

Town of Stony Point

Department of Planning

74 EAST MAIN STREET
STONY POINT, NEW YORK 10980

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Accepted: February 28, 2013

PLANNING BOARD MINUTES

January 24, 2013

RHO BUILDING at 7:00 P.M

Present:

Thomas McMenamin, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member - absent

Gladys Callaghan, Member

Gerry Rogers, Member

Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner

By: Max Stach

Kevin Maher, Town Engineer

Kevin T. Mulhearn, Esq.

Special Counsel

Steve Honan, Esq.

Special Counsel

PLANNING BOARD AGENDA

January 24, 2012

RHO BUILDING at 7:00 P.M.

Public Hearings:

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

Pending Applications:

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

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

4. The Rose at Wayne Avenue - SBL 15.01-4-60 RR District – Sketch, Preliminary approval, located on the north side of Wayne Avenue and McCarthy Circle

- Two lot minor subdivision
- New Application

5. Jessup Ridge West – SBL 19.01-2-45.1,45.5,45.7,45.8,45.9 RR District – Amended Subdivision from eight lots to twelve - Sketch, Preliminary approval, located on the west side of Jessup Lane and west side of Margarite Drive, 800 North of Willow Grove Road

- New Application
- Major subdivision

6. Forty Four South Liberty Drive – SBL 20.07-3-63 BU District Site Plan – Site Plan located on east side of South Liberty Drive 725 Feet South of High Avenue intersection with South Liberty Drive

- Site Plan
- New Application

7. BHS Site Plan – SBL 20.04-11-6 LI District – Site Plan located on the south side of Holt Drive 990 Feet East of Route 9W

- Site Plan
- New Application
- Special Use Permit referral from Town Board

OTHER BUSINESS:

Accept minutes of December 13, 2012

Chairman: First on the Agenda is Hudson River View Industrial Park Building D

MINUTES WERE TAKEN BY COURT STENOGRAPHER FOR THIS APPLICATION.

1

2 STATE OF NEW YORK : COUNTY OF ROCKLAND
3 TOWN OF STONY POINT : PLANNING BOARD

3

----- X

4

In the Matter of the Application

5

RE:

6

PUBLIC

HUDSON RIVER VIEW INDUSTRIAL PARK, HEARING

7

Applicants.

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7:30 o'clock p.m.

January 24th, 2013

10

RHO Building

Five Patriot Drive

11

Stony Point, New York 10980

12

HELD BEFORE THE PLANNING BOARD OF THE

TOWN OF STONY POINT:

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14

B E F O R E : Thomas Gubitosa,

Chairman

15

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

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THOMAS MC MENAMIN, Member

18

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

19

GERRY ROGERS, Member

MICHAEL PUCCIO, Member (Recused)

20

PETER MULLER, Member

21

MARY PAGANO,
Secretary to the Board

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

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Appearances continued: 2

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

WILLIAM SHEEHAN, Town Building Inspector

KEVIN P. MAHER, P.E, Town Engineer

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

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

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road

Stony Point, New York 10980

(845) 429-8986 FAX and Phone

1 - Proceedings -
2 (This is the Planning Board
3 meeting of January 124, 2013. This is
4 Hudson River View Industrial Park,
5 Building "D".)

6 THE CHAIRMAN: Good evening. Can
7 we all stand for the Pledge at this
8 time?

9 (At this time the Pledge of
10 Allegiance was recited.)

11 THE CHAIRMAN: Be seated. Mary,
12 just call the roll?

13 MS. PAGANO: Mr. Mc Menamin?

14 MR. MC MENAMIN: Here.

15 MS. PAGANO: Mr. Muller?

16 MR. MULLER: Here.

17 MS. PAGANO: Mr. Puccio?

18 MR. PUCCIO: Here.

19 MS. PAGANO: Mrs. Callaghan?

20 MRS. CALLAGHAN: Here.

21 MS. PAGANO: Mr. Rogers?

22 MR. ROGERS: Here.

23 MS. PAGANO: Chairman Gubitosa?

24 THE CHAIRMAN: Here.

25 MS. PAGANO: And Gene Krease is

1 - Proceedings -

2 absent.

3 THE CHAIRMAN: The first item on
4 the agenda is Hudson River View. Mike
5 Puccio is recused.

6 (At this time, Mr. Puccio is
7 leaving the podium.)

8 THE CHAIRMAN: All right. This
9 is a Public hearing for Hudson View
10 Industrial Park, Building "D".

11 Mr. Zigler.

12 MR. ZIGLER: I think we have a
13 public hearing going on, but after
14 discussions, I think I would just
15 relinquish this to Max and let him
16 explain things, as to the path we are
17 following.

18 THE CHAIRMAN: We can do that.
19 Max, just give us a quick update where
20 we are at.

21 MR. STACH: Okay, so at the last
22 meeting you will recall that the
23 Planning Board had rescinded its
24 previously lead agency determination,
25 and, as well as the Part II and now, we

1 - Proceedings -
2 are aware this was going to be a Type I
3 action, we had issued a notice of
4 intent to declare lead agency,
5 identifying DEC as an involved agency
6 for some of the permitting that is
7 required from the state and the state
8 in their facility permit solid waste
9 permit and possibility some storm water
10 permits.

11 We have received notice back from
12 the DEC. I believe you have those
13 letters stating that the DEC does not
14 object to Stony Point being or becoming
15 lead agency, so the next step in the
16 process would be for the Planning Board
17 to declare itself lead agency and to
18 classify the action as Type One.

19 Also, again, previously you had
20 adopted the Part II when you had begun
21 your uncoordinated review. Now that we
22 have heard from the DEC and you are
23 beginning your coordinated review with
24 them, I think it appropriate to adopt
25 the Part II that you had considered

1 - Proceedings -

2 previously.

3 Those impacts that we were all
4 concerned with when you were doing the
5 uncoordinated review, are still
6 concerns. We recommend that you adopt
7 that Part II.

8 Additionally, the DEC letter
9 raised some issues with regard to
10 segmentation.

11 Segmentation, that is an issue
12 that arises in an environmental review
13 when an agency reduces its
14 consideration to such a point that an
15 environmental impact statement is not
16 required; sort of putting it into
17 pieces, so each piece may not require
18 one, might not require an environmental
19 impact statement, but if you consider
20 the whole project it would require an
21 environmental impact statement.

22 The reason why the DEC thought
23 that might be the case here is because
24 they are already reviewing a permit for
25 the same project sponsor for the pipe

1 - Proceedings -

2 reconstruction at the end of Holt
3 Drive.

4 I guess they are also aware of
5 the agricultural use application that
6 is before the Planning Board, which is
7 the same project sponsor, but is on
8 land not owned by this particular
9 project sponsor. So, there is guidance
10 provided by SEQRA on whether or not, or
11 when it is appropriate to segment and
12 when it is not appropriate to segment a
13 review.

14 There are instances when you have
15 to segment project review; when you
16 have a conceptual plans that are highly
17 dependent upon a number of variables
18 that have to be determined, in those
19 type of instances, you may have to
20 consider things separately, but what
21 you want to avoid is distorting the
22 application in such a manner that you
23 are undermining the quality of the
24 environmental review getting the
25 application.

1 - Proceedings -

2 So, there's several questions
3 that SEQRA asked you to determine, to
4 determine when segmentation is
5 appropriate or not.

6 I have provided you with a memo
7 that addresses those eight questions,
8 the criteria, such as; is there a
9 common purpose? Is there a common
10 reason? Is there a common geographic
11 location? Do any of the activities
12 being considered for the segmentation
13 contribute towards the synergistic
14 impacts?

15 So, that if one is considered
16 without the other, the impact may look
17 less but together they would be
18 additive? Or if different things are
19 being considered, different actions
20 being considered under the same
21 ownership or control? Is there an
22 identifiable plan that all these
23 different actions are different
24 segments of? And can the different
25 actions, or are they functionally

1 - Proceedings -
2 independent or does one require the
3 other to proceed?

4 Lastly, if you approve one of
5 these segments, does it commit you to
6 approve other of these actions and
7 pieces?

8 So, looking at the different
9 clauses, there was another, one other
10 segmentation concern; that was the size
11 of the project. DEC stated in its
12 review that it understood the
13 application was for a project that
14 would handle between one thousand and
15 four thousand tons here per day of
16 materials.

17 They said it was, in its
18 experience, unlikely that something
19 that could handle four thousand tons
20 would fit within the seventy-four
21 thousand square foot building, so they
22 brought into consideration the fact
23 that maybe, what really is required
24 here is a larger facility than what is
25 being proposed within this building.

1 - Proceedings -

2 So, given consideration to the eight
3 basic questions, it is my
4 recommendation to the Planning Board
5 that the pipe
6 reconstruction/agricultural field is
7 not an appropriate segmentation and
8 should be reviewed separately because
9 essentially, these will not be
10 completed at the same time and they
11 would not contribute to the synergistic
12 impacts.

13 They're not all under the same
14 ownerships, at least the agricultural
15 land is not. They're not required to
16 have a conceptual model, this model
17 that the Applicant had presented to the
18 DEC of a conceptual, industrial park to
19 be constructed in the future. They are
20 functionally independent and approving
21 one does not commit this Board to
22 approve any others.

23 It is our recommendation that
24 when you talk about the potential
25 future expansion of the building to

1 - Proceedings -

2 accommodate the four thousand tons of
3 waste that the Applicant is looking to
4 process, that is something that you
5 need to possibly consider in this
6 environmental review.

7 And there is definitely a
8 protocol set forth in the SEQRA statute
9 to do that. It specifically talks
10 about generic environmental impact
11 statements and how they can consider
12 the impacts of the later stages for
13 which details have not been
14 established.

15 So, at this point, I think what
16 you have to do after you adopt the Part
17 II, well, the Applicant has not
18 provided information to the Board on
19 --- I don't think they're looking to
20 provide it to the Board at this time
21 --- that would be sufficient in scope
22 for this Board to adopt a negative
23 declaration.

24 At this time, so, at this point
25 what I recommended to the Board is that

1 - Proceedings -

2 you adopt a positive declaration of
3 environmental significance and ask the
4 Applicant to prepare a Draft
5 Environmental Impact Statement.

6 What this does, is that it
7 triggers a more detailed, more thorough
8 environmental review of the project,
9 that is an environmental impact
10 statement, as opposed to an
11 environmental assessment.

12 I would suggest that the EIS has
13 to address the issues that you raised
14 in your Part II; such as the public
15 safety impacts, the air quality
16 impacts, the transportation impacts.

17 I think at that point, once you
18 adopt a positive declaration, you will
19 want to set a meeting at which you
20 invite the public to voice its concerns
21 on the project and you can incorporate
22 those into the scope that you're going
23 to set.

24 The scope is essentially about
25 the contents that you are going to

1 - Proceedings -

2 adapt in which the Applicant has to
3 address the items you feel are
4 important.

5 The way it works is that the
6 Applicant will provide a draft scope to
7 you that it believes will satisfy your
8 concerns.

9 You will hold a public scoping
10 meeting and invite all the interested
11 agencies to give you their comments on
12 that scope.

13 You'll consider those comments,
14 and determine whether they merit
15 inclusion in this EIS. If they do,
16 you include them or incorporate them.
17 If not, if you feel they are not
18 important, you tell the people why you
19 believe those items are not important
20 and do not include them.

21 So, at this point what I am
22 suggesting is, or it is my
23 understanding from discussions with the
24 project sponsors, that they may
25 actually have a draft scope prepared,

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2 so if you were to issue a positive
3 declaration tonight, I also recommended
4 that you establish a public scoping
5 session. I suggest February 20th. I
6 think it was discussed at the technical
7 meeting as a potential date.

8 You can leave the public scoping
9 session open, for the public comments
10 written or oral, then leave it open
11 for an additional seven days to
12 February 27th.

13 Then look to adopt the final
14 scope at your regularly scheduled
15 meeting on February 28th.

16 If the Applicant does, in fact,
17 have a draft scope, you can circulate
18 that right away to all of the involved
19 agencies when you do the positive
20 declaration and the scoping.

21 I also recommend, in addition to
22 providing that to the involved agency,
23 which is the DEC, that you also
24 provide that to the agencies that
25 expressed interest in the project, as

1 - Proceedings -

2 well, which is the Town of Haverstraw,
3 the Village of West Haverstraw,
4 Rockland County and the Applicant also
5 raised that this project is, in fact,
6 in the Town's coastal zone, so, it
7 should also probably be sent up to the
8 Department of State, so that they can
9 also understand what is going on here.

10 So, essentially, my
11 recommendations at this point, I have
12 provided the positive declaration and a
13 notice for the publication in the
14 newspaper with my memorandum.

15 I think, to summarize I suggest
16 that you declare yourselves lead
17 agency.

18 You classify the action as Type I
19 and adopt the Part II Assessment Form
20 that I gave you back in November, that
21 you adopt and distribute the positive
22 declaration that I have provided for
23 you and notice your public of scoping
24 session, authorize Mary to publish that
25 in the newspaper of record. It has to

1 - Proceedings -

2 be published fourteen days in advance
3 of the meeting. We will go a ahead and
4 publish that notice at your request,
5 with the environmental notice bulletin,
6 which is another requirement. And if
7 the Applicant doesn't do so tonight,
8 you can go ahead and distribute that
9 with those notices.

10 THE CHAIRMAN: Okay. Thank you,
11 Max.

12 Before I can go to the public
13 hearing, last month we received a Part
14 I from the Town of the Haverstraw. I
15 just want to read it into the record,
16 read our attorney's letter in response:
17 This is January 10th, 2013, it was
18 addressed to Mr. Silverberg, Esquire,
19 regarding the Hudson River View,
20 Building "D" - Proposed Gasification
21 Plant, in response to their comments
22 from the December meeting:

23 "Dear Mr. Silverberg:

24 "As you know, I am Special

25 Counsel to the Stony Point

1 - Proceedings -

2 Planning Board. This letter is
3 in response to your letters dated
4 December 7, 2012 and December 10,
5 2012, in which you assert on
6 behalf of the Town of Haverstraw
7 that the proposed
8 gasification plant for the
9 above-referenced matter is not a
10 permitted use and consequently,
11 that the Applicant will need a
12 use variance from the Zoning
13 Board of Appeals.

14 "My threshold analysis of
15 this issue is that for the
16 following reasons, your
17 interpretation of the Stony Point
18 Zoning Code is incorrect.

19 "I: Certain 'Industrial Uses'
20 Are Permitted:

21 "You alleged that a
22 'gasification' facility is not a
23 listed permitted use in the LI
24 District'. Yet, the Table of Use
25 Requirements in the Zoning Code

1 - Proceedings -
2 expressly provide that uses
3 permitted by right in the LI
4 District include 'Industrial uses
5 which may include the
6 manufacturing, fabricating,
7 processing, converting,
8 altering, assembling, testimony,
9 or other handling of products'.
10 (District LI, paragraph 2)
11 "The proposed gasification
12 facility, which contemplates the
13 conversion of solid waste to
14 reusable and environmentally
15 beneficial products, will thus
16 constitute an industrial use
17 involving the processing,
18 converting and altering of
19 products.
20 "II: The Contemplated Use is Not
21 Prohibited:
22 "You contend that the Zoning
23 Code includes the following uses
24 as prohibited:
25 (1) Dumps, sanitary landfills and

1 - Proceedings -
2 junkyards, except those owned and
3 operated by the Town (Zoning Code
4 Section 215-13F) and (ii)
5 incineration of waste materials,
6 except in a plant owned and
7 operated by the Town (Zoning Code
8 Section 215-13G). You argue that
9 because the facility is going to
10 be privately owned and operated,
11 the proposed use is specifically
12 prohibited.

13 >Your interpretation of
14 these Code provisions is
15 incorrect. Section 215-5 of the
16 Code specifically defines 'Dump'
17 as 'Junkyard', which in turn is
18 defined as, 'An area of land,
19 with or without buildings, used
20 for or occupied by a deposit,
21 collection or storage, outside a
22 completely enclosed building, of
23 used or discarded materials such
24 as wastepaper, rags or scrap
25 material or used building

1 - Proceedings -
2 materials, house furnishings,
3 machinery, vehicles or parts
4 thereof, with or without the
5 dismantling, processing, salvage
6 or sale or other use or
7 disposition of the same. A
8 deposit on the storage on a plot
9 of two or more unregistered,
10 wrecked or broken down vehicles
11 or parts of two or more such
12 vehicles for one week or more in
13 an R-District or for three weeks
14 or more in any other district,
15 shall be deemed to be a
16 'Junkyard'.
17 "As it is axiomatic that the
18 words in the statute or ordinance
19 are to be construed by giving
20 them their material and ordinary
21 meaning, see Steinbeck versus
22 Gerosa, 4 NY2d 302, 308 (1958),
23 it is clear that the use of the
24 premises proposed by the
25 Applicant is not a 'dump',

1 - Proceedings -
2 'sanitary landfill', or
3 'junkyard'. "See also, Dutton
4 versus Town of Canaan, 199 AD 2d,
5 1659, 660 (3rd Department 1993)
6 (Applicant's request for permit
7 for solid waste transfer station
8 was granted; both Zoning Board
9 and Columbia County Supreme Court
10 held that waste transfer station
11 was a permitted use within the
12 Town's light industry zone and
13 not a 'junkyard', which was a
14 prohibited use under the Town's
15 zoning law).

16 "As a threshold matter, it
17 is the opinion of the Town's
18 Building Inspector, William
19 Sheehan, that the proposed use of
20 the premises will not involve the
21 use of an incinerator, or the
22 incineration of waste materials.
23 The Applicant's proposed use,
24 indeed, will not involve the
25 process of incineration, but

1 - Proceedings -

2 rather the process of pryolysis. New
3 York State DEC Regulation Section
4 360-3.2(d), 'Definitions', specifically
5 defines pryolysis as follows:

6 "Pryolysis means a process using
7 applied heat in an oxygen-deficient or
8 oxygen-free environment for chemical
9 decomposition of solid waste. For
10 purposes of this part, any by-products
11 or residues of pyrolysis are not
12 considered refuse-derived fuel. (DEC
13 Regulation Section 360-3.2(d).

14 "Applicant has indicated to the
15 Town that its proposed use at the
16 premises fits squarely within the
17 State-approved definition of pyrolysis.
18 At this point, the Town has
19 insufficient evidence which refutes or
20 undercuts Applicant's position on this
21 issue. Accordingly, we have no reason
22 to believe that the proposed use is
23 prohibited by Zoning Code Section
24 215-13G.

25 "Additionally, the fact that the

1 - Proceedings -
2 proposed gasification facility will
3 convert solid waste through a process
4 involving high temperatures is
5 irrelevant. TCI, Incorporated versus
6 Town of Ghent, 165 AD 2d, 307 310-12
7 (3rd Department 1991), is directly on
8 point.

9 "There, the Appellate Court
10 reversed the Town's Planning Boards
11 decision that a proposed furnace on the
12 property of an electrical equipment
13 recycler would change Petitioners use
14 of property, so that it would no longer
15 qualify as an industrial use. Although
16 an incinerator was a prohibited use,
17 according to that Towns Zoning Code,
18 the Third Department held that unless
19 the furnace would alter the Petitioners
20 use so that it would not longer be an
21 industrial use, 'the fact that the
22 furnace can be characterized as an
23 incinerator was irrelevant.' Id. At
24 310.

25 "Here, in the proposed project at

1 - Proceedings -

2 issue, the analysis in fundamentally
3 the same. Applicant's use of high
4 temperatures, via a furnace,
5 incinerator or otherwise, will not in
6 any way, alter the fact that the
7 proposed use shall remain an industrial
8 use permitted expressly by the Zoning
9 Code for the LI District.

10 "In a similar vein, the
11 production of 'Potash' is clearly not
12 the primary production purpose of the
13 proposed facility. So, your argument
14 that because potash is a by-product of
15 the gasification process, the proposed
16 use is prohibited, is also without
17 merit.

18 >Your last argument that the
19 proposal would violate Town Code
20 Chapter 182, 'Solid Waste', is
21 completely without merit. Section
22 182-6, 'Deliveries from outside Town
23 prohibited,' provides in full that 'no
24 garbage, refuse or rubbish of any kind
25 collected outside the territorial

1 - Proceedings -

2 limits of the Town of Stony Point shall
3 be conveyed over any street, avenue,
4 parkway or highway within the Town of
5 Stony Point for delivery to the Town
6 dump.' Here, as no garbage, refuse, or
7 rubbish will be delivered to the 'Town
8 dump', this Code provision is clearly
9 inapplicable to the pending
10 application.

11 "III: It is Premature to Trigger
12 the Catch-All Prohibited Use Provision.

13 "Finally, you claim that the
14 proposed use is a prohibited use
15 pursuant to the catch-all provision of
16 Zoning Code Section 215-14J, which
17 lists as a prohibited use 'any other
18 use... that is of such a nature to be
19 detrimental to the neighboring
20 properties by reason of emissions of
21 odor, dust, refuse matter, garbage,
22 smoke, vibration, gas, radiation, noise
23 or any other factor that is dangerous
24 to the comfort, peace, enjoyment,
25 health or safety of the area of the

1 - Proceedings -

2 community.'

3 "At this stage of the

4 application, it is premature to trigger

5 this catch-all provision. The Town of

6 Stony Point will engage in an

7 environmental review of the proposed

8 project and all of its components and

9 potential effects. If, at any stage of

10 the environmental review process, or at

11 its completion, the Stony Point

12 Planning Board receives sufficient

13 information to conclude that the

14 proposed use of the premises will have

15 a code-prohibited detrimental impact on

16 neighboring properties (for any of the

17 enumerated reasons, or otherwise) then

18 the Planning Board will trigger Section

19 215-14J, declare the proposed use as a

20 prohibited use and instruct the

21 Applicant to seek a use variance from

22 the Zoning Board of Appeals. Right

23 now, however, there is insufficient

24 evidence before the Planning Board to

25 make such a determination and/or

1 - Proceedings -

2 referral.

3 "Please do not construe the above
4 paragraph to indicate one way or the
5 other, the Planning Board's ultimate
6 position on this issue. The Planning
7 Board will, of course, assess the
8 proposed projects impact appropriately
9 and in accordance with law.

10 "If you have any questions
11 regarding the Planning Boards threshold
12 analysis of the foregoing issues, or
13 would like to discuss this matter
14 further, please feel free to contact
15 me."

16 That was signed Kevin Thomas
17 Mulhearn

18 * * *

19 THE CHAIRMAN: I just wanted to
20 put that in the record. At this point
21 we are going to open the Public
22 hearing. We are going to continue the
23 public hearing.

24 I just say if you have any
25 comments, just state your name and

1 - Proceedings -
2 address for the record and just address
3 the Board. So, at this point, I will
4 open the public hearing.

5 * * *

6 MR. SILVERBERG: Steven
7 Silverberg, from lawfirm of Silverberg
8 Zalantis, Tarrytown, New York,
9 appearing on behalf of the Town of
10 Haverstraw.

11 I just want to note my appearance
12 and the fact that I am pleased to see
13 that your Board has agreed to, or
14 apparently agreed to issue a Positive
15 Declaration and schedule public
16 scoping.

17 If, in fact, that will be the
18 actions done by the Board tonight, I
19 will withhold any comments until I have
20 an opportunity to comment on and review
21 the Draft Environmental Impact
22 Statement and scoping and anything else
23 as it goes forward, since you can't
24 take any action on this until you make
25 a determination under SEQRA. Thank

1 - Proceedings -
2 you. I don't want to take any more of
3 your time tonight, which I'm sure I
4 will in the future.

5 * * *

6 THE CHAIRMAN: Thank you very
7 much. Any other comments? George?

8 MR. POTANOVIC: George Potanovic,
9 597 Old Gate Hill Road, Stony Point. I
10 am the President of the Stony Point
11 Action Committee on the Environment,
12 SPACE.

13 I think it is a good move on the
14 part of the Town Planning Board to
15 consider this to be a Type I action and
16 to proceed with scoping. Regarding the
17 draft scope that you said would be
18 available tonight, one question I have
19 is with regard to making that available
20 to the public.

21 Is it possible that those
22 documents can be made available on the
23 Town website for easy downloading? It
24 makes it easier, for everyone rather
25 than having to run down to Town Hall.

1 - Proceedings -
2 If that is possible. And the other
3 documents , if people want to access,
4 can they also be available on the
5 website in the Planning Board section,
6 maybe if you can make all the documents
7 more easily available to the public?

8 THE CHAIRMAN: Okay.

9 MR. POTANOVIC: The size issue is
10 a reasonable one. The size being
11 suggested and the size it could expand
12 to, that has to be considered part of
13 and not be segmented from the original
14 application. I suppose that was the
15 opinion of the DEC and it makes sense
16 to me, as well.

17 The Town's position is this is a
18 permitted use under the Codes. I
19 believe the Building Inspector has to
20 make that decision as to whether or not
21 it is prohibited or allowed under the
22 current Town Code.

23 The question I had is regarding
24 the coordinated review. I was hoping
25 Max would explain it, but when you have

1 - Proceedings -
2 a coordinated review with the DEC, what
3 does that mean in terms of how the two
4 entities interact with one another?

5 The Town will look at it one way,
6 and you may not have the expertise to
7 look at it from the same areas that the
8 DEC will look at it from, them having
9 the expertise, and I'd like to
10 understand a little bit better, how the
11 coordinated review will proceed and
12 also how the public will have an
13 opportunity to have input into that
14 coordinated review and if there is a
15 Public Hearing, does it mean we can
16 have it here with the DEC, so that I
17 can hear their comments? I mean, I
18 just don't know how it works.

19 I just would like to understand
20 how the coordinated review is
21 accomplished and also, is it one that
22 allows the public to participate in?
23 Those are all the comments I have right
24 now. I understand you will be
25 re-initiating this project and adopting

1 - Proceedings -
2 a Part II that you initially had, and
3 doing it as a Type I action, and
4 declaring yourselves lead agency. I
5 will hold my other comments until such
6 time as you are able to do that.

7 Thank you very much.

8 THE CHAIRMAN: Thank you,
9 George. Any other comments? Yes.

10 * * *

11 MR. HITTMAN: Good evening. My
12 name is Steve Hittman and I am
13 President of the Cross Roads Company
14 and owner of the Shop Rite Center in
15 Stony Point, as well as the Walgreen's.

16 We love Stony Point. We invested
17 a lot of money here. We hope we have
18 helped Stony Point in a positive way,
19 to change the basis of Stony Point over
20 the last five years. I know the Magee
21 family very well. They're friends. I
22 am all for positive development in
23 Stony Point, but I do have concerns.

24 I am glad it is a Type I action
25 and I ask that I am noticed on all the

1 - Proceedings -
2 meetings. I invite both the Board and
3 the Applicant to communicate with us to
4 understand the concerns that we have.
5 Thank you.

6 THE CHAIRMAN: Are there any
7 other comments? Bill?

8 MR. SHEEHAN: The only thing I
9 want to mention was, I'm sure you are
10 aware of, or I'd like to remind the
11 Board tonight that we have to approve
12 the traffic consultants -- --

13 THE CHAIRMAN: Right.

14 MR. SHEEHAN: --- hiring them and
15 also it is my understanding, that we,
16 or my opinion is that we should close
17 the public hearing so that we don't
18 confuse the scoping session with the
19 site plan, and so forth and obviously
20 we will have another Public Hearing
21 down the road for site plan and
22 everything else.

23 We should try to keep it to the
24 SEQRA review at this point and when it
25 is finalized and it is getting to the

1 - Proceedings -
2 end, we can set a date for a Public
3 Hearing on any other issues there are
4 or that may arise.

5 * * *

6 THE CHAIRMAN: Yes? Step up
7 again.

8 MR. SILVERBERG: Yes. Still
9 Steven Silverberg. I just want to make
10 a procedural comment. I just think, in
11 light of Mr. Sheehan's comments, I am
12 concerned that closing the public
13 hearing, would indicate that you are
14 closing the record on the site plan,
15 which I know is not your intention.

16 If I might suggest, it may make
17 more sense to adjourn the public
18 hearing without a date until you get to
19 the point where you want to re-commence
20 the Public Hearing. Obviously, your
21 Counsel can advise you on that.

22 * * *

23 THE CHAIRMAN: Thank you, Mr.
24 Silverberg. Any other comments?

25 (At this time there was an

1 - Proceedings -

2 off-the-record discussion.)

3 THE CHAIRMAN: If there is no
4 other comments, what we will do, we
5 will adjourn the public hearing and
6 keep the date open, so, I need a motion
7 to adjourn the public hearing.

8 MR. MULLER: I will make that
9 motion, Mr. Chairman.

10 THE CHAIRMAN: Second?

11 MR. ROGERS: I will second that.

12 THE CHAIRMAN: All in favor?

13 (Unanimous affirmative vote
14 heard.)

15 THE CHAIRMAN: Opposed?

16 (No responses heard.)

17 THE CHAIRMAN: Motion carries.

18 Thank you.

19 Next, what we're going to do
20 tonight, we will declare lead agency on
21 this. I need a motion to become lead
22 agency.

23 MR. ROGERS: I'll make that
24 motion for lead agency, Mr. Chairman.

25 THE CHAIRMAN: I need a second?

1 - Proceedings -

2 MRS. CALLAGHAN: Second.

3 THE CHAIRMAN: Any discussion?

4 (No responses heard.)

5 THE CHAIRMAN: All in favor?

6 (Unanimous affirmative vote).

7 THE CHAIRMAN: Opposed?

8 (No responses heard.)

9 THE CHAIRMAN: Thank you. Then I

10 need a motion to make it a Type I

11 action.

12 MR. ROGERS: I'll make that

13 motion, Mr. Chairman.

14 THE CHAIRMAN: Second?

15 MR. MULLER: I will second that.

16 THE CHAIRMAN: All in favor?

17 (Unanimous affirmative vote

18 heard.

19 THE CHAIRMAN: Opposed?

20 (No responses heard.)

21 THE CHAIRMAN: The other one, is

22 we are going to make a motion to adopt

23 the Part II that we had last month.

24 MR. MULLER: I will make that

25 motion to adopt the Part II.

1 - Proceedings -

2 THE CHAIRMAN: Second?

3 MR. ROGERS: I will second it.

4 THE CHAIRMAN: All in favor?

5 MR. MC MENAMIN: May we have some
6 discussion?

7 THE CHAIRMAN: Yes, Tom.

8 MR. MC MENAMIN: So, for Max, a
9 scoping session and the scoping
10 documents that you are going to put
11 together, is the Planning Board's
12 documents? Correct?

13 MR. STACH: Correct. That is
14 correct. It's lead agency and
15 obviously, it's the Planning Board,
16 yes.

17 MR. MC MENAMIN: So, all of the
18 EIS will address all of the points that
19 are brought it up in the scoping
20 documents?

21 MR. STACH: Correct.

22 MR. MC MENAMIN: So, if the
23 scoping session is open to the public
24 and they can make comments, some of the
25 public might be the DEC, then?

1 - Proceedings -

2 MR. STACH: Well, they also are
3 given special consideration.

4 What you will have, you'll have
5 a Draft scope that is prepared by the
6 Applicant. That draft scope he
7 prepares. You have nothing to do with
8 that. Once he prepares that, once he
9 prepares his draft scope, you have to
10 send it out to all of the involved
11 agencies, which is the DEC.

12 MR. MC MENAMIN: We have no part
13 of the preparing of the draft scope?

14 MR. STACH: No. He prepares the
15 draft scope. It is a document he
16 provides to the Board. Then you send
17 that to the DEC. You review it
18 yourselves and you make it available
19 for public review. The DEC will
20 provide comments on that draft scope.

21 You will provide comments on that
22 draft scope.

23 The public will provide comments
24 on the draft scope and you, as a Board,
25 will amend that draft scope into a

1 - Proceedings -

2 scope that you believe addresses all of
3 the salient environmental impact issues
4 that is likely to occur.

5 It doesn't have to address ----
6 not every comment you receive --- if
7 you receive a comment that you don't
8 think is an impact that is likely to
9 occur, it is appropriate to limit the
10 scope to not include those things.

11 It is just as important to do
12 that, as it is to include things that
13 you may have missed that you feel are
14 important. That's what you do. You
15 adopt the Final scope and the Applicant
16 uses that to prepare his DEIS.

17 MR. MC MENAMIN: It's a timing
18 thing. They present the draft and then
19 we work on it and comment and put it
20 together and then we finalize it and
21 issue it as the scope of the DEIS.

22 MR. STACH: Yes. You have sixty
23 days to accomplish those tasks.

24 That is why we are suggesting to
25 have a special meeting, because you

1 - Proceedings -

2 would not have a second Planning Board
3 meeting before the sixty days runs out.

4 MR. MC MENAMIN: In the letter
5 from the DEC, they talked about
6 segmentation as a big issue with regard
7 to SEQRA.

8 One of the things they talk about
9 in their letter is the conceptual model
10 of a site was presented to them that
11 identified a much larger project than
12 site disturbance.

13 A conceptual model also included
14 the use of not yet constructed roads,
15 New York State fresh water wetlands,
16 and for site access and then it talks
17 about --- we had discussions earlier
18 on why they're the pilot plant, how it
19 will grow and the DEC talks about
20 initially handling one thousand tons
21 per day and then it eventually getting
22 to four thousand tons, per day from one
23 thousand tons. They're, the DEC is
24 pretty clearly telling us it is our job
25 to study and not segment the

1 - Proceedings -
2 development of the property to this
3 plant for just the beginning, plant, or
4 portion of the plant and then as it
5 grows. So we're supposed to study that
6 all together. Not separately.

7 MR. STACH: And we agree with that
8 recommendation in terms of --- the
9 plant that he's proposing, which we
10 assume is the thousand ton plant at
11 this point that can fit inside the
12 building, but he has not developed a
13 plan for presumably a four thousand ton
14 plant, or involving an expansion of the
15 site.

16 I have seen the conceptual model
17 the Applicant brought it in and set it
18 up outside so that anybody who wanted
19 to see it can come by and see it a
20 couple of months ago. My understanding
21 was that was a concept of a industrial
22 park generically, that they might be
23 looking to construct.

24 MR. MC MENAMIN: So, that was not
25 just that this plant growth.

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2 MR. STACH: I didn't think the
3 other buildings had anything to do with
4 the plant. They were just showing a
5 number of industrial squares,
6 industrial buildings like Monopoly
7 hotels and homes down there being all
8 industrial, of course.

9 That's not to say, conceptually I
10 don't know enough about this type of
11 use, if they could use one of the other
12 buildings to put another plant, a
13 bigger plant.

14 But what I'm suggesting at this
15 point is that they tell us what they
16 want us to approve now and what a four
17 thousand ton plant might look like.

18 And if they only have concepts for
19 that, then they need to address it
20 generically.

21 If they have specifics for that,
22 then they can address it specifically,
23 but if they have not yet developed
24 those specifics, and they're not even
25 sure at this point, I guess, whether or

1 - Proceedings -
2 not the one thousand square foot might
3 make economic sense, so maybe that's a
4 precursor to expanding.

5 The idea here is to specifically
6 review the thousand square foot, what
7 they want to construct, and if there
8 is a conceptual expansion down the
9 road, to look at it generically.

10 MR. POTANOVIC: It's tons; not
11 square feet. Tons you mean.

12 MR. STACH: I'm sorry I keep
13 saying square feet. You are right,
14 George. Tons. It's a thousand tons
15 per day expanding to four thousand tons
16 per day.

17 MR. MC MENAMIN: Well, that
18 relates to square feet, too, I would
19 think. There is another sentence in
20 the DEC letter that says,
21 "...the DEC therefore suggests"; so,
22 you are saying their letter is
23 suggesting that all known reasonable,
24 anticipated phases of the gasification
25 project should be considered in

1 - Proceedings -
2 determining the significance of the
3 proposal. They go on to say, "...if
4 you don't consider the impact of the
5 future phases, it wouldn't be a
6 complete environmental review." So,
7 you are saying that we can do that just
8 by a generic EIS?

9 MR. STACH: Well, you can't do a
10 site specific EIS on something that the
11 Applicant doesn't want to do yet, that
12 the Applicant is not proposing to do.
13 They would be making a guess at what
14 they want to do.

15 They have a plan in place for
16 doing it within the building.

17 They don't have a plan in place
18 for expanding beyond the building, but
19 you can still look at these conceptual
20 impacts on a generic basis, so you can
21 ask them, if you do have to expand it
22 to accept 4,000 tons, what does it look
23 like from a traffic prospective, what
24 does it look like from a visual
25 prospective; conceptually. They don't

1 - Proceedings -
2 have to design the plant to do that in
3 order to do that environmental review,
4 but they still have to do that
5 environmental review and ---

6 MR. MC MENAMIN: In other words,
7 tell us what it might look like if they
8 were to expand?

9 MR. STACH: Right.

10 MR. MC MENAMIN: From that, we can
11 construe the impact to the environment.
12 It might have --- the only reason I am
13 asking is because in your information
14 that you gave us, you said that the
15 prepared sewer pipe and agriculture
16 application, which I know is on a
17 different Applicants' property, it
18 seems to me, and we have a new EAF from
19 the agricultural project that says
20 there's a possibility that the crops
21 grown there are not for human
22 consumption, but might be used for the
23 gasification.

24 They tied it together with this
25 plant by saying that. It seems to me.

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2 Also, it seems to me they're
3 raising that property a significant
4 amount for a reason that wouldn't
5 relate to, in my viewpoint, relate to
6 the type of crops in protecting the
7 crops, but raising it 30 feet or a few
8 feet --- I am just saying if there's a
9 plan to bring that property up to grade
10 so it is on the same elevation plain as
11 the applicant's proposed new plant, it
12 makes sense that it will grow in that
13 direction.

14 I think what the DEC says about
15 the segmentation is very important
16 information and we should ask them to
17 give us some idea of that --- and I've
18 said this before --- we should see how
19 this plant potentially can grow so that
20 we can conceptualize the impact of
21 that.

22 MR. MAHER: That's exactly what
23 the generic analysis should do and Max
24 put it in his memo on page four which
25 is right on point, telling us how to

1 - Proceedings -

2 proceed and that's how we should
3 proceed.

4 THE CHAIRMAN: Bill?

5 MR. SHEEHAN: I think I
6 understand what Tom is saying. I
7 understand also what Kevin is saying.

8 I want to make it clear for the
9 record, the Applicant will not come in
10 with a site plan for a phase two or
11 three.

12 The only thing that will be
13 studied is the environmental.

14 If you are asking them to come in
15 with a plan on that second piece, the
16 agriculture piece or any other piece
17 down there with a footprint of a
18 building, and a traffic pattern, and so
19 forth; that will not be happening.

20 MR. MULLER: Correct.

21 MR. SHEEHAN: I may be wrong, but
22 I think that's what you are asking.

23 MR. MC MENAMIN: I think I will
24 look at the website. On the website I
25 think they have a much larger plant

1 - Proceedings -

2 somewhere else, a larger gasification
3 plant somewhere else, that has grown
4 into a larger site. It should be easy
5 enough to tell us what, you know, would
6 possibly happen to that plant going
7 from one thousand to four thousand
8 tons.

9 MR. SHEEHAN: Maybe by them
10 telling us --- what do you mean?

11 MR. MC MENAMIN: I mean, are you
12 going to need a new building, another
13 transformer, another substation.

14 MR. SHEEHAN: That's what I'm
15 saying. He's not getting into the
16 developing the conceptual site plan, if
17 that's what you are asking?

18 MR. STACH: No. I think that that
19 is, at least an element that has to be
20 --- it doesn't have to be accurate, but
21 they have to say, in order to do four
22 thousand tons, we're going to need ----
23 they can say, we can do it in a
24 seventy-four thousand square foot
25 building, or we will need this many

1 - Proceedings -

2 more square foot.

3 MR. SHEEHAN: I agree. How much

4 More water are they going to need?

5 How many more trucks, and so forth.

6 But I want to make it clear to

7 everybody and maybe to some of the

8 members, we are used to looking at a

9 site plan with a footprint and a

10 traffic pattern, parking, and so

11 forth, that is not going to happen.

12 I think the expansion, by virtue

13 of expanding the plant to three or four

14 thousand tons or yards a day, yes, they

15 will eat up using three thousand more

16 gallons of water per day, or a hundred

17 more trucks per day; I'm guessing,

18 don't quote me, obviously. That type

19 of stuff, because they might not choose

20 the property next door and it might be

21 somewhere else, so ---

22 MR. MC MENAMIN: Right. They can

23 tell us we need twenty-five percent

24 more land, if ---

25 MR. SHEEHAN: Correct.

1 - Proceedings -

2 MR. MC MENAMIN: Just tell us what
3 they are, and we can draw the
4 inferences from that.

5 MR. SHEEHAN: Yes. I think we're
6 all agreeing. I just want to make it
7 clear that you are not going to see
8 what phase two will look like; that's
9 not happening.

10 MR. MC MENAMIN: DEC is telling
11 us to look at the environmental
12 impacts, but if we don't know what
13 their needs are or what the plan is for
14 the future, not the site plan, but the
15 ideas; how can we know what the
16 environmental impacts are?

17 MR. SHEEHAN: I agree.

18 MR. STACH: It really depends on
19 the level of detail the Applicant has
20 already considered.

21 If they have in their head what a
22 four thousand ton plant may look like,
23 they can give it to us in the EIS.

24 Their application right now is
25 for a plant that fits within the

1 - Proceedings -

2 building.

3 That is what they're looking at
4 now. So, what we can say is, "We agree
5 with DEC that you can't fit 4,000 tons
6 of processing within a seventy-four
7 square foot building, so you need to
8 tell us what you need to do for the
9 4,000 tons you want to do eventually".

10 Hopefully, is really the word, because
11 they don't even know if they're even
12 going to get to a thousand tons,
13 successfully.

14 So, on the point with the
15 agricultural land, I have to disagree;
16 the reason why is because there really
17 are the eight criteria I gave you that
18 you have to consider, when you consider
19 whether something is appropriate to
20 segment.

21 I think that you don't know if
22 that is the plant that will be used for
23 this, for an expansion of this use. He
24 might be also be looking to raise the
25 grade as part of the agricultural use

1 - Proceedings -

2 for the another future potential
3 concepts that he's thinking of. But,
4 right now, he's proposed just the
5 agriculture.

6 I take your point, possibly he
7 can use the agriculture with this
8 plant. He also possibly can ship it
9 off to other plants. It's just to me
10 -- it is not specifically connected
11 enough to -- you would essentially be
12 asking him to not grow crops on that
13 land until you finish the environmental
14 review for a plant that may or may not
15 happen. I would ask, would you still
16 want to grow crops on that plant even
17 if you don't do anything with Building
18 "D".

19 MR. SHEEHAN: Put it this way, if
20 he grows crops for the gasification
21 plant, he has to ship it to the County
22 first and then bring it back.
23 (Inaudible).

24 MR. STACH: Unless, I believe that
25 you can accept biomass into this

1 - Proceedings -

2 plant.

3 MR. SHEEHAN: I don't know about
4 that; whatever.

5 MR. STACH: I'm just saying, so

6 ---

7 * * *

8 THE CHAIRMAN: I got a motion and
9 a second to adopt the Part II. I just
10 need to vote on it. Mary, poll the
11 Board.

12 MS. PAGANO: Mr. McMenamin?

13 MR. MC MENAMIN: Yes.

14 MS. PAGANO: Mr. Muller?

15 MR. MULLER: Yes.

16 MS. PAGANO: Mrs. Callaghan?

17 MRS. CALLAGHAN: Yes.

18 MS. PAGANO: Mr. Rogers?

19 MR. ROGERS: Yes.

20 MS. PAGANO: Chairman Gubitosa?

21 THE CHAIRMAN: Yes.

22 The next thing is, Max prepared a
23 Positive Declaration. I am going to
24 read that into the record at this time
25 and then we'll vote on the motion to

1 - Proceedings -
2 adopt.
3 "State Environmental Quality
4 Review, Positive Declaration: Notice
5 of Intent to Prepare a Draft EIS,
6 Determination of Significance:
7 >Date: January 24, 2013
8 "Project Number:
9 "This notice is issued pursuant
10 to Part 617 of the implementing
11 regulations pertaining to Article 8
12 (State Environmental Quality Review
13 Act) of the Environmental Conservation
14 Law.
15 "The Town of Stony Point Planning
16 Board, as lead agency, has determined
17 that the proposed action described
18 below may have a significant impact on
19 the environment and that a Draft
20 Environmental Impact Statement will be
21 prepared.
22 "Name of Action: Hudson River
23 View Building "D."
24 "SEQRA Status: Type I.
25 "Scoping: Yes:

1 - Proceedings -

2 "The applicant has submitted a
3 proposed scope (on file at Town Hall
4 and available at
5 www.townofstonypoint.org). A public
6 scoping meeting will be conducted on
7 February 20, 2013 and written comment
8 on the draft scope will be accepted
9 until February 27th, 2013. A final
10 scope will be provided to the project
11 sponsor prior to March 28th, 2013 as
12 required by SEQRA.

13 "Description of Action:

14 "MBC Contractors in a joint
15 venture with a not yet chosen company
16 wishes to construct a waste-to-energy
17 project comprised of the installation
18 of machinery within existing buildings
19 for the conversion through chemical
20 processes of carbon-rich
21 biomass/municipal solid waste
22 'feedstock' into a synthetic gas that
23 can be utilized for the production of
24 electrical energy, ethanol and
25 high-silica ash, which may be used in

1 - Proceedings -

2 the production of concrete. The
3 existing buildings were formerly used
4 for the manufacturing of paint. The
5 project includes the importation via
6 truck of between 1,000 and 4,000 tons
7 per day of waste/biomass. All handling
8 of waste will be within the enclosed
9 building. The site is part of the
10 Kay-Fries State Superfund site.
11 However, the monitoring and remediation
12 of that site will not be disturbed by
13 the change in use of this building.
14 The DEC has indicated that in their
15 experience, the project sponsor would
16 need to expand existing facilities to
17 accommodate the tonnage capacity being
18 sought. Related actions are issuance
19 of required permits by DEC including
20 Air State Facility, Solid Waste
21 Management and possible Title V and
22 Multi sector General Permit.

23 "Location:

24 "Project is located at the
25 eastern terminus of Holt Drive on a tax

1 - Proceedings -
2 lot designated as 20.02-11-25 in the
3 Town of Stony Point in the County of
4 Rockland. The site is located in a
5 light industrial zoning district near
6 or adjacent to a CSX railroad ROW, a
7 Rockland County Park/open space area
8 and the Town of Haverstraw
9 Landfill/transfer station.

10 "Reasons Supporting the
11 Determination:

12 "The application was found to
13 have potential significant
14 environmental impacts on:

15 "Water - The project will involve
16 the storage of ethanol at volumes
17 greater than 1,100 gallons.

18 "Air - The project will result in
19 air emissions and significant heat.
20 The details of emission and heat should
21 be clarified. Will emissions exceed
22 five pounds per hour of contaminants or
23 use of a heat source, producing more
24 than five million BTU's per hour?

25 "Transportation - The project

1 - Proceedings -

2 will generate significant truck traffic
3 with potential traffic impacts to the
4 intersection of Holt Drive and Route
5 9W; other Holt Drive businesses and
6 uses; insufficient height clearance at
7 the railroad trestle underpass and at
8 the at-grade crossing; as well as
9 potential County and State roads
10 throughout Rockland, depending on the
11 routing of traffic and the origin of
12 feedstock.

13 "Energy - The project may require
14 an increase in the consumption of
15 natural gas and may require electrical
16 infrastructure improvements to accept
17 the electrical energy generated by the
18 new gasification facility.

19 "Noise and Odor Impacts - The
20 project involves the shipment and
21 sorting of municipal solid waste. The
22 project involves the installation of
23 process-specific industrial equipment.

24 "Public Health - The proposed
25 project involves high pressure, high

1 - Proceedings -
2 temperatures and the production and
3 storage of flammable ethanol at a site
4 with limited fire access.

5 "DEC has indicated that a larger
6 facility may be required and the
7 impacts of such facilities must be
8 considered generically.

9 "A copy of this notice must be
10 sent to:

11 "Department of Environmental
12 Conservation;

13 "The New York State Department of
14 Environmental Conservation;

15 "The Village of West Haverstraw;

16 "The Town of Haverstraw;

17 "The County of Rockland;

18 "The Department of State - Office
19 of Communities and Waterfronts" I
20 think that's it.

21 * * *

22 THE CHAIRMAN: I need a motion to
23 adopt it.

24 MR. ROGERS: I will make the
25 motion to adopt the Positive

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Declaration.

THE CHAIRMAN: I need a second?

MRS. CALLAGHAN: I will second
it.

THE CHAIRMAN: Is there any
discussions?

(No responses heard.)

THE CHAIRMAN: No? Mary, poll
the Board. MS. PAGANO: Mr. Mc
Menamin?

MR. MC MENAMIN: Yes.

MS. PAGANO: Mr. Muller?

MR. MULLER: Yes.

MS. PAGANO: Mrs. Callaghan?

MRS. CALLAGHAN: Yes.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO. Chairman Gubitosa?

THE CHAIRMAN: Yes.

Mary, just make sure this gets to
go to all of the involved agencies.
Max is going to address the public
scoping session.

MR. STACH: I want to address some

1 - Proceedings -
2 of the comments raised just previously
3 before by the public; specifically, Mr.
4 Potanovic had some question about how
5 the public review process will
6 commence.

7 Essentially going forward,
8 everything that we receive from the
9 Applicant and we prepare as part of the
10 SEQRA process will be sent to the DEC.

11 Everything will be copied to
12 them. Additionally we have committed
13 to do that as well with the interested
14 agencies, including the Town of
15 Haverstraw, Village of West
16 Haverstraw, and the County of Rockland,
17 as well as the Department of State.

18 They will the DEC will be
19 responsible to give us comments, on all
20 of the material that we sent up to
21 them, including the draft scope, the
22 final scope when it's adopted and
23 after the Planning Board, eventually
24 finds the DEIS is adequate for public
25 and agency review, it will include that

1 - Proceedings -

2 DEIS.

3 After that is done, this Board
4 will conduct another public hearing on
5 the DEIS, concurrent with the site plan
6 and all the other related actions that
7 are a part of this proposal.

8 So, the public will be given an
9 opportunity, along with the agencies,
10 to give its comments to the Planning
11 Board on that DEIS doctrine.

12 Then the Planning Board will
13 prepare a final EIS, environmental
14 impact study that will answer any of
15 those comments that are received, along
16 with requiring the Applicant or
17 actually making revisions to the DEIS
18 in response to those comments.

19 They will then issue or file a
20 final environmental impact statement,
21 that will likely be the DEIS the some
22 form, revised accounting for any
23 comments it's received from the public
24 and the agencies; interested agencies,
25 the involved agencies, revisions

1 - Proceedings -

2 they're going to require as part of
3 their review. That will be an
4 environmental document that will be
5 made available again to all of the
6 agencies and then they will have a
7 certain time period following that to
8 make their findings on the application.
9 And that will establish what controls
10 are needed; what mitigations are
11 required; whether or not they feel this
12 is a use that can be approved; whether
13 there is some alternative that may be
14 more favorable; there are several
15 things they can require in their
16 findings.

17 So, that really is the structure.

18 I guess the question is whether
19 the DEC is coming down here. That's up
20 to them.

21 The DEC can decide to come and
22 participate at the public hearing. It
23 is my experience that they will likely
24 provide written comments on the DEIS.

25 As far as, the noticing or the

1 - Proceedings -
2 keeping, individuals, private
3 individuals apprised of this process or
4 involving them in the SEQRA review,
5 that is something this Planning Board
6 has to decide. It is not a requirement
7 of SEQRA.

8 You have to make the documents
9 available to anyone requesting them,
10 but you don't have to make special
11 accommodations, but you certainly will
12 be allowed to if you wish to.

13 THE CHAIRMAN: Thank you, Max.
14 All right. I'm making a motion to set
15 the public scoping meeting for February
16 20th. I need a second?

17 MR. MULLER: Yes, I will second
18 it.

19 MS. PAGANO: Who made the motion?

20 THE CHAIRMAN: I made it myself.
21 Pete seconded it.

22 Opposed?

23 (No responses heard.)

24 THE CHAIRMAN: Okay. February
25 20th will be the special meeting for

1 - Proceedings -
2 the scoping. I also need --- I will
3 make a motion to authorize Max to hire
4 John Sarno, the traffic consultant. I
5 need a second?

6 MR. ROGERS: I will second that.

7 THE CHAIRMAN: All in favor?

8 (Unanimous affirmative vote
9 heard.)

10 THE CHAIRMAN: Opposed?

11 (No responses heard.)

12 THE CHAIRMAN: We have got a
13 letter from the Fire Board of
14 Commissioners to grant them a thirty
15 day extension to review the
16 application. I will make the motion
17 myself. I need a second.

18 MR. MULLER: Second.

19 THE CHAIRMAN: All in favor?

20 (Unanimous affirmative vote
21 heard.)

22 THE CHAIRMAN: Opposed?

23 MR. STACH: With regard to the
24 Fire Commissioners, you may actually
25 want to just inform them that the DEIS

1 - Proceedings -

2 we have prepared they can get that

3 instead -- --

4 MR. SHEEHAN: Yes, the Fire

5 Inspector is running as liaison between

6 us and the Fire

7 Department/Commissioners.

8 THE CHAIRMAN: So, Mary ---

9 MS. PAGANO: I'll tell Tom.

10 THE CHAIRMAN: That's it, I

11 think.

12 MR. ZIGLER: Wait. Did you set a

13 time for the Public Hearing?

14 THE CHAIRMAN: Yes. Seven

15 o'clock here.

16 MR. ZIGLER: I did bring a copy of

17 the draft scope that will be

18 circulated, the ten page draft that we

19 supplied.

20 MR. STACH: You should submit it

21 to them and you should circulate it.

22 THE CHAIRMAN: We will make a

23 motion that the draft that Mr. Zigler

24 is providing is circulated. I made the

25 motion. I need a second?

Chairman: Next on the agenda is Hudson Bay Complex Building E where are we with that.

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

Mr. Zigler: We went to the Zoning Board of Appeals and we were asking the Planning Board to vote tonight we adjusted all the issues we went to the ARB we gathered the variances and that is where we are at.

Chairman: I will read the resolution.

RESOLUTION

Granting Approval of Application for Amended Site Plan and Lot Line Change by PMBC Holding Co., Hudson Bay Complex Building E, for Tax Lot 20.04-11-2.3, and readjusting a lot line between Tax Lots 20.04-11-2.3 and 20.02-11-26.

Location: North Side of Holt Drive, approximately 1,200 feet from east of Route 9W.

A meeting of the Town of Stony Point Planning Board (the “Planning Board”) was convened on January 24, 2013 at 7:00 p.m.

WHEREAS, an application has been made for the approval of a revised site plan for Tax Lot 20.04-11-2.3, the site of four existing warehouse, mini-storage and office buildings, Building A (4,050 sq. ft), Building B (4,500 sq. ft.), Building C (36,500 sq. ft.) and Building D (6,625 sq. ft.), and one planned four-section Building E (9,300 sq. ft.) to contain a warehouse and offices, on 5 acres in a Light Industrial (LI) zoning district. The previously planned four-section Building E is now proposed to contain mini-storage and to be constructed as three individual buildings: Building E-1 (23,500 sq. ft.), Building E-2 (14,000 sq. ft.), and Building #3 (12,300 sq. ft.); and

WHEREAS, an application has also been made to adjust a lot line between Tax Lot 20.04-11-2.3 and the adjoining Tax Lot 20.02-11-26; and

WHEREAS, on June 28, 2012, the Stony Point Planning Board issued a Notice of Intent to become Lead Agency, for State Environmental Quality Review (SEQRA) purposes; and found and determined that the proposed amendment to the site plan and the proposed adjustment of the Lot Lines at issue were “unlisted” actions under SEQRA (6 NYCRR § 617.5); and

WHEREAS, by separate resolution dated September 27, 2012, the Planning Board, as Lead Agency, had reviewed and adopted a Part 2 EAF indicating there

are no potential large impacts and a Draft Environmental Impact Statement will not need to be prepared. Said Part 2 EAF is incorporated herein by reference; and

WHEREAS, on September 27, 2012, the Planning Board referred the Hudson Bay Complex Building E application to the Town of Stony Point Zoning Board for the following variances: Chapter 215, Article V, Section 15 A-I-4 (less than required front yard: required 15 feet, provided 8 feet; and less than required Front Set Back: required 75 feet, provided 41 feet); chapter 215, Article V, Section 15 A-I-5 (less than required Total Side Set Back: required 100 feet, provided 85 feet; less than required Side Set Back: required 50 feet, provided 31 feet); Chapter 215, Article V, Section 15 A-I-7 (less than required Side Yard: required 10 feet, provided 2 feet); Chapter 215, Article V, Section 15 A-I-11 (more than maximum Floor Area Ratio: required 0.35, provided 0.45), and, whereas, on December 21, 2012 the Zoning Board issued a Resolution, which passed by a vote of 6-0, granting each and every aforesaid variance requested by the Applicant; and whereas the Applicant no longer needs any variances for the intended use of the property; and

WHEREAS, on December 19, 2012, the Stony Point Architectural Review Board recommended approval of the Hudson Bay Complex Building E application, as per the submitted Floor Plans and Exterior Elevations, dated July 30, 2012, and Planting and Lighting Plans, dated September 17, 2012; and

WHEREAS, a Public Hearing was held on this application at the Planning Board on October 25, 2012; and

WHEREAS, the Planning Board has reviewed and taken into account the recommendations of the Rockland County Department of Planning pursuant to GML Section 239-1 and 239-m, contained in the July 24, 2012 memorandum of Thomas B. Vanderbeek, Commissioner of Planning, and all twelve such recommendations are incorporated herein by reference; and

WHEREAS, the Planning Board has reviewed and taken into consideration the recommendations of the Rockland County Department of Planning pursuant to GML Section 239-1 and 239-m, contained in the October 24, 2012 memorandum of Thomas B. Vanderbeek, Commissioner of Planning, and all nine such recommendations are incorporated herein by reference; and

WHEREAS, the Planning Board has reviewed and taken into account the concerns of Turner Miller Group, contained in a July 24, 2012 memorandum from Max Stach, AICP, and Stuart Turner, FAICP, PP, all of which are incorporated herein by reference; and

WHEREAS, it is hereby found and determined that upon satisfaction of the conditions hereinafter imposed as part of the conditional site plan approval, the concerns and modifications recommended by the Rockland County Department of Planning will be adequately met because: (1) the reassignment of office and warehousing usage to self storage will significantly reduce the potential site usage in terms of traffic and population; (2) the increased intensity of the use will be in character with the adjacent Shop-Rite, consistent with the currently proposed Comprehensive Plan Amendments, and less intensive in terms of population and use; and

WHEREAS, to the extent that granting conditional final approval to this application constitutes an action contrary to the recommendations of the Rockland County Department of Planning, such conditional final site approval may be granted to the Applicant by a vote of a “majority plus one” of the Planning Board; and

NOW, IT IS FURTHER RESOLVED, that the Amended Site Plan entitled “Amended Concept – Hudson Bay Complex – Building E” by Map of John R. Atzl, PLS, dated May 25, 2012, be and hereby is approved to permit the change of use (from 22,000 square feet of warehouse use, 9,500 square feet of office use, 44,250 square feet of self-storage use and 5,750 square feet of indoor recreation (81,500 square feet total) to 94,419 square feet of self-storage use and 5,750 square feet of indoor recreation use¹ (100,169 square feet total) for the proposed three individual buildings (E-1, E-2, and E-3), as described in the application and upon compliance with all other site plan requirements set forth in the Regulations of the Town of Stony Point, the Chairman is authorized to sign the map upon the following conditions:

1. The applicant shall be required to satisfy any current requirements of the New York State DEC and should that Agency determine that soil vapor in the current buildings require mitigation, or that soil conditions in the area for the proposed special permit require mitigation, the applicant shall satisfy such requirements as the NYSDEC mandates including but not limited to any and all remediation requirements.
2. There shall be no disturbance of site wetlands.
3. There shall be no pollution of any streams.
4. The applicant shall develop adequate storm water controls to prevent any increase in the rate of runoff to neighboring properties.
5. The applicant shall obtain any and all permits required by the Rockland County Stream Control Act from the Rockland County Drainage Agency.
6. The applicant shall obtain any and all permits and approvals from necessary administrative agencies regarding every aspect of its operations before the operation is permitted to commence.; and

NOW, IT IS FURTHER RESOLVED, that the plat for lot line change for “Hudson Bay Complex and Bay View Park,” dated May 31, 2012, affecting premises designated as Section 20.04, Block 11, Lot 2.3 and Section 20.02, Block 11, Lot 26, on the Tax Map of the Town of Stony Point, be and hereby is approved, subject to the following conditions:

1. The Lot Line change shall conform with the final mylar of the Plan, originally dated May 31, 2012, prepared by Atzl, Scatassa & Zigler, P.C., said Plan to be recorded in the land records division of the office of the Rockland County Clerk.

¹ The indoor recreation use is for Cheer Mania, a use approved by the Planning Board in 2011.

2. The following notes and changes shall be indicated on the Plan:
 - A. The true and correct Lot Line between Tax Lots 20.04-11-2.3 and 20.02-11-26 shall be indicated on the Plan.
 - B. A principal of PMBC Holding Co., record owner of Tax Lots 20.04-11-2.3 and 20.02-11-26, shall execute the Plan to indicate acknowledgement of an agreement with the Plan and all notes indicated thereupon, and the recording of the Plan in the Rockland County Clerk's office.
3. This resolution, with respect to the Lot Line change, shall take effect immediately.
4. As this is a Lot Line change, there is no requirement to set aside land for park or recreation use, or for the payment of money in lieu of land.; and

NOW, IT IS FURTHER RESOLVED, that after compliance with and subject to the above-referenced terms and conditions, the above-referenced Application for Amended Site Plan and Lot Line Change by PMBC Holding Co., Hudson Bay Complex Building E, for Tax Lot 20.04-11-2.3, and readjusting a lot line between Tax Lots 20.04-11-2.3 and 20.02-11-26, be and hereby is approved, upon payment of any and all outstanding fees.

* * *

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

Yea: (5)
 Nay: (0)
 Recused: (1)
 Absent: (1)

There being five (5) votes in favor of the motion, zero (0) votes against the motion and one (1) abstentions and one (1) recused 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 this 28th day of January, 2013.

Hon. Joan Skinner

Town Clerk,
Town of Stony Point

Chairman: Next on the Agenda is Hudson River View Open Field Agriculture this is a conditional use on the east end of Holt Drive 1800 east of South Liberty Drive then 600 feet east on an unnamed private road.

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

Mr. Zigler: Basically tonight we would just like the Board to set a Public Hearing for next month and I have to revise the Part III because I see I didn't attach a couple of pages to it so we could review that prior to the meeting.

Chairman: Tonight we just need to ...

Mr. Stach: Let me just say one thing in the Part III did you commit to no selling for consumption?

Mr. Zigler: Yes, basically but I had also attached a DEC notice on the upper site where there is still testing going on. So I want to attach that to it. But yes I did it is non consumption and the first crop would be 2015 at the minimum.

Mr. Stach: Then that answers the concerns that the Board had in regard to the contaminations, potential contaminations I can prepare a Negative Declaration for the next meeting. That needs to be adopted before close the Public Hearing.

Mr. McMenemy: Wasn't there active sampling going on somewhere?

Mr. Zigler: It was on this site but it was decommissioned and now the active site is the paint factory underneath the paint factory so this is de-active by the DEC website.

Mr. Muller: I have a question we know that it is not going to be fed to people but is the crop going to be fed to animals that are then fed to people?

Mr. Zigler: I don't know it is 2015 so if you want to put it subject to soil testing prior to harvest that is fine too. It is so far out we will test it.

Mr. McMenemy: It says non human consumption.

Mr. Zigler: We would agree to test the soil prior to planting in 2015.

Mr. Stach: That is probably the more effective mitigation then not feeding the animals.

Mr. Zigler: It is fine I will modify a Part III to address that supplanted from the pages from the DEC web site about testing area.

Chairman: So we can set a Public Hearing for February 28, 2013 meeting.

Mr. Zigler: The testing for the soil would be what the previous tests were when there were contaminations.

MOTION: Set Public Hearing for February 28, 2013

Made by Gerry Rogers and seconded by Gladys Callaghan

Chairman: Next on the agenda is BHS Site Plan on Holt Drive this is a new application.

BHS Site Plan – SBL 20.04-11-6 LI District – Site Plan located on the south side of Holt Drive 990 Feet East of Route 9W

- Site Plan

- New Application
- Special Use Permit referral from Town Board

Mr. Zigler: Dave Zigler representing the applicant BHS which is a building on Holt Drive on the south side going down Holt Drive towards the river it is the next to the last building. What the applicant would like to do is contractor storage the owner is Helmer of Helmer Cronin currently they have a yard on 9W across from the diner what they would like to do is store heavy equipment, mobile trailer which they would use for an office on the project they are large contractors they are not landscapers or small contractors that would be moving things in and out but large contractors with heavy equipment if they have a project they would put into the yard with heavy equipment excavators, dozers, backhoes, front end loaders, trucks and that would go to the site just as you seen with the fire house they did the construction at the fire house you seen the equipment sat there for five or six months. Once the construction is over it will be moved back in the yard or into another project they have two sites one up in New Winsor and currently the site in Stony Point. On the map you can see that we provided parking that meets the criteria of the LI Zone for the building the contractor storage would be behind the building it is a Special Permit it requires very specific items as far as buffering and landscaping visible from the site and visible from other yards. In this case this site only has two a joiner's one on the east and one on the west which are both industrial buildings behind the site which is the Town of Haverstraw is the school it is actually the baseball field behind the school. There is a little portion of it on the map at this time it is the first time the Board is looking at it so I would ask them to set a field trip and you have a referral from the Special Permit from the Town Board. The usual process is this Planning Board carries through with the site plan has a Public Hearing and after it makes known it's decision on the application I will go back to the Town Board for the Special Permit. Sort of walking hand in hand but you are leading.

Mr. McMenamin: Did I hear you say what is in the building now?

Mr. Zigler: Electrical Company has been using it for like twenty years. They are very small if you go down there during the week they have maybe five or six cars in the parking lot. We are providing on the west side of the building the correct amount of parking for the building. In the back of the building there is a dock so that meets the criteria for access truck dock it meets all the regulations. When you go out and visit the site you will see there is actually a parking lot in the back and from where that parking lot ends going south to the fence would be the area which we are asking for contractor's storage

Mr. McMenamin: The existing parking space (inaudible)

Mr. Zigler: Less they are not really painted in but you will see them.

Mr. McMenamin: Did I hear you say Mr. Helmer is going to clean up his existing yard.

Mr. Zigler: I said almost that he is going to move the equipment from there down I guess he would clean it up because he cannot leave it in the shape it is in.

Mr. McMenamin: So the Electrical operations (inaudible)

Mr. Zigler: The only thing that has been back there for the last five years is the snow plow for the truck.

Mr. Stach: This is a review that is also before the Town Board and a Notice of Intend to be Lead Agency and send that notice to the Town Board, I provided you with a memo which the applicant can address at the TAC meeting.

MOTION: Notice of Intent to be Lead Agency
Made by Tom Gubitosa and seconded by Gerry Rogers

Chairman: Set site visit for February 2, 2013. Ok next on the agenda.

Forty Four South Liberty Drive – SBL 20.07-3-63 BU District Site Plan – Site Plan located on east side of South Liberty Drive 725 Feet South of High Avenue intersection with South Liberty Drive

- Site Plan
- New Application

Mr. Zigler: Dave Zigler for the applicant basically what we are proposing is a redevelopment of that gas station in front of Pasta Cucina that is closed it is next to the Monty building it has been closed for a while the proposal is to widen the footprint of the building a little bit to the north and a little bit to the south it is not saving the building at all because the is in a little bit of a hole so it is going to be raised the proposed building is going to sit where that existing building is. The use would be a seven eleven that is what I gave you copies of. The building with the proposed signage that would face towards 9W in the same angle which that building sets today we would utilize the existing driveway access points and make it one way the plan shows you that you would enter on the south side proceed north and leave on the north end. The proposed also has a dumpster at the south the back south east corner towards the shopping center between Monty and the proposed building. There is a little more impervious coverage then what is there today because we are doing parking on the north side of the building if you go out there it is the grass and we also need a variance for the rear yard because it is so close we are probably about the same distance when we get finished so we are going for a variance for that so this is the first time you officially have it. We have been to the Planning Board informally twice so I would ask the Board to set a field trip and maybe in this case to move it along could you forward to the ZBA we do need variances and we do need to go to the ARB. If you felt comfortable with this project you could set a Public Hearing for next month. I do believe if we have a Public Hearing you will get nobody out across the street there is a bank and the shopping center is behind it and south of it is Monty's. Everything is gone the tanks are gone the site would be raised about two foot right now it is in a hole kind of collects the water we are going to raise it and re distribute it.

Chairman: So we just need to (inaudible)

Mr. Sheehan: There is a question of parking that we discussed at the TAC meeting that waiver of parking versus the ZBA and the parking.

Mr. Zigler: I guess we really didn't make a decision on that whether I would go to the ZBA we do need a parking reduction of a couple of spaces it could be done through the Zoning Board or by the Planning Board because of the twenty five percent rule but to me it is kind of a design facet of the site plan and I would think it would be better handled by the Planning Board because we are going to give you parking calculations of observance of a twelve hour period of the seven eleven in Haverstraw so you will be able to make that decision yourself being that is more than a planning issue I guess the thought is we would hope that the Board would do that portion.

Mr. Sheehan: The only reason I am bring it up is I want to the referral and I will not put that in if the Planning Board wants to handle it so it is really up to the Planning Board as to what they want to do. I agree with Dave it is more than a design issue you need eighteen or nineteen and you have 15 or something.

Mr. McMnamin: There is no SEQRA?

Mr. Sheehan: McDonald's law under 4,000 square feet.

Mr. Zigler: Basically we are required 19 and we are providing 15 spaces.

Chairman: The site visit we will do the same day February 2, 2013.

Mr. McMnamin: You need two variances.

Mr. Zigler: Area and Impervious coverage, development coverage. There is really only one side.

Chairman: Alright we will make a motion to send you to the Zoning Board and ARB.

MOTION: Refer to Zoning Board of Appeals.
Made by Gerry Rogers and seconded by Gladys Callaghan

MOTION: Refer to ARB
Made by Gerry Rogers and seconded by Gladys Callaghan

Mr. Zigler: Any thought on setting a Public Hearing for next month:

Chairman: Not doing it. Next on the agenda The Rose at Wayne Avenue.

The Rose at Wayne Avenue - SBL 15.01-4-60 RR District – Sketch, Preliminary approval, located on the north side of Wayne Avenue and McCarthy Circle

- Two lot minor subdivision
- New Application

Mr. Zigler: This is a new application it is the house next to McCarthy Court off of Wayne Avenue opposite Sullivan Mrs. Peterson's property between Crickettown and Bulsontown Road. There is a white house on your left if you are going towards Crickettown on the sharp turn and you go over the hill and McCarthy is on your left. The white house has a large track of property to your right on the side this is a proposal to keep that white house on the lot and then make a new lot to the east. There is water in the road so that doesn't require wells but it does require septic you would have to do septic on both lots. I don't think there is a possibility of the septic on the white house meeting the code and we also have a cemetery in the back corner the northwest corner of this property. We are changing the access to the cemetery to come in off of McCarthy so you will still have access to the cemetery but just at a different point.

Mr. McMenamain: How would you do that would you cross the property?

Mr. Zigler: It is the Town right of way.

Mr. Puccio: Where would you be entering from McCarthy?

Mr. Zigler: Probably from about 100 foot in right before the curb. So you could actually park there and walk in or drive into the cemetery the current access to the cemetery is more like a path than it is a road but we would create that easement and it would be on the onus of lot 1. If you look at the map lot 1 is 53,000 square foot and lot 2 is 55,000 square foot they are both big lots. We had some comments from the County which we have to address the sight distance they want the applicant to move the wall so we will have to get into the discussion with the County on that because that was their thought moving their wall. The wall in the road is the County Highway wall just like all the rest of the wall up and down. They would like to have that wall moved back so you would have to really re-grade the whole strip of Wayne Avenue there to move the wall back about 8 foot. If they continue we would take the wall out and just grade it is a County wall it is not private. They have had trouble with a few walls on that road. This is the first time you are looking at this so this may be number three on the field trip.

Chairman: Set a site visit for February 2, 2013.

MOTION: Lead Agency

Made by Gerry Rogers and seconded by Michael Puccio

All in favor

MOTION: Unlisted Action

Made by Gerry Rogers and seconded by Michael Puccio

All in favor

Chairman: Next Jessup Ridge West.

Jessup Ridge West – SBL 19.01-2-45.1,45.5,45.7,45.8,45.9 RR District – Amended Subdivision from eight lots to twelve - Sketch, Preliminary approval, located on the west side of Jessup Lane and west side of Margarite Drive, 800 North of Willow Grove Road

- New Application
- Major subdivision

Mr. Zigler: I changed the name because you have valleys coming out the valley it was like four different site plans. This is the same property we did a field trip last month we did the field trip and walked up and down the road. The road is in the drainage and the sewers are in we had the lots marked out the lots on top of the hill are pretty easy you could see them because they are

going to be square. When I first made the submission I did not know that that stream was a DEC stream so we were (inaudible) that old bridge crossing to make a new bridge crossing after walking that and finding out from the very smart secretary that it is a DEC Stream and we are going to revise that lot so it would actually have two frontages one frontage with the house looking at the stream but the access would come off the road. We are going to bring it out for access so we don't have to cross the stream. So I am going to make the revisions on that plan and going to submit a grading plan for the lots the utilities are in we are going to have to move the sewer on lot 10 and 11 so we can get it out of the way of the house and we also now have the as built for the drainage pipes and those questions about the drainage so we can start that. So we are going to submit like a pre-preliminary set of plans so we can really address the major issue is to get rid of the association taking care of drainage and trying to get that straighten out. Basically what you have out there is a road with all the improvements in it and lots and we are redesigning it to have more lots. Some of the utilities would have to be moved and the electric would have to be moved but basically now that the snow is gone you could drive up there if you missed the field trip the roads and the lots it is a nice area but it met the economy and has not had construction.

Mr. Muller: Do you have the size of the pipes?

Mr. Zigler: Right now we are going out to check a few of the pipes but most of the pipes are over 24 and the small ones the crossovers are all 18 inch . We still have not done the details in those retention areas because there was still snow in there. There is a retention by the design from the previous engineer he had retention on both sides of the stream little pockets so water is coming down one hell or coming off the road prior to coming off the lake or the stream it had its own retention area so they are all in there the structure is in there are underground pipes. The major pipes in the road are 18 and plus. We just have to check the sizing of the retention ponds versus design.

Mr. Sheehan: The Town cannot take drainage if it is less than 15 inch so we want to verify that there are no pipes in there under 15 inches that if the Town was to take it over they are 15 inches and above.

Mr. McMenemy: So it comes off Margarita which is not a dedicated road.

Mr. Sheehan: It will be dedicated. It will come off Crosscreek and down Margarita and fall through the subdivision and all the way south to the edge of (inaudible) which is just past that pond will be dedicated to the Town everything north of that is a different developer which will be dedicated to the Town if it is ever built. Everything dedicated as far as roads except from Willow Grove Road going north to the parkway. The only reason is they haven't been built to the Town road spec it is a 40 foot right of way not a 50 foot right of way. They couldn't get the extra 10 foot needed.

Mr. McMenemy: So the retention that is already built in still belongs to those lots.

Mr. Zigler: Correct the association.

Mr. McMenemy: You said you were going to get rid of that.

Mr. Zigler: We are going to try. There would be an easement on lot 12. Most of the lake is on lot 12 the stream is on 11 and 10.

Mr. McMenemy: That is where the retention basin are.

Mr. Zigler: There are actually four there are two in front along the road and there is actually two along the back along the hill on the other side. If you go up and stop midway up the hill and look back you can see them.

Mr. McMenemy: So this lot A7 that is a buildable lot and it stretches all the way down.

Mr. Zigler: That is one of those weird lots which Stony Point was going to get. There was like 4 lots 3 lots in the subdivision that Stony Point was going to get for road purposes it was those remnant pieces that were at the intersection.

Mr. McMenammin: That was steep area.

Mr. Zigler: That was down towards the culvert very steep yes.

Mr. McMenammin: Think you told me the last time the lake lot (inaudible) right.

Mr. Zigler: Yes it is the first thing on your left as you come up the road.

Mr. Stach: Is it a damn?

Mr. Zigler: Yes it would be considered a dam yes that is on that south side of the property.

Mr. Stach: Does the DEC require a permit for that dam?

Mr. Zigler: Yes that is a good controlled stream so that is a controlled body. There is actually in the original submission there is a response from DEC on there.

Mr. McMenammin: So the owner has to make inspections of the dam on the lot.

Mr. Zigler: Just like any other structure yes. That is what we are trying to get the Town to take care of.

Mr. Puccio: Kevin do you have any input on this?

Mr. Maher: I would have to see the plans that they are referring to and we have to look at the calculations to be sure the (inaudible) are going to function. I know that Larry is concerned that taking care of the ones on the back side of the property they are going to be unreachable to his men and his equipment so that is going to pose a problem. The ones onto Jessup Lane you could drive off the edge of the road to get down to them but other ones you are going to be going through people's back yards to get to them and I don't think Larry is going to be thrilled with that.

Mr. Sheehan: Are there any easements or proposed easements?

Mr. Maher: There are easements but the way to get at them is not going to be easy.

Mr. Sheehan: How is the homeowner getting to them?

Mr. Maher: That is the homeowners association they hire their own contractors to maintain them that is their responsibility I know that is one of the reasons why Larry is very nervous about taking over the responsibility of the drainage system.

Mr. Sheehan: Let me ask you a question? We are going to take the drainage over in the road right now that is before deification.

Mr. Maher: I don't know about that again that is Larry's.

Mr. Sheehan: The subdivision was approved in part for dedication on roads and drainage (inaudible) the Town is taking the roads. Where does that drainage go from the town water once we take the Put the lots aside we are not subdividing right now is there any water coming from lot to the road that the Town is going to own into a private system.

Mr. Zigler: Yeah that would be those pocket ponds.

Mr. Sheehan: So we are putting our drainage into private facilities and we don't want to maintain.

Mr. Zigler: We will look into seeing if we could make a maintenance road somehow.

Mr. Sheehan: That is what I am saying and we have gone through this a million times there should never have been a Homeowners Association form the beginning how did that happen I don't think anyone knows because after it was filed Because you are putting all of Conklin Drive the subdivision up by Blanchard and Rt. 210 that water is coming down here if you ever

build Jessup Valley North that is coming down here these roads are going to come down here and all this is going into a private facility.

Mr. Maher: You also have Sergeant Schwartz Drive comes down through Conklin down to here.

Mr. Sheehan: So the Town's own system is putting a hell of a lot of water into somebody's homeowner's pond and they are expected to maintain it.

Mr. Stach: Now one of those lots is already sold. Annunziata is taking the water right.

Mr. Sheehan: That was an existing home that was the parent house on the property.

Mr. Zigler: So what we will do is just keep building on these details and questions and hopefully solve it and the drainage issues. We will try and get a maintenance road in and hopefully solve Larry's issues and keep processing it.

Mr. Puccio: So what are you bringing to us?

Mr. Zigler: The next set of plans will be grading for the proposed lots the sizes of those pocket ponds to see they match the original plans and also an as built of all the drainage pipes and sewer pipes on the job.

Mr. Maher: The fact that we are going to have more houses now we have more impervious area you have to be sure that the pocket basins are going to work so they may need to be made larger or find somehow maybe two big ones instead of four little ones.

Mr. Zigler: Maybe we can revise them a little bit and make them easier to get to but to that extent we are still looking for the drainage study for that. There is probably a small book but we haven't seen that.

Mr. Maher: I will see if can locate it that is from 2002 I think it was.

Mr. Sheehan: The Town taking any roads over or any drainage or any more stuff they have to maintain but who is in better shape to maintain especially since we are dumping how many acres of our own water into that. I would rather see the Town maintain something to make sure it is maintained versus homeowners association. That is my personal opinion.

Mr. Maher: You mean Conklin Drive and the drainage on Conklin Drive belongs to the Town?

Mr. Sheehan: I will when it is dedicated.

Mr. Maher: For now it is not dedicated then.

Mr. Sheehan: I will be dedicated one day.

Chairman: Last thing accept Minutes of December 13, 2012 Planning Board Meeting.

MOTION: Accept Minutes of December 13, 2012 Planning Board Meeting.
Made by Thomas Gubitosa and seconded by Gerry Rogers
All in favor

MOTION: Close Planning Board Meeting
Made by Gerry Rogers and seconded by Michael Puccio.

Respectfully submitted,
Mary Pagano, Clerk to the Board

