

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

JUNE 5, 2012

RHO BUILDING at 6:00 P.M

Present:

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

Also Present:

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

Turner Miller Group, Principle Planner

By: Mr. Stu Turner

Kevin Maher, Town Engineer

CHAIRMAN: Good evening. This is the June 5, 2012 Planning Board Meeting. Can we all stand for the Pledge?

CHAIRMAN: Mary, can you call the roll, please?

Mr. McMenamin – Here
Mr. Muller – Here
Mr. Puccio – Here
Mr. Kraese – Here
Mr. Callaghan – absent
Mr. Rogers – Here
Chairman Gubitosa - Here

Chairman: This is the June 5th meeting it was re-scheduled from the May 24th meeting. Tonight we have on Crickettown Ridge it is a Public Hearing so Mr. Zigler just give us a little update before we open the Public Hearing.

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

- Public Hearing

Mr. Zigler: Basically I asked for this meeting because you as a Planning Board sent us the applicant to Zoning Board of Appeals and usually when you just send you just send straight forward referral to the Zoning Board for what variances we need. Basically this did not require that type of letter this request here was for variances for design. So I went to the Zoning Board of Appeals representing the Kennedys and I was asking for variances to make the design work because (inaudible) code doesn't allow us to reduce the lot width and reduce the lot area. So I had to watch because we knew what the problem was we don't have a physical hardship. Like when you go to the Zoning Board of Appeals you need a hardship you need a reason to get a variance. You can't put a garage in your car don't fit to close to the property line, some hardship physical hardship when you purchased the property. Unfortunately the (inaudible) property so when I went to the Zoning Board of appeals you had some of the members saying hey this is not a hardship this is a design request and that is why I asked to come in front of the Board. I am asking the Board to either write a letter to the Zoning Board of Appeals saying this is something that you studied is something that you think is a better design and requesting that to enact that variance to get that design. Here is one of those hand outs that I have done for the Zoning Board of Appeals.

Chairman: So this is the one you gave to the Zoning Board.

Mr. Zigler: What I was trying to prove to the Zoning Board of Appeals that cases of physical hardship was to prove the case of design requirement. Basically on the front it is just the memo of what is attached to it. If you go to page 2 you will see that I have listed all the items that lead up to providing this layout. Starting in February of 2011 going to March 12th, I think there is 13 different meetings on whatever we did. We even had a Public Hearing trying to find out what the concerns of the neighbors were and we planned to address that by our plans. The 3rd page is the Army Corps of Engineers who apparently don't like to work and unfortunately we still have not received any kind of jurisdictional delineation from them on that piece of property. The next page is your referral to the Zoning Board and then following that is your 11x17's are actually the file maps because the concerns by Zoning Board of Appeals that it was creating lots that were sub standard to native area. I proved to them these actual attachments that the lots over and across the street 15,000 and the lots around the parcel are 20,000 and one of the subdivisions actually received a variance from 40,000 to go to 20,000 so our lots were (inaudible) the neighborhood. The plan was endorsed by you the Planning Board it mitigated concerns of the wetlands whether they are wetlands or not and mitigated concerns of (inaudible) hopefully this Board will think that it is an advantage and write a more stronger letter or give a stronger resolution to the Zoning Board of Appeals because on Thursday I go to the Zoning Board of Appeals and I don't know if I will get the variances. So if that doesn't happen I am coming back

to this Board with the standard layout one lot on Crickettown and one lot on heights and we are going to pursue that and then we are going to get additional neighbors who at the first meeting voiced their concerns. We didn't have to have that but we worked with the Planning Board to have that meeting to listen to the neighbors concerns. We had that and we thought we mitigated it. So everything this applicant has done through us has been to mitigate the problems to come up with a better plan. This Board who studied who that can't make that decision. We got the Zoning Board of Appeals and in this case we are asking you the Planning Board to make that known to the Zoning Board of Appeals how important it is for you to get those variances and help us out.

Chairman: Now does the Board have any questions or should I open up the Public Hearing? OK Tom.

Mr. McMenamain: Did they give you any other reasons besides sub standard lot size for not liking the.

Mr. Zigler: They didn't give any reasons, they wrote no reasons, they told me no reasons all I do is I read the people. And there was no reason for the last Zoning Board of Appeals which had six members not to vote the only reason they didn't vote was to allow the applicant to mitigate their concerns. At this point if they wanted to vote with six members they could vote why they would not vote with six members because it is 3 – 3 I'm not a poker player but I am old enough to know what is going on. So I see in the Zoning Board of Appeals by their questions by their actions by what was going on there was concern by some members that we are going to establish something what we never did before and concerns by other members about why are we doing this because the Zoning Court of Appeals type of application. So when I seen that I wrote a letter asking to be on this agenda to address that.

Mr. McMenamain: Because the lots are sub standard do to design not hardship is that what you are basing it at.

Mr. Zigler: I go to the Zoning Board of Appeals I deal with hardships whether it is financial or physical I don't deal with design variances and I how can I say this is anything but was brought on upon us by our design. Yeah I did it but I did it because I thought we were meeting the concerns of the Planning Board. So with that they are in between.

Mr. McMenamain: Does it have anything to do with the driveway issue that came up at our Public Hearing?

Mr. Zigler: I don't think so I don't think so because I put the sight distances down and more than that I applied and received a police report for 5 years on the road and there has really been only 2 incidences / accidents other than deer. Deer take a huge loss on that road but it seems to be even for Public Input it seems to be the only problem is speeding on the road.

Mr. Rogers: Which road Crickettown or Heights?

Mr. Zigler: I think more Crickettown?

Mr. Rogers: Because I live on Heights it's like really tough. I agree.

Mr. McMenemy: You build a lot of speed going down the hill but speed doesn't build up until you are down at the flats.

Mr. Zigler: And there are lots of deer, unfortunately we have nothing to do with that.

Mr. McMenemy: So we went to cluster to avoid the wetlands to developing the wetlands.

Mr. Zigler: A couple of reasons because of the wetlands and the concerns of the neighbors.

Mr. McMenemy: Did you find a drainage path out of the wetlands?

Mr. Zigler: You could state either one of those but the bottom line is the plan for the two homes on Crickettown is a better plan. That's a fact.

Mr. McMenemy: Without having the drainage for the big lot that's true. That is definitely true.

Mr. Zigler: And if you went back to the standard plan which believe me if they deny it I am going to come back with flames coming out. If they do deny it they will be the two biggest lots in the whole neighborhood. Whether you take out whatever you want that's actually the three largest lots in the neighbor. The design is what it is. The benefit of being off of Heights Road is huge just the fact that you know it's a better access (inaudible).

Mr. McMenemy: So you want us to say that we are thinking that the cluster is better because of the insurmountable problems with the wetland lot.

Mr. Zigler: May I be aggressive with that answer?

Mr. McMenemy: Right.

Mr. Zigler: No, I don't care what is said I want you to say why you told me eight months ago to go to the average density, I want you to say what you told me.

Mr. McMenemy: Ok, we can say that.

Mr. Zigler: And that is what happened we had Public Hearings we really had three meetings out there, two meetings that we did and an optional meeting so it is not like this hasn't been run through the Planning Board and you directed us meaning me and the applicant to design it this way. So I don't ask you to do anything I would just like you to say what you have told me to do. Impress that to the Zoning Board of Appeals.

Chairman: And we did say that in that January 20, 2012 email to the Zoning Board.

Mr. McMenemy: Bob Torgersen letter to the Army Corps isn't here, didn't he make wetland determination for us before us before. Why can't he do it now?

Mr. Zigler: He can but the only way you can get a letter of delineation is straight from the Army Corps although it is not required because we are not disturbing. Usually they, I'll say this if it was in Dutchess County or some other County other than Rockland or Orange we would have that done in two weeks and Bob has called actually Pet Torgersen has called that field representative every other week to try and get that letter and this is part of the concern of the State of New York for trying to get development done. It is not right it is basically a form letter on top form letter in the bottom and description in the middle and we are not getting it. We are really pushing to get that letter.

Mr. McMenemy: That will be one more reason why even if we have the drainage through one of the neighbors lots that we wouldn't do that and we would want to do a cluster all the more reason to have the cluster.

Mr. Zigler: It is sad because we have several projects in Rockland somebody is allergic to work.

Mr. McMenemy: So lot 1 and lot 2 are both 25,000.

Mr. Zigler: No

Mr. McMenemy: So one is twenty and one is 25, 000 and you study all the surrounding?

Mr. Zigler: It is included in that package. Across the street on Crickettown those lots and Victor and May Court are all 15, 000 some are 18,000. The land surrounding is all 20,000 and four lots off Madison are 40,000 design but they received variances for 20,000. So the lots that we are creating are equal or superior to surrounding lots.

Mr. McMenemy: I think that is ok. I think we can put what Dave is asking what we want which is to draft a letter which says....

Chairman: We are going to open up the Public Hearing and if you want to speak just state your name and address for the record and we will open it. So basically there are no comments and we are going to close the Public Hearing.

MOTION: Close Public Hearing.

Made by Gene Kraese and Seconded by Gerry Rogers.

Mr. Kraese: Hearing what the applicant just asked us and we did as Tom said we did do it. Kevin my question to you is cluster design application which is in front of us now in your opinion better than that one in the wetland area.

Mr. Maher: Obviously because you are not going to be disturbing that area. You are not going to be adding any run off. The run off that be discharged that will be created in Heights Drive (inaudible). So it makes more sense to put the houses there because the neighbors in that

subdivision over there behind it are complaining constantly about water pouring down. No matter what you do you put a house on that block you are going to want them to direct the water out. Even if you try and (inaudible) you are not going to get much of that water back into the ground. It makes sense to put the houses in my opinion on Heights Road.

Mr. Kraese: So adding to the fact as Tom stated earlier that what we wanted to do to begin with and hearing from our Town Engineer we are kind of leaning that way so we are going to draft a letter. I think we should also make a statement from the Town Engineer why we are doing this.

Chairman: Alright.

Mr. Kraese: And while we are doing this letter we are talking about a conservation easement, correct.

Chairman: Correct.

Mr. Kraese: That is where the land can't be touched whatsoever, anyway, anyhow.

Chairman: The conservation easement is that lot where – the wetland lot and the easement it's got to remain exactly as it is. They can't go in they can't touch it they can't put fences up they can't do anything there.

Mr. Kraese: OK. I think we should have to spell it out clearly we did spend a lot of time on this project.

Chairman: We did I can remember we did send a letter to the Zoning Board telling them that.

Mr. Kraese: By us putting houses in that other lot, the wetland lot we are going to have trouble not trouble I mean the people down on Madison it is not going to get any better but I don't think most of water is coming from that lot myself.

Mr. McMenemy: Was there anything said about, at the Zoning Board about the offer of lot 4 to the Town?

Mr. Zigler: There was still an opportunity that the Town may take it but the Town Board made the decision that they did not want this property. So at that point we modified the map to take lot 4 off and that become a conservation easement or buffer. The Town does not want the property.

Mr. McMenemy: The Zoning Board didn't discuss that whole concept at all?

Mr. Zigler: No, I don't think that really was the on their agenda. On their agenda was the request of the two variances that I had in front of them.

Mr. McMenemy: Nothing was said at the Public Hearing, they had a Public Hearings?

Mr. Zigler: Oh, yeah.

Mr. McMenamin: Was there anything said about that at the Public Hearing?

Mr. Zigler: Not really it really had to do with there was really two concerns from the public basically design of the average density and the other had to do with the traffic and sight distance on the average density.

Mr. McMenamin: Which is really a non issue when you look at the sight distance.

Mr. Zigler: If you remember we did move the driveway because you wanted it that way. We changed it a little. We mitigated it.

Mr. Rogers: Did you get the sense from the Zoning Board that there concern that if this plan was approved that this conservation easement would be hard to maintain from the people that are adjacent to it.

Mr. Zigler: There was never a discussion about that with the Zoning Board. There was never a discussion about the way they thought. This is what my perception was and I was going for two variances so if somebody doesn't vote it means that they are not in agreement among the board members. So either they didn't like the design of the average density or they are not comfortable giving variances for design.

Mr. Muller: So do we have a motion to have the letter written.

Chairman: What I need is a motion to send a letter to the Zoning Board telling them that the request that is in front of them right now we support it and we worked on it and this is what we instructed the applicant to do.

Mr. Kraese: And we will put in what Kevin said too.

Chairman: Yes, we will put in what Kevin said too. So what we are going to do.

Mr. Kraese: The Town Engineer supports this design application right now.

Chairman: I will need a motion for that and will need a second. Any questions?

MOTION: To send letter to the Zoning Board of Appeals, made by Peter Muller and seconded by Michael Puccio.

Mr. McMenamin: Which letter?

Chairman: We are going to use this but we are going to add that Kevin the Town Engineer also supports it.

Mr. McMenamin: We taking something out?

Chairman: We are just adding.

Mr. Kraese: I would like to use the word unanimously if it was unanimous into it.

Chairman: So make those changes to the letter, a motion was made and a got a second, we are just going to take a vote to send the letter and changing those words.

Mr. McMEnamin: Clearly stated it's that letter plus the affirmation of....

Chairman: Kevin we are just going to add the Planning Board and Town Engineer we will also put that we, unanimously support it.

Mr. McMEnamin: yes

Mr. Muller – yes

Mr. Puccio – yes

Mr. Kraese – yes

Mr. Rogers – yes

Chairman Gubitosa – yes

Chairman: Alright Dave we will send it.

Chairman: I need a motion to accept the minutes of February 23. 2012.

MOTION: Accept minutes of February 23, 2012
made by Gene Kraese and seconded by Gerry Rogers.

Chairman: I need a motion to close.

MOTION: Motion to Close Planning Board meeting
made by Gerry Rogers and seconded by Gene Kraese

Respectfully submitted,
Mary Pagano, Clerk to the Planning Board

