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STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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In the Matter of the Application

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RE:

6

CRICKETTOWN RIDGE,

7

Applicants.

8

----- X

9

7:00 o'clock p.m.

February 23rd, 2012

10

RHO Building

Five Patriot Drive

11

Stony Point, New York 10980

12

HELD BEFORE THE PLANNING BOARD OF THE

TOWN OF STONY POINT:

13

1

2 Appearances continued: 3

3

4 FERRICK, LYNCH & MAC CARTNEY, Esqs,

96 South Broadway

5 South Nyack, New York 10960

BY:STEPHEN M. HONAN Esq., Special

6 Counsel

7

WILLIAM SHEEHAN, Town Building Inspector

8 (Not Present)

9 KEVIN P. MAHER, P.E, Town Engineer

10

ROBERT GENESLAW COMPANY,

11 Planning Consultants
Two Executive Boulevard - Suite 401
12 Suffern, New York 10901
BY: MAXIMILIAN STACH, Town Planner
13 ROBERT GENESLAW, Town Planner
(Not Present)

14
ATZL, SCATASSA AND ZIGLER
15 Surveyors/Architects for Applicant
234 North Main Street
16 New City, New York 10956
BY: DAVID M. ZIGLER, P.E.

17
And the Public.

18
19 PULEO REPORTING & TRANSCRIPTION SERVICES
20
61 Crickettown Road
21
Stony Point, New York 10980
22
(845) 429-8986 FAX and Phone

23

24

25

1 - Proceedings -

2 (This is the February 23rd, 2012

3 Planning Board Meeting.)

4 THE CHAIRMAN: All right. Good

5 evening. Please stand 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. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS PAGANO: Mr. Muller?

13 MR. MULLER: Here.

14 MS. PAGANO: Mr. Puccio?

15 MR. PUCCIO: Here.

16 MS PAGANO: Mr. Rogers?

17 MR. ROGERS: Here.

18 MS PAGANO: Mrs. Callaghan?

19 MRS. CALLAGHAN: Here.

20 MS PAGANO: Chairman Gubitosa?

21 THE CHAIRMAN: Here.

22 At this time I will ask if you

23 have a cell phone, to please put it on

24 vibrate for the public hearing.

25 We will move up Crickettown Ridge

1 - Proceedings -

2 on the Agenda. I see some people from

3 the public.

4 Okay. First on the Agenda today,

5 is Crickettown Ridge, located at the

6 northeast corner of Crickettown Road.

7 THE CHAIRMAN: Just give us an

8 update, Dave.

9 MR. ZIGLER: Yes. Dave Zigler,

10 from Atzl, Scatassa and Zigler for the

11 Applicant. I can fix this right here

12 (indicating an easel). Next move, if I

13 can fix the furniture ---

14 Okay, I am here representing

15 Ms. Kennedy, who owns the property

16 which we are calling Crickettown Ridge.

17 The property faces both the

18 Heights over here on the left and, of

19 course, Crickettown Road on top here.

20 (Indicating on a diagram.)

21 MR. ZIGLER: North is going along

22 Crickettown Road, so the north end of

23 the map is up here, and the south end

24 is here (indicating on a diagram).

25 The original, what was

1 - Proceedings -

2 originally submitted to the Planning

3 Board was three lots. Although this

4 has four lots on it, our original

5 application or solution was three new

6 lots. Meaning, we were proposing three

7 new lots.

8 At that time, Culhane was not

9 part of this project. So, we had two

10 lots; one lot on the north side of the

11 property and one lot on the south side,

12 which faces The Heights.

13 We went to a couple Planning

14 Board meetings and went to a field

15 trip. We had an informational

16 meeting, a public hearing for

17 informational purposes and we learned

18 there was a drainage problem.

19 So, through working with the

20 Planning Board, we come back in with

21 a two lot subdivision; one lot on the

22 north side, and one lot on the south

23 side and then Culhane got involved.

24 The other lot is very small and

25 the principal lot we are subdividing

1 - Proceedings -

2 actually wraps entirely around him and

3 it was like a small umbilical cord

4 between the two ends. This end

5 (indicating on a diagram) and this end

6 here.

7 So, Culhane got involved because

8 they would like to widen their lot and

9 make it more of a standard shape.

10 The lot itself was very narrow

11 and very long, but not long enough to
12 do any addition to the back of the
13 house.

14 So, we revised the plan and come
15 in with a standard layout of three
16 lots.

17 Two lots proposed; one to the
18 north and one to the south, and then
19 modifying this property line which is
20 already an existing lot (indicating),
21 so at that time we had three Lots
22 again, but only two proposed lots.

23 With that, it was suggested we go

24 to an average density. Average

25 density was suggested because they're

1 - Proceedings -

2 conditions in here (indicating) that we

3 can't satisfy with the Army Corps

4 wetlands. There's some Army Corps

5 wetlands. There's some technical

6 surface run-off to the east.

7 So, the Planning Board and the

8 advisors to the Planning Board, and us,

9 as representatives for Ms. Kennedy,

10 thought it would be a better plan to go

11 for average density.

12 That is what is up on the board

13 here (indicating on the board). It is

14 representing the one lot and the two

15 lots; the two proposed homes are facing

16 The Heights.

17 In The Heights itself, is water,

18 sewer, and there's about four catch

19 basins around that intersection.

20 So, the lots that we are

21 proposing, basically surface flows to

22 The Heights and into the catch basin.

23 Taking away the area of concern

24 back here (indicating on a diagram) in

25 the wetlands.

1 - Proceedings -

2 Then squaring out the Culhane

3 lot, gives you one, two, three lots;

4 two, proposed and one existing.

5 The remainder is lot four, will

6 go either of three ways; it either will

7 as open space to the Town, if the Town

8 Board accepts it. We've made

9 application to the Town Board to the

10 Tax Assessor for that purpose.

11 It would either be, "A", that it
12 go to the Town and then it is off the
13 map and not part of anybody's property,
14 except the Town.

15 And the second one is for a
16 conservation easement.

17 The conservation easement will be
18 the attached to this Culhane lot, lot
19 number three.

20 So, in other words, they would
21 all own this property (indicating on a
22 diagram), but this would be a strict
23 line on it, would states they couldn't

24 do anything on here, but walk across

25 it.

1 - Proceedings -

2 Now, that is the conservation

3 easement. It is very strict.

4 There is also what is called a

5 conservation buffer, which I think

6 makes more sense, as it allows the

7 people to put up a fence along the

8 property line or around the entire

9 property and also allows them to clear

10 dead trees, with permission from the

11 Town.

12 So, that's the three things that

13 will happen to this lot.

14 The other process, we have to go

15 to the Health Department for an

16 extension of the sewer main here

17 (indicating on a diagram), which I

18 think is probably two hundred foot,

19 off-hand, and we have to go to the

20 Zoning Board of Appeals, because in

21 the bulk requirements for an RR zone in

22 Stony Point, there is a minimum lot

23 width and a minimum lot size of

24 twenty-five thousand square foot.

25 That means these lots established

1 - Proceedings -

2 by this average density have to be a

3 minimum of twenty-five thousand square

4 foot.

5 Of course, this is more than

6 that; it's about forty-three thousand.

7 The lot on the corner is

8 twenty-five thousand, but lot one does

9 not make it for lot width and lot area.

10 And basically, basically we are

11 stuck with that physical line of
12 Culhane's to the south here (indicating
13 on a diagram) and there's no way of
14 moving the property line to get fifty
15 thousand square feet on that side, or
16 the twenty-five thousand for both
17 lots.

18 So, rather than have a very
19 undesirable, misshapen lot in the
20 middle, that if anybody wants to put an
21 addition, they have to go for the
22 variances.

23 It was thought that this was the

24 best plan and we will pursue those

25 variances for lot width and lot area

1 - Proceedings -

2 through the Zoning Board of Appeals.

3 Twenty-five thousand square foot

4 just for informational purposes, is

5 basically, what you have around this

6 entire property.

7 Across the street, along

8 Crickettown, Freeman one and Freeman

9 two, and this is --- I can't think of

10 the name of the subdivision, but

11 they're basically fifteen thousand

12 square foot.

13 The subdivisions that lie around

14 to the east side and the north side of

15 this are all twenty thousand square

16 foot with lots from twenty to

17 twenty-three and some bigger ones with

18 twenty-nine thousand square foot.

19 So, although this (indicating to

20 the Board on a diagram) is twenty-five

21 thousand, and this is, we are

22 requesting a variance from the

23 twenty-five thousand square foot.

24 This one is twenty-five thousand,

25 and this is twenty-five thousand,

1 - Proceedings -

2 they're just about the same size as

3 everything else, or larger in the

4 neighborhood.

5 So, that's our application.

6 We are here for the Public

7 Hearing and our next step, is to go

8 to the ZBA and gather the variances.

9 If we fail on that, we will come

10 back to the Board for the standard

11 layout, which we would then have one

12 lot on both sides.

13 That wouldn't benefit anyone, so

14 it was thought by the Board and the

15 advisors to the Board, and of course

16 the public and the applicant, that

17 pursuing of its own variances will be

18 the best course.

19 THE CHAIRMAN: Before we go to

20 public, are there any questions from

21 the Board?

22 (No responses heard.)

23 THE CHAIRMAN: What I'll do now

24 is open the public hearing. I just ask

25 if you want to say something, just

1 - Proceedings -

2 stand, please stand up, state your name

3 and address for the record and address

4 your questions to the Board.

5 So, we will open the Public

6 Hearing for Crickettown Road.

7 THE CHAIRMAN: I want to make sure

8 we've all the questions are answered.

9 Did you have any questions, sir? State

10 your name and address.

11 MR. HEKKER: Mike Hekker,
12 (phonetically written) 67 Heights Road.

13 The part that is proposed, the

14 wetlands there ----

15 (Indicating on a diagram.)

16 THE CHAIRMAN: Yes?

17 MR. HEKKER: Do you have the

18 status of that, and what happens if it

19 is declared not wetlands?

20 THE CHAIRMAN: Dave, I think he

21 missed the three options that you were

22 going to do for that piece of property.

23 Can you ---

24 MR. ZIGLER: Yes. This would

25 become buffered by this conservation

1 - Proceedings -

2 easement or buffered by the Town.

3 This is wetlands (indicating on

4 a diagram) that was walked by the Army

5 Corps of Engineers in May of 2011,

6 submitted to the Army Corps and, of

7 course, we have gotten no response.

8 Bob Torgenson, who did the

9 flagging, has re-notified them and they

10 have not responded to us, even though

11 they had the field trip, they letter
12 went out to the Army Corps in January
13 of 2012.

14 So, we are still waiting for the
15 Army Corps on that, but it still has
16 all the indications of U.S. Army Corps
17 wetlands.

18 THE CHAIRMAN: Well, basically,
19 what he was saying before is that there
20 are three options, sir.

21 One is it can be open space, and
22 if the Town wants to accept it, it
23 stays open space and nothing gets done

24 to it.

25 Then, it could be a conservation

1 - Proceedings -

2 easement, meaning it stays just the way

3 it is. Exactly the way it is. They

4 can't do anything to it.

5 The next one is a conservation

6 buffer, where they can put a fence

7 around or if they want to clear trees,

8 they need to get permission in the Town

9 and then go in and tree clear, clear

10 trees. Other than that, they're not

11 looking to disturb or do anything is

12 that area, so --

13 MR. MULLER: With the exception

14 that if they don't get the variances to

15 build the two houses on the west side,

16 it will be one and one; one on each

17 side, so then that will be disturbed

18 and ---

19 MR. HEKKER: For the record, from

20 the moment we moved into that house,

21 twenty years ago, we knew it was going

22 to be developed eventually.

23 We just think it makes a lot more

24 sense to the neighborhood and the value

25 of the house and the esthetics of the

1 - Proceedings -

2 property, if you have one house built

3 on each side, rather than cramming two

4 houses in on a gorgeous piece of

5 property, which really cries for just

6 one beautiful home on the corner lot.

7 As far as the safety concerns, we

8 have concerns about the driveway.

9 I believe there's going to be one

10 on The Heights and one on Crickettown

11 according to this plan? Are you

12 considering to put both on Heights.

13 MR. ZIGLER: No. One goes on

14 Crickettown, passed the intersection

15 and one is at the high point of

16 Heights, so you have -- he's correct

17 --- one on each road.

18 He's correct.

19 MR. HEKKER: Has the Board done a

20 site visit?

21 THE CHAIRMAN: Yes.

22 MR. HEKKER: You understand the

23 dip in the road where the driveway will

24 come out?

25 As well as the esthetics of the

1 - Proceedings -

2 property, there is a safety concern on

3 that corner.

4 It is not one of the greatest

5 corners in Stony Point. Traffic comes

6 on you in a hurry, as this gentleman

7 will tell you, (indicating another

8 audience member.)

9 So, we are also concerned about

10 the safety of the one driveway on

11 Crickettown and the one on Heights;
12 well, the Heights one, not so much, but
13 if, you know, the one on Crickettown
14 is definitely a safety concern.

15 THE CHAIRMAN: Thank you. Yes?

16 MS. CULHANE: Angela Culhane, 68
17 Crickettown Road.

18 The third option, Dave where
19 would the second house be?

20 MR. ZIGLER: Close to the road on
21 Crickettown.

22 MS. CULHANE: Well, because if
23 wetlands are there ---

24 MR. ZIGLER: The house would be in

25 front of the wetlands. We couldn't

1 - Proceedings -

2 disturb them, but the house would sit

3 in close proximity, so it would sit

4 here, in here (indicating and drawing

5 on a map).

6 Something like that. We will

7 have the driveway coming out here

8 (indicating).

9 MS. CULHANE: So, those people

10 couldn't do anything because that was

11 wetlands property?

12 MR. ZIGLER: No, once it's

13 designated wetlands, they can't use it.

14 They can fill one-tenth of an

15 acre, which is four thousand square

16 foot, but if you are concerned about

17 that, well our variance is actually

18 less than that.

19 MS. CULHANE: Oh. I just didn't

20 realize you can put a house there.

21 VOICE FROM AUDIENCE: Then you

22 would have three driveways coming out

23 on Crickettown?

24 MR. ZIGLER: Yes. Well, that

25 would be ---

1 - Proceedings -

2 THE CHAIRMAN: He's got to still

3 go to the ZBA to get variances for

4 that.

5 This project has been before us

6 for a while. At one time in the

7 wetlands areas, there were houses over

8 there, but because of the way the land

9 is, they're filling that in because of

10 the given the problems down below, the

11 easiest thing would be to put the
12 houses over there. So the applicant
13 has a plan that he is working on and
14 basically, the lot on the side, you
15 know, it is basically going to stay the
16 way it is.

17 As I said, it will be either the
18 conservation easement, the
19 conservation buffer or open space.

20 That's just basically, where we
21 have gotten to. Does anybody else have
22 questions?

23 MR. HEKKER: What would happen to

24 the area between the property up to

25 Madison Court and the back part of the

1 - Proceedings -

2 gray area there on the map? Will that

3 remain open?

4 MR. ZIGLER: Yes. Everything in

5 the gray in here (indicating) remains

6 open in one fashion.

7 MR. HEKKER: Would that gray area

8 belong to the owner of the home or be

9 would that be separate?

10 MR. ZIGLER: Just to repeat

11 myself, the option that we are hoping

12 for and recommended by some of the

13 advisors to the Board, was that this

14 area (indicating on a drawing) will go

15 to the Town of Stony Point for open

16 space, meaning remaining in its actual

17 state.

18 The second and third option is it

19 would somehow be attached to this lot,

20 either by the conservation easement or

21 you have the conservation buffer.

22 But any of the three ways means

23 nothing can be built on it in any way.

24 MR. HEKKER: Thank you.

25 THE CHAIRMAN: Anyone else have

1 - Proceedings -

2 any questions they would like to ask?

3 (No responses heard.)

4 MR. ROGERS: I will make a motion

5 to close.

6 THE CHAIRMAN: Hold on a second.

7 MR. STACH: I recommend, if

8 Counsel agrees, to continue the public

9 hearing until he comes back from the

10 Zoning Board of Appeals.

11 THE CHAIRMAN: All right.

12 So, what we will do, we will keep

13 the Public hearing open until you go to

14 ZBA and come back and the public

15 hearing will still be open for next

16 month.

17 MR. ZIGLER: Okay.

18 THE CHAIRMAN: Any other

19 questions?

20 MR. MC MENAMIN: I have got a

21 question; Dave, do have anything in

22 your file, measurements of the sight

23 distances as it is laid out?

24 MR. ZIGLER: No, it's just

25 observations, but we can the get that

1 - Proceedings -

2 for you.

3 MR. MC MENAMIN: I think even the

4 one on The Heights, if someone came

5 down Crickettown and turned on to The

6 Heights, I'd like to know the sight

7 distance from both directions from all

8 of the driveways.

9 MR. ZIGLER: Fine.

10 MR. MC MENAMIN: Thank you.

11 THE CHAIRMAN: Okay.

12 MR. ZIGLER: Just for the Board's

13 information, I will submit for the

14 Board at the next meeting, a

15 chronological summary of the project

16 because of the time we spent trying to

17 solve the drainage issues. I don't

18 want anybody to forget about that, so I

19 will submit it with the next package to

20 the Board.

21 THE CHAIRMAN: If there's nothing

22 else, I need a motion to keep the

23 hearing open? To continue the Public

24 Hearing.

25 MR. MULLER: I will make that

1 - Proceedings -

2 motion.

3 THE CHAIRMAN: A second?

4 MR. ROGERS: Second.

5 THE CHAIRMAN: All in favor?

6 (Unanimous affirmative response.)

7 THE CHAIRMAN: All right, so we

8 will continue the public hearing until

9 next month. Opposed?

10 (No responses heard.)

11 MR. ZIGLER: If I don't get out of
12 the ZBA quick enough, I will request an
13 extension.

14 THE CHAIRMAN: Very good.

15 MR. ZIGLER: Thank you.

16 THE CHAIRMAN: We will take a
17 minute while we move the lawyers
18 around.

19 * * *

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1 - Proceedings -

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2 STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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----- X

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In the Matter of the Application

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RE:

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HUDSON RIVER VIEW INDUSTRIAL PARK,

7

Applicants.

8

----- X

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7:30 o'clock p.m.

February 23rd, 2012

10

RHO Building

Five Patriot Drive

11 Stony Point, New York
 10980

12

HELD BEFORE THE PLANNING BOARD OF THE

13 TOWN OF STONY POINT:

14

B E F O R E : Thomas Gubitosa,
 Chairman

16

A p p e a r a n c e s :

17

18 THOMAS MC MENAMIN, Member

 GLADYS CALLAGHAN, Member

19 EUGENE KREASE, Member (Not Present)

 GERRY ROGERS, Member

20 THOMAS PUCCIO, Member

 PETER MULLER, Member

21

MARY PAGANO,

22 Secretary to the Board

23

Reported by:

24 Patricia A. Puleo,

NYS Certified Court Reporter

25 and Notary Public

1

2

Appearances continued: 27

3

STEPHEN MANDRACIA, Esq.

4

Attorney for the Applicant

5

FERRICK, LYNCH & MAC CARTNEY, Esqs,

96 South Broadway

6

South Nyack, New York 10960

BY: HAROLD MAC CARTNEY, Esq., Special

7

Counsel

8

WILLIAM SHEEHAN, Town Building

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Inspector

(Not Present)

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KEVIN P. MAHER, P.E, Town Engineer

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14 BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner

15 (Not Present)

16 ATZL, SCATASSA AND ZIGLER
Surveyors/Architects for Applicant

17 234 North Main Street
New City, New York 10956

18 BY: DAVID M. ZIGLER, P.E.

19 And the Public.

20

21 PULEO REPORTING & TRANSCRIPTION
SERVICES

22

61 Crickettown Road

23

Stony Point, New York 10980

24

(845) 429-8986 FAX and Phone

25

1 - Proceedings - 28

2 THE CHAIRMAN: Next we have

3 Hudson River View Industrial Park, we

4 are switching the lawyers.

5 (Off-the-record.)

6 MR. MANDRACIA: Steve Mandracia,

7 attorney for the Applicant.

8 We are here with James Boyle and

9 Dave Zigler, the engineer.

10 As the Board knows, this is an

11 application, basically, to relocate
12 an approved use, on an approved site
13 plan, where the use that has been
14 previously, already approved back in
15 '08 on the other side of the railroad
16 tracks on the plan here (indicating on
17 a diagram).

18 That was approved in 2009. All
19 we are looking to do is to relocate
20 this use to this building on the other
21 side of the railroad tracks.

22 That is a much more appropriate
23 location. It is further away from the

24 public. It is in a vacant building.

25 There will be no construction to the

1 - Proceedings - 29

2 site plan whatsoever, so far. We are

3 just taking the existing building and

4 moving the use into there (indicating).

5 We have agreed to all of the same

6 conditions that were required in the

7 last application, although screening is

8 not an issue here. Other than that, we

9 agree to everything. Except for the

10 screening, otherwise the application is

11 just moving the use from one location
12 to the other location, which is better
13 for the Town and us, taking advantage
14 of the vacant building.

15 We have submitted a letter. We
16 addressed this the last time, at the
17 last meeting.

18 It should be on record, Town
19 planning communications at the last
20 meeting and we submitted a letter today
21 with regard to concerns from the Town
22 of Haverstraw, over the prior history
23 of the site and activity and action

24 being taken on the site by the present

25 owners of the property.

1 - Proceedings - 30

2 THE CHAIRMAN: Before we go to

3 Public Hearing, does the Board have any

4 questions?

5 I did see a letter from the

6 Drainage Agency that you do not need a

7 permit.

8 MR. MANDRACIA: That is what we

9 expected.

10 THE CHAIRMAN: They said that they

11 have jurisdiction, but you don't need a

12 permit.

13 They were okay with that.

14 MR. MANDRACIA: Yes.

15 THE CHAIRMAN: Okay, what I'll do

16 now ---

17 MR. MC MENAMIN: Do you want to

18 knowledge receipt of the letters?

19 THE CHAIRMAN: Yes. We will put

20 into the record, there's a few letters

21 here.

22 There is a letter from the Town

23 of Haverstraw --- hang on.

24 (Off-the-record discussion.)

25 THE CHAIRMAN: Okay.

1 - Proceedings - 31

2 We have Silverberg's letter, the

3 February 14th letter. Then theres

4 Maser Consulting, a letter, which is

5 dated February 22nd. That was from

6 Maser and Silverberg's, Silverberg

7 Zalantis was February 14th.

8 We also have another from Taylor

9 Environmental, dated February 22nd.

10 And then there's Mr. Mandracia's

11 letter from the 21st. I have that one.

12 Yes, thank you.

13 Okay. What I will do now, I

14 will open the public hearing.

15 I will just ask you to stand,

16 state your name and address for record

17 and address the Board.

18 I will now open the public

19 hearing for Hudson View.

20 MR. SILVERBERG: Good evening. I

21 am Steven Silverberg of Silverberg

22 Zalantis, 220 White Plains Road,

23 Tarrytown, New York.

24 We are here on behalf of the Town

25 of Haverstraw.

1 - Proceedings - 32

2 We have submitted a brief letter

3 to you. You also have a recommendation

4 from Maser Consulting. I also believe

5 that Kauker & Kauker (phonetically

6 written), they submitted a letter to

7 you dated February 10th. I don't know

8 if that's in your file.

9 THE CHAIRMAN: We have it, yes. It

10 was attached here. Yes, I see it.

11 Thank you.

12 MR. SILVERBERG: In any event, I

13 was also asked by the Supervisor to

14 attend this evening, just to

15 communicate or reiterate everything

16 that was stated in those letters, that

17 the Town is concerned because their

18 property is thirty feet away from the

19 Town of Haverstraw.

20 We are just asking particularly

21 because there was a history of the

22 problems with this property.

23 And this is an automotive related

24 use, that's all the preexisting

25 conditions with regard to the drainage

1 - Proceedings - 33

2 from the property, oil separators, if

3 that's appropriate based upon the type

4 of use that will be there, to also

5 contain any possible contamination, so

6 that it doesn't in any way affect any

7 property in the Town of Haverstraw.

8 Thank you.

9 THE CHAIRMAN: Thank you, Mr.

10 Silverberg.

11 MR. MC MENAMIN: Mr. Silverberg

12 ---

13 MR. STACH: Mr. Chairman, sorry, I

14 just wanted to respond.

15 It may not have been clear in

16 some of the application packages, but

17 the Planning Board went through an

18 intensive review of this use on this

19 site, just over the CSX Rail line in

20 the area known as Hudson Bay Park and

21 at that time, they went through a lot

22 of the issues regarding what concerns

23 or what type of safeguards are

24 required by the County with regard to

25 the storage of oil, the storage of

1 - Proceedings - 34

2 tires, et cetera, and I believe there

3 were conditions put on that there

4 wouldn't be any outdoor, open storage

5 of parts, and that everything will be

6 within, stored within containers or

7 vehicles stored in a solid condition,

8 running condition, until they're

9 brought in to be disassembled.

10 I did see some of those concerns

11 here.

12 Also, the Applicant has very

13 clearly stated that there will not be

14 any modifications to the actual site in

15 question.

16 The buildings are going to be

17 re-used, but there will not be any

18 modifications to the exterior, with the

19 exception of some striping of the

20 pavement to keep traffic on the access

21 easement, on the access easement and

22 some improvements to the underpass.

23 So, I just want to clarify that

24 for the Town of Haverstraw so they know

25 that a lot of these issues that they

1 - Proceedings - 35

2 may have had, were addressed in an

3 earlier application when the special

4 permit was approved for the site across

5 from CSX.

6 MR. SILVERBERG: First of all,

7 thank you for clarifying that.

8 Obviously, that was not in the

9 materials we received.

10 I just ask that with respect to

11 any of those kinds of conditions that
12 you were proposing before, appropriate
13 with this application, that they be
14 included in any approval that you, The
15 Town will grant, so it's clear that
16 they will be carried over to this site,
17 as well as ---

18 THE CHAIRMAN: Yes. Thank you,
19 Mr. Silverberg.

20 MR. MULLER: Kevin, you attended
21 those meetings, the meeting of January
22 20th on environmental, Kevin ---

23 MR. MAHER: Yes.

24 MR. MULLER: So, you are watching

25 what's going on ---

1 - Proceedings - 36

2 MR. MAHER: Yes.

3 MR MULLER: ---- and you're on

4 top of the remediation?

5 MR. MAHER: Yes.

6 MR. MULLER: So, you are on-site

7 and watching?

8 MR. MAHER: They're not beginning

9 to worry yet.

10 It's my understanding, I'm sure

11 James Boyle can address it really
12 better than I can, but, it's a concern
13 and I believe they're supposed to
14 start it sometime either in May or
15 April drilling for more wells and
16 hopefully, again, the program is based
17 upon assumptions on how well the
18 material will work, but based upon
19 what the consultants said -- I forgot
20 the name of the clean up firm --- but
21 they stated that they believe that the
22 site should be cleaned up to a more
23 reasonable level than what it is right

24 now, but sometime in 2014; it was

25 either September or August of 2014.

1 - Proceedings - 37

2 That was the target date that Maser

3 agreed to.

4 But then again, it is all based

5 upon whether or not the system that

6 goes in, is as effective or more

7 effective than what their state --- it

8 could be perfect, in which case ---

9 MR. MULLER: To your knowledge,

10 to date, is everything that's supposed

11 to be done being done?

12 MR. MAHER: It's scheduled to be

13 done. It's on schedule.

14 Again, their representatives,

15 they came to the site and spoke to the

16 NYSDEC representatives, and committed

17 to a program, it's all a continuing

18 part of the program. It is all a

19 continuation, as part of the consent

20 decree, the decree on the site.

21 THE STENOGRAPHER: Are you saying

22 NYSER?

23 MR. MAHER: New York State DEC.

24 THE STENOGRAPHER: Thank you.

25 THE CHAIRMAN: Are there any more

1 - Proceedings - 38

2 comments from the public?

3 (No responses heard.)

4 MR. MULLER: I will make a motion

5 to close.

6 THE CHAIRMAN: I need a second.

7 MR. ROGERS: I will second it.

8 THE CHAIRMAN: All in favor?

9 (Unanimous affirmative vote).

10 THE CHAIRMAN: Opposed?

11 (No responses.)

12 THE CHAIRMAN: The public hearing

13 is closed.

14 We will read the Resolution.

15 MR. MAC CARTNEY: Off the record,

16 please.

17 (Off-the-record discussion

18 regarding the Resolution and

19 modifications thereto.)

20 THE CHAIRMAN: Give us a second.

21 We are going to change some

22 verbiage. Off-the-record.

23 (At this time there was an

24 of-the-record discussion.)

25 THE CHAIRMAN: I am going to read

1 - Proceedings - 39

2 the resolution. I just need a motion

3 to adopt the resolution and then I'll

4 read it.

5 MR. MAHER: I found some typos in

6 it that I think need to be addressed,

7 assuming that what Mary sent to me this

8 afternoon is the version you are

9 looking at.

10 THE CHAIRMAN. "Resolution of the

11 Town of Stony Point Planning Board

12 (hereinafter, "this Board') was

13 convened on February 23rd, 2012 at 7:00

14 p.m. The following resolution was duly

15 offered....."

16 MR. MAHER: The second page, last

17 paragraph bottom of page, it referred

18 to storm water control. It should have

19 said, "storm water controlling can be

20 developed and anticipated as the result

21 of the proposed document..." The

22 version that you have said "may be"

23 storm water and refers to average

24 density plan.

25 THE CHAIRMAN: Oh, right here.

1 - Proceedings - 40

2 Okay.

3 MR. MAHER: I did my own version

4 of it.

5 THE CHAIRMAN: Instead of "may

6 be", it is "can be" and --- so, the

7 average density, we are taking that

8 out?

9 MR. MAHER: Yes, further on down

10 the third page, where in the last

11 paragraph, item three, the Applicant,

12 repairing the payment they say

13 "milling" it may not need to be

14 milling. I don't know. There's

15 potholes and it should also say

16 "cleaning and repairing" and/or

17 cleaning and repairing, or both.

18 THE CHAIRMAN: Where was the last

19 one?

20 MR. MAHER: That's the third page,

21 last paragraph; instead of milling

22 repairs.

23 THE CHAIRMAN: Right.

24 MR. MAHER: And cleaning ---

25 cleaning and repairing, giving them the

1 - Proceedings - 41

2 option to patch, mill or pull it on,

3 or replace. I don't want to limit them

4 to one way of fixes.

5 THE CHAIRMAN: Right.

6 MR. MAHER: It should say,

7 "cleaning and/or repairing."

8 Then where it states, "existing,

9 existing drainage at the railroad

10 underpass crossing..." it's part of

11 the same item three on the last

12 paragraph.

13 THE CHAIRMAN: I guess when I get

14 to that part, yell.

15 MR. STACH: Under item seven, Tom,

16 I believe it's ---

17 MR. MAC CARTNEY: I modified that.

18 Off-the-record, please.

19 (At this time there was an

20 off-the-record discussion regarding the

21 Resolution.)

22 MR. MAHER: I will send it to

23 Harold, highlighted in yellow so that

24 you can see my changes.

25 MR. MAC CARTNEY: That's fine.

1 - Proceedings - 42

2 THE CHAIRMAN: All right. Off the

3 record.

4 (At this time there was an

5 off-the-record discussion.)

6 THE CHAIRMAN: All right. I have

7 a motion for the resolution. I will

8 read it.

9 (The revised Resolution received

10 subsequent to the Public Hearing was

11 duly inserted into the record by the

12 Chairman.)

13 "Resolution: A meeting of the

14 Town of Stony Point Planning Board

15 (hereinafter, 'this Board') was

16 convened on February 23rd, 2012 at 7:00

17 p.m.

18 "The following resolution was

19 duly offered and seconded, to wit:

20 "Resolution granting approval of

21 an amended site plan, entitled, 'Hudson

22 River View Industrial Park, Building

23 "B", Good Luck Auto' - SBL

24 20.02-11-255, located on the east end

25 of Holt Drive, approximately 800 feet

1 - Proceedings - 43

2 east of South Liberty Drive, Route 9W,

3 to allow use of an existing building in

4 an LI zoning district for an automotive

5 recycling business previously approved

6 for another building on an adjacent lot

7 in another complex.

8 "Whereas, an application for

9 approval of an amended site plan

10 entitle, 'Hudson River View Industrial

11 Park, Good Luck Auto', consisting of 2
12 sheets dated November 7th, 2011, which
13 proposes to place a new tenant, Good
14 Luck Auto, in an existing industrial
15 facility, located on 2.35 acres in a
16 Light Industrial (LI) zoning district
17 on the east side of the CSX railroad
18 right-of-way, approximately 30 feet
19 north of the Town of Haverstraw Town
20 line, formerly occupied by the Insul-X
21 Products Corporation and located on the
22 east end of Holt Drive, approximately
23 800 feet east of South Liberty

24 Drive/Route 9W in the Town of Stony

25 Point, and;

1 - Proceedings - 44

2 "Whereas, the proposed use is a

3 business that recycles motor car parts

4 and the site plan approval request is

5 limited to the use of Building "B" in

6 Phase I and the use of the paved

7 parking area in Phase II, as described

8 in this application, which has been

9 presented by JMM Industries, owner and

10 James Boyle, applicant, and;

11 "Whereas, the Planning Board has
12 received and taken into account the
13 recommendations of the Rockland County
14 Department of Planning, pursuant to GML
15 Section 239-l and 239-m, including the
16 12 recommended modifications, all of
17 which are incorporated herein by
18 reference, and;

19 "Whereas, the Planning Board has
20 received and taken into account the
21 information received from the Rockland
22 County Health Department, set forth in
23 a letter dated November 22nd, 2011 to

24 the Clerk of the Planning Board, and;

25 "Whereas, the Planning Board has

1 - Proceedings - 45

2 received and taken into account the

3 concerns of the Rockland County

4 Drainage Agency set forth in a letter

5 dated December 1st, 2011 from the

6 Rockland County Drainage Agency to the

7 Town of Stony Point Planning Board, all

8 of which are incorporated herein by

9 reference, and;

10 "Whereas, the Planning Board has

11 received and taken into account the
12 advise of its Planning Consultant,
13 Robert Geneslaw Company, contained in a
14 memorandum dated November 28th, 2011
15 from the Robert Geneslaw Company to the
16 Town of Stony Point Planning Board, all
17 of which are incorporated herein by
18 reference, and;
19 "Whereas, on December 8th, 2011,
20 the Planning Board of the Town of Stony
21 Point (hereinafter 'the Planning
22 Board') declared itself as Lead Agency
23 pursuant to SEQRA and found and

24 determined that the proposed amendment

25 to the site plan and the proposed use

1 - Proceedings - 46

2 was an 'unlisted' action (6 NYCRR

3 Section 617.5 under SEQRA, and;

4 "Whereas, by separate resolution

5 dated January 26th, 2012, the Planning

6 Board, as lead agency, has reviewed and

7 adopted a Part 2 EAF, indicating that

8 there are no potential large impacts

9 and only a potential small impact from

10 a disturbance of soil within 2,000 feet

11 of the property previously used for the
12 disposal of hazardous waste; that the
13 applicant proposes to disturb soil only
14 to the extent necessary to improve the
15 railroad underpass to contemporary
16 standards which will improve emergency
17 equipment access to the south side of
18 the railroad right-of-way; that the
19 applicant's proposed use will be
20 conditioned upon satisfying any
21 requirements of the NYSDEC should that
22 agency determine that soil vapor in the
23 current buildings require mitigation or

24 soil conditions in the area proposed

25 for the special permit, require

1 - Proceedings - 47

2 mitigations; that there will be no

3 disturbance to site wetlands; that all

4 environmental concerns which have been

5 reviewed, will be mitigated and

6 approved for the adjacent building and

7 that all conditions imposed on the

8 previous use, will be extended to the

9 proposed location, with the exception

10 of screening for vehicle storage areas,

11 which is not required since the site is
12 not visible from any substantial public
13 view; that the proposed use will not
14 be open to access by the public and
15 public traffic to the proposed site
16 will be nominal; that the Town Engineer
17 has reviewed the application and found
18 that storm water controls can be
19 developed to adequately prevent any
20 increase in the rate of runoff to
21 neighboring properties and that there
22 are not storm water impacts anticipated
23 as a result of the proposed project and

24 that no other potential large impacts

25 were identified for the site, and;

1 - Proceedings - 48

2 "Whereas, the Planning Board has
3 received and taken into account the
4 environmental concerns set forth in a
5 letter dated December 12th, 2011 from
6 the New York State Department of
7 Environmental Conservation to the
8 Rockland County Planning Department,
9 all of which are incorporated herein by
10 reference, and;

11 "Whereas, by separate resolution
12 dated January 26thm, 2012, the Planning
13 Board, as Lead Agency, has determined
14 that the proposed action will not have
15 a significant effect on the environment
16 and that a draft Environmental Impact
17 Statement will not have to be prepared
18 and the Planning Board has issued its
19 determination of non-significance,
20 pursuant to 6 NYCRR Part 617 for the
21 reasons set forth therein, and;

22 "Whereas, on January 26th, 2012,
23 a duly noticed public hearing was held

24 and the comments by the applicant,

25 their consultants, the interested

1 - Proceedings - 49

2 governmental agencies or departments,

3 the public and the Planning Board's

4 consultants have been taken into

5 consideration by the Planning Board in

6 reaching its decision, and;

7 "Whereas, the Planning Board has

8 received and taken into account the

9 concerns set forth in a letter dated

10 February 14th, 2012 from Silverberg

11 Zalantis, LLP, attorneys for the Town
12 of Haverstraw, together with the report
13 of Kauker & Kauker, LLC, dated February
14 10th, 2012, which was attached thereto,
15 all of which are incorporated herein by
16 reference, and;

17 "Whereas, the Planning Board has
18 received and taken into account the
19 concerns set forth in a memorandum from
20 Maser Consulting, PA to the Town of
21 Haverstraw Planning Board, dated
22 February 22nd, 2012, all of which is
23 incorporated herein by reference, and;

24 "Whereas, it is hereby found and

25 determined that upon satisfaction of

1 - Proceedings - 50

2 the conditions hereinafter imposed as

3 part of this conditional site plan

4 approval, the concerns and

5 modifications recommended by the

6 Rockland County Department of Planning,

7 will be adequately met because:

8 "1) The proposed use of the

9 site, as described in the application

10 will reduce traffic at the crossing;

11 "2) CSX Transportation,
12 Incorporated has had an opportunity to
13 express any concerns relating to this
14 applications;

15 "3) The applicant is cleaning
16 and repairing the pavement at the
17 railroad underpass crossing and
18 limiting access thereat;

19 "4) CSX has been given
20 notification that consideration should
21 be given to the installation of a
22 railroad spur;

23 "5) The pavement will be marked

24 to identify the easement;

25 "6) It has been determined that

1 - Proceedings - 51

2 fire trucks can gain access through the

3 railroad underpass crossing;

4 "7) The application was referred

5 to the Town of Haverstraw, whose

6 concerns have been taken into account

7 and to the Village of West Haverstraw,

8 which has raised no concerns;

9 "8) The application was referred

10 to the Rockland Count Division of

11 Environmental Resources, which has

12 raised no concerns;

13 "9) The application was referred

14 to the Palisades Park Commission, which

15 has raised no concerns;

16 "10) The applicant will secure

17 permits, if any, required by the

18 Rockland County Drainage Agency;

19 "11) Lighting will not adversely

20 affect adjacent properties;

21 "12) No variances are required in

22 order to implement the proposed site

23 plan, and;

24 "13) Supplemental landscaping is

25 unnecessary due to the location of the

1 - Proceedings - 52

2 project, and;

3 "Whereas, to the extent that

4 granting conditional final approval to

5 the application constitutes an action

6 contrary to the recommendations of the

7 Rockland County Department of Planning,

8 such conditional final site plan

9 approval may be granted to the

10 applicant by a vote of a 'majority,

11 plus one' of the Planning Board.

12 "Now, therefore be it further

13 resolved, that the Amended Site Plan,

14 entitled 'Hudson River View Industrial

15 Park, Good Luck Auto', affecting

16 premises known as SBL Section

17 20.02-11-255 as shown on the Town of

18 Stony Point Tax Map, be and hereby is

19 approved to permit the change of use of

20 an existing building "B" in Phase I and

21 the use of paved parking area in Phase

22 II, as described in the application and

23 upon compliance with all other

24 applicable site plan requirements set

25 forth in the Regulations of the Town of

1 - Proceedings - 53

2 Stony Point, the Chairman is authorized

3 to sign the map upon the following

4 conditions:

5 "1) The applicant shall be

6 required to satisfy any current

7 requirements of the New York State DEC

8 and should that Agency determine that

9 soil vapor in the current buildings

10 require mitigation, or that soil

11 conditions in the area for the proposed

12 special permit require mitigation, the

13 applicant shall satisfy such

14 requirement as the NYSDEC mandates,

15 including, but not limited to any and

16 all remediation requirements;

17 "2) There shall be no

18 disturbance of site wetlands;

19 "3) There shall be no pollution

20 of any streams;

21 "4) The applicant shall be

22 required to comply with all conditions

23 imposed on the previous use at Bay

24 View, with the exception of screening;

25 "5) The proposed use will not be

1 - Proceedings - 54

2 open to access by the public;

3 "6) The applicant shall develop

4 adequate storm water controls to

5 prevent any increase in the rate of

6 runoff to the neighboring properties;

7 "7) The applicant shall make

8 improvements to the railroad underpass,

9 including but not limited to, cleaning

10 and unclogging of the underpass

11 drainage system and repairs of the
12 roadway to enhance clearance in
13 accordance with application standards;

14 "8) The applicant shall obtain
15 any and all permits required by the
16 Rockland County Stream Control Act from
17 the Rockland County Drainage Agency;

18 "9) The edges (boundary) of the
19 asphalt easement shall be demarcated so
20 that future users of the KBT easement
21 do not mistakenly venture onto the
22 Hudson River View site;

23 "10) The applicant shall obtain

24 any and all permits and approvals from

25 necessary administrative agencies

1 - Proceedings - 55

2 regarding every aspect of its

3 operations before the operation is

4 permitted to commence."

5 Any discussion before I ask for a

6 second?

7 (No responses heard.)

8 THE CHAIRMAN: All right, I need

9 a second on the resolution?

10 MR. ROGERS: I will make the

11 second, Mr. Chairman.

12 THE CHAIRMAN: All in favor?

13 (Unanimous affirmative vote.)

14 THE CHAIRMAN: Opposed?

15 (No responses heard.)

16 THE CHAIRMAN: All right, the

17 resolution is passed.

18 * * *

19 MR. STACH: Mr. Chairman, I

20 believe since you have acted contrary

21 to the County Planning review, I think

22 you need to provide a letter to the

23 County on the following action. I can

24 prepare that with Counsel.

25 MR. MAC CARTNEY: Correct.

1 - Proceedings - 56

2 THE CHAIRMAN: We will have that

3 prepared. Thank you.

4 MR. SILVERBERG: Thank you.

5 MR. MANDRACIA: Thank you.

6 THE CHAIRMAN: Last item, we just

7 have to accept the minutes of the

8 January 26TH meeting.

9 MR. ROGERS: I will make that

10 motion.

11 THE CHAIRMAN: Second?

12 MR. PUCCIO: Second.

13 THE CHAIRMAN: I just need a

14 motion to close.

15 MR. MULLER: I will make that

16 motion to close.

17 THE CHAIRMAN: Second?

18 MR. ROGERS: Second.

19 THE CHAIRMAN: All in favor?

20 (Unanimous affirmative response.)

21 THE CHAIRMAN: Thank you. Good

22 night.

23 * * *