 and July 26, 2012.

MOTION: Accept minutes of June and July  
Made by Gene Kraese and seconded by Gerry Rogers.  
All in favor

Mr. Kraese: Mr. Chairman is there any people in the audience that before we close or after we close have any questions regarding this Crickettown?

Chairman: Ok, motion to close.

MOTION: Close meeting.  
Made by Gerry Rogers and seconded by Gene Kraese  
All in favor

Respectfully submitted,  
Mary Pagano, Clerk to the Planning Board

