

Town of Stony Point

Department of Planning

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STONY POINT, NEW YORK 10980

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PLANNING BOARD MINUTES

December 13, 2012

RHO BUILDING at 7:00 P.M

Present:

Thomas McMenamin, Member

Peter Muller, Member

Michael Puccio, Member - recused

Gene Kraese, Member

Gladys Callaghan, Member

Gerry Rogers, Member

Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner

By: Max Stach

Kevin Maher, Town Engineer

PLANNING BOARD AGENDA

December 13, 2012

RHO BUILDING at 7:00 P.M.

Public Hearings:

1. Hudson River View Industrial Park Building D – SBL 20.02-11-25 LI District, Site Plan located on the east end of Holt Drive, 1800 feet east of South Liberty Drive/Route 9W

Pending Applications:

2. Hudson Bay Complex Building E – SBL 20.04-11-2.3 LI District, Amended Site Plan and Lot Line Change, located on the north side of Holt Drive 1,200 feet east of Route 9W.

3. Hudson River View Open Field Agriculture – 20.04-3-11 LI District Site Plan, Conditional Use located on the east end of Holt Drive 1800 feet east of South Liberty Drive then 600 feet east on an unnamed private road

4. Jessup Valley Subdivision – SBL 19.01-2-45.7,45.8 & 45.9 RR District – Sketch, Preliminary approval, located on the west side of Margarita Drive 60 feet west of Jessup Lane

- Three lot minor subdivision

OTHER BUSINESS:

Accept minutes of October 25, 2012

ROLL CALL ALL PRESENT

Chairman: What we are going to do is move an items around the number four item Jessup Valley we are going to move that to number one because our planner is running a little late so we will do Jessup Valley Subdivision first. This is located on the west side of Margarita Drive west of Jessup Lane it is a three lot minor subdivision this is a new application Mr. Zigler.

Jessup Valley Subdivision – SBL 19.01-2-45.7,45.8 & 45.9 RR District – Sketch, Preliminary approval, located on the west side of Margarita Drive 60 feet west of Jessup Lane

- Three lot minor subdivision

Mr. Zigler: At the last meeting I showed you a sketch of re-subdividing a piece of the original Jessup Valley and since that time since there were some questions at the meeting – I have some hand outs - basically when I was here we were looking at a sketch to redo one part of the subdivision that would be all the way over on the left and re-subdivide it and come out with two more lots. The original subdivision was based on water and sewer and there was no sewer at the time so it had to qualify for percolation rates so at the last meeting we were discussing the town actually mentioning that there had been a previous map by Mr. Haller which showed a re-subdivision of the rest of the site. So we had one subdivision on one side and then this old four year old map submitted on the other side. So what we did is we went back and put together the entire subdivision using the original topo because the topo has changed in there since because some spots it is level because of the road and things so we use the original topo and re-subdivide the site and we are going to make a new submission to the Planning Board new application because that application no longer exists and meets the requirements. Also, I got a complete set of plans from the Town I think it is nine pages and we are going to take the drainage because there are some questions about the drainage from your Town Engineer we are going to take the drainage and match up an as built so we can sit there and look at what was proposed and what is actually out there. Just wanted to give that to you tonight and hopefully you will set a field meeting before the next meeting in January because there are an additional two items that I know of coming in January for field meetings in February. So I thought maybe getting it in tonight maybe we could have a field meeting just on one site and the other two sites later on.

Chairman: Any questions before we set a site visit?

Mr. Kraese: How many sites is this going to be?

Mr. Zigler: This is going from 10 to 14 lots. There are two lots on the left side of the map and then there are two additional lots in the center of the map. We labeled the maps as A so you could see the difference the old lot lines are underneath it and the second pages qualifies the lots with the slope the stream and the pond. This is one subdivision that hits four all four of you impingements.

Mr. Kraese: So there will be eleven lots?

Mr. Zigler: Twelve lots.

Mr. Kraese: The pond is going to be considered a lot?

Mr. Zigler: Yes. The other portions of the application are to get the drainage in the way that hopefully the Town will take over all the facilities and there would not have to be an HOA. So the whole point is to re-subdivide it straight down to drainage. Utilizing the existing utilities the road that would have to be a few extra spurs for whatever lot we qualify and come out with what I consider a better plan.

Mr. McMenamin: None of these lots were sold?

Mr. Zigler: There were two lots that we are not touching. Lot 10 and Lot 11 we are not touching. The two lots on the left side as you enter the Cull de Sac.

Mr. McMenamin: Lot 11 and Lot 10?

Mr. Zigler: We are not touching them. Lot 10 is actually owned by a different owner so that will be a joiner to the subdivision.

Mr. Kraese: Not to get in too deep at this point Lot 10 is going to be adjusted to that problem we had.

Mr. Zigler: No, we are not touching that lot it is not included. Lot 10 is Lot 10. We can't touch it that owner is not part of this application.

Mr. Kraese: My question there was weren't we supposed to wasn't there and issue about deeding it to the Town?

Mr. Zigler: Well yes you mean the drainage part, the drainage is a HOA there was a piece of the road at the intersection on both sides these weird little slivers that the Town was going to take over we incorporated that into the map because the slivers I didn't quite understand that. I wasn't here when that went through I didn't represent them so I didn't understand some of that design around the intersection.

Mr. Kraese: So at this point Lot 10 goes right around the roadway there.

Mr. Zigler: Right

Mr. McMenemy: Didn't we do something with that lot on Margareta where it goes up to Cross Creek.

Mr. Zigler: Yes that lot was split yeah that is on the other side of the road. On our map that is tax lot number 25, 26 lot six

Mr. McMenemy: That is on your property but it is also not part of it.

Mr. Sheehan: Those are both privately held lots but however it is legally the HOA, they are part of the original subdivision. (Inaudible)

Chairman: Any other questions, I need a motion for site visit I think the Board agreed Saturday January 5, 2013 at 9AM we will meet you at the site.

Mr. Zigler: Is there anything special being that this is a re-subdivision put some property lines in put some corners in so you can see the frontage.

Chairman: Yes that would be a good idea.

Mr. McMenemy: Is the road there?

Mr. Zigler: I would consider it finished it is not totally topped and everything but the pavements is there. So we can put the corners in on our lots so you can see the layout.

Chairman: Kevin do you have any comments.

Mr. Maher: No not yet.

Chairman: do you think there is anything that they need marked out on our site visit?

Mr. Maher: There is a lot of overgrowth there and weeds it is going to need a good weed whacking.

MOTION: Site Visit on January 5, 2013
Made by Tom Gubitosa and second by Gladys Callaghan

Chairman: Next item on the agenda is our first item Hudson River View Industrial Park Building D this is located on the east end of Holt drive 1800 feet East of South Liberty Drive it is a Public Hearing, Mr. Zigler.

Hudson River View Industrial Park Building D – SBL 20.02-11-25 LI District, Site Plan located on the east end of Holt Drive, 1800 feet east of South Liberty Drive/Route 9W
Public Hearing

MINUTES WERE TAKEN BY COURT STENOGRAPHER FOR THIS APPLICATION.

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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: Public Hearing
HUDSON RIVER VIEW INDUSTRIAL PARK,
Applicants.

----- X

7:30 o'clock p.m.
December 15th, 2012
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
GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member
MICHAEL PUCCIO, Member (Recused)
PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

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

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-Proceedings -

Appearances continued: 2

KEVIN MULHEARN, Esq.,Special Counsel
16 Dutch Hill Road
Orangeburg, New York 10962

WILLIAM SHEEHAN, Town Building Inspector

KEVIN P. MAHER, P.E, Town Engineer

TURNER MILLER GROUP,
Planning Consultants
Two Executive Boulevard - Suite 401
Suffern, New York 10901
BY: MAXIMILIAN STACH, Town Planner

ATZL, SCATASSA AND ZIGLER
Surveyors/Architects for Applicant
234 North Main Street
New City, New York 10956
BY: DAVID M. ZIGLER, P.E.

PATRICK MAGEE, on Behalf of Applicant
JAMES BOYLE, on Behalf of Applicant

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road
Stony Point, New York 10980
(845) 429-8986 FAX and Phone

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2 (This is the Planning Board
3 Meeting of December 13th, 2012.)

4 THE CHAIRMAN: Can we all stand
5 for the Pledge?

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

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

10 MS. PAGANO: Yes. Mr.
11 McMenamin?

12 MR. MC MENAMIN: Here.

13 MS. PAGANO: Mr. Muller?

14 MR. MULLER: Here.

15 MS. PAGANO: Mr. Puccio?

16 MR. PUCCIO: Here.

17 MS. PAGANO: Mr. Krease?

18 MR. KREASE: Here.

19 MS. PAGANO: Mrs. Callaghan?

20 MRS. CALLAGHAN: Here.

21 MS. PAGANO: Mr. Rogers?

22 MR. ROGERS: Here.

23 MS. PAGANO: Chairman Gubitosa?

24 THE CHAIRMAN: Here.

25 All right. Just a quick

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2 comment; do you have your cell phones
3 on vibrate? If not, please do so, or
4 turn them off at this time.

5 We are going to move an item
6 around on the Agenda; number four,
7 Jessup Valley, we will move that to
8 number one as our Planner is running a
9 little late, so we will do that one
10 first.

11 (Pause in proceedings. Reporter
12 is only taking the matter of Hudson
13 River View Industrial Park. At this
14 time other matters were heard. At this
15 time Jessup Valley was heard.)

16 THE CHAIRMAN: Okay, the next
17 item on the Agenda is Hudson River View
18 Industrial Park Building "D", located
19 at the east end of Holt Drive, 1800
20 feet from South Liberty Drive.

21 This is a Public Hearing. Mr.
22 Zigler?

23 MR. ZIGLER: Yes, if I can ---

24 THE CHAIRMAN: Hang on, Mr.
25 Puccio is recusing himself from this

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2 matter.

3 (At this time, Mr. Puccio is
4 leaving the Board room.)

5 THE CHAIRMAN: Dave?

6 MR. ZIGLER: Just let me put this
7 up.

8 (Mr. Zigler is putting up a map.)

9 * * *

10 THE CHAIRMAN: Okay? You may
11 proceed Mr. Zigler.

12 MR. ZIGLER: I think that since
13 the last meeting, this is a continued
14 public hearing, we made no changes in
15 the map or the application.

16 So, if it's okay with the Board,
17 we would just let the public speak at
18 this time, because there were some
19 comments about reviewing the
20 application and coming back for the
21 public hearing.

22 There were also some comments
23 from outside agencies, adjoining
24 municipalities, so, we would rather
25 just let the public speak.

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2 As you know, we are taking the
3 minutes and we are going to respond to
4 all the questions from the outside
5 agencies, as well as the public.

6 THE CHAIRMAN: Thank you, Mr.
7 Zigler.

8 * * *

9 Before we open the public
10 hearing, just --- I see some new faces,
11 so I will just give an update on how we
12 handle the Planning Board meeting.

13 Usually, the Applicant is before
14 the Board, he addresses the Board. If
15 the Board has any questions, it comes
16 to the Board or to our Consultants,
17 and we usually address them at the
18 meeting or we will come up with the
19 responses at the next meeting.

20 It is really not a
21 question-and-answer session from the
22 public.

23 The public hearing part of it,
24 when we open the public hearing, I will
25 just ask everyone to state your name

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2 and address for the record.

3 Any new comments, I want to hear
4 any new comments. I know last month we
5 had a lot of comments. We would like
6 to keep it tonight to new comments, and
7 keep it under three minutes, so that
8 we can move the meeting along. Not that
9 we want to hold you back, but we have
10 had input last month and we let it go a
11 long time, so just want to make sure we
12 are rolling along.

13 Before we go any further I think
14 Max, our Planner had some comments.
15 Max?

16 MR. STACH: Mr. Chairman, I think
17 it will help to inform the audience
18 where we are in the process.

19 An application has been submitted
20 to the Planning Board for the use of an
21 existing building, formerly occupied by
22 Insul-Ex, a paint manufacturing
23 company, for use as a waste-to-energy
24 facility.

25 The application is before this

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2 Board because, although it is a use
3 that has been determined to be
4 permitted under the zoning law, it does
5 require a parking waiver from this
6 Board.

7 Now, that has triggered a review
8 and under state law, that requires this
9 Board to do a full environmental review
10 of the application.

11 At the last meeting, the Planning
12 Board had adopted a Part II. That will
13 require the Applicant to address
14 several environmental impacts that the
15 action may have, including items such
16 as traffic, items such as the storage
17 of ethanol on the site, that's
18 including whether or not the project
19 will generate air impacts or noise
20 impacts, whether it will have any
21 impacts on the public health and
22 safety.

23 That all was done at the previous
24 meeting, but because of the likelihood
25 that this application would spark

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2 public interest, the Planning Board had
3 decided to open this public hearing
4 early, prior to finishing the SEQRA
5 process, but it will hold this Public
6 Hearing open until such time as it
7 either determines that there's not
8 likely to be a large environmental
9 impact, in which case it will issue a
10 negative declaration, or until a
11 public hearing has been held on the
12 environmental impact statement, should
13 this Board require such a document.

14 That's the place we are at in the
15 process. The Applicants had been
16 asked to submit a draft Part III, which
17 is an expounding of the impacts that
18 this Board, which this Board is
19 responsible to make when it has
20 identified potential large impacts, so
21 they have asked the Applicant to go
22 back and answer some of those
23 questions.

24 So, we understand that the
25 Applicant will be providing a lot of

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2 answers, including a traffic study.

3 Those have not been submitted to
4 the Board. I've seen some information
5 in the newspaper that perhaps that
6 study is not adequate. Well, we
7 haven't seen that study, so we can't
8 comment on it. We haven't seen it.
9 That has yet to be submitted to the
10 Board.

11 The Board has opened the meeting,
12 this public hearing, early to identify
13 all the potential impacts that may
14 occur.

15 I think with that, you can
16 probably open it up.

17 THE CHAIRMAN: Thank you, Max, I
18 believe, Kevin, you had some
19 comments?

20 MR. MULHEARN: Yes. Good evening.
21 I am Kevin Mulhearn and I have been
22 retained by the Town of Stony Point as
23 Special Counsel on the project.

24 I just want to note for record,
25 the Town has been in receipt of certain

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2 correspondence, through letters from
3 the Law firm of Silverberg Zalantis,
4 LLP, raising issues regarding various
5 alleged defects in the SEQRA process
6 and other possible problems with this
7 project.

8 As I have just been retained this
9 week, I am looking at the issue
10 carefully. I want to tell Mr.
11 Silverberg and anybody else who is
12 interested in the Town of Haverstraw's
13 concerns, that we will be doing a very
14 careful, thorough analysis of the
15 issues that were raised in this
16 correspondence and will provide a
17 thorough, detailed letter in response
18 within the next two weeks.

19 Thank you.

20 THE CHAIRMAN: Thank you, Mr.
21 Mulhearn.

22 MR. MULHEARN: You are welcome.

23 THE CHAIRMAN: What I do now, we
24 will open the public hearing now and I
25 just ask that you state your names,

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2 addresses clearly and just address the
3 Board with your comments.

4 Right now, we are opening it up
5 to the public.

6 Actually, if you can just sign
7 in, too on that list, so we have your
8 names and address correctly for the
9 records.

10 * * *

11 THE CHAIRMAN: Susan?

12 MS. FILGUERAS: Susan Filgueras,
13 87 Mott Farm Road, Stony Point. I am
14 also a Board member of S.P.A.C.E. I
15 was here at the last hearing. I have
16 some of the same to say, and I do have
17 something new.

18 I found out that the
19 builder/owners of this project had a
20 very unique approach to the project.
21 They included and invited S.P.A.C.E.,
22 the Stony Point Action Committee for
23 the Environment, in to the review
24 process some time ago. They made
25 available what they were looking to do;

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2 a broad scope of the plan and reviewed
3 the area surrounding it.

4 I found that refreshing and I
5 found it to be positive. I was
6 shocked. I'm sorry. And I thank Mr.
7 Magee for that.

8 I think that this is a positive
9 first step forward in what we are
10 doing. I think it is a new and unique
11 approach and I think it's one that
12 says, "I believe in what we're doing.
13 I want to do it, and it has positive
14 results for the Town of Stony Point."

15 As they went through the
16 presentation, there were also several
17 consequences to the Town of Stony Point
18 and several items that could be
19 addressed that would be beneficial to
20 the Town of Stony Point. I believe
21 that I could --- not "I believe"; I
22 can support the project going forward
23 with the process or with the review of
24 the project and I will be looking to
25 the agencies, the DEC and the Army

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2 Corps of Engineers to do their jobs.

3 It seems to me that you have had
4 a lot of correspondence and people are
5 kind of jumping the gate, getting there
6 before the people that do that job get
7 there.

8 So, while I'm sure the comments
9 are appreciated, I might object to some
10 of the slights of hand that I see in
11 the notation. But, I think we need to
12 let the DEC and the Army Corps do
13 their jobs.

14 And I'll again tell you that
15 this project came to my attention
16 because I went to Mr. Magee regarding
17 the Champlain/Hudson Power Express
18 (phonetically written) and the impact
19 on Stony Point of a megawatt
20 transmission line, monopolizing the
21 entire Hudson train corridor.

22 I again had to call Patrick Magee
23 today and say that Assemblyman, Jim
24 Skofus (phonetically written) is coming
25 here to walk the train line with me and

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2 may I have permission to walk on your
3 property, so I'm not trespassing on
4 railroad property and he immediately
5 said yes to me.

6 Again, here I am, the
7 environmentalist from SPACE saying I am
8 going to watch what you are doing and I
9 will, but he's cooperating. We are
10 cooperating. We are trying to work
11 together as a team. That is what I
12 expect of all of you. That's what I
13 expect of you to do with the DEC and
14 the Army Corps and the County.
15 Cooperate.

16 As for Haverstraw, the only
17 question and you will have to answer it
18 in your own minds, the only question I
19 have is this; will this interfere with
20 their plan for the desalinisation
21 plant, so that they can feed us nuclear
22 water?

23 That's my questions. Thank you.

24 THE CHAIRMAN: Thank you, Ms.
25 Filgueras.

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2 * * *

3 THE CHAIRMAN: George?

4 MR. POTANOVIC: Good evening,
5 Members of the Planning Board. George
6 Potanovic. I live at 597 Old Gate Hill
7 Road in Stony Point. I am the
8 president of the Stony Point Action
9 Committee for the Environment.

10 As Mr. Gubitosa mentioned at the
11 beginning of the public hearing,
12 several of us had attended the prior
13 public hearing and a number of us asked
14 a number of questions regarding this
15 application.

16 I was hoping today that we would
17 hear some answers to some of the
18 questions, even prior to public input,
19 so we would know, perhaps, the scope of
20 issues more clearly, so I'd like to ask
21 if we can reserve some time after the
22 Applicant does present, to give us a
23 chance to comment because part of this
24 is that there's new information that's
25 transpired, and since we didn't have a

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2 lot of information last time, it was a
3 good initiative on the part of the
4 Board to open up the Public Hearing
5 early.

6 What goes along with that is that
7 sometimes you don't have answers to our
8 questions. I understand that. This is
9 all new to all of us and I understand
10 that, but at the same time, it's
11 probably been a good month or six weeks
12 since we didn't have a meeting in
13 November, and I know there's been some
14 correspondence that has transpired.

15 I was able to get copies of them
16 from Mary today. I have not had a
17 chance to review it, as much as I'd
18 like to. Probably there are some
19 answers to some questions in there and
20 some additional questions and issues
21 that were raised.

22 I know the Town of Haverstraw and
23 also the Department of Planning --- so,
24 I'm not sure if you've had a chance to
25 review those issues and maybe Max or

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2 the Board members can to summarize some
3 of it since there are the reviewing
4 agencies.

5 So, at this point, I would just
6 like to ask a question, I guess, about
7 the process.

8 I know that your review of this
9 proposal is somewhat limited. Not so
10 much, limited pertaining to the
11 purpose or use of the building. But,
12 basically, to some very minor aspects
13 of the building itself. You are
14 talking about the parking. Those types
15 of things.

16 I know there will be a review by
17 the Department of Environmental
18 Conservation, assuming you advance it
19 to that stage. So that, so that they
20 could do that, a more thorough
21 environmental review.

22 My question regarding this is,
23 how does the Town of Stony Point and
24 its residents participate in that
25 process?

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2 Perhaps, maybe you or Max can
3 expand on that, how the process works.

4 He explained some part of it, but
5 he didn't get into what happens if it
6 advances to the DEC.

7 I'd like to certainly see ample
8 opportunity for the residents of the
9 Town of Stony Point to be engaged in
10 that process, to see what the DEC is
11 reviewing and the issues they have
12 raised and have a chance to raise
13 questions to them, since they're the
14 experts, looking at the potential
15 environmental impacts. I'd like to
16 understand that a little bit better.

17 I really don't feel prepared to
18 ask questions regarding some of the
19 correspondence you have received. I
20 haven't really had a chance to review
21 it, so I think I will hold my other
22 questions I have.

23 If you --- if you can provide
24 some time after you've discussed some
25 of the correspondence for the answers

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2 --- by the way, has the Part II been
3 adopted? Did we adopt it at the last
4 meeting and we have a copy of that.

5 MR. STACH: Yes.

6 MR. POTANOVIC: Has a Part III
7 been developed for this?

8 MR. MC MENAMIN: No.

9 MR. POTANOVIC: Okay, I
10 understand. So, I'm not prepared to
11 discuss some of the correspondence and
12 the issues raised that was referred to.

13 So, we understand the issues, the
14 public, obviously, hasn't had a chance
15 to review the papers either, just to
16 scope out what questions have been
17 raised or perhaps you can provide a
18 summary, giving us an opportunity for
19 us to provide additional questions
20 during this public hearing subsequent
21 to those issues being discussed. Thank
22 you.

23 THE CHAIRMAN: Thank you. Yes?

24 * * *

25

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2 MR. SILVERBERG: Good evening.
3 Steven Silverberg, from the Law firm of
4 Silverberg and Zalantis, 220 White
5 Plains Road, Tarrytown, New York,
6 appearing on behalf of the Town of
7 Haverstraw.

8 You have already acknowledged
9 receipt of my correspondence. I'm not
10 going to take your time to go over it,
11 point-by-point, but there are a few
12 things I'd like to raise with you this
13 evening and highlight them.

14 First, your Planner mentioned
15 there was already a determination that
16 this was a permitted use and we raised
17 in our letter, both to you and the
18 Building Inspector, our thoughts that
19 this use is, in fact, not a permitted
20 use and is a prohibited use and I was
21 wondering when was that determination
22 made?

23 I made a F.O.I.L. request about a
24 month ago and there was nothing in the
25 documents that were presented to me

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2 that showed any determination was made
3 by the Building Inspector concerning
4 the use being permitted.

5 So, if you can't answer that now,
6 fine. But, at this point, the Town of
7 Haverstraw has not received a
8 notification of any such determination
9 by the Building Inspector.

10 The concern Haverstraw has with
11 this, is that there is a fairly short
12 run of road in the Town of Stony Point,
13 and it looks like all of the truck
14 traffic will be coming through
15 Haverstraw and the Town is particularly
16 concerned in reading the October 25th
17 minutes when Mr. Zigler kind of
18 poo-pooed this entire project and drew
19 the analogy that it's no different than
20 baking bread. I think this is a little
21 different than baking a loaf of bread.

22 It has significantly broader
23 potential impacts when you're talking
24 about, as Mr. Magee was quoted in the
25 paper the other day, that there will be

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2 two hundred trucks trips.

3 Well, two hundred trucks coming
4 to the site a day, changes it to four
5 hundred trips, and it's still not
6 clear if it is including the export
7 materials, as your own consultant
8 indicated in the Memorandum to you, at
9 least as of that point in time, there
10 was no definition of the number of
11 trucks that would be coming from, out
12 of the site, exporting material.

13 So, there are potentially
14 significant impacts.

15 We submitted a report from the
16 Planning Consultant, engineering
17 consultant raising a number of issues
18 and concerns about this project.

19 We are also concerned because you
20 declared yourself lead agency, based
21 upon an EAF, which is at page eight
22 was supposed to list all of the
23 approving agencies and the only
24 approving agency listed on page eight
25 is you, and we all know that the DEC is

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2 an approving agency.

3 It's not clear from the records
4 that I reviewed that there was any
5 notification to the DEC that you
6 intended to act as lead agency and one
7 of the questions is, why is the Town of
8 Stony Point Planning Board the lead
9 agency, when all of the permitting of
10 the actual gasification plant is
11 supposed to be done by the DEC?

12 So, I think that there is an
13 issue as to even your status as lead
14 agency and whether or not, if that was
15 done properly.

16 County Planning Department also
17 noted a number of issues and concerns.

18 We hope that you know we will be
19 encouraged by the fact you and that you
20 are going to require a traffic study
21 and other reports and studies.

22 I am also certainly looking
23 forward to your Counsel's response to
24 my letter on all the points I raised,
25 to clarify these things, but the bottom

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2 line here, I think, is that there are
3 significant potential impacts that need
4 to all be looked at carefully and the
5 impacts are not all in Stony Point.

6 In fact, most of the impacts may
7 be in Haverstraw, which is why the Town
8 of Haverstraw is concerned about this.

9 The final thing I ask, would it
10 be possible, so that I don't have to
11 keep making a formal request every week
12 and be bothering the secretary of the
13 Planning Board, since I am representing
14 Haverstraw, to have whatever
15 supporting documents come in, just be
16 sent to me as they come in?

17 If that's not possible, then I'll
18 make seriatim requests for the
19 documents, but I just ask that you do
20 consider doing that. I won't take up
21 much of your time. It's late.

22 THE CHAIRMAN: Yes. Okay, Thank
23 you, Mr. Silverberg. Yes?

24 * * *

25

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2 MR. ADAMS: Clayton Adams, Brooks

3 Drive in Stony Point. I have lived in

4 Stony Point for about ten or twelve

5 years now.

6 I moved down here from a town in

7 Vermont on the Vermont/New York border.

8 About fifteen years ago, the Town of

9 Rutledge (phonetically written) got

10 caught up in the trash consuming

11 operations business, a trash

12 incinerator.

13 It was built by a Japanese

14 outfit, promising all types of

15 benefits. Beyond polluting.

16 Well, the plant fired up a couple

17 times.

18 Obviously, it was so poorly

19 designed, despite it's great promise,

20 it had to be shut down and torn down.

21 It is piece of history for that Town.

22 I mention that because I kind of

23 hear the same undercurrent here.

24 The People who want to build it

25 will tell us it is not so bad and

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2 present a pretty good image, and some
3 people are excited about it.

4 Mr. Finn said, can you imagine
5 how much the Town will benefit with the
6 tax breaks, but it's like selling your
7 soul to the devil until you know all
8 the facts and all the facts are
9 presented.

10 I mean, trash is a dirty
11 business. When you are accepting trash
12 from other municipalities, you better
13 be darn sure it doesn't have a negative
14 impact. The Town doesn't have a great
15 deal of political say.

16 I think the scope of this plant's
17 full operation will be a lot more than
18 two hundred truck trips a day, and
19 you've got to get the trucks out of
20 there and there will be leftovers of
21 whatever is not consumed in the
22 process.

23 Once you get beyond the trucks,
24 it is noted that things will be
25 delivered by train, but I don't think a

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2 train will pick-up from each small Town
3 once a week.

4 I think this thing will grow to
5 be quite large and pretty polluting.

6 So, I worry about the little Town
7 of Stony Point, where it will fit in.
8 Whether it will be the receptacle for
9 the County or the municipality of any
10 insights, like perhaps, New York.

11 The last thing I want to say is,
12 I think it was about fifteen or twenty
13 years ago, there was an issue about
14 barging garbage from New York to some
15 other part of the world.

16 Apparently, some poor country
17 decided to take New York's garbage and
18 take care of it. New York will sell it
19 to somebody else.

20 Well, that barge, one of the
21 barges ended up not being accepted
22 because it was full of every kind of
23 junk in the world; poisonous things,
24 deadly, it couldn't be consumed,
25 hazardous in all ways. The barge went

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2 around and around and around again,
3 finally, well, I don't know what
4 happened to it. I didn't live here.
5 I used to read about it in the
6 newspaper. I think it finally sank or
7 was docked somewhere and people forgot
8 about it.

9 The trash business is a dirty
10 business. Trash business is
11 expensive.

12 I hope this energy plant is
13 considered in its entirety because in
14 twenty or thirty years, if it's allowed
15 to grow, Stony Point will be a
16 complete loss.

17 THE CHAIRMAN: Bill, do you want
18 to be heard on the record? Jeff,
19 first.

20 * * *

21 SUPERVISOR FINN: I just want to
22 say, I wasn't planning on talking
23 tonight, but I'd like to make a few
24 responses here.

25 As the gentleman before me said,

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2 it was fifteen years ago. I know this
3 is just research I have been doing on
4 the project all along, as well as
5 working with other people, that in
6 fifteen years this type of --- I guess
7 we will call it "technology" has come a
8 long, long, long way. We know that.

9 As far as selling our soul, we
10 are not selling our soul to the devil.
11 We are not doing that in Stony Point.

12 We need to --- I know the
13 gentleman said he is worried about the
14 Town.

15 Nobody is more worried about this
16 Town than me. This is what we need
17 for this Town. If we don't start
18 bringing in ratables, high-paying Tax
19 ratables like this, this Town will be
20 in trouble. We are all going to have
21 to worry about it.

22 This is a step in the right
23 direction.

24 This is not something we are
25 doing overnight. This is something

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2 that this Board is working on,
3 everyone, the DEC, the state. This is
4 something we have to look into.

5 Of course, Haverstraw has some
6 problems with it and we will work them
7 out.

8 Hopefully we will take care of
9 their issues and make sure everyone is
10 happy.

11 This is not only helping Stony
12 Point; this is helping Haverstraw and
13 the entire North Rockland area. We
14 share a school district. If they do
15 something positive, it helps us. In
16 return, the same thing here in Stony
17 Point. If we build something here, we
18 are not just throwing it up overnight,
19 like I said.

20 We will follow the process, do it
21 the right way.

22 We have trust; trust in our Town,
23 trust in our Boards, trust in the
24 state, and trust in the Town employees
25 that do this type of work.

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2 It's very important that we start
3 looking for ratables. Ratables like
4 this don't come along every day. If it
5 works, it works. If not, well, I am
6 very worried about this Town and this
7 is something that can certainly help
8 the Town, the school district, so I am
9 in full support of this, as long as it
10 is done the right way and the process
11 is followed.

12 Thank you.

13 THE CHAIRMAN: Bill?

14 * * *

15 MR. SHEEHAN: Short, just a short
16 comment. I first want to comment that
17 I only received the correspondence from
18 Haverstraw Monday dealing with
19 prohibitive use and so forth, which, as
20 our attorney pointed out, it will be
21 answered in a timely fashion. I only
22 received it Monday.

23 The other issue is, the clerk has
24 been informed, the Clerk will see to it
25 that all correspondence and so forth is

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2 sent to Haverstraw right away, along
3 with the County, so everyone has the
4 same information, so you won't have to
5 F.O.I.L. it. We probably even sent
6 some already since we met on Monday or
7 Tuesday, so nothing is being hidden.
8 Everything will be sent to the involved
9 agencies.

10 That's it. Thank you.

11 THE CHAIRMAN: Thank you, Mr.
12 Sheehan.

13 MR. SHEEHAN: Very good.

14 THE CHAIRMAN: Any other comments?
15 Yes?

16 * * *

17 MR. TIERNEY: Jim Tierney
18 (phonetically written). I live at One
19 Slater Drive in Stony Point, right
20 around the corner from the plant.

21 I understand the financial
22 problems the Town has, the need for
23 ratables. I understand all of that.

24 I don't know all the facts about
25 this project. I hope you people do

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2 your job and take into consideration
3 that 9W is a very heavily traveled road
4 to begin with.

5 If we are adding two hundred
6 trucks a day, even if it's not 24 hours
7 a day, it will be a big impact with
8 people trying to get in and out of the
9 neighborhoods, Shop Rite, CVS; I mean,
10 you try to make a left turn, and ---
11 it's almost impossible as it is.

12 Also, we've got the residential
13 area, it's next store to the senior
14 citizens. It's on the other side, and
15 then there's the elementary school
16 right down the street.

17 It sounds like there are some
18 dangerous things here. Hydrogen gas
19 blew up some nuclear plants in Japan
20 not that long ago.

21 I don't know if it applies, but
22 ethanol is very flammable, so, is the
23 fire department equipped to handle that
24 type of material if there was an
25 accident?

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2 I just ask that the Board take
3 all of these things into consideration
4 to try to protect the residents of the
5 Town of Stony Point.

6 MR. MULLER: Can I ask you a
7 question? You said making a left turn
8 is impossible. Making a left turn
9 where?

10 MR. TIERNEY: Hoke Drive, not
11 Holt. Next to the lawyers' office.
12 There's a light at the old supermarket,
13 but not at Hoke Drive, you try to come
14 out to Provident Bank to make a left,
15 it's tough. 9W is pretty busy.

16 THE CHAIRMAN: Any other comments?

17 (No other comments heard.)

18 THE CHAIRMAN: Can I get a motion
19 to continue the public hearing?

20 MR. KREASE: I will make that
21 motion.

22 THE CHAIRMAN: I need a second?

23 MR. ROGERS: Second.

24 THE CHAIRMAN: All in favor?

25 (Unanimous affirmative response)

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2 heard.)

3 THE CHAIRMAN: Opposed?

4 (No opposition heard.)

5 THE CHAIRMAN: All right. Motion

6 carried. We will continue the public

7 hearing to the next meeting. Does the

8 Board have any comments before we ---

9 MR. MULLER: I have one comment.

10 We have a representative from

11 Haverstraw coming and speaking about

12 the truck traffic and how concerned

13 they are, the landfill is less than two

14 hundred yards away from the proposed

15 site, they have a garbage transfer

16 station, a waste facility there and

17 every morning --- I run down there at

18 5:30 am, there's a lot of trucks that

19 go in there to do transferring.

20 There's a lot of truck traffic right

21 there.

22 I don't understand why there's

23 great concern for us for this, it's

24 coming into a different area, when

25 they, themselves, use that area for the

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2 transfer of garbage and truck traffic.

3 So, maybe when they come back,
4 perhaps they can come back with numbers
5 as to what kind of truck traffic they
6 bring into the area with that. It's a
7 truck transfer station there that's
8 less than two hundred yards from this
9 proposed site.

10 THE CHAIRMAN: Thank you, Mr.
11 Muller.

12 One quick comment, to the public
13 so they know, this certain piece of
14 property is at the end of Holt Drive.

15 We have had many applications
16 within the last several years that have
17 come before us.

18 We have done studies in that area
19 and we are doing it again. We have
20 done traffic and environmental studies
21 on that piece of property. We are very
22 familiar with it. We know the issues
23 and the concerns. When Shop Rite was
24 going in, and the traffic study, that
25 is the reason we have the traffic light

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2 there. We are well aware of that whole
3 area. We know the truck traffic.

4 We know everything.

5 Right now we lost the Gypsum
6 Plant. That was heavy truck traffic.
7 We don't have it anymore.

8 We are looking at it, as Max and
9 Kevin said, we are early in the
10 process.

11 We are going to do environmental
12 reviews, we are involving the agencies.

13 As Max said, Mr. Magee and this
14 Board knew that this will be a project
15 that will get the public's attention,
16 so we opened the public hearing early
17 to get comments. With the
18 environmental reviews, they will be
19 done. We are going through everything
20 and the technology, just so the public
21 knows, the one night that we sit up
22 here is not the only night we review
23 this.

24 We are looking at this and our
25 Consultants are looking at everything.

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2 Every day we have the Consultants
3 talking to the County and the state and
4 the DEC. Our Building Inspector, our
5 Town engineers, our fire inspectors,
6 are all aware of the area we are
7 working on it. The plant is proposed.

8 Right now we are not even looking
9 at that. That's the proposed plan.

10 We know the technology, they have a
11 site that opened in Vero Beach and
12 they've sent us information on that and
13 we are looking at all of that.

14 It is not something that just
15 came up in the last month and we said,
16 "Oh, wait, let's get this done." We
17 have looked at this for months. We
18 looked at everything down at the site
19 and we are going to continue to look at
20 this site.

21 I want the public and the Town of
22 Haverstraw to know it is not something
23 that is going to get by us. We are
24 looking at everything. Nothing will
25 get by us.

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2 MR. MULLER: There were
3 Applicants, over the years, that wanted
4 to put something in there, even though
5 we needed the business and the
6 revenues, the projects did not fit that
7 site and we turned them down.

8 Even though the Town needed the
9 revenues, we do our job thoroughly. If
10 the project doesn't fit, we don't allow
11 it in the area.

12 This happens to be one that looks
13 like it's fitting well in that area,
14 well suited for it, but there have been
15 many Applicants who wanted to develop
16 that area and they did not work. It
17 looks like this one is one that will
18 work.

19 Thank you.

20 MR. POTANOVIC: I ask if it's a
21 possibility to explain a little more
22 about how the review process will work,
23 as well this Board's responsibilities?

24 THE CHAIRMAN: We are going to do
25 that. We are not closing. We are

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2 continuing it. Off-the-record.

3 (Off-the-record discussion.)

4 THE CHAIRMAN: We will give
5 everyone all of the information, but we
6 are still gathering it. We just got
7 the information Monday.

8 Max will address a few issues.

9 MR. STACH: In short, again,
10 again, keeping in mind that we have
11 opened the Public hearing early,
12 usually you don't open it until the
13 Negative Declaration has been adopted,
14 or the EIS has been found complete for
15 public review.

16 The Board felt it was wise to
17 open it early. It is a little out of
18 normal, from how we operate, but I'm
19 sure that's what is raising your
20 interest, as you are very well versed
21 in SEQRA.

22 The way we will proceed from here
23 is actually, one of the comments we did
24 get from the Town of Haverstraw brought
25 it to our attention, when we originally

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2 declared lead agency, we were under the
3 impression that this was an unlisted
4 action because of the land that is just
5 north of this property, it is owned by
6 the County as County parkland.

7 We have previously reviewed this
8 application. As you know, it was known
9 previously as KBT property. We had an
10 application for an outdoor recreational
11 facility, with multi-city. That was
12 south, adjacent to the same land.

13 We were aware that was County
14 land, but we were under the
15 impression that it was not parkland,
16 but it is, in fact, parkland.

17 So, what I suggest to the
18 Planning Board tonight, is that they
19 actually notice their intent to declare
20 lead agency, which is, to take a step
21 back from what they have done so far,
22 and, notice their intent and to
23 identify the agencies that will be
24 involved, which is basically the DEC
25 and to go ahead and let the DEC know of

1 -Proceedings -
2 your intent to assume lead agency and
3 give the DEC the opportunity to ask to
4 be lead agency, if they so choice.

5 And then there is a certain
6 procedure that they follow if they
7 disagree, but right now, that is the
8 step I recommend the Planning Board
9 take tonight. And then, if they do
10 intend to go through lead agency and
11 with the input we have received from
12 Haverstraw and the public today, they
13 may have to readopt the Part II and
14 maybe there is some additional
15 information that the Applicant has to
16 address.

17 The Applicant's aware of all the
18 information and public comment that we
19 have received and the Applicant, I'm
20 sure, has already begun to address the
21 issues, even though they weren't
22 necessarily issues raised by the
23 Planning Board.

24 They have always been responsive
25 and always have been responsible in the

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2 past. So, I suspect they have already
3 begun to address some of the
4 environmental concerns.

5 MR. MC MENAMIN: Does that mean
6 we are changing the classification to a
7 Type one?

8 MR. STACH: Yes, well, because it
9 is next to a County park, it lowers the
10 thresholds. And I think we've decided
11 --- there's some question as to what
12 the floor area is in the building
13 existing already.

14 However, not to quibble with the
15 language of SEQRA, I think it has been
16 Mr. Mulhearn's recommendations that we
17 just be the most cautious as we can,
18 and call it a Type I action and do a
19 notice of intent, do a coordinated
20 review.

21 MR. MC MENAMIN: Other than
22 that, those two things, what is the
23 difference between unlisted and type
24 one?

25 MR. STACH: Well, being a type one

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2 action requires you to enter into a
3 coordinated review.

4 You can't proceed with an
5 uncoordinated review on a type on
6 action.

7 MR. MC MENAMIN: Are there any
8 other differences?

9 MR. STACH: Yes, another
10 difference the environmental assessment
11 form you have to prepare is different,
12 although in Stony Point we require
13 every Applicant to prepare a long form
14 unlisted technically.

15 Unlisted actions only have to
16 prepare the two page short form.

17 But, here in Stony Point we
18 always make everyone prepare the long
19 form.

20 Locally, it's not a difference,
21 but in the state, well, that's another
22 example of the difference. I believe
23 that there's another difference with
24 regard to whether or not you're
25 permitted to a conditioned negative

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2 dec, which is something Stony Point
3 doesn't do.

4 So, there are some differences,
5 but for the purposes of this
6 application, I think the primary one
7 is, we have to proceed with the
8 coordinated review. We do have to
9 readopt the Part II, if ---

10 MR. MC MENAMIN: Do have to look
11 at it again, based upon the long form
12 Part One?

13 MR. STACH: The Applicant has
14 already submitted. In Stony Point, we
15 require everybody has the do the long
16 form.

17 MR. POTANOVIC: A coordinated
18 review by the Town of Haverstraw?

19 MR. STACH: No, with the DEC.
20 The only other involved agency is the
21 DEC that I know of so far.

22 I also recommended that the Town
23 of Haverstraw be listed as an
24 interested agency and get copies of all
25 SEQRA correspondence. I recommended

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2 the same for the County. They have
3 general municipal law authority and we
4 generally do include them.

5 MR. POTANOVIC: Okay. Is there a
6 difference?

7 MR. STACH: The difference between
8 "ininvolved" agency and an "interested"
9 agency is an involved agency has
10 direct, permit approval authority or is
11 funding the action and is directly
12 involved in the action.

13 Interested agencies are just
14 that. They are just interested.

15 MR. MC MENAMIN: Can they
16 challenge the lead agency's
17 determination?

18 MR. STACH: That is a legal
19 question, but my understanding of SEQRA
20 is that the Town of Haverstraw could
21 not serve as lead agency.

22 MR. MC MENAMIN: No, the DEC.

23 MR. STACH: Oh, the DEC can
24 challenge it if they want to be lead
25 agency. They can tell this Town that

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2 they want to be lead agency. They
3 could.

4 MR. MC MENAMIN: And we would have
5 to defer?

6 MR. STACH: No, then the DEC has a
7 procedure for determining who will be
8 lead agency, dealing with several
9 criteria, who will be best suited to do
10 this.

11 THE CHAIRMAN: Dave --- do you
12 want to come up? Do we need you up
13 here?

14 MR. ZIGLER: No.

15 THE CHAIRMAN: Well, then, I
16 just need a motion, to notice our
17 intent to be lead agency.

18 MRS. CALLAGHAN: I will make that
19 Motion, Mr. Chairman.

20 THE CHAIRMAN: I need a second.

21 MR. KREASE: I will second it.

22 THE CHAIRMAN: All in favor?

23 (Unanimous affirmative response
24 heard.)

25 THE CHAIRMAN: Opposed?

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2 (No opposition heard.)

3 THE CHAIRMAN: All right. I also
4 need a motion, we need a motion to
5 revoke the previous decision to be lead
6 agency.

7 MR. ROGERS: I will make that
8 motion, Mr. Chairman.

9 THE CHAIRMAN: I need a second?

10 MR. MULLER: I will second it.

11 THE CHAIRMAN: All in favor?

12 (Unanimous affirmative response.)

13 THE CHAIRMAN: Anyone opposed?

14 (No opposition heard.)

15 THE CHAIRMAN: The motion
16 carries.

17 Off-the-record.

18 (Off-the-record discussion.)

19 THE CHAIRMAN: I think, I think
20 we need --- we did it before, but just
21 in case, we're going to make a motion
22 to adjourn and continue the public
23 hearing to the January meeting.

24 January 24th. The Planning Board

25 meeting will be January 24th, at this location at seven P.M. I need a motion to
continue the Public Hearing to the January 24th meeting.

Mr. Muller: I will make that motion.

Chairman: I need a second.

Mr. Rogers: I will second that motion, Mr. Chairman.

Chairman: All in favor? Unanimous affirmative response.

Chairman: Opposed? No opposition heard.

The Chairman: Ok, this Public Hearing will be adjourned and continued to the January 24, 2013. Thank You.

Chairman: Next on the agenda is Hudson Bay Complex Building E this is an Amended Site Plan and Lot Line change.

Hudson Bay Complex Building E – SBL 20.04-11-2.3 LI District, Amended Site Plan and Lot Line Change, located on the north side of Holt Drive 1,200 feet east of Route 9W.

Mr. Zigler: Just to update you we are in front of the Zoning Board of Appeals and hopefully we get a variance the voting is next Thursday so if we get that we will be back to this Board in January requesting final approval.

Chairman: Thank you Mr. Zigler, last item on the agenda is Hudson River View Open Field Agriculture.

Hudson River View Open Field Agriculture – 20.04-3-11 LI District Site Plan, Conditional Use located on the east end of Holt Drive 1800 feet east of South Liberty Drive then 600 feet east on an unnamed private road

Mr. Zigler: We just introduced that last month actually in November so at this meeting I would ask to set a Public Hearing for that at the next available meeting if you have a Part II or anything?

Chairman: Max is going to update us on that then we will set the Public Hearing.

Mr. Stach: I have to apologize because I have to give you something at the meeting and I know you like to get everything in advance but I was not sure if this would be on the agenda since the TAC Meeting didn't take place so I am going to pass this around. This is a proposed Part II as you see it if you go through the Part II and you go through the questions none of the questions actually identified in the Part II are triggered by this but I felt it was important to just address just one particular issue regarding the action. So I identified under other impacts on page eleven of the EAF impact on Public Health I think it would be advisable for this Board to as the applicant to address the fact that crops would be produced on land that has been formally included as part a State Superfund Site. So I think it is advisable before you issue a negative declaration that the applicant say how if food stuff is to be grown or if this is only going to be non food stuff and if it is food stuff is it safe to sell that for consumption or if it has to you know is the applicant proposing significant amount of fill I believe at some point it is 40 feet deep of fill and other areas it is only 4 feet deep does that mitigate the circumstances the DEC has been involved in mitigating through installation of trenches and a treatment system already. I think it would be advisable to know if that reduces the danger but at least to raise the issue and have the applicant respond to what the status of the contamination of the land is and whether it poses a danger to public health if they sell this crop as food. That is my recommended Part II and then we could if the applicant is able to address that at the next meeting we could come to that meeting with a Negative Declaration if you wish to open a Public Hearing at that date.

Chairman: Does anyone have any questions on the Part II the way Max did it?

Mr. Kraese: I think we should wait till next month. Mr. Chairman could I say something, Mr. Zigler personally I like this to wait till next month could you give us a hint of what you will be planting there.

Mr. Zigler: Something you will not be eating how is that for a hint?

Mr. Kraese: Kind of vague.

Mr. Zigler: Absolutely.

Chairman: So the Board wants to wait for next month and go over it.

Mr. Zigler: That would be fine but what I would like to do is answer this 18 come back with mitigation and then you could discuss it at the work shop and hopefully have the answer.

Mr. Sheehan: If that is the only question you would probably want it adopted this way they can do a Part III ahead of time. Did you do it as a large impact Max?

Mr. Stach: Yes I did.

Mr. Sheehan: So a Part III is required so if you adopt the Part II he has to answer if you adopt it next month if you want to keep the paper trail right you then could adopt the Part III this would be cleaner.

Mr. Stach: The only reason I suggested that they didn't want to adopt it tonight was simply because I was unable to get that to them in advance.

Mr. Sheehan: So if that is the only issue on Part II.

Mr. Stach: Growing crops does not result in environmental impacts it is the previous state of the site that may.

Mr. Sheehan: I agree.

Mr. McMnamin: If we going to discuss it wasn't there in previous applications wasn't there a DEC letter that said that the site wasn't part of the superfund site and was clean already.

Mr. Sheehan: I do remember when we did World Gym the DEC recommendation was two foot of clean fill to grow grass. So if that still applies I don't know what he is growing but if it is not consumable I don't know.

Mr. McMnamin: The World Gym was on the other side.

Mr. Sheehan: No on this piece.

Mr. Zigler: We are talking about Tracy's piece.

Mr. McMnamin: That is where the bubble was.

Mr. Sheehan: Right.

Ms. Pagano: It was WR Sports.

Mr. McMnamin: Right WR Sports there was a statement made that there was a DEC letter that it said that site was clean already.

Mr. Zigler: The wells were on the property line. They are shut down but still haven't totally eliminated like they did on the west side of the tracks they wrote them off. They are still testing into this year. The wells that they are testing are on the property line so no.

Mr. McMnamin: So they will still be accessible.

Chairman: So if the Board is not objectionable we can adopt the Part II this way they can answer in a Part III and give us detailed answers and address that.

Mr. Kraese: If we adopt Part II and question 18 will be addressed in Part III which is our only concern at this point.

Chairman: If the Board doesn't have any more questions I need a motion to adopt the Part II.

MOTION: ADOPT PART II
Made by Gene Kraese and seconded by Gerry Rogers
All in favor

Chairman: We adopt the Part II.

Mr. Zigler: I will answer it and I will also check into the wells.

Chairman: Dave you wanted a Public Hearing?

Mr. Zigler: We would rather wait till we respond to the Part II discuss it at the workshop and if it is satisfactory to you at the next meeting you could set a Public Hearing that is our wish.

Chairman: Last item accept minutes of October 25, 2012.

MOTION: Accept minutes of October 25, 2012.
Made by Gerry Rogers and seconded by Peter Muller
All in favor

MOTION: To close Planning Board Meeting
Made by Gerry Rogers and seconded by Peter Muller
All in favor

Respectfully submitted,
Mary Pagano, Clerk to the Board