

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

June 27, 2013,

RHO BUILDING at 7:00 P.M.

Present:

Thomas McMenamin, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member

Gladys Callaghan, Member - absent

Gerry Rogers, Member

Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner

By: Max Stach

Kevin T. Mulhearn, Esq.

Special Counsel

Steven Honan, Esq.

Special Counsel

Chairman: Please call the roll. First item on the agenda is BHS Site Plan it is a continued Public Hearing Mr. Zigler just give us an update of where we are.

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**

Mr. Zigler: Dave Zigler from Atzl Scatassa and Zigler last month I asked you not to vote because we do need to override the County Memo so we are just waiting for the Planning Board to vote.

Chairman: At this time I will open the Public Hearing for BHS so if you have any comments for BHS please stand state your name and address and address the Board. No comments from the Public.

MOTION: CLOSE PUBLIC HEARING
Made by Gene Kraese and seconded by Gerry Rogers
All in favor

Chairman: Does the Board have any questions if not I will read the resolution then I will ask for a motion and second.

RESOLUTION
TOWN OF STONY POINT PLANNING BOARD

Granting Final Approval for proposed Site Plan for BHS Associates, LLC on the south side of Holt Drive, 990 feet east of Route 9W (SBL 20:04-11-6; LI District), to use the rear portion of said lot for Contractor Storage.

A meeting of the Town of Stony Point Planning Board (“Planning Board”) was convened on June 27, 2013.

WHEREAS, the applicant has made an application for the approval of a proposed Site Plan and Special Use Permit, to use the rear portion of the subject lot for Contractor Storage;

WHEREAS, the application materials in support of the Proposed Action includes a Revised Site Plan for Special Permit, dated March 29, 2013 (and submitted) to the Planning Board on April 11, 2013; and

WHEREAS, on January 24, 2013, the Stony Point Planning Board issued a Notice of Intent to become Lead Agency, for State Environmental Quality Review (SEQRA) purposes; and designated the action as an Unlisted Action; and

WHEREAS, by separate resolution dated February 28, 2013, the Planning Board, as Lead Agency, issued a Negative Declaration, pursuant to NYCRR Part 617 of SEQR; and

WHEREAS, the Planning Board has determined that it has complied with the procedural requirements of 6 NYCRR Part 617 (SEQR); and

WHEREAS, the Planning Board reviewed the application for a Special Use Permit, and during its review, the Planning Board reviewed and took into consideration the recommendations of the Rockland County Department of Planning pursuant to GML Sections 239-L and 239-M, and contained in correspondence from the Rockland County Department of Planning dated February 5, 2013, February 11, 2013, and March 28, 2013; and

WHEREAS, in consultation with the Turner Miller Group, the Town's planning consultant, the Planning Board recommended to the Town Board that the recommended modifications of the Rockland County Department of Planning were not necessary because, *inter alia*: (1) applicant agreed to incorporate privacy slates in the chainlink fence along the southern boundary of the property (thereby satisfying the Rockland County Department of Planning's concern about the need to help shield visual impacts from the proposed storage area through the installation of evergreen plantings), and (2) the Planning board determined that the hours of operation should be consistent with that specifically set forth in the Stony Point Zoning Code (as the adjacent school is closed during evening hours and residences are located at an adequate distance); and recommended to the Town Board that applicant's application for a Special Use Permit be granted; and

WHEREAS, the Town Board, by resolution dated May 14, 2013, granted the applicant's application for a Special Use Permit to use the above-described premises for Contractor Storage, pursuant to the revised maps and plans submitted by the applicant to the Planning Board on April 11, 2013; and

WHEREAS, the Town Board's May 14, 2013 Resolution was adopted by a unanimous vote of 5-0; so, to the extent that the Town Board's approval of applicant's application for a Special Use Permit constituted an action contrary to the recommendations of the Rockland County Department of Planning, such

approval was adopted by a supra majority (majority plus one) and thus constituted an override of the Rockland County Planning Department's recommendations; and

WHEREAS, the Planning Board has considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference) and the recommendations of the Rockland County Planning Department; and

WHEREAS, to the extent that granting approval of this application constitutes an action contrary to the recommendations of the Rockland County Department of Planning, such approval may be granted by a vote of a "majority plus one" (i.e., a supra majority) of the Planning Board; and

NOW, IT IS HEREBY RESOLVED, that the Site Plan entitled application for Site Plan Approval and Special Use Permit for BHS Associates, LLC, by Map of Atzl, Scatassa & Zigler, P.C., dated March 29, 2013 (and submitted to the Planning Board on April 11, 2013), be and hereby is approved to permit the rear portion of the subject premises to be used for "Contractor Storage" purposes, pursuant to the maps and plan submitted by the applicant, 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. Applicant shall comply with applicable zoning and building laws, rules and regulations;
2. Applicant shall comply with all representations made by the applicant;
3. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
4. All fees, including consultant fees, shall be paid by the applicant.

AND BE IT FURTHER RESOLVED, that the Planning Board finds that with regards to recommendations of the County of Rockland Department of Planning, that all recommendations have been incorporated into the design of the plans, with the exception of the following, which are deemed to be unnecessary and are hereby overridden:

1. With regard to County recommendation #2, the Environmental Assessment Form Part 1 is completed to the best ability and knowledge of the project sponsor, and it is not the role or responsibility of the lead agency to correct this form or require revision thereto, but rather to review it, verify the information contained therein, and consider any additional information provided (including the information provided by the County) and adopt a Part 2 in light of that information. Further, in light of the foregoing, the Planning Board was well aware of the adjacent elementary school, the Town Board and Planning Board have found the proposed use to be compatible therewith, given the relationship of topography and remaining vegetation buffers, as well as existing surrounding uses that also abut the school; and
2. With regard to County recommendation #3, evergreen landscaping and vegetated berm are not required along the southern boundary, given the elevated topography of the site relative to the school fields to the rear, and the retention of existing trees and brush to the rear of the site; and
3. With regard to County recommendation #4, limits to the hours of operation would not be warranted, given that the school operates during regular business hours, that there is already commercial and industrial operations adjacent to the proposed use, with similar rear setbacks and buffers that operate during normal business hours, that the proposed storage of contractor supplies and equipment is not likely to result in significant prolonged noise, air, or visual impacts different from the existing surrounding uses, and limiting activity outside of normal business hours would provide no greater protection to the school, since during that time, educational instruction does not occur; and
4. With regard to County recommendation #5, existing and proposed lighting has been identified and is not significant in number, and a map note has been added that prohibits glare onto adjoining property; and
5. With regard to County recommendation #6, it is not necessary to show trees to be removed, given that the remaining buffer has been found to be consistent with the adjacent uses on either side, and the differential in grade will make it difficult to see onto the site from the adjacent property to the south; and
6. With regard to County recommendation #7, while the area of parking has been paved, the entire area will not be paved, given that best stormwater practices favor the use of gravel (crushed stone);

AND BE IT FURTHER RESOLVED, that the Planning Board requires that a copy of this resolution be forwarded to the County of Rockland Department of

Planning as a report of final action, for both the approval of the Special Use Permit by the Town Board (that had indicated its agreement with the recommendation of the Planning Board at the time of Special Permit approval) and the approval of the Site Plan by the Planning Board, consistent with section 239-m(6) of the General Municipal Law;

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

YEA: (6)
NAY: (0)
Abstain: (0)
Absent: (0)

There being six (6) votes in favor of the motion, zero (0) votes against the motion and zero (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA
Chairman, Town of Stony Point
Planning Board

Filed in the Office of the Clerk of the Town of Stony Point in this
2nd day of July, 2013.

Hon. Joan Skinner
Town Clerk,
Town of Stony Point

Chairman: All right I need a motion to accept this resolution with modifications.

MOTION: ADOPT RESOLUTION GRANTING FINAL APPROVAL
Made by Gerry Rogers and seconded by Michael Puccio
Roll call vote all in favor

Chairman: Resolution passed. Next application Public Hearing is The Rose at
Wayne Avenue

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

- **Two lot minor subdivision**

Chairman: All right Mr. Zigler give us an update on this.

Mr. Zigler: At the last meeting I updated you on the site plan itself we received Health Department approval on septic that was for both lots that was the outstanding issue we had and there is no other information. We did get a new County letter and we do not have a problem with any of those items I think there is six on the County letter we have to go for a permit when there is any construction on either lot a County Highway Permit and we have to get the maps signed by the drainage agency. The other items were just typical items you would do for building permit erosion control and lot drainage and so on and we don't have a problem with any of those items. I don't know if you see anything here that was red lined Max. That is about it we addressed the easement to the Town Board I believed you received a resolution back that they are going hold off till it gets final approval then sign the easement over that would be the access to the cemetery and Angelo met with the neighbor and he is going to re position the sprinklers he has a sprinkler head in the right of way so Angelo agreed to relocate them to keep the sprinklers working in that area after the driveways were in.

Chairman: If the Board Does not have any comments I will open up the Public Hearing so I am going to open the Public Hearing for The Rose just state your name and address for the record and address the Board. No comments from Public

MOTION: TO CLOSE PUBLIC HEARING

Made by Peter Muller and seconded by Gerry Rogers

All in Favor

Chairman: I am going to read the resolution granting approval of the two lot subdivision and after I do it I will ask for a motion and second

GRANTING APPROVAL

OF A TWO LOT MINOR SUBDIVISION

For The Project

THE ROSE AT WAYNE AVENUE

BY APPLICATION OF: Angelo Lucrezia

WHEREAS, an application has been made to the Planning Board for approval of a two (2) lot minor subdivision, designated THE ROSE AT WAYNE AVENUE, affecting premises designated as Section 15.01, Block 4, Lot 60 on the Tax Map of the Town of Stony Point, located in an RR Zoning District and upon a plat titled "Subdivision Plan" dated December 3, 2012, and last revised May 15, 2013, prepared by Atzl, Scatassa & Zigler, P.C., consisting of three (3) sheets; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, a negative declaration was issued by this Board on February 28, 2013 and an amended negative declaration was issued by this Board on May 23, 2013; and

WHEREAS, by letters dated December 24, 2012, March 11, 2013, May 21, 2013 and June 3, 2013, the Rockland County Department of Health made certain comments applicable to the project, including the approval of the septic system for the project; and

WHEREAS, by letter dated January 13, 2013, the Rockland County Department of Highways made certain comments applicable to the project, including the requirement of obtaining a R.C. Highway Department Work Permit and Road Opening Permits in the future; and

WHEREAS, by letters dated January 15, 2013, March 28, 2013 and June 24, 2013, the Rockland County Department of Planning made certain comments applicable to the project, including the requirement that the existing well be properly decommissioned before its removal, said process to be monitored by the Rockland County Department of Health and in compliance with the Rockland County Sanitary Code, and all work be performed under a valid permit and that the subdivision plan must be signed by the Chairman of the Rockland County Drainage Agency; and

WHEREAS, at a meeting of the Town Board of the Town of Stony Point convened on May 14, 2013 at 7:00 p.m., a RESOLUTION APPROVING CEMETERY EASEMENT was unanimously approved, authorizing the Supervisor to execute any and all documents necessary to extinguish an existing easement and establish a new easement upon the subject premises as a means of access to and from the "Rose Family Cemetery", a cemetery owned by the Town of Stony Point; and

WHEREAS, a public hearing was held on May 23, 2013 and held open and continued at a subsequent planning board meeting on June 27, 2013, at which date the public hearing was concluded and closed.

NOW, THEREFORE, be it

RESOLVED that the application submitted for approval of a two (2) lot minor subdivision, designated THE ROSE AT WAYNE AVENUE, affecting premises designated as Section 15.01, Block 4, Lot 60 on the Tax Map of the Town of Stony Point, located in an RR Zoning District and upon a plat titled "Subdivision Plan" dated December 3, 2012, and last revised May 15, 2013, prepared by Atzl, Scatassa & Zigler, P.C., consisting of three (3) sheets,

be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point, subject to the following:

1. This Board finds that there is insufficient land available in the premises to be subdivided to warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Town in lieu of land in the amount set forth in the Town's Schedule of Fees.

2. The Applicant shall submit to the Town Attorney for approval a proposed deed, and/or other documents required by the Town, necessary to extinguish an existing easement and establishing a new easement upon the subject premises consistent with the Town Board's "RESOLUTION APPROVING CEMETERY EASEMENT", of May 14, 2013.

3. Signature of the Chairman of the Rockland County Drainage Agency pursuant to the requirements of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended).

4. The applicant shall complete work on the proposed driveway and the proposed twenty (20) foot wide access easement for the cemetery by September 1, 2013.

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

There being six (6) votes in favor of the motion, no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA, Chairman
Town of Stony Point Planning Board

Filed in the Office of the Clerk of the Town of Stony Point on this 2nd day of July 2013.

Hon. Joan Skinner, Town Clerk
Town of Stony Point

MOTION: TO GRANT FINAL APPROVAL OF THE TWO LOT SUBDIVISION
Made by Gerry Rogers and seconded by Peter Muller
Roll call vote all in favor

Mr. McMenamin: When will work on lot one be done? House is staying where it is. The new driveway to the cemetery and the new driveway to the house the regarding of the area the entrance to the cemetery.

Mr. Zigler: Basically this is a subdivision that requires a building permit to do that work so that now that received final they can submit to Bill to get a C of O for that house and then the work would have to be done at that point because it is on lot one.

Mr. McMenamin: So he has a driveway that is going to be abandoned.

Mr. Zigler: So he cannot get a C of O for that house with the driveway in that location he owns the house now he has to get a C of O because it is under the subdivision rules. So if he going for a building permit for a C of O he is going to get comments back from the County to do the work then.

Mr. McMenamin: He is renting it? There was a sign there.

Mr. Zigler: No it is not rented.

Mr. McMenamin: He has to do that right away.

Mr. Zigler: What is the problem do you want a time.

Mr. McMenamin: The cemetery is what I am concerned with.

Mr. Zigler: So when do you want it done by? I would rather put it right in there let's say three months from today would that be fine?

Mr. McMenamin: Otherwise they are going to be continuing to use the old access.

Mr. Zigler: No they can't use it lets put a time limit in there and be done with it I don't have a problem with that.

Mr. McMenamin: They can't use what?

Mr. Zigler: They cannot use the driveway without a C of O on the house there is nobody it so he has to go for a C of O so we will put a time limit on it. This is June we will say prior to September 1, 2013 you can add that to your resolution.

Mr. McMenamin: That will be ok.

Mr. Zigler: Get it done that is fair.

Chairman: We will make it so it has to be done by September we will put that in the resolution we will make that item number four.

Mr. Honen: What needs to be done?

Mr. Zigler: The driveways on lot one needs to be removed and relocated, both driveways. They have to file the documents anyway so it has to be cleaned up and we have no problem with that date.

Mr. McMenamain: If he doesn't have a C of O he can't rent it.

Mr. Zigler: He needs a C of O plus we are giving documents to the Town Board to move the driveway so they are not going to accept the driveway documents until the driveway is in so it is going to be done. If something happens I will come back to the Board and report.

Chairman: Next item on the agenda is Hudson River View Warehousing.

Hudson River View Warehousing – SBL 20.04-11-3 LI District Amended Site Plan – Preliminary, located on the east end of Holt Drive 1800 feet east of South Liberty Drive, then 600 feet east on an unnamed private road.

- **Amended Site Plan**

Michael Puccio recused himself form this application.

Chairman: Mr. Zigler give us an update on this.

Mr. Zigler: Basically at the last meeting we had to go to the ARB to get approval and we also had a condition on the site plan after discussion with Max and Bill that we couldn't leave and that was the buildings were to long so this map that is up on the board you don't have because this is the map that went to the ARB and prior to the ARB they added more landscaping so I will be submitting a new set of maps for the next meeting which shows the buildings being split. So when we had building number 5 we now have building 5A and 5B it ends up being less total building square footage than we had but it reduces the building length which was a question on one of your regulations. We did that and also went to the ARB we had the lights and the landscaping so this is the landscaping plan that the ARB approved. So my next submission to the Board would be showing those different items and then included with that is one of the items we have from the DEC which I ask you to look at tonight I don't know if you have it. It is the Costal Consistency for the Site Plan and basically because this site is on the east side of the railroad it requires this hard look at the site itself by the Planning Board and there is several steps that you have to look at. To sum it up it is really something that is sitting on the river and this site is sitting on the river because it is on a tidal bank but it is not visible form any road along the river if you are down on grassy point and you look up you can see the tower the top of the Insul-X building the site itself is going to be pretty well landscaped. So we have to have you adopt that separately because that has to go to the DEC with the resubmission of our maps showing the split buildings the change in landscaping and so other minor items for next month we would then ask you if you are satisfied to vote for final approval. I don't know if you looked at that report from Mike Merriman , it is almost like a ZBA you have to look at each one of the items if you read them you can see that most of them don't even pertain to this site when you

start using site lines from the river. The comments are in there and the responses are in that report for the Board to review.

Chairman: So what do you need from us tonight?

Mr. Zigler: If I had a wish list the wish list is for you to adopt this report by Mike Merriman that way we can forward the resolution to the DEC and they could start their process on the two permits that are outstanding. Then I will bring in revised maps and discuss it at the workshop and hopefully be prepared for next month for final resolution.

Mr. Kraese: Max what do you think of this?

Mr. McMEnamin: So he works for you.

Mr. Zigler: Yes he is the consultant that is working with the 360 permit and the flood permit for the site and the DEC. All these projects we did we never did anything on the east side we tried but never got this far. So this is one of the items that the DEC popped up with again you are looking at the same thing for the railroad so that is where it popped up. So if you read them it really clearly ask questions that have to do with the river front. The first one is the waterfront area in Stony Point, fish and wildlife habits of the river and flooding and erosion problems. This is a construction site we have plans to mitigate these problems but you have to actually adopt something.

Mr. Stach: This is the same thing we did with CSX essentially what you are doing is that there is an LWRP that the Town has adopted setting forth Planning Policies relevant to quote unquote the coastal zone which in Stony Point is anything pretty much to the east of Route 9W in this case when anything that requires a State permit the DEC for example will say we need a coastal zone consistency review so the Town Board at Some Point appointed the Planning Board the Water Front Advisory Board the original Board charged with giving them reviews. Basically it just a review of the policies of the LWRP versus this application point by point that looks like what Mr. Merriman has done here he has suggested what those policies are. To a large extent your zoning ordinance that was adopted was adopted after the LWRP so when you adopted that zoning you said this area is ok for uses like storage warehousing you had made a determination at that time that those types of uses were appropriate for this site in a coastal zone. This is a fairly basic application if you want I can review these in detail but it would be my initial recommendation that since it is a permitted use in a area that is remote and sort of off by itself and there is not a lot of impact to the other area in the coastal zone. I don't foresee even if I did a detailed review coming with any compelling differences maybe I would find ways that it may further another policy that isn't addressed here but I just don't see this being inconsistent with the coastal zone policy as I understand them.

Mr. Muller: So basically you don't have a problem with this.

Mr. Stach: I don't have a problem with it but I have to say I haven't reviewed it in detail.

Mr. Kraese: I don't have a problem with it.

Chairman: Kevin do you have a problem.

Mr. Maher: I didn't see any issues with it I would defer to Bill as the zoning officer.

Chairman: Does the Board have any questions if there are no issues we can make a motion to adopt.

Mr. McMEnamin: I do have a question are you going to review this in detail. You want to go to the DEC with us accepting it.

Mr. Zigler: We need a resolution that the Planning Board adopted something out of this.

Mr. Stach: You need to make a statement that the proposed project is consistent with the recommendation of the LWRP that is what DEC needs in order to continue processing the application before them their permit application. This paper is an argument on behalf of the applicant why this Board needs to adopt a resolution stating that is a consistent with policy.

Mr. McMEnamin: You don't stand ready to recommend that it meets the requirements at this moment because you have not studied this.

Mr. Stach: I cannot definitely recommend it but I can tell you that from my understanding recently I just don't see it as being inconsistent. Only because again when you wrote the zoning you wrote it in complaisance with that LWEP policy so these types of developments, self storage unites warehouses are consistent with those recommendations. If there were variances here if it was a use not permitted or there was a zone change involved I might be a little bit more hesitant to recommend the consistency findings.

Mr. McMEnamin: The watershed protection was not in place when the zoning.

Mr. Stach: The revitalization plan was adopted in 1993 well advance.

Mr. McMEnamin: It was your right ok.

Mr. Muller: Mr. Chairman the Town Engineer having reviewed this you reviewing it and our attorney reviewing it and this is in line with everything we said it was to be it fits in our area and we have taken a close look at it. This is something that needs to be accomplished so that the DEC can be comfortable. I am going to make that recommendation that we adopt this.

MOTION: RECOMMENDING TO ADOPT CONSISTENCY REVIEW LETTER

Made by Peter Muller and seconded by Gerry Rogers.

Roll call vote all in favor

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWN OF STONY POINT**

Re: Coastal Consistency Request for 45 Holt Drive, Proposed Self-Storage Warehouse Site Plan Application by MBC Contractors

WHEREAS, the applicant, MBC Contractors has applied for Site Plan approval for a proposed self-storage warehouse at 45 Holt Drive, Stony Point, New York; and

WHEREAS, the proposed project is located east of NYS Route 9W, which is the Western boundary of the Coastal Zone in that area of the Town of Stony Point, and as such is the Coastal Zone and must therefore obtain a determination of consistency with the Town's Local Waterfront Revitalization Plan (pursuant to Chapter 209 of the Town's regulations); and

WHEREAS, the Planning Board has received the following documents that pertain to this discrete issue:

1. Letter from Mike Merriman, Project Manager/Permitting Specialist, dated June 19, 2013.
2. NYS DOS Coastal Management Program, Federal Consistency Assessment Form.
3. Letter dated June 27, 2013, from John W. Petronella, NYS Dept. of Env. Conservation, to Mike Merriman.
4. Part 360 Permit Application Technical Review Comments; and

WHEREAS, the Planning Board, in consultation with the Town's Planning Consultant, The Turner Miller Group, has reviewed all of the aforesaid documents and heard from the applicant regarding these issues at a June 27, 2013 public hearing of the Planning Board.

NOW, IT IS HEREBY RESOLVED, that, based upon the Planning Board's review and analysis of the foregoing documents and testimony, the proposed application would not have a negative environmental impact, or otherwise unduly interfere, with the Coastal Zone in Stony Point, and that, in fact, the proposed application and requested use of the premises as a self-storage warehouse is entirely consistent with the Town of Stony Point's Local Waterfront Revitalization Plan (as memorialized in Chapter 209 of the Town of Stony Point's regulations).

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

Michael Puccio, Member recused himself from this vote

YEA: (5)
NAY: (0)
Abstain: (0)
Absent: (0)

There being five (5) votes in favor of the motion, zero (0) votes against the motion and zero (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA
Chairman, Town of Stony Point
Planning Board

Filed in the Office of the Clerk of the Town of Stony Point in this
5th day of July, 2013.

Hon. Joan Skinner
Town Clerk,
Town of Stony Point

Chairman: Next on the agenda Jessup Ridge West, Mr. Muller will be leaving the Planning Board meeting at this time. Mr. Zigler give me an update.

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 lots - Sketch, Preliminary approval, located on the west side of Jessup Lane and west side of Margarite Drive, 800 feet north of Willow Grove Road

- **Major subdivision**

Mr. Zigler: Basically there have been no changes to the plans we just have had meetings about the site itself the improvements we met out on the site there has been some work on the site the biggest thing is to mitigate most of the problems the applicant has told whoever wants to listen they are going to put concrete curbs in along the road. I spoke to Larry Brissing about that and he said he did not have a problem because he does the acceptance of roads and that road was accepted already in reality all it needs is the top coat to be put on which would include macadam berm. That wasn't the point we thought the concert curbs would be a better directional structure

to get the water into the catch basins especially at the bottom of the cul de sac where it seems to be running nilly nilly onto the other people's property. The applicant did get in there and put up hay bales to redirect the water into the two basins at the bottom of the cul de sac and the two up at the top as you enter. There is going to be the curbs it is going to be started in the very near future and we also started to clean up the old retention ponds along the road we cut the grass and got those shrubs out of there and cleaned up along the top of the old driveway the original driveway that goes back to the house. In addition to that we sat down Ryan from the office and I was just an innocent listener and they discussed the drainage and Kevin had some good ideas about possible ways to eliminate the basin that is in the back by the cul de sac that one pot hole basin that we have by doing green structures on the new homes. The original plans did not have the green structures requirement that is now required for building permits but we agreed and Kevin has been enforcing that the lot is older if you are going for a building permit now it requires this green structure which is actually water quality and a little storage not total but a little storage. With that being done with the lots that are on the high side on the top as each one comes in we have to prove it to him it is possible we can eliminate the retention pond down at the bottom and go directly into the stream on the back side of the damn. On the other end let's call it over by the culvert that might require a little bit more because there is a little bit more road there we might have to keep that retention pond we might have to enlarge it or something that is not so bad because you can access it off the road. The two that are out front are going to be left alone and just maintained. We discussed the maintenance agreement that is already in place for the entire site and I went to the Town Board for that I prepared a document from the birth of this subdivision to a few years ago and how the bond money went back and forth and what the maintenance agreement is for and the Town Attorney Mr. Nugent and the applicant attorney they are going to get together and look at it and see if all these great ideas that we have the curbs the green structures possible enlargement of the one retention pond and cleaning up the site if that would be enough for the Town to take everything over? From the beginning they were going to take the road over but they were never going to take the private drainage structures off the road. That was going to be in this maintenance agreement. If everything goes as the applicant wishes you would still have a maintenance agreement at this point because Jessup Lane from our subdivision down to Willow Grove is still going to be a private road it does not meet the criteria of a Town Road so the real Town access is off of Cross Creek into the site. You come up Willow Grove up Jessup you are actually on the private road. So it still needs a maintenance agreement but we are trying to eliminate the drainage structures that are on site with that being said and a schedule the applicant has for these improvements are wish is to get Kevin the information he needs and ask for a Public Hearing at the next meeting and hopefully no one comes out then you know whatever is being done works. That is the only thing we have we require no permits from anybody to do the work we just discussed In realty we are moving lot lines on an existing subdivision so we would ask that if possible the Planning Board would set a Public Hearing for next month.

Chairman: So everyone knows just over the last months myself, Mr. Puccio, Mr. Kraese we have been up to the site numerous times before the rain after on Saturdays, and one Thursday night we were up there last week and the builder was there and he did clear out that cul de sac and we found the drains. When we went up there last time there were no drains where the dam was where the wall was all crumbled he cleared out moved some of the rocks and he was starting to clear up around the perimeter so when you drove up it was looking better. We sat and talked

with him for a while we saw him putting the hay bales up so like you said so hopefully the residents will see that it was improving. He is doing what we told him we asked after we had the Public Hearing these were the issues we were up there and we saw him cleaning it out. It is not like we come here once a month and you don't see us Mr. Puccio, Mr. Kraese we only go three at a time so we are up there Saturdays or after work and we are looking at the site and he is there cleaning up so we do appreciate that.

Mr. Puccio: Kevin are you happy with the pond since they cleaned it? I see some concrete in there and stuff have you been up there since he has been doing the work?

Mr. Maher: I have been there when he was doing the work and after he did the work as well. It is concrete he can just sit there with a jackhammer and clean up that one big glob on the downstream side and pull it out of the way.

Mr. Puccio: You believe that there is enough rock there so if we have a big storm it will not wash away?

Mr. Maher: It is close I can't say for sure because we do not know the amount of water is coming over the dam it is one of the items we discussed with Ryan it is simple mathematics you just look at the size of the (inaudible) spillway and you can compute the maximum amount of water going over and just check the size of your stone river at pad and see if it is adequate or not adequate if it needs to be beefed up or not.

Mr. Puccio: I think we should take a double look at that to make sure that is not going to be a problem.

Mr. Maher: Well when he provides the calculations.

Mr. Chairman: Like Mike said like you said that big junk of concrete if he jackhammers that it is the only thing I was worried about.

Mr. Puccio: I am just recommending you look at it.

Mr. Maher: I go there once or twice a week.

Mr. Kraese: Was there talk or is there plans to remove what is left of that bridge type abutment that is there that they took the stone?

Mr. Zigler: No it is staying the way it is.

Mr. Kraese: Beside that large piece of concrete I hope they will do something about that before we get too far down the road. There is also a little bit further south of that there was obstruction with large boulders Kevin maybe you can address that and move them off to the side. It is right below that large concrete right there. Getting back to those retention ponds so I know for the Public Hearing the two on Jessup the retention ponds are going to be maintained by the Town?

Mr. Zigler: Larry doesn't seem to have a problem with it he didn't say yes or no he like them because they are accessible from the road so I would say if they are going to accept the theory accept the location of the retention pond that would be the position that he would accept.

Mr. Kraese: Those are the two off of Jessup what about the one on the other side?

Mr. Zigler: We are trying to eliminate the one that is in the back behind the existing house.

Mr. Kraese: Is it that much of a problem to keep that.

Mr. Zigler: It is impossible to get at without making a road.

Mr. Kraese: Did they clean it out?

Mr. Zigler: No not that one not down in the back there. Part of the problem it is on the other lots property. It will be easy to go in and fill it and grade it.

Mr. Kraese: So are you looking into eliminate that one I know which one you are talking about.

Mr. Zigler: Eliminate that one and enlarge this one it has a road into it right now.

Mr. Kraese: Are you going to advise us on this one too Kevin.

Mr. Maher: As soon as I see all the work from Ryan. He is going to be double checking everything.

Mr. McMEnamin: Back when we started this you voiced a concern regards to about three or four subdivisions up the hill from this one. Did you resolve that issue?

Mr. Maher: It is resolved in the sense of when Ryan does his check of the detention ponds outfall that is going to determine if we need to make any improvements further and beyond what has already been done at the spillway. As far as what goes further from there we still have to look at beyond what we have right now. As far as what the applicant has done they have addressed the main concerns of the flow coming out of that pond.

Mr. McMEnamin: Is Ryan looking at the volume of the five residential subdivisions up the hill built out or as they are today?

Mr. Zigler: Not looking at it at all.

Mr. Maher: We can do a simplified approach by using TR55 it is not a complicated analysis Ryan knows how to do it and it is not going to take him weeks to do it probably a day if that. I is a simple calculation you look at the (inaudible) of the area then you compare it to the pre construction and it gives you the flow coming to the pond and at that point you look and see and double check now we have a spillway if you look at the spillway configuration let's say it can handle a hundred CSF but this subdivision is throwing in thirty and upstream is throwing in sixty

Guess what the spillway is ok the lake is ok and everything is fine.

Mr. McMEnamin: What if the upstream is built out?

Mr. Maher: He is going to assume as if it is built out that is a simple calculation.

Mr. McMEnamin: I wanted to say that was your concern originally so you have looked at that.

Mr. Maher: I haven't looked at that Ryan will he already has a map and knows the size of the water shed.

Mr. Zigler: Basically from Jessup North I think is the next one up line is not built and that has retention off line like ours off the stream.

Mr. McMEnamin: What is the one on Blanchard?

Mr. Zigler: Blanchard is Carlton Meadows and that is off line it is not on the stream. When I mean off line I mean all the drainage from the site is going into the retention pond the retention pond is mitigating the storm flow and just allowing equal out so Jessup North has a retention pond on it proposed it is not built off line to the north of the stream. Same way as Blanchard which is Carlton Meadows which is Skippy and Joe Corless there are three retention ponds on Carlton Meadows I think then above that is Pat Magee's which was Carlton something else which is also there and that ended up only with that private house and that is underground and that is off line. So all these items that is pouring in from new construction are off line to the stream itself.

Mr. McMEnamin: Where do they go?

Mr. Zigler: They go into the stream but they don't allow any more than Mother Nature did when it was bought.

Mr. McMEnamin: Increasing the rate but the volume is larger and will be larger as all the new houses are built.

Mr. Zigler: A little bit it will get larger but the bottom line is I don't know where we are going with the account if the account is there will be flooding downstream there is going to be flooding downstream because the two driveways down below us have two 24 inch pipes we removed two 36 inch pipes so both driveways are throttling whatever goes over the spillway and it is going to flood from the day they put their driveway in to the day they do something with their driveway. Our project and no project upstream can stop that.

Mr. McMEnamin: You talking about Jessup Lane Bragaglia?

Mr. Zigler: Kevin has a solution but it private property so there is nothing to be done.

Mr. Stach: But the issue is flooding out the people on Bragaglia that were here they were getting flooded out because of the infrastructure as built. It was not working because the catch basins

were higher than the road and there was gravel and other things that was helping the water on the down side of the cul de sac pop the curb and not going to a swale and instead going to an adjacent lot down his driveway into this woman's property. Now that they have cleaned up the area the water is going into the catch basins it is going down the swale Gene has some concerns that the swale is working or not.

Mr. Kraese: They are going to put six inch curbs in.

Mr. Stach: They are fixing the as built condition in order to make those issues on Bragaglia go away but there are additional flooding issues to look at past the spill way which is no longer the pinch point since it has been improved the pinch point is now several lots down the stream it is going to start popping those pipes now.

Mr. Maher: The thing is the flow would have popped those pipes I would agree with what Dave is saying there. The flow would have popped those pipes anyway because the spillway has a given rate of flow regardless of the size of the two pipes. Then again you look at the geometry two thirty sixes versus two twenty fours I don't think you have to be an engineer to figure out that there is going to be a problem downstream. I have brought down a solution as soon as Ryan gives me the queue for coming over the spillway to verify my views I did an estimate based on some quick measurements in the field all by myself I did not have access to all the instruments he had. If he verified the number I came up with I have a solution that will work it is going to required the residents on Bragaglia Drive to work with the Town to grant easements so a storm sewer system can be built for the area.

Mr. McMenamain: And if they don't it is going to flood.

Mr. Maher: It does flood now during very heavy storms. It is going to be just as bad because the downstream structures are just too small. What I would like to do is somehow have the homeowner there grant the Town the easement to construct a storm sewer system that will cure the problem.

Mr. Kraese: Who is going to pay for that?

Mr. Maher: That is our office I am going to leave that to the Town Board to decide and how it is going too funded.

Mr. Kraese: I have a question for you on top of that cul- de- sac where they propose putting that curbing could you look beyond let's say worst scenario if the water overflows that curbing hopefully it will be maybe from that hydrant around somewhere in that area if it does the property adjacent to that on the other side going west is owned by the applicant and now there is some sought of a wall there that if that is going to be an issue could you see if that wall can be extended so many feet to prevent any runoff from going onto that private property into that woman's basement.

Mr. Maher: So you are talking were the curb is supposed to be installed at the edge of the pavement.

Mr. Kraese: It is in disrepair now but it seems to me that it does not extend west far enough to do any good it seems like water went right past.

Mr. Maher: I will look at it.

Mr. Kraese: If you are not sure about it I will show you what I am talking about.

Mr. Maher: I think I know what you are talking about.

Mr. Kraese: All I am saying is can you make a berm is it possible at that point to put a berm further west which would be right at the edge of the road to prevent an overflow of water going down.

Mr. Stach: You know what will end up being the problem with that and you might need Braglia in on it because I think that cul de sac is on the property line.

Mr. Zigler: This is what Ryan and Kevin spoke about this the intent is to put a swale behind these houses. So that will solve some of the problems. We are going to provide a plan but this stuff does not happen overnight it is going to take years so if something don't work and there needs to be a change out there let's say there is water going down there and there has to be a change it's always worked out because in the end it has to be worked out because the Town will not accept the improvements.

Mr. Kraese: I just wanted to bring it up front so I don't become an issue.

Mr. Zigler: We don't want it to become an issue so we will try and address it.

Mr. Stach: I have only one comment I received a Part III from your office on Monday initially reviewed it looks good the only thing I would ask you if you would get a letter from Mr. Torgersen saying that.

Mr. Zigler: He did go out and look at it and I will get the letter he said he found the only wetlands on back of (inaudible) house there out off the parkway.

Mr. Stach: Ok it should be sufficient saying that you are not going near there.

Chairman: Ok what do you want a Public Hearing?

Mr. Zigler: I would respectfully request that you set a Public Hearing for preliminary and final.

Mr. Stach: Dave are you going to have all these answers for this Public Haring?

Mr. Zigler: We are going to have enough of the base answers and continue to expand on it. The bottom line is that we are trying to get rid of this.

Chairman: I need a motion to set a Public Hearing to the next available meeting which is July 25, 2013

MOTION: SET PUBLIC HEARING
 Made by Gene Kraese and seconded by Gerry Rogers
 All in favor.

Chairman: Next on the agenda Cost Estimate – Forty Four South Liberty Drive.
 We need a motion to accept the Cost Estimate

Cost Estimate - 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

**FORTY FOUR SOUTH LIBERTY DRIVE CONSTRUCTION
 ESTIMATE
 JUNE 6, 2013**

DESCRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL COST
<u>SITE PREPARATION AND EROSION CONTROL</u>				
SILT FENCING	385	LF	\$3.00	\$1,095.00
CONSTRUCTION ENTRANCE ROAD	2	EA	\$3,000.00	\$6,000.00
INLET PROTECTION	2	EA	\$150.00	\$300.00
<u>ROADWAYS AND PARKING AREAS</u>				
PARKING LOT PAVING AND STRIPING	925	SY	\$40.00	\$37,000.00
CURBING	420	LF	\$12.00	\$5,040.00
PAVEMENT RESTORATION	50	SY	\$35.00	\$1,750.00
<u>STORM DRAINAGE</u>				
STANDARD CATCH BASIN	1	EA	\$3,500.00	\$3,500.00
STANDARD DRAINAGE MANHOLE	1	EA	\$3,000.00	\$3,000.00
STORMCEPTOR DRAINAGE STRUCTURE	1	EA	\$10,000.00	\$10,000.00
15" HDPE STORM DRAIN PIPE	265	LF	\$30.00	\$7,950.00
48" HDPE PERFORATED	20	LF	\$250.00	\$5,000.00

ADS PIPE				
CONNECTION TO EXISTING DRAINAGE STRUCTURE				
<u>LANDSCAPING</u>				
TOPSOILING AND SEEDING	2,200	SY	\$3.00	\$6,600.00
SHADE TREES	2	EA	\$350.00	\$700.00
SHRUBS	78	EA	\$125.00	\$9,750.00
<u>MISCELLANEOUS</u>				
SITE LIGHTING	3	EA	\$10,000.00	\$10,000.00
SUB-TOTAL				\$128,185.00
15% CONTINGENCY				\$12,818.50
GRAND TOTAL				\$141,003.50
PROJECT ESTIMATE IS \$141,000				

MOTION: ACCEPT THE COST ESTIMATE AS PRESENTED
 Made by Gene Kraese and Gerry Rogers
 All in favor

MOTION: ACCEPT MINUTES OF MAY 23, 2013
 Made by Gerry Rogers and seconded by Gene Kraese

MOTION: CLOSE MEETING
 Made by Gerry Rogers and seconded by Michael Puccio.

Respectfully submitted,

Mary Pagano, Clerk to the Planning Board

