

# *Town of Stony Point*

## Department of Planning

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### **PLANNING BOARD MINUTES**

**February 26, 2014**

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

#### Present:

Eric Jaslow, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member

Gerry Rogers, Member

Michael Ferguson, Member

Thomas Gubitosa, Chairman

Stephen Honen, Esq.

Special Counsel

Max Stach

Town Planner

### **PLANNING BOARD AGENDA**

**February 26, 2015**

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

#### **APPLICATIONS:**

1. New Planet Sustainable Fuels - SBL 20.02-11-26, 20.04-11-3 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W, Stony Point, and New York
  - Update on the Environmental Review process and recent meeting with the DEC

2. Referral from Town Board on Proposed Planned Waterfront Zoning Amendments

**APPLICANT REQUEST THAT VERIZON WIRELESS BE TAKEN OF THIS AGENDA**

3. Verizon Wireless Proposed Public Utility Wireless Telecommunications Facility (NY Mott Farm) at 560 Liberty Drive, Tomkins Cove, New York SBL 10.02-3-10 BU Zone Site Plan/ Conditional Use, located on the East side of North Liberty Drive, Tomkins Cove

- Site Plan
- Special Use Permit recommendation

Other Business:

January 22, 2015 minutes

**Minutes for this application were taken by stenographer.**

New Planet Sustainable Fuels - SBL 20.02-11-26, 20.04-11-3 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W, Stony Point, and New York

- Update on the Environmental Review process and recent meeting with the DEC

Chairman: Next on the agenda is referral from the Town Board.

Referral from Town Board on Proposed Planned Waterfront Zoning Amendments

Mr. Stach: This Planning Board has already made a positive recommendation to the Town Board and as part of that positive recommendation you recall you requested that the minimum lot area for qualification of the zoning be reduced from ten acres to five acres that change has been made in the zoning and that is what is currently being considered by the Town Board for adoption you also recall when we were talking about the CSX track improvements that the Town Board

some time ago designated the Planning Board to be the waterfront advisory committee and made it the charge of this Board to determine compliance of all water front actions with the local waterfront revitalizing plan. That includes these proposed amendments which affect land in the LWRP which generally the area east of Route 9W. What that being said I had provided you a copy of the EAF Parts I, II and III the actual code along with the consistency with the LWRP I'm sorry the PW District Amendments with the LWRP. The Policies for the PW District as detailed in the LWRP do not contemplate residential development that is clear. They don't say one way or the other whether it should happen or should not happen what they do talk about happening there is marina type uses. However the LWRP does make recommendation that in order to enhance public access to the river that existing properties or incentives be provided to existing properties for that access to be provided. Again it does not spell out what kind of incentives be provided in order to provide that access in exchange it just says incentive be in order to provide the public with further water front access. This particular project or this particular zoning would in fact accomplish those goals in our opinion it would not necessarily be inconsistent because it doesn't preclude the marinas from existing in fact it requires the marinas to be part of a mixed use waterfront development if you don't have marina uses if you don't have boat slips you cannot have a mixed waterfront development. Additionally it does provide incentives for current marina owners to provide continuous public access along the river front. So in that way we believe it is consistent with the LWRP however we have also requested or informed the Town Board that there is funding to update this plan because it does date back to 1994 and as you can all appreciate the Town is a much different place in 2015 than it was in 1994 it is probably a good idea to revisit these policies based on the developments over the last 21 years. So tonight again you are looking to make a determination about whether or not the proposed law is in fact consistent with the LWRP document which I had sent you link. Any questions?

Mr. Kraese: On page twelve you are talking about the maximum height of any of these buildings being 45 feet.

Mr. Stach: Yes.

Mr. Kraese: Just for some clarification it says these homes view over rail lines from second stories of their residence and intermittent views through existing marinas of the river are possible. That's really not valid. Construction of a new

residential mixed use structures could impact these private views that's possible it probably would be. I am just talking about inconsistencies the way it is written I am not against the object here. On the magnitude on page 15 was there a reason why we put the amount of residential units on that area? It says 290 on one and 156 on another is there any reason?

Mr. Stach: Yes certainly because all the impacts are based on the maximum total units that could be developed.

Mr. Kraese: Two paragraphs down it says therefore no new traffic would be generated and then it goes on and then thus new external traffic would be generated on to the next page..

Mr. Stach: I think they are talking about from the marina slips they are not talking any new traffic.

Mr. Kraese: Traffic volume is to be generated by the full development under the proposed zoning were estimated it is assumed that the number of marina slips will remain the same as at the present that I can understand but then you are going to put 290 and 156 houses down.

Mr. Stach: The next clause and therefore know traffic would be generated.

Mr. Kraese: How are you going to get there?

Mr. Stach: It is referred to the marina slips the traffic study did consider traffic being generated by the homes by the restaurant and by the retail what it is saying is that the current traffic count account for the traffic that is already being generated by those boat slips. So to the extent that you have existing conditions you don't need to account for the traffic from the boat slips on top of it because those boat slips exist.

Mr. Kraese: I understand that but if you are going to put stores or something else not related to boat slips there would be no traffic generated correct.

Mr. Stach: That is not what it is saying the sentence is not saying that the sentence is saying that the study did not account for any new traffic being generated by the existing boat slips because they are existing. The study did account for traffic being generated by the residences by the retail and the restaurant.

Mr. Puccio: That statement that Gene is talking about that is just referring to the slips?

Mr. Stach: If you look down below where it says generated traffic volumes those are the trips that were estimated for those two areas doing AM and PM peak hours. So you will see for example for the north area which is the area on Beach Road that could house up to 290 unites maximum those 290 unites maximum would generate 100 departing trips in the AM peak hour 21 arriving trips in the AM peak hour the restaurant would generate 3 arriving and 3 departing and the PM peak hour shows 98 arriving 47 departing 43 arriving to the restaurant and 21 departing from the restaurant and that is for the peak hour which is the highest hour generated usually between 4:30 and 7:00 o'clock.

Mr. Kraese: It must be me I just don't understand it we will talk about it later. Just getting below that with the 156 units then below that it says parking for approximately 800 vehicles would be required assuming an average of 2.5 bedrooms per unit.

Mr. Stach: Correct:

Mr. Kraese: Where does that fit into no significant traffic to the waterfront area?

Mr. Stach: It is not saying no significant traffic to the waterfront area the sentence you are reading was assumed a number of marina slips would remain the same as at present and therefore no new traffic would be generated is talking about the marina slips it is talking about the boat slips it is not talking about the entire development.

Mr. Kraese: So on the next page where (inaudible) the proposed zoning amendments have the potential to generate significant traffic to the waterfront.

Mr. Stach: Correct from the residences and restaurant not from the boat slips. The boat slip traffic is already there going every day and these traffic counts were during boating seasons by the way so they do account for.

Mr. Kraese: I was just confused when I read this document I am still not clear but I am not going to argue with you. So all that consideration of impacts based the capacity analysis the existing road system has a sufficient capacity to accommodate the traffic generated by the full development of potential of proposed zoning, I am still not getting a clear picture. Let's say everyone down there does what they want to do I am getting the impression that is going to be a traffic jam.

Mr. Stach: It is going to result in an AM peak hour of 166 departing the total area north and south area and 39 trips arriving in the AM peak hour that we look at the current capacity of those intersections based on existing traffic plus the existing traffic plus the traffic remember this is maximum build out so this is every signal marina down in the PW District those are for the maximum number of unites the maximum numb of restaurants and the maximum number of retail. We did a full build out analysis this isn't the likely scenario the like scenario some of the marinas are operational they are happy with the business they are doing they don't want to build boat storage racks and get into the business of becoming residential land lords or retail restaurants or if they do that would be over an extended time period.

Mr. Kraese: I don't think anybody is going to do anything overnight the development will start which is great we can use the revenue but whatever - it's always been an issue with traffic.

Mr. Stach: Absolutely one of the things that I will say is that frankly I was surprised by the results of the traffic analysis I thought usually when you do something this scale there is an recommendation that comes out of it that says this traffic light needs to be retimed or this signal we need to put a left turn lane or a right turn lane there needs to be some improvements to some intersection and so I was surprised that the recommendation is that even with maximum build out of this area you are still within the capacity of the road system. That being said when a developer comes in and wants to proposed something specific they are going to

have to update the counts cause this counts are existing counts taken from the State and the County so there will need to be counts and they will need to test the

assumptions of this study in a new report here and that will verify the findings here but this report does look at maximum build out it does account for the distribution of a certain amount going on Tomkins up to Route 9W a certain amount going up East Main Street and I think a very small amount going down River Road I believe it is less than 5% going down River Road and it did find the traffic to be adequate.

Mr. Kraese: Alright thank you.

Chairman: Bill do you have any questions.

Mr. Sheehan: As Max pointed out they are still going to require Site Plan approval this is setting up the zoning for the area each property that comes in you will be looking at that traffic flow traffic patterns and what they are proposing to build .

Mr. Puccio: Did we figure out what is involved in the five acres?

Mr. Stach: The consideration that we did here I am not sure are you asking which individual marina could apply separately.

Mr. Puccio: Yes which marinas?

Mr. Stach: I am thinking that coming north on Beach Road the first marina on the right is Bell Harbor the next one is Patsy Bay I believe those two individually might not have enough for the five acres but together they would.

Mr. Sheehan: They are owned by the same people.

Mr. Stach: So together they could apply. Additional I believe there is a private landholder – Schumacher there are a couple of little parcels there none of them could come in on their own they would have to join up with some of the other lands to come in. Minisceongo there is another marina down there the Penny Bridge can't come in I don't think by themselves they would have to join up with Minisceongo can do it themselves but Penny Bridge would have to join up because they do not have enough area by themselves. At some point you need to have a critical amount of area because if it is one acre two acre you are going to get something hoge poge and the idea behind this entire zoning district is to provide something that is a destination where people can go down and walk along the river and have meal and enjoy themselves it is not supposed to be a residential..

Mr. Kraese: Not any individual can do a waterfront walkway it would have to be someone on a larger scale other than an individual that is what we are looking for.

Mr. Stach: Yes that is true and we are thinking about five acres you are thinking about 50 unites.

Mr. Puccio: In the code does it say that you are allowed to buy parcels next to you to get the five acres?

Mr. Stach: You would always be presumed to be allowed to buy up additional land but it has to be in the PW District. That is why when we talked about the 280 Units that's an assumption that everyone in the PW District including Stony Point Bay, Schumacher, Patsy Bay, Bell Harbor the property owners on the west side of Hudson Drive that all of them get together and build a project that is the maximum possible development that you can squeeze on to the project. The reality is even if you were to develop all and it comes in this person wants to get 40 units this person wants 50 units this person continues to be a marina owner this person doesn't change anything the next person wants to get 200 units that is much more likely and so when you consider that the impacts are much reduced. However in SEQRA we can't play that game we have to look at the maximum possible impact.

Chairman: So this is sort of like a basic outline of what they want to do with the zoning there and like Bill said any application that comes in we would have to give Site Plan approval so at that time we can look at the traffic.

Mr. Sheehan: These are recommendations going back to the Town Board so the Town Board can take your recommendations and do what they want.

Mr. Stach: You already gave a positive recommendation on this very Zoning the only change you requested was the change from ten acres to five acres and the Town Board agreed with that and the law was amended accordingly so really all we are doing is this is not inconsistent or it is consistent with the LWRP as it currently exists today.

Chairman: Steve do you have any comments?



Mr. Honan: No I don't.

Mr. Puccio: Bill anything else?

Mr. Sheehan: No.

Mr. Honan: I just wanted to say if it does get passed the projects coming in are still going to be subject to the Planning Board review and Site Plan approval.

Chairman: So we can make the recommendation that we can pass on the recommendations that Max gave us.

Mr. Sheehan: Really what you are voting on is the Town taking your recommendation on the five acres.

Mr. Stach: What you would need to if you are going to make a recommendation in favor tonight you would be making a motion that the proposed law is consistent with the LWRP.

Chairman: I need a motion.

**MOTION: THE PROPOSED LAW IS CONSISTENT WITH THE LWRP**  
Made by Peter Muller and seconded by Gene Kraese  
Roll call vote all in favor

**MOTION: ACCEPT MINUTES OF JANUARY 22, 2015**  
Made by Peter Muller and seconded by Michael Puccio

**MOTION: CLOSE MEETING**  
Made by Peter Muller and seconded by Gene Kraese

Respectfully Submitted,  
Mary Pagano, Clerk to the Board

