

# *Town of Stony Point*

## Department of Planning

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### **PLANNING BOARD MINUTES**

**January 23, 2014**

**RHO BUILDING at 7:00 P.M.**

#### Present:

Eric Jaslow, Member

Peter Muller, Member - absent

Michael Puccio, Member - absent

Gene Kraese, Member - absent

Gladys Callaghan, Member

Gerry Rogers, Member

Thomas Gubitosa, Chairman

Stephen Honen, Esq.

Special Counsel

### **PLANNING BOARD AGENDA**

**January 23, 2014**

**RHO BUILDING at 7:00 P.M.**

#### **PUBLIC HEARING:**

1. FDV Realty Co, Inc. SBL 20.07-3-62 BU District Site Plan Conditional Use - located on the east side of Route 9W, 425 Feet north of Lowland Hill Road-south end

- Public Hearing

#### **OTHER BUSINESS:**

Discussion of map note on Virgin Mary Church

Accept minutes of December 12, 2013

Chairman: On the agenda is FDV Realty Co., Inc. Mr. Zigler just give us an update and put up a map please.

FDV Realty Co, Inc. SBL 20.07-3-62 BU District Site Plan Conditional Use - located on the east side of Route 9W, 425 Feet north of Lowland Hill Road-south end

- Public Hearing

Mr. Zigler: I am here representing FDV Realty for a Public Hearing on the Monty Building next to the new 7-Eleven on 9W across the street from the new Ambulance Corp. This is an existing Site Plan for a commercial building approved in 1988 just recently the Town Changed the code in the BU Zone which allows you to have rentals that's in Zoning of 215 and the BU Zone allows you to have rentals under conditional approval of the Planning Board. With that they have some regulations that basically boil down to if the building can have apartments over it – it has to at least have enough parking spaces. When the new code recently passed they added more square footage to each space this was originally approved at 125 square foot requires one parking space now with the new code it adds another 50 square foot to it so the site that originally required 31 spaces does not require that by the new code any more. That allowed this applicant to apply for this conditional use for apartments originally we applied for four apartments but after review by Bill and State code the fourth apartment would have to be handicap accessible and being on the second story that was not really very cost effective. So we reduced the apartments down to three. They are big apartments all three will have two bedrooms and the new apartments will be under the new raised roof some people actually think there is a second story now because when you by it looks that way with the windows and everything. Raising the roof will really be no different than what there is now. The apartments are going to gain their access from the back of the building and each apartment will have its own set of stairs. So you will have three sets of stairs in back of the building going up to each apartment and on the south side of the building there was that little parking lot that will be dedicated to the apartments. With the building full with the retail business which require two parking spaces for each apartment we still have extra two parking spaces. For the conditional use permit from the Planning Board there are certain items that you need to address that you need to qualify and basically what it does it allows the Planning Board to look at each individual site plan to see if it is appropriate for the area and in this case we are asking for the apartments above the commercial business and as you know there is so of that in the area basically across the street the new ambulance building has that. Raising the roof on this building still will not put it as high as some of the buildings in the area and as far as any change in the site itself we are making no change no additional parking arrears no drainage no paving so basically they are just going in ripping the roof off and putting a second story on the building. Within the code it also states are you changing anything around it so it would be different from the rest of the neighborhood and that would be no. We are going to leave the back exactly the same with the grass in the rear which would be the play area and we added that fence when we were out there for the site visit the Planning Board said they would like to have that enclosed so we are continuing the fence that is on the south side of the property that you have seen we are going to run that up the east side and turn and bring it around by 7-Eleven. With that we thought we addressed everything but just recently I met with Mary Jo Russo who is the New York State Permit engineer and she had some questions so I made some revisions to the map if the Board accepts them we will leave them on if not we would just erase

them but that is what is highlighted in the yellow on the sheet that I gave you on the right side. There are three notes the one note has to do with the dry wells that are in yellow around the building they are the original dry wells and that is something that Kevin wanted me to show and we placed that on the map. The second one has to do with the existing entrance Mary Jo wanted to know if that was an entrance that was by permit by Monty in the late 1980's that is actually the entrance that the State built when they redid the road so Monty utilized the same entrance when he did the site plan so he did get a permit for the entrance so that is why I put that note on there. The last one has to do with saying that we are not putting any site improvements in now that doesn't include the fence we are going to put up the fence up but she was asking if we were going to pave are we going to put additional drainage up and I said no we are not even going stripe the parking area it is going to remain the same. So those are items that she wanted to see on the map so we added them. On the left I added two things in the bulk regulations because the original map had a variance for within five foot of the property line your code states ten foot for parking areas curbs originally the Monty building received a variance to go within five foot so I highlighted that so that would be carried through to memorialize that variance which was granted back in the late 1980's that is about it. Basically what we have done is we have come in and met with the board went out to the site and this will be a classic example of new regulation allows somebody to do something and it makes no change in the site other than raising that roof.

Chairman: Thank you Mr. Zigler, Kevin do you have any comments or questions before we go to the Public Hearing.

Mr. Maher: No I have reviewed this site and it is beneficial to the plan to show that there is drainage on site.

Chairman: Bill do you have any comments.

Mr. Sheehan: No.

Chairman: Does the Board have any questions before I go to the Public? We have gone on the site visit and the way the building is set up with the parking everything makes sense we are not doing anything different but raising the roof and putting the three apartments. We didn't see any issues except putting the fence in. What I will do now is go to the Public Hearing and if you have comments state your name and address and address the Board.

Marianne Frasco, 24 Lowland Hill, Stony Point, New York

Ms. Frasco: I just have a question on the fence it all sounds good on the drainage and you're not touching anything the fence is at that wood stockade fence which you will be extending?

Mr. Zigler: No we will be starting at the wood stockade fence and then coming across with a plastic board on board PVC fence across the back and up along the shopping center and stopping and that will not be on the property line it will actually be on the top of that hill which is quite a ways back from the property line we are not going down to the bottom.

Ms. Frasco: So you would just start from the back.....

Mr. Zigler: Of your property and up along the shopping center.

Ms. Frasco: Ok, Thank You.

Chairman: Any other comments ok no.... I need a motion to close Public Hearing.

**MOTION: CLOSE PUBLIC HEARING**

Made by Gerry Rogers and seconded by Gladys Callaghan

All in favor

Chairman: I am going to read a resolution Granting Conditional Use and Amending Site Plan than I will ask for a motion.

## **RESOLUTION**

### **GRANTING**

#### **A CONDITIONAL USE PERMIT and AMENDED SITE PLAN**

#### **For The Project**

#### **FDV REALTY Co. Inc.**

#### **BY APPLICATION OF: John Piperato for FDV Realty Co., Inc.**

**WHEREAS, an application, dated November 5, 2013, has been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a Conditional Use Permit permitting residences in the BU Zoning District pursuant to Town Code § 215-92.2 and for approval of an Amended Site Plan for the construction of an addition to an existing commercial building consisting of a second story to be used as three (3) residential apartments, for the premises located at and commonly known as 46 South Liberty Drive, Stony Point, N.Y., and upon a submitted plan entitled “Amended Site Plan” consisting of two (2) sheets, prepared by Atzl, Scatassa & Zigler, P.C., dated October 23, 2013, last revised January 20, 2014, and affecting premises designated as Section 20.07, Block 3, Lot 62 on the Tax Map of the Town of Stony Point, County of Rockland, which parcel is located in the BU Zoning District; and**

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this is an unlisted action and on December 12, 2013 the Planning Board as lead agency issued a negative declaration; and

WHEREAS, by letter dated December 10, 2013 of the Rockland County Drainage Agency, the RCDA determined that the proposed activity was outside the jurisdiction of the RCDA, and a permit from the agency was not required and that the approvals for drainage and stormwater management are within the jurisdiction of the Town of Stony Point land use boards and/or municipal departments; and

WHEREAS, by letter dated December 9, 2013, the State of New York Department of Transportation commented that the applicant's plan should include the existing and proposed grading and drainage for the site and for the area along the frontage of the premises; and

WHEREAS, by letter dated December 16, 2013, the Rockland County Department of Highways indicated that the proposed development should have minimal impact on the adjacent County Road system; and

WHEREAS, by letter dated November 26, 2013, the Rockland County Department of Health determined that no Rockland County Health Department approvals are needed for this application; and

WHEREAS, this board referred the applicant to the Architectural Review Board of the Town of Stony Point, and after a hearing was conducted by that board, a Decision, dated December 18, 2013, was issued by the ARB approving the application; and

WHEREAS, a duly noticed public hearing was held on January 23, 2014, at 7:00 p.m. at which date the applicant appeared by its representative, Atzl, Scatassa & Zigler, P.C.; and at which date the public hearing was conducted, concluded and closed; and

WHEREAS, the board heard comments in favor of the project and there was no opposition to the application.

**NOW, THEREFORE, be it**

RESOLVED that the plat submitted for **approval on the** Application for an Amended Site Plan and for the issuance of a Conditional Use Permit pursuant to Town Code § 215-92.2, for the construction of an addition to the existing commercial building consisting of a second story to be used as three (3) residential apartments, for the premises which is located at and commonly known as 46 South Liberty Drive, Stony Point, N.Y., **and upon a submitted plan entitled "Amended Site Plan"** consisting of two (2) sheets, prepared by Atzl, Scatassa & Zigler, P.C., dated October 23, 2013, last revised January 20, 2014 and **affecting premises designated as Section 20.07, Block 3, Lot 62 on the Tax Map of the Town of Stony Point, County of Rockland, which parcel is located in the BU Zoning District, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk as an Amended Site Plan and for the issuance of a Conditional Use Permit, upon compliance with** the Architectural Review Board Decision, dated December 18, 2013, and **all provisions of the Town Code and payment of any and all outstanding fees to the Town.**

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

There being four (4) votes in favor of the motion, no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

**THOMAS GUBITOSA, Chairman  
Town of Stony Point Planning**

**Board**

**Filed in the Office of the Clerk of the Town of Stony Point on this 28th day of January 2014.**

**Hon. Joan Skinner, Town Clerk  
Town of Stony Point**

**MOTION: APPROVING AMEDED SITE PLAN AND CONDITIONAL USE**

Made by Gerry Rogers and seconded by Eric Jaslow

Roll call vote all in favor

Chairman: Resolution is passed and granted, next on the agenda is discussion of map note on Virgin Mary and St. Pachomius Church.

Mr. Zigler: Basically what happened was you signed a site plan and then we had to go to the Health Department while we were at the Health Department and Kevin was reviewing the maps we had to make some changes to the signed map so that is what is here in red. Basically we just changed the access to the pump station and we had to change so of the details on the pump station but that changed the site plan which we had stamped. The question arises do we have a Public Hearing and stamp a new map or could I just put all those details on a letter and ask it to be a construction change. Back in February I sent the plans in with these changes and Kevin approved them then it went to the Health Department and they approved them so through that we added those two notes and those details basically around the pump station.

Chairman: Bill do we have to do a Public Hearing?

Mr. Sheehan: These notes have to go on the sign plat then you have to resign the map. You can waive the Public Hearing that is up to the Board.

Mr. Zigler: They can be construction changes as long as the applicant adheres to it I never ran into this situation where we had notes after we had the maps signed.

Mr. Sheehan: If you remember it was a two phase stage one then we had a phase one and a half with the patio and they couldn't construct it until they got Health Department approval which they got the only thing is Dave wanted to put some map notes somewhere.

Mr. Zigler: It is number fifteen and sixteen.

Mr. Sheehan: The cleanest way is to resign the map I don't know member wise who was here and who was not here I just don't want to open a can of worms. I think this Board can probably authorize the Chairman to sign these maps.

Chairman: What we will do is I will ask for a motion authorizing the Chairman to sign new map with changes after review by the Building Inspector.

**MOTION: AUTHORIZING THE PLANNING BOARD CHAIRMAN TO SIGN NEW MAPS WITH CHANGES.**

Made by Gerry Rogers and seconded by Eric Jaslow  
All in favor

Chairman: We are going to move the minutes till next month I just need a motion to close.

**MOTION: CLOSE PLANNING BOARD MEETING**

Made by Gerry Rogers and second by Gladys Callaghan

Respectfully submitted,  
Mary Pagano, Clerk to the Board