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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:

HUDSON RIVER VIEW INDUSTRIAL PARK,

Applicants.

----- X

7 o'clock p.m.
January 26th, 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
- MIKE PUCCIO, Member
- PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

Reported by: Randi Vecchione, for,
Patricia A. Puleo,

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Appearances continued: 3

STEVEN MANDRACCIA, Esq.
Attorney for Applicant

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special Counsel
HAROLD MC CARTNEY, Esq., " "

WILLIAM SHEEHAN, Town Building Inspector
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer

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

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

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road

Stony Point, New York 10980

23

(845) 429-8986 FAX and Phone

24

25

1 - Proceedings -

2

3 (Planning Board 1/26/12).

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

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

8 THE CHAIRMAN: Mary, just call the roll?

9 MS. PAGANO: Mr. Puccio?

10 MR. PUCCIO: Yes.

11 MS. PAGANO: Mr. Muller?

12 MR. MULLER: Here.

13 MS. PAGANO: Mr. McMenamin.

14 MR. MC MENAMIN: Here.

15 MS. PAGANO: Mrs. Callaghan.

16 MRS. CALLAGHAN: Here.

17 MS. PAGANO: Mr. Rogers.

18 MR. ROGERS: Here.

19 MS. PAGANO: Mr. Gubitosa.

20 CHAIRMAN GUBITOSA: Here.

21 First item on the agenda is Hudson River

22 View Industrial Park. This is located on the

23 east end of Holt Drive. It's a new application.

24 Mike just brought something up that

25 he has, I guess, dealt with with Mr. Magee, but I

1 HEADER

2 would like to put it out to our lawyer

3 to find out --

4 (Off-the-record.)

5 MR. MC CARTNEY: A disclosure is

6 sufficient.

7 MR. MANDRACIA: Just to be clear;

8 I have represented Mr. Puccio in some

9 other matters completely unrelated.

10 Mr. Puccio has had some business

11 arrangements with Patrick Magee.

12 MR. MULLER: No difficulty

13 in any of those areas?

14 MR. MANDRACIA: Nothing to do

15 with this area.

16 MR. MULLER: No difficulties?

17 MR. MANDRACIA: No.

18 CHAIRMAN GUBITOSA: Fine. We

19 just want to put that on the record.

20 Mr. Zigler, give us an update

21 where we're at.

22 MR. MANDRACIA: We filed a new

23 plan to adjust the concerns of the last

24 --

25 MR. ZIGLER: When we were

1 HEADER

2 out on the site, we agreed to put Phase
3 I, Building "B" where the operation is
4 supposed to take place, so we made that
5 note on the map of Phase I.

6 And then Phase II was the
7 discussion of if -- if this operation
8 grows, that they would be able to park
9 in the other parking lot.

10 By notifying the Town that
11 they're going to move in Phase II and
12 if it caused a problem, then you would
13 call us back. We made those two
14 changes to the map.

15 The third change, which I
16 forgot to put on, but would be on the
17 map, it's on the title Building "B" so
18 -- to specify we're dealing with
19 Building "B".

20 CHAIRMAN GUBITOSA: This
21 application is just dealing with those.

22 MR. ZIGLER: That's what we

23 agreed upon. In my square footage on
24 the bottom in Building "B" we have the
25 wrong number. It's actually 11,000

1 HEADER

2 square feet. We doubled it. We gave
3 him two floors, but it's only one
4 floor.

5 CHAIRMAN GUBITOSA: Which is
6 that?

7 MR. ZIGLER: Bottom left side.
8 It's 11,000 square foot. Previously we
9 had 23.

10 CHAIRMAN GUBITOSA: So it's
11 11,000, okay.

12 MR. ZIGLER: In addition, we
13 filed for a drainage permit with the
14 Rockland County Drainage Agency, in a
15 project similar to this, and I mean
16 similar, because it's in another town,
17 and it's a new user going into a
18 building, that's all. But it's exactly
19 the same thing. A New user going into
20 a building. No construction, nothing.

21 The Drainage Agency returned the
22 application and a check and said we

23 didn't need a permit, so I would expect
24 that -- because it's exactly the same
25 thing, I would expect that with this

1 HEADER

2 application.

3 So, we did file and I would think
4 that we might have that kind of answer
5 in one or two weeks.

6 MR. MANDRACIA: As you pointed
7 out at the last meeting the Drainage
8 Agency really doesn't matter because
9 there's no structure which is within
10 100 feet of the river -- channel line.
11 That's a jurisdiction --

12 MR. MULLER: They seem to have a
13 funny way of deciding what they have
14 jurisdiction over or not, so we need to
15 apply.

16 MR. MANDRACIA: I understand that
17 and it has been submitted.

18 MR. MULLER: I realize that,
19 but they have a funny way of doing
20 that.

21 MR. MANDRACIA: So unless there
22 are any other things, we would ask to

- 23 waive the hearing and get a final
24 decision tonight, if possible.
25 CHAIRMAN GUBITOSA: All right.

1 HEADER

2 Max, do you have the Part 2.

3 MR. STACH: We did fill out a
4 Part 2 and negative declaration for the
5 Board's consideration.

6 No large impacts were identified
7 on the Part 2 with one small impact
8 identified under 18, impact on public
9 health. And that reads, "...proposed
10 action may result in the excavation or
11 other disturbances within 2,000 feet
12 used for waste."

13 That site is not currently used
14 for disposals, but had been in the past
15 and that's why I identified it as a
16 potential small impact.

17 Based on that and on the
18 discussion that we've had with the
19 applicant previously, the idea that he
20 is carrying on all the conditions that
21 were relevant to Good Luck Auto at Bay
22 View Park, that he's looking to do the

23 improvements to the railroad underpass,
24 that Mr. Maher has examined the
25 drainage in that area and doesn't see

1 HEADER

2 an issue regarding drainage in that
3 area, so I prepared a negative
4 declaration.

5 The one caveat to that is on
6 December 12 we did receive a letter
7 from DEC, and it stated that they were
8 in the process of working with the
9 responsible party to develop a plan or
10 some sort of approach to any further
11 mitigation.

12 And they did mention in that
13 letter that there was a possibility
14 that there may be some requirements for
15 vapor mitigation in the existing
16 buildings. So, I don't know if you
17 had -- know the status of that report
18 at this point.

19 MR. MANDRACIA: I don't believe
20 they changed the status at that point,
21 but, of course, we will comply with any
22 DEC requirements to the actual

23 operation of the business.

24 MR. STACH: Sure. And

25 that's exactly how I had suggested the

1 HEADER

2 neg dec read, specifically with regard
3 to item number five, which reads,
4 "...the DEC continues to work with and
5 actively monitor cleanup activities on
6 the site, including evaluating the
7 remaining contamination on site."

8 The proposed use will be
9 conditioned upon satisfying any
10 requirements of the DEC, should that
11 agency determine that soil vapor in the
12 current buildings requires mitigation,
13 or soil conditions in the area proposed
14 for the special permit require
15 mitigation.

16 And I would suggest that that be
17 added as a condition and that would be
18 adequate --

19 MR. MANDRACIA: Because we're
20 obligated to do that anyway. We
21 understand we have to comply. This was
22 formerly an active mitigation site, so

23 that's not an issue.

24 CHAIRMAN GUBITOSA: All right.

25 MR. MULLER: I just want to

1 HEADER

2 say that the changes that are before us
3 tonight are the result of the site
4 visit that the Planning Board did.

5 And after giving a great deal of
6 input that day, those changes are
7 before us tonight.

8 So, it was a work in progress
9 that this Planning Board was doing and
10 it's now reflected in front of us.

11 Quite a bit of work and changes
12 were made and that's what's for
13 approval.

14 CHAIRMAN GUBITOSA: Does the
15 Board have any comments on the Part 2?

16 MR. MC MENAMIN: Not on the Part
17 2, but this letter from the County.

18 Are we going to talk about that
19 tonight?

20 CHAIRMAN GUBITOSA: We'll do the
21 Part 2 first.

22 MR. STACH: Well, I think

23 you can discuss the letter first.

24 CHAIRMAN GUBITOSA: I know the

25 County of Rockland on the 26th, which

1 HEADER

2 was only two days ago, sent us a

3 letter --

4 MR. MANDRACIA: Yesterday.

5 CHAIRMAN GUBITOSA: Tom, I know

6 you have comments on the letter because

7 we just got it the other day.

8 MR. MC MENAMIN: We must do some

9 certain things and I was just thinking

10 that before we do the Part 2, that

11 maybe the applicant should go over this

12 letter and tell us what to do about

13 them.

14 CHAIRMAN GUBITOSA: What are the

15 musts; must be given the opportunity to

16 review the proposal and the impact -- I

17 mean, it seems to me there's some

18 things that the County is saying has to

19 be done.

20 I was just wondering maybe we

21 should let the applicant answer this.

22 MR. MULLER: I'm not sure

23 about the Town of Haverstraw. I think
24 it's the Town of Stony Point. I don't
25 know why Haverstraw must approve.

1 HEADER

2 MR. MAGEE: This is next to
3 the Haverstraw landfill. It's not
4 somebody --

5 MR. ZIGLER: It was circulated.
6 They had time to make a comment. We
7 did that. We agreed to that.

8 MR. MANDRACIA: All the required
9 interested parties were duly notified
10 early on.

11 MR. MC MENAMIN: So, is this
12 -- you read this?

13 MR. ZIGLER: Yes.

14 MR. MC MENAMIN: You're intending
15 to answer it point-by-point?

16 MR. ZIGLER: Not really. I mean,
17 that one we just -- that was done and
18 you didn't receive any comments, so we
19 did that. We agreed to that.

20 MR. MANDRACIA: This is the first
21 I'm seeing of the letter.

22 MR. ZIGLER: We'll start with the

23 first one.

24 It is our understanding that

25 the gate across is proposed as the main

1 HEADER

2 access to the site. We are concerned
3 about the placement of the easement,
4 that it would develop an increase of
5 traffic, especially truck traffic
6 across the crossing.

7 Now, I didn't read the other
8 two sentences, but basically the
9 intensity of this site was five or six
10 years ago. I think 180 people were
11 working two shifts and trucks. What
12 we're talking about is five or six
13 people, maybe ten people and maybe a
14 truck every day.

15 And if there's a train
16 blocking, as we were on site and we
17 seen the trains going by, they're going
18 to use the tunnel, but the intensity of
19 the site is one-tenth of what was --
20 1/20th of what it was before.

21 So, this is a reduction in use on
22 the site.

23 MR. MANDRACIA: Again, as
24 indicated at the last meeting, that the
25 members of the general public are not

1 HEADER

2 coming to a retail outlet whatsoever.

3 And we address that as part of Max's

4 letter from last time.

5 CHAIRMAN GUBITOSA: I think I'm

6 looking at it.

7 Number two, CSX is -- I know we

8 have their comments from the last

9 applications and they're working on

10 those.

11 Three is the underpass. And I

12 think in the Part 2 -- not the Part 2,

13 but I think in the neg dec, Max goes

14 over that.

15 MR. STACH: Well, number

16 three, I think their understanding is

17 mistaken because the applicant is

18 proposing improvements.

19 MR. MC MENAMIN: I'm sorry, what

20 approvals?

21 MR. MULLER: Number three,

22 that they're not going to do

23 improvements, whereas the applicant --

24 MR. ZIGLER: Clean out the

25 drainage.

1 HEADER

2 MR. MULLER: So you're doing
3 improvements?

4 MR. STACH: And they're milling
5 the pavement to provide --

6 MR. MULLER: They were
7 misunderstanding. They have you doing
8 no improvements, so that's not correct.

9 MR. STACH: The one thing
10 you're not doing also is, you're not
11 allowing access to the public.

12 MR. MANDRACIA: That's
13 correct.

14 MR.MENAMIN:Okay,construction
15 must show any improvements to be
16 provided and documentation provided,
17 indicating these have been reviewed and
18 approved by CSX.(phonetically written)

19 MR. ZIGLER: They don't have to
20 be approved. They just have to be
21 notified and if they object, they would
22 respond to it. That was from a direct

23 meeting out on the site.

24 MR. MC MENAMIN: So that's

25 been done?

1 HEADER

2 MR. ZIGLER: I met with them and
3 James met with them. As long as you --

4 MR. MC MENAMIN: So they
5 approved those improvements?

6 MR. ZIGLER: Yes.

7 MR. MANDRACIA: Item three,
8 actually the applicant is looking into
9 installing a railroad spur. Condition
10 to the application --

11 MR. MULLER: What was that?

12 MR. ZIGLER: There was a spur and
13 they let their agreement drop, so it's
14 actually there underneath the dirt.
15 There is a spur, but they're trying to
16 activate it.

17 MR. MANDRACIA: So we are
18 considering that.

19 MR. MULLER: Okay.

20 MR. ZIGLER: As far as the
21 easement, the applicant agreed to mark
22 that on the pavement. You remember we

23 discussed that at the first meeting.

24 As far as the fire district, I

25 spoke with Tom Larkin today and he

1 HEADER

2 agreed to sometime in the future of
3 going down there with a new truck.

4 He told me that all their
5 existing trucks will go through that
6 tunnel. The -- all their previous
7 trucks; The new truck, they're not
8 sure.

9 So, I said, "Tom, why don't we go
10 down there?"

11 It's not a direct shot into the
12 tunnel. You have a vertical curve with
13 a turn, a horizontal. So we're going
14 to go down there and look.

15 Nobody knows if the truck goes
16 through or not. All the previous
17 trucks from the fire department will go
18 through the tunnel.

19 CHAIRMAN GUBITOSA: Right.

20 MR. MULLER: My understanding is
21 they're just longer.

22 MR. ZIGLER: They're higher.

23 MR. MULLER: Higher, too. That
24 was one of the excuses. That's just a
25 joke for fire people.

1 HEADER

2 MR. ZIGLER: Number seven.

3 MR. MANDRACIA: Town of
4 Haverstraw.

5 MR. ZIGLER: They did get it.

6 CHAIRMAN GUBITOSA: I don't see
7 any traffic impact because it doesn't
8 affect them?

9 MR. ZIGLER: No.

10 MR. MANDRACIA: -- Stony Point
11 property unless the property is several
12 thousand feet away from what's being
13 proposed.

14 CHAIRMAN GUBITOSA: Right.

15 MR. ZIGLER: We didn't receive
16 anything from the County Park. They
17 must have figured that --

18 MR. MANDRACIA: Everybody was
19 given --

20 MR. MC MENAMIN: It was
21 circulated to them?

22 MR. ZIGLER: Sure.

23 MR. MANDRACIA: And Palisades

24 Park Commission as well.

25 MR. ZIGLER: We applied for a

1 HEADER

2 permit, so number ten we're taking off.

3 Number 11, there is no
4 additional lighting proposed. It's the
5 existing light.

6 MR. MANDRACIA: There's no
7 variances being requested.

8 MR. ZIGLER: That's number 12.

9 CHAIRMAN GUBITOSA: Right.

10 MR. ZIGLER: And their response
11 is an answer to 13.

12 CHAIRMAN GUBITOSA: Right. All
13 right.

14 MR. ZIGLER: I don't think we're
15 agreeing --

16 MR. MANDRACIA: The things we
17 have --

18 MR. ZIGLER: -- except for the
19 gate crossing. That's probably like
20 half a million dollar option here.

21 MR. MANDRACIA: We can't agree to
22 that. We don't believe we're required

23 to.

24 MR. MC MENAMIN: That's a

25 recommendation. It's a must. Do we

1 HEADER

2 have to vote to overrule?

3 MR. STACH: Yes. You would have
4 to have a majority plus one and send
5 them a report as why you did not.

6 Additionally, I'm wondering about
7 -- they raise in the review 239NN,
8 which requires under the state code
9 that certain actions be referred to
10 neighboring communities. And I posed a
11 question to the attorneys in the room
12 if they know it's a special permit
13 under 239NN to the neighboring
14 communities? I don't happen to have
15 that law in front of me.

16 MR. MC CARTNEY: My answer
17 is I would have to check that.

18 MR. MANDRACIA: That would be my
19 answer as well.

20 MR. STACH: If that's a state
21 requirement then --

22 MR. MANDRACIA: This would be

23 state code.

24 MS. PAGANO: No, it's the Town

25 code.

1 HEADER

2 MR. MANDRACIA: I can address
3 that for the Board tomorrow and share
4 it with counsel.

5 I believe that reference is going
6 to lead into the next paragraph.

7 MR. MC MENAMIN: Doesn't that
8 cover that?

9 MR. MANDRACIA: We already
10 discussed that.

11 MR. STACH: You did advise --

12 MR. MANDRACIA: The Town of
13 Haverstraw.

14 MR. STACH: Of the meeting.

15 MR. MANDRACIA: Of the
16 application. Of the -- they've been
17 given the opportunity to review the
18 proposal and the impact and they
19 elected that you are the lead --

20 MR. STACH: The requirement is
21 that you give notice that a hearing is
22 to be held for an application on

23 special permit. I looked it up.

24 MR. MC MENAMIN: Did we do that;

25 give notice to them?

1 HEADER

2 CHAIRMAN GUBITOSA: The Town is
3 required?

4 MR. STACH: Is there a special
5 permit --

6 MR. MANDRACIA: This is not an
7 application for special permit.
8 Special permit is an application of the
9 Town Board.

10 MR. STACH: So this
11 application before us now is for a site
12 plan?

13 MR. MANDRACIA: That's correct.

14 CHAIRMAN GUBITOSA: So, we're
15 good on this one. All right.

16 Right now we're going to adopt
17 the Part 2 and then I'll read the neg
18 dec.

19 MR. MULLER: I'll make a motion
20 that we adopt Part 2.

21 CHAIRMAN GUBITOSA: I need a
22 second?

23 MR. ROGERS: Second.

24 CHAIRMAN GUBITOSA: All in

25 favor?

1 HEADER

2 MR. MC MENAMIN: Now, that's
3 with removing the one small -- 2,000
4 feet, you're removing that.

5 MR. STACH: I'm suggesting
6 that stay in as a small impact.

7 MR. MC MENAMIN: So, a small
8 impact but they won't have to do a Part
9 3?

10 MR. STACH: Correct. It's a
11 small impact. If you read the way it's
12 written, it really says that it's
13 within 2,000 feet of a site that's
14 being used for developing.

15 I'm raising it as a small
16 impact. It was important that it had
17 been used in the past for that. That's
18 why it doesn't require any further
19 treatment for a Part 3.

20 MS. PAGANO: Who seconded
21 it?

22 CHAIRMAN GUBITOSA: Gerry

23 seconded.

24 All in favor?

25 (Unanimous affirmative

1 HEADER

2 vote.)

3 CHAIRMAN GUBITOSA: Part 2 is in.

4 The next is we have a neg dec. And I

5 just need a motion for the neg dec and

6 then I'll read it.

7 MR. ROGERS: I'll make a motion.

8 CHAIRMAN GUBITOSA: After I read

9 it, I'll ask for a second.

10 "Proposed draft of the State
11 Environmental Quality Review. Negative
12 Declaration. Notice of Determination
13 of Non-Significance. Hudson River View
14 - Good Luck Auto. Town of Stony Point.
15 Date January 26, 2011.

16 "This notice is issued
17 pursuant to Part 617 of the
18 implementing regulation pertaining to
19 Article 8 (State Environmental Quality
20 Review Act) of the Environmental
21 Conservation Law.

22 "The Planning Board of the

23 Town of Stony Point, as lead agency,
24 has determined that the proposed action
25 described below will not have a

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HEADER

significant effect on the environment
and a Draft Environmental Impact
Statement will not be prepared.

"Name of Action: Hudson

River View - Good Luck Auto. SEQR

Status: Unlisted. Condition Negative

Declaration: No.

"Description of Action:

Authorization of a Special Permit to
allow use of an existing building in
the L1 zoning district for an automotive
recycling business, previously approved
for another building on an adjacent
lot.

"Location: At the end of

Holt Drive, just south of the Railroad
Crossing from the Bay View Park
Industrial Campus. Tax lot is
designated as 20.02-11-25.

"Reasons Supporting This

Determination: The proposed action is

23 not anticipated to result in any
24 adverse environmental impacts based on
25 the following:

1 HEADER

2 "1. On or about November 7,
3 2011, the Planning Board received a
4 Part 1 Full Environmental Assessment
5 Form (EAF) providing project
6 information;

7 "2. On or about December 8,
8 2011, the Planning Board assumed lead
9 agency status and declared the action
10 unlisted.

11 "3. On or about January 26,
12 2011, the Stony Point Planning Board
13 adopted a Part 2 EAF indicating no
14 potential large impacts, a potential
15 small impact from disturbance of soils
16 within 2000 feet of a property
17 previously used for the disposal of
18 hazardous waste;

19 "4. The applicant proposes
20 to disturb soils only to the extent
21 necessary to improve the railroad
22 underpass to contemporary safety

23 standards, which will improve emergency

24 equipment to the south side of the

25 railroad right-of-way;

1 HEADER

2 "5. The DEC continues to
3 work with and actively, monitor cleanup
4 activities on the site including
5 evaluating the remaining contamination
6 on site. The proposed use will be
7 conditioned upon satisfying any
8 requirements of the DEC, should that
9 agency determine that soil vapor in the
10 current buildings requires mitigation,
11 or soil conditions in the area proposed
12 for the special permit require
13 mitigation;

14 "6. There will be no
15 disturbance to site wetlands;

16 "7. All environmental
17 concerns regarding the proposed use
18 have been adequately reviewed and
19 mitigated when approved for the
20 adjacent building, and all conditions
21 imposed on the previous use will be
22 extended to the proposed location,

23 except for screening of vehicle storage
24 areas, which is not required since the
25 site is not visible from any

1 HEADER

2 substantial public views;

3 "8. The proposed use will
4 not be open to access by the public and
5 public traffic to the proposes site
6 will be nominal;

7 "9. The Town Engineer has
8 reviewed the application and finds that
9 stormwater controls may be developed to
10 adequately prevent any increase in the
11 rate of runoff to neighboring
12 properties and no stormwater impacts
13 are anticipated as a result of the
14 average density plan;

15 "10. No other potential
16 large impacts were identified for the
17 site.

18 All right. I have a motion. I
19 just need a second.

20 MRS. CALLAGHAN: I would like to
21 propose that the date be corrected.

22 CHAIRMAN GUBITOSA: January 26,

- 23 2012. Discussion?
- 24 MR. MC MENAMIN: Number
- 25 nine. First thing, average density

1 HEADER

2 plan. This isn't an average density

3 plan.

4 MR. STACH: I'm sorry.

5 MR. MC MENAMIN: It says in

6 nine that the Town engineer has

7 reviewed the application and finds that

8 stormwater controls may be developed.

9 I would like it to read "shall".

10 CHAIRMAN GUBITOSA: "Shall" be

11 developed as necessary.

12 And we're going to take out

13 "anticipated as a result of the average

14 density plan." We're not going to --

15 MR. STACH: Yes. After

16 "impact", that should be a semicolon.

17 CHAIRMAN GUBITOSA: And no

18 stormwater impacts --

19 MR. MANDRACIA: Are anticipated.

20 CHAIRMAN GUBITOSA: No stormwater

21 impacts are anticipated. End it right

22 after that.

- 23 So it's going to be "no
- 24 stormwater impacts are anticipated."
- 25 All right. Good.

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Can you second that.

MR. MULLER: Mr. Chairman.

CHAIRMAN GUBITOSA: I have a
motion to second. Any more discussion?

CHAIRMAN GUBITOSA: All in favor?

(Unanimous affirmative
vote.)

CHAIRMAN GUBITOSA: Opposed?

(No responses heard.)

CHAIRMAN GUBITOSA: Motion of the
neg dec is adopted.

What's next for --

MR. MANDRACIA: We would just --

MR. STACH: Are you aware of a
provision in our code that allows a
waiver of a hearing for the
application?

MR. MANDRACIA: Not specifically,
no.

MR. STACH: Pardon.

MR. MANDRACIA: Not specifically,

23 no.

24 MR. STACH: I don't know if

25 that's in the Board's capability at

1 HEADER

2 this time.

3 MR. MULLER: What would the
4 problem be?

5 MR. STACH: Whether you're
6 authorized.

7 MR. MULLER: Why would we
8 make -- if we're ready tonight -- the
9 general concern is if they're ready, we
10 want to try to make it -- get
11 businesses in Town.

12 What would be the negative
13 consequence of making them coming back
14 one --

15 MR. STACH: Well, the
16 negative consequence would be if
17 somebody were to challenge it and it's
18 not in your code, they would lose on
19 Article 78.

20 MR. MULLER: They would have
21 to take an Article 78. Can we make a
22 motion to have them waive the month and

23 give them approval and vote on it

24 tonight?

25 You're going to make them

1

HEADER

2

come back? If somebody was concerned

3

they would be in front of us tonight.

4

MR. MC CARTNEY: What was

5

this noticed for tonight?

6

MS. PAGANO: Just a regular

7

meeting.

8

CHAIRMAN GUBITOSA: I know it's

9

been on the agenda for a few months.

10

MS. PAGANO: Since December.

11

MR. MULLER: Noting that

12

there's nobody been speaking out

13

against this project.

14

MR. ROGERS: Can we do a

15

conditional one and have someone --

16

MR. MC CARTNEY: What

17

provision in the Town code are we

18

talking about?

19

MR. STACH: I'm raising the

20

point that I'm not aware of any

21

provision that allows the Board to

22

waive a public hearing.

23 MR. MC CARTNEY: We had a

24 public hearing?

25 CHAIRMAN GUBITOSA: No.

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MR. MC CARTNEY: This wasn't
noticed as a public hearing.

CHAIRMAN GUBITOSA: No.

MR. MC CARTNEY: Then, you do
need the public hearing.

MR. MULLER: We'll make it
conditional that we put in -- we give
them their decision and if nobody shows
up then we don't have to bring them in
front of us again.

MR. MC CARTNEY: You can't give
them the resolution under the --

MR. MANDRACIA: Why don't we set
it down --

MR. MAGEE: We'll do it properly.

MR. MANDRACIA: Obviously, the
Board has legitimate concerns about the
provision that gives them the
authority. We'll have the public
hearing and we'll come back next time
and if there's nobody here --

23 CHAIRMAN GUBITOSA: I need a

24 motion to set the public hearing.

25 MR. MULLER: I would like to

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make a motion to set the public hearing
for next month.

MR. ROGERS: Second.

CHAIRMAN GUBITOSA: Any
discussions on it?

(No responses heard.)

CHAIRMAN GUBITOSA: All in favor?

(Unanimous affirmative vote.)

CHAIRMAN GUBITOSA: So,
we'll see you next month.

MR. MANDRACIA: What's the next
hearing date?

MS. PAGANO: 23rd.

CHAIRMAN GUBITOSA: February
23rd. We'll see you February 23rd.

Well, We're going to the next
matter, which is a Letter of Credit to
a bond. Other business. I know
everyone has looked at it, but I think
that --

MR. MC CARTNEY: Basically, what

23 they want to do is switch to a bond.

24 CHAIRMAN GUBITOSA: That's all.

25 MR. MC CARTNEY: So, you're just

1 HEADER

2 changing the form of security.

3 CHAIRMAN GUBITOSA: I got a
4 letter from the Town Board dated the
5 12th. They voted to accept the bond in
6 the amount of 40,000 rather than a
7 Letter of Credit, and subject to
8 Planning Board approval. So, we just
9 need to approve the change.

10 I need a motion to approve the
11 Letter of Credit change.

12 MR. MC MENAMIN: Before we do
13 that, is there a letter in the file
14 that the engineer has documentation
15 that the remaining work covers the
16 \$40,000?

17 CHAIRMAN GUBITOSA: We did that
18 last time.

19 MR. MANDRACIA: Yes, it's also
20 before the Town Board.

21 CHAIRMAN GUBITOSA: I need a
22 motion to accept the letter -- change

23 it from a Letter of Credit to a bond.

24 MR. ROGERS: I'll make that

25 motion.

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CHAIRMAN GUBITOSA: Second?

MRS. CALLAGHAN: I'll second.

CHAIRMAN GUBITOSA: All in favor?

(Unanimous affirmative vote.)

* * *

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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:

CRICKETTOWN RIDGE,

Applicants.

----- X

7:35 o'clock p.m.
January 26th, 2011
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
THOMAS PUCCIO, Member
PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

23

Reported by: Randi Vecchione for,

24

Patricia A. Puleo,

25

NYS Certified Court Reporter

and Notary Public

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Appearances continued: 41

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special
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HAROLD MC CARTNEY, Esq.,

WILLIAM SHEEHAN, Town Building
Inspector
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer

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

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

And the Public.

PULEO REPORTING & TRANSCRIPTION
SERVICES

61 Crickettown Road

Stony Point, New York 10980

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(845) 429-8986 FAX and Phone

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25

1 - Proceedings - 42

2 CHAIRMAN GUBITOSA: Next on the
3 agenda Crickettown Ridge. This is
4 located at the northeast corner of
5 Crickettown Road and Heights Road. I
6 know we had some things we were working
7 on.

8 MR. ZIGLER: Dave Zigler, Atzl,
9 Scatassa and Zigler.

10 At the last meeting, we were
11 talking about trying to get lot one and
12 two conformed to the area.

13 Unbeknownst to me, there's a home
14 that requires a building permit.

15 Standing on Crickettown Road
16 looking at the house on the right side,
17 they're actually putting an addition
18 on, so I cannot move that property
19 line.

20 To gain the area, I would have to
21 move the property line and move it
22 behind their house so I could pick up

23 the extra 5,000 square feet.

24 So, I had to go back to the

25 original design, and that's what's in

1 - Proceedings - 43

2 front of you. Basically, the same map
3 you had two months ago.

4 The addition on the area was not
5 possible, so I still need the
6 variances. I need the variances for
7 lot one for 5,000 square foot and
8 also---

9 As far as the things we discussed
10 at the workshop with the grading of the
11 lot, we revised the lot one so the
12 driveway is on the far side. This is
13 to the left as you exit the driveway.

14 And then page -- drawing three is
15 the sewer.

16 We have to extend the sewer so we
17 put that on the separate drawing which,
18 of course, would have to go Health
19 Department.

20 So, the request tonight would be
21 to set a public hearing. We would ask
22 at the next available meeting for the

23 subdivision.

24 And as to the extent of the

25 Zoning Board of Appeals, I'll fill out

1 - Proceedings - 44

2 the application, ask for lot width and
3 lot area on lot one.

4 And as far as the wetlands,
5 I sent in a letter from Bob Clarkson in
6 which he resubmitted everything and
7 kind of mentioned that he had done the
8 original submission in May, and we
9 haven't heard anything.

10 So, since May we haven't heard
11 anything from the Army Corp., so
12 hopefully we can get that solved.

13 As far as the letter to the Town
14 Board on open space, we sent that
15 letter out and we're just waiting to
16 see which way to go on it.

17 So, I have four items we
18 discussed at the workshop, which was
19 the requested items.

20 The second thing was the copy of
21 the letter Bob Clarkson sent to the
22 Army Corps, following up on his May

23 submission. That's May of 2001.

24 And we're going to apply to the

25 ZBA. I don't want the ZBA public

1 - Proceedings - 45

2 hearing being before the public hearing
3 here because then people will talk
4 about items which should be said here.

5 So, I'm going to try to set that
6 up so we can have both things done,
7 with the ZBA being the second public
8 hearing and then wait to see what the
9 Town Board decides prior to me going
10 there.

11 If they want the property or if
12 they want a buffer, whichever one we
13 choose, but the offer is still there to
14 leave it in its natural state.

15 MR. MULLER: So we need a motion.

16 CHAIRMAN GUBITOSA: We need a
17 motion to set the public hearing.

18 MR. ROGERS: I'll make that
19 motion, Mr. Chairman.

20 CHAIRMAN GUBITOSA: Second?

21 MRS. CALLAGHAN: I'll second it.

22 CHAIRMAN GUBITOSA: It's proposed

23 for next month.

24 Do we have to give you a

25 motion to go to the Zoning Board?

1 - Proceedings - 46

2 MS. PAGANO: He's already

3 gone to the zoning Board.

4 CHAIRMAN GUBITOSA: We gave you

5 that already.

6 MR. ZIGLER: The only change from

7 now until next month is, I'll put the

8 addition on.

9 The addition is on and the deck

10 has been framed. I'll be able to show

11 that on the map and you'll see we

12 couldn't move it over.

13 CHAIRMAN GUBITOSA: Some of the

14 Board members might have some

15 questions.

16 MR. MC MENAMIN: Just one piece

17 of lot four. If the Town doesn't want

18 to take your offer and it has

19 conservation easement or buffer, that

20 would be to lot three.

21 MR. ZIGLER: Lot three would own

22 it, yes.

23 MR. MC MENAMIN: And lot three --

24 this is changing his property lines?

25 MR. ZIGLER: Yes.

1 - Proceedings - 47

2 MR. MC MENAMIN: So he's
3 already -- he owns it -- this is the
4 first subdivision you did?

5 MR. ZIGLER: That's correct.

6 MR. MC MENAMIN: He's going
7 to accept this conservation --

8 MR. ZIGLER: Yes.

9 MR. MC MENAMIN: -- you know
10 that?

11 MR. ZIGLER: Yes. So far that's
12 what we agreed on. You work with two
13 different people. It was explained,
14 they agreed to it.

15 MR. STACH: My only question
16 today would be, do you want this Board
17 to refer you to the Town Board or
18 you're going to write them a letter?

19 MR. ZIGLER: I did write a letter
20 to -- you know, asking what direction
21 to go.

22 MR. STACH: Okay.

23 CHAIRMAN GUBITOSA: I think --

24 MR. MANDRACIA: The letter that

25 was written by Dave, I forwarded that

1 - Proceedings - 48

2 along. I spoke to Mr. O'Shaughnessy
3 today about it. I made him aware that
4 this lot number four was being offered
5 to the Town and that he should make an
6 evaluation and consideration of the
7 offer, and that the Town accept -- the
8 next step would be to the Town Board.
9 And that's pursuant to the Town code.
10 Section 80-6 has that protocol on how
11 that offer should be made.

12 So, it's in the works right now.

13 CHAIRMAN GUBITOSA: It's in front
14 of -- the tax assessor has it. He'll
15 probably go discuss it with the Town
16 Board and hopefully --

17 MR. ROGERS: If it does go the
18 way of a conversation easement, lot
19 three as that ownership -- I know he
20 can't do anything per se with the land,
21 but he could park trucks on it.

22 MR. ZIGLER: The conservation

- 23 easement, it's really restrictive, but
- 24 you have the conservation buffer, which
- 25 I would recommend. The buffer allows

1 - Proceedings - 49

2 him to clean it and fence it, but he
3 can't build anything on it. He can't
4 build a deck on it. He can't put a
5 path through or a swimming pool or
6 whatever. He can't do that, but the
7 conservation easement is very
8 restrictive. And what happens is the
9 people don't take care of it.

10 CHAIRMAN GUBITOSA: Very good. I
11 guess we'll see you next month.

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1 - Proceedings - 50

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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:

OTHER BUSINESS,

Applicants.

----- X

7:35 o'clock p.m.
January 26th, 2011
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:

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GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member
THOMAS PUCCIO, Member
PETER MULLER, Member

MARY PAGANO,
Secretary to the Board

23

Reported by: Randi Vecchione, for,

24

Patricia A. Puleo,

NYS Certified Court Reporter

25

and Notary Public

1

2

Appearances continued: 52

3

STEVEN MANDRACCIA, Esq.
Attorney for Applicant

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FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special
Counsel

6

7

8

HAROLD MC CARTNEY, Esq., " "

9

WILLIAM SHEEHAN, Town Building
Inspector
(Not Present)

10

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KEVIN P. MAHER, P.E, Town Engineer

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And the Public.

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Stony Point, New York 10980

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25

1 - Proceedings - 53

2 CHAIRMAN GUBITOSA: The last
3 thing is S & V. We just need an
4 extension for the map signing. I think
5 it expires. We need an extension to
6 give them 90 days --

7 MR. ROGERS: I'll make that
8 motion.

9 MR. MULLER: Second.

10 MS. PAGANO: The minutes.

11 CHAIRMAN GUBITOSA: A motion to
12 accept the minutes of December 8, 2011.

13 MRS. CALLAGHAN: I'll make the
14 motion.

15 CHAIRMAN GUBITOSA: Second.

16 MR. ROGERS: Second.

17 CHAIRMAN GUBITOSA: All in favor?

18 (Unanimous affirmative vote.)

19 CHAIRMAN GUBITOSA: Opposed?

20 (No opposition.)

21 CHAIRMAN GUBITOSA: Motion to
22 close?

23 MR. ROGERS: I'll make the

24 motion.

25 CHAIRMAN GUBITOSA: Second?

1 - Proceedings - 54

2 MRS. CALLAGHAN: Second.

3 CHAIRMAN GUBITOSA: All in

4 favor?

5 (Unanimous affirmative vote.)

6 CHAIRMAN GUBITOSA: Motion

7 passed. See you next month.

8 * * *

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10 (Time noted: 7:43 p.m.)

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2 C E R T I F I C A T I O N

3

4 STATE OF NEW YORK)

) ss.

5 COUNTY OF WESTCHESTER)

6 I, RANDI VECCHIONE, Court

7 Reporter and Notary Public within and

8 for the County of Westchester, State of

9 New York, do hereby certify:

10 That I reported the
11 proceedings that are hereinbefore set
12 forth, and that such transcript is a
13 true and accurate record of said
14 proceedings.

15 AND, I further certify
16 that I am not related to any of the
17 parties to this action by blood or
18 marriage, and that I am in no way
19 interested in the outcome of this
20 matter.

21 IN WITNESS WHEREOF, I have
22 hereunto set my hand.

23

24

25

RANDI VECCHIONE
Court Reporter