

1	HEADER	1
2	Table of Contents Inserted	
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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STATE OF NEW YORK : COUNTY OF ROCKLAND
TOWN OF STONY POINT : PLANNING BOARD

----- X

In the Matter of the Application

RE:

KBT PROPERTIES, LTD.,

Applicants.

----- X

April 22nd, 2010
7:00 o'clock p.m.
RHO Building
Five Patriot Drive
Stony Point, New York 10980

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

B E F O R E : Thomas Gubitosa,
Chairman

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

- THOMAS MC MENAMIN, Member
- PETER MULLER, Member
- GLADYS CALLAGHAN, Member
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by:

24 Patricia A. Puleo,
NYS Certified Court Reporter
25 and Notary Public

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Appearances continued: 3

JOHN LOCH, Engineer for Applicants

FERRICK, LYNCH & MAC CARTNEY, Esqs,
96 South Broadway
South Nyack, New York 10960
BY: DAVID RESNICK, Esq., Special Counsel

WILLIAM SHEEHAN, Town Building Inspector
(Not Present)

LIZ VERRIER, Deputy Town Attorney
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer

ROBERT GENESLAW COMPANY,
Planning Consultants
Two Executive Boulevard - Suite 401
Suffern, New York 10901
BY: MAXIMILIAN STACH, Town Planner
ROBERT GENESLAW, Town Planner
(Not Present)

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road

21

Stony Point, New York 10980

22

(845) 429-8986 FAX and Phone

23

24

25

1 - Proceedings - 4

2 (Planning Board of April 22,
3 2010).

4 THE CHAIRMAN: Can we stand for
5 the Pledge?

6 (At this time the Pledge of
7 Allegiance was recited.)

8 THE CHAIRMAN: Roll call, Mary,
9 please?

10 MS. PAGANO: Mr. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS. PAGANO: Mr. Muller?

13 MR. MULLER: Here.

14 MS. PAGANO: Mr. Krease?

15 MR. KREASE: Here.

16 MS. PAGANO: Mrs. Callaghan?

17 MRS. CALLAGHAN: Here.

18 MS. PAGANO: Mr. Rogers?

19 MR. ROGERS: Here.

20 MS. PAGANO: Mr. Javenes?

21 MR. JAVENES: Here.

22 MS. PAGANO: Chairman Gubitosa?

23 THE CHAIRMAN: Here.

24 Okay. First on the agenda is KBT

25 Properties. We have John Loch. Can

1 - Proceedings - 5

2 you update us, John?

3 MR. LOCH: Yes, well we are

4 keeping it very short.

5 Since last time when met with the

6 entire Board, we have met with, we had

7 one technical meeting to go over the

8 progress with other agencies.

9 Unfortunately, it took us a while

10 to get a meeting together with the Town

11 of Haverstraw, who indicated they had a

12 number of concerns. We met with them

13 last Thursday.

14 We believe we will be able to

15 address most of their concerns.

16 Most of them seem to be based

17 upon different entities of Haverstraw

18 not knowing what the firm plans were on

19 their own property, such as part of the

20 group review in building the

21 desalination plant on their site.
22 We believe we will be able to
23 address their concerns as to who is
24 reviewing this. They have a clear set
25 of goals as to what is supposed to be

1 - Proceedings - 6

2 happening on their property to be
3 developed.

4 Secondary, we did run through
5 some of the issues with respect to the
6 DEC, wildlife and the things that show
7 up on their inventory. They don't
8 indicate that will be a problem, that
9 it's just more of a general thing with
10 the mapping.

11 However, we have realized that
12 part of the problem we're having with
13 our reviews here with the Planning
14 Board, is that there are many reviews
15 and correspondences with the DEC that
16 are being looked at and seemed to be
17 taken out of context, not written
18 specifically for this project, but
19 written for things that occurred a long
20 time ago.

21 We will send up a packet to them
22 for them to review on this project. In
23 particular, in terms of whether we will
24 need any permitting from them.

25 At this point, we don't believe

1 - Proceedings - 7

2 we need any permitting from them.

3 There is nothing to trigger a threshold
4 on that. We don't expect there to be
5 any significant comments, other than
6 what you would expect, erosion control,
7 storm water management, et cetera.

8 We have taken a couple other
9 actions, actually before the last tech
10 meeting, we did more soil testing.

11 We had the Town Engineer up to
12 see what we were doing and the
13 follow-up work the next day for the
14 purpose of designing our water quality
15 structure.

16 We don't anticipate anything
17 unusual or problematic with that.

18 We are waiting for a plan until
19 after we met with Haverstraw.

20 The last major issue that we are

21 aware of is the traffic. We have
22 examined a number of the traffic
23 studies for projects in this area and
24 we will provide some descriptive effort
25 in terms of how will our project fit in

1 - Proceedings - 8

2 with respect to the magnitude of
3 previous projections.

4 For example, we are looking at
5 the site being used for a ball field
6 and things where you had much, much
7 higher traffic numbers there being
8 generated by that. Yet, they were
9 findings of no significant impact.

10 Ours is relatively small and
11 spread out.

12 We have provided some of the
13 numbers to the Planner with respect to
14 what we are looking at with regard to
15 traffic counts. And, we will provide a
16 lot more as to why we believe it is
17 negligible in terms of the impact on
18 traffic and I'm not aware of any other
19 correspondence that has come up.

20 Has there being anything

21 addressed to the Board that the we
22 should be aware of?

23 THE CHAIRMAN: We just have
24 Kevin's letter, the follow-up. Just
25 briefly, give us ---

1 - Proceedings - 9

2 MR. MAHER: Pretty much, I just
3 want to say that I am awaiting their
4 final soil report.

5 They did the field test and
6 designed their water filter strip. We
7 had a side conversation after the TRC
8 about some ideas on how to handle it.

9 I know John will finish the
10 design after he has all of his
11 information in place.

12 Also, just to address up to the
13 SESC, the Soil Erosion Sedimentation
14 Control.

15 MR. LOCH: We actually expect this
16 has --- we should have it, the report,
17 by next Thursday. We expect to make it
18 or have it included in the next
19 submission for next month.

20 THE CHAIRMAN: Next month we need

21 all the correspondence for Haverstraw.
22 I know we asked you last meeting
23 or the meeting before to copy us when
24 you were meeting with them. I need to
25 know what's going on, when you're

1 - Proceedings - 10

2 meeting with them; we need to know
3 what's going on.

4 You saw what happened in February
5 with --- I had a Town of Haverstraw
6 attorney here.

7 MR. LOCH: Yes. We are aware of
8 that they were a little disturbed to
9 find out that their own system wasn't
10 really that well coordinated, but that
11 is why we met with them, to find out
12 what their plans on rolling were.

13 We didn't take minutes on that
14 meeting, as it is being nicely taken
15 down here, but Haverstraw will send out
16 the reports that we asked them to copy
17 us. Previously they were just sending
18 them to Stony Point.

19 THE CHAIRMAN: Okay, so they will
20 send them to you and you will make sure

21 we just get copies?

22 MR. LOCH: Certainly.

23 THE CHAIRMAN: Do you have

24 anything else before we go to the Board

25 to see if they have any questions?

1 - Proceedings - 11

2 MR. LOCH: Not that I ---

3 MR. MC MENAMIN: I had a couple

4 questions; John, in one of your notes,

5 I saw that you were adding a berm, but

6 when I got the new set of plans, I

7 didn't see the berm, the berm is in

8 front of the ---

9 MR. LOCH: Can I approach?

10 (Indicating on a diagram).

11 Basically, we are --- if you're

12 looking at it this way, (indicating) we

13 are looking at putting a proposed berm

14 in this area, very, very low so that

15 the water that comes in here

16 (indicating on a diagram) and will go

17 in this direction (indicating).

18 We did some soil testing up in

19 this area, here.

20 What we probably will do is

21 provide a berm here (indicating) and
22 probably extend the filter strip out in
23 front of and tie it together in a "X".
24 I'm avoiding direct sheet flow
25 into the pond.

1 - Proceedings - 12

2 MR. MC MENAMIN: What I'd like to
3 see is a section -- -- for a submission
4 of the height of the berm with regard
5 to where it's going in the topography.

6 You have it drawn between
7 fourteen and sixteen feet elevation. I
8 want to know what the elevation of the
9 berm will be, that will tie in ---

10 MR. LOCH: Okay.

11 MR. MC MENAMIN: Secondly, I
12 understand that some soil testing,
13 excavation tests you did and ---

14 MR. LOCH: Yes.

15 MR. MC MENAMIN: Do have a report
16 of what you found there?

17 MR. LOCH: Yes, yes.

18 MR. MC MENAMIN: Last time, the
19 last meeting, I asked that further
20 excavation be done in the area of the

21 location of the pond where it was
22 filled previously when the site was
23 built.

24 I think the discussion evolved
25 around finding a map that showed the

1 - Proceedings - 13

2 pond or ponds. I don't know if there
3 were one or two, previously to the
4 filling operation.

5 Were you able to determine the
6 location? Location of the ponds?

7 MR. LOCH: Yes, we did. We
8 actually did a test of the three
9 additional holes in term of the area
10 where we are anticipating to put in the
11 filter strip within the former pond.

12 If you like, I can mark it on
13 the sheet, where they are, if that will
14 help you.

15 One of them is in this general
16 area (indicating on the diagram).

17 The other one that would have
18 been there, is in this general area
19 (indicating); this pond, for us to
20 extend further out, there used to be a

21 former process pond over here

22 (indicating on a diagram).

23 MR. MC MENAMIN: And the material

24 that was found? Do you know what that

25 was?

1 - Proceedings - 14

2 MR. LOCH: It was regular in
3 nature. We excavated down in the range
4 of four to six feet. I don't have any
5 specific notes in front of me.

6 We found --- we did some tests
7 on what we had in mind with respect to
8 the construction of the filter. We did
9 note in digging, there was some signs
10 of clay.

11 I know that the pond that is to
12 the north there, had a clay liner. It
13 is likely there's strips of clay in
14 there.

15 Obviously, you can't --- it
16 doesn't make sense to test everywhere
17 where we are putting the filter strip.

18 We are intending to bring in
19 material that we are going to use,
20 specifically to the filter strip.

21 MR. MC MENAMIN: With respect to
22 the filter and excavation that was
23 done, you have determined water levels?

24 MR. LOCH: We did not hit any
25 groundwater at those depths.

1 - Proceedings - 15

2 MR. MC MENAMIN: I am asking this
3 as a question; the design that you are
4 coming up with, you are bringing
5 material in to increase the
6 percolation rate and give you quantity
7 for area for the disposal of water.

8 I am assuming, and the water
9 table that you are going to use to
10 design the filter strip, is going to be
11 reflective of seasonal changes. Is
12 that correct?

13 MR. LOCH: No, that's not correct.
14 Not the --- I'm just trying to insure
15 that we have uniform conditions.

16 We recognize the fact that there
17 was a clay liner. We don't want to
18 rely on one or two locations along the
19 strip, so we anticipate bringing in
20 material that we have a known condition

21 of.

22 We realize we are putting it on
23 top of some existing material. The
24 point of that, us bringing in a certain
25 amount of material, is to avoid any

1 - Proceedings - 16

2 surprises with respect to finding ---
3 we may be into a band of clay, or
4 something.

5 The design will be based on the
6 perc rates we obtain with the well in
7 under twenty minutes. Probably for
8 design purposes, we will design it
9 based on the perc rates.

10 MR. MC MENAMIN: And the other
11 half is, I'm okay with that.

12 But, the answer that you gave in
13 the second half was about the seasonal
14 changes in the water table, the
15 elevation there, is that going to be
16 included in part of the design for the
17 filter strip?

18 MR. LOCH: Look at the table.
19 There's no changes. It's fairly
20 regular material, yet we have a

21 reasonable elevation difference between
22 there and the pond area, so, we don't
23 really anticipate that there will be a
24 rise in the groundwater level, but even
25 if there is, you are talking about a

1 - Proceedings - 17

2 filter system that wouldn't be
3 particularly deep.

4 The point of it is to just pick
5 up any pollutants or sediment that
6 might be carried by surface water over
7 to that area, so you are not really
8 required to have a particularly deep
9 system, since we haven't hit any
10 groundwater near the surface, nor do we
11 see any signs of it.

12 So, what is your concern?

13 MR. MC MENAMIN: My concern is at
14 times of high water elevations, high
15 times of storms and the like, your berm
16 becomes washed away very easily because
17 of its low elevation and closeness to
18 the river. That's my concern.

19 I'm sure your going to address
20 that in your design of the storm water

21 plan.

22 MR. LOCH: Well, with regard or

23 with respect to closeness to the

24 river, are you referring to the Cedar

25 Pond Brook?

1 - Proceedings - 18

2 MR. MC MENAMIN: Yes.

3 MR. LOCH: Okay, I mean, we are
4 preparing everything that is outside of
5 the hundred year flood plain, at
6 elevations well above anything that you
7 are going to get from Cedar Pond Brook.

8 One of the things I don't know if
9 you have taken notes of, as was
10 requested on the plan, we located all
11 of the adjoining drainage facilities
12 on Insul-X, which catches most of the
13 water from Insul-X, so there is little
14 flow from this property on to the site.

15 You are talking about the sheet
16 flows that are relatively short in
17 nature. I don't see anything here that
18 will develop in a manner I would
19 anticipate that would be particularly
20 erosive.

21 I understand because of the use
22 of the site, maybe we should have given
23 more thought to how the berm will be
24 constructed or how it will be
25 protected. You are right. You don't

1 - Proceedings - 19

2 want to find that somebody is running

3 it over or punching a few holes in it.

4 We will look at that.

5 I think that is a good point, but

6 with respect to the rest of the

7 drainage, I don't see anything that

8 will be large volume or high velocity.

9 MR. MC MENAMIN: From the

10 beginning, my concern was the overhead

11 flow. I assume Insul-X has storm

12 drainage of their own in their parking

13 lot, on their facility, but there's

14 always erosion, and with the use that

15 is going to be put on the property and

16 with the reduction of the impervious

17 surface, with that use, that's a

18 concern and I want to make sure that

19 the waters are protected from the

20 discharges, that's why I'm bringing

21 this up --- I'm trying to ask these
22 questions to make sure that you and
23 Kevin will put together a plan that
24 will not be foiled by a flood; not a
25 flood but a high water condition.

1 - Proceedings - 20

2 That's my concern; that the water
3 is actually going to sheet flow across
4 your property and be able to percolate
5 in that small piece of the area.

6 You are working on a small filter
7 strip and protecting the adjoining
8 properties.

9 One last thing I wanted to bring
10 up with regard to your Part III.

11 You're working on a Part III, and
12 will it be presented at the next
13 meeting?

14 MR. LOCH: We anticipate having
15 a Part III in with, with the next
16 submittal and ---

17 MR. MC MENAMIN: It will include
18 the drainage and the traffic studies?

19 MR. LOCH: Yes.

20 MR. MC MENAMIN: The last time we

21 met you, you passed around some
22 pictures in response, I believe, to my
23 question that I asked about the visual
24 from the Cedar Pond Brook.

25 I really don't see too much that

1 - Proceedings - 21

2 I can tell from the pictures that you
3 gave us and maybe we feel that the
4 visual aspects weren't going to be
5 addressed in the Part III adequately,
6 so I did go down myself and look at it
7 from Beach Road.

8 I looked from right where the
9 Haverstraw marina is. I did take a
10 photo from the road looking up towards
11 your property. I used the Hudson Bay
12 water tower; the water tower off of
13 Washburns lane, and Helen Hayes
14 Hospital as points of reference.

15 I did actually a visual. If you
16 look at that picture, I cross
17 referenced it to the Google map to make
18 sure everything is in the right
19 location.

20 I'm not a photographer, so it's

21 kind of rough to --- but, I'd like to
22 give it to you and ask you to take a
23 look at it because the picture was done
24 in March, without the leaves on the
25 trees, which was my intention, and you

1 - Proceedings - 22
2 can see from that point where I took
3 the picture, that Insul-X and your
4 property is visual because the trees
5 are cleared of leaves and also I am
6 concerned about the trees that are not
7 protected. If you see it from that
8 direction, they appear, in my view, to
9 be on your property, so I am concerned
10 about the visual. Being studied from
11 the (inaudible) from this aspect,
12 because it is a concern of mine.
13 What I will do, I will pass this
14 around. I didn't show it to the Board
15 before.
16 Maybe Mary can get a copy of it
17 so that you can take a look at it and
18 give your thoughts on it.
19 I am concerned about the heights
20 of the storage piles with respect to

21 what I saw from that picture and the
22 ability from so far away to see Insul-X
23 and your property.

24 I want to know what it will look
25 like, especially from that vantage

1 - Proceedings - 23

2 point and the whole vantage point of
3 the Cedar Pond Brook. I am very
4 interested in that and I am a visual
5 studies person. That is I what I did
6 and what you should be including in the
7 Part III to make sure we are getting
8 that part right.

9 MR. LOCH: Can I look at that?

10 MR. MC MENAMIN: Sure.

11 MR. LOCH: It doesn't surprise
12 me; for the most part, this is 230 feet
13 above our site. It doesn't surprise me
14 that you saw see that.

15 MR. MC MENAMIN: You can see sea
16 level to thirty feet above your site
17 and your site is visual.

18 Also, I am concerned that the
19 main screening from this direction
20 isn't even on your property, unless I'm

21 missing the point, I think it has to be

22 looked at.

23 Clearly, I am just looking at the

24 Google map. It's not on your property.

25 I'm concerned what that will look

1 - Proceedings - 24

2 like from, from that vantage point
3 right in there. (Indicating on a
4 diagram.)

5 MR. LOCH: That is very close to
6 the canoe launch in Haverstraw?

7 MR. MC MENAMIN: Right near
8 Gypsum, south of that a little ways.

9 MR. LOCH: Do you know the
10 particular date that you were out
11 there?

12 MR. MC MENAMIN: It is on the
13 Google map. I think it was March 22nd.

14 MR. LOCH: Yes.

15 MR. MC MENAMIN: I did that either
16 the same day or the next day.

17 MR. LOCH: One of the things that
18 is striking me, is that there are
19 significant things on the site right
20 now, that from this photo, I can't pick

21 out as being there.

22 MR. MC MENAMIN: I know and I

23 think you know a major point of why I

24 am bringing this up now is, I don't

25 want you to gloss over it because what

1 - Proceedings - 25

2 screening is there now -- it ain't a
3 bad picture. I'm not a photographer.
4 I know that.

5 I can see it a lot better, but my
6 conclusion is that being, after
7 looking at the map and where it was on
8 the point that I was trying to key on,
9 is that the screening, the little bit
10 of screening that is there now
11 protecting your site from that
12 viewpoint, is not on your property.

13 MR. LOCH: Okay.

14 MR. MC MENAMIN: So, my concern is
15 if it ever went away, you'd be out
16 there, in all your glory. I mean, you
17 will be able to see everything.

18 MR. LOCH: If you go east of this
19 property usual into the brook ---

20 MR. MC MENAMIN: East of the

21 property?

22 MR. LOCH: Yes. You have got

23 Cedar Pond Brook.

24 MR. MC MENAMIN: There's a strip

25 of land there that has a lot of trees

1 - Proceedings - 26

2 on there. That's the only thing
3 separating it because the swamp is
4 around here (indicating) and the brook
5 is very low and this little strip of
6 trees doesn't appear to be on your
7 property; the one that separates it, so
8 you would then not have any control
9 about what happens there and that is my
10 concern.

11 So, you show a line of trees
12 between you and the dump, which I don't
13 understand, but that is what Haverstraw
14 wants.

15 MR. LOCH: We have had some
16 discussion with them and we have
17 brought something in.

18 MR. MC MENAMIN: I am more
19 concerned in the other two directions;
20 that's what I'm talking about and have

21 been talking about since day one.
22 You put trees actually where
23 there is no need for them whatsoever,
24 so ---
25 MR. LOCH: At least we have got

1 - Proceedings - 27

2 one thing we can talk about, deleting
3 those trees.

4 MR. MC MENAMIN: I don't see
5 putting a whole line of trees in front
6 of a huge hunk of garbage.

7 MR. LOCH: You have to have
8 something between me and the
9 desalinisation plant. People didn't
10 realize where the desalinisation plant
11 was going.

12 THE CHAIRMAN: Okay.

13 The other thing I guess you said
14 that your correspondence, when meeting
15 with Haverstraw --- well, hopefully
16 you will answer the letter they wrote
17 with all of their big concerns; I don't
18 know.

19 MR. LOCH: Yes.

20 THE CHAIRMAN: The other one, was

21 the letter from the lawyer. I know they
22 sent a letter. They had concerns.
23 Steven Mandracia (phonetically
24 written) was the name of the lawyer.
25 You have a copy.

1 - Proceedings - 28

2 As long as you are answering
3 those, we need those concerns answered,
4 too, and then --- I know it's a sore
5 subject for you; a happiness letter,
6 with regard to drainage.

7 MR. LOCH: Basically, the position
8 we are taking is they have no
9 jurisdiction and we have asked them to
10 explain their jurisdiction.

11 If they have it, we don't see
12 that it will be Stony Point's issue.

13 MR. MC MENAMIN: Don't you
14 already have a buffer shown the same as
15 their buffer would be; the hundred foot
16 buffer?

17 MR. LOCH: We have a buffer which
18 is more than --- from their
19 jurisdiction, their jurisdiction is
20 limited to the channel or one hundred

21 feet of the channel. We are more than
22 a hundred feet from that.
23 We are --- I don't understand
24 their channel lines and we are well
25 beyond any action from their

1 - Proceedings - 29

2 jurisdiction.

3 We have gotten letters saying,

4 "We want an application." I say, "An

5 application for what: I told them that

6 your own application form that

7 indicates you have no jurisdiction.

8 What are we applying for?

9 I presume you have read the

10 letters we have send to them. I don't

11 know if you've received any new

12 responses.

13 THE CHAIRMAN: No, we haven't.

14 All right.

15 Our major concern is that the

16 Town Board has asked us for our

17 recommendation on the special permit.

18 We put it over. We have asked for

19 extensions. We really don't have

20 enough --- enough information to give

21 them an answer. That's why we need,

22 you know.

23 They have asked us for our

24 recommendations on the special permit.

25 We put them off by asking for

1 - Proceedings - 30

2 extensions because we still need more
3 information.

4 MR. LOCH: But we have to do SEQRA
5 first.

6 THE CHAIRMAN: Yes, but we need
7 some more information. We need to have
8 these questions answered.

9 Hopefully, you will get us
10 something next month.

11 MR. LOCH: I don't know. It took
12 us a while to get a meeting with
13 Haverstraw to resolve only some of the
14 circumstances.

15 MR. RESNICK: The one problem, the
16 problem for the Town of Stony Point
17 with regard to the Drainage Agency, the
18 Department of Planning, is also in
19 their recommendations that you comply
20 with all the comments of the Drainage

21 Agency.

22 MR. LOCH: Which is why we have

23 been good enough to copy them with

24 everyone else, copies of our letters

25 and -- --

1 - Proceedings - 31

2 MR. DONALD TRACY: Might I say

3 that jurisdiction of the Rockland

4 County Drainage Agency is akin to the

5 Queen of Hearts, in that famous place.

6 It's what we saw. It is no more

7 or no less, but they cannot demonstrate

8 anything to us.

9 I did write a letter --- I don't

10 know if the Planning Board got it ---

11 to the County Attorney, to ask the

12 County Attorney to see if we can't

13 loosen up something here.

14 If they have got jurisdiction,

15 then, why, tell us what it is?

16 MR. RESNICK: I'm just pointing

17 out, if you don't get either Drainage

18 or County Planning to change their

19 position, then you are looking at a

20 super majority to override their

21 letter, so that's the position you will
22 find yourselves in.

23 MR. LOCH: We find ourselves in
24 the position that the Drainage Agency
25 is insisting that they have

1 - Proceedings - 32

2 jurisdiction, which we do believe, if
3 they do, if they were reasonable, we
4 would probably go and submit and have
5 it done with.

6 But, they are not reasonable, and
7 they started out off base, being off
8 base. (Inaudible). They started out
9 being, being, saying, "We want one
10 hundred percent attenuation."

11 On this site, it is the wrong
12 thing to do. So, from an engineering
13 standpoint, instead of administrators,
14 they have the F.O.I.L. (phonetically
15 written).

16 I know this is being taken down,
17 and if they don't like the comments, I
18 don't care, but you can ask your own
19 engineer, who is not working for us,
20 whether some of the things they have

21 put down are good designs for that

22 site.

23 THE CHAIRMAN: All right.

24 MR. RESNICK: All this might very

25 well be resolved through the County

1 - Proceedings - 33

2 Attorney.

3 THE CHAIRMAN: Mr. Tracy, if we
4 can, if get a copy of your letter to
5 them so that we have it on file?

6 MR. DONALD TRACY: I will be happy
7 to furnish it to you.

8 THE CHAIRMAN: Thank you.

9 MR. KREASE: I have a question;
10 Kevin, were you present at the time
11 that the test holes were done?

12 MR. MAHER: After the first set, I
13 went out with Bruce and we dug a few
14 preliminary holes.

15 I said, let's do some secondary
16 holes where they had already dug in the
17 location that John has indicated to Tom
18 on the drawings, and he was going to
19 start doing a percolation test.

20 I said, "John, is that exactly

21 what I'd be looking at for this

22 project?"

23 I mean, he's going to use that

24 soil report to design the filter strip.

25 MR. LOCH: Briefly, when the first

1 - Proceedings - 34

2 holes were done, we made sure Kevin was
3 contacted.

4 We don't want to go out and dig
5 holes and have someone not there to
6 say, they have dug holes and if any of
7 them is not on the site, in terms of
8 digging a hole there and then digging
9 one there and have to dig holes again.

10 (Inaudible), when the next set was
11 done, we had specific spots in mind
12 because we were looking at
13 characteristics for the filter strips.

14 That is why we dug them and we
15 called Kevin to come down.

16 MR. MULLER: In early March it was
17 requested, and Kevin and you agreed,
18 that the Planning Board members wanted
19 to be there and you said you didn't
20 have a problem with that.

21 Why weren't we --- we had no idea
22 of why --- well, I guess I can ask
23 Kevin the same question. Kevin?
24 MR. MAHER: I was called the
25 minute the holes were dug.

1 - Proceedings - 35

2 THE CHAIRMAN: Were you at the
3 last meeting?

4 MR. MAHER: I did say to him, I
5 said, "Wait a second."

6 MR. MULLER: Did you call anyone
7 from the Planning Board?

8 MR. MAHER: No. They called me at
9 two p.m. in the afternoon. One hole
10 was open. I figured I would go out
11 there and see what was going on. I
12 found three holes dug.

13 I told them that some of the
14 Planning Board members wanted to be
15 there. I made a point of saying that.

16 MR. MULLER: Did you try to
17 contact anyone? From the Planning
18 Board.

19 MR. MAHER: At the time the hole
20 was dug, no, I thought there was

21 someone ---

22 MR. LOCH: At the technical

23 meeting, as discussed, we put off doing

24 holes.

25 Obviously, we had a lot of ---

1 - Proceedings - 36

2 you know, to get a time that worked
3 out well for everyone.

4 Well, it didn't matter whether we
5 had a time that worked out well, as far
6 as equipment.

7 We dug some holes and ---

8 MR. MULLER: Did you get in
9 touch with anyone from the Planning
10 Board?

11 MR. LOCH: No, I didn't. May I
12 continue?

13 MR. MULLER: You may.

14 MR. LOCH: It was raised at the
15 tech meeting, that some Board members
16 would like to see the test holes, and
17 to pick a night --- we have equipment
18 and we would open up holes and ---

19 MR. DONALD TRACY: Mr. Muller,
20 with all due respect, Mr. Muller, I

21 have never had a Planning Board, had
22 any Planning Board get involved in the
23 digging of test holes.

24 This is totally under the purview
25 of your Town Engineer or your

1 - Proceedings - 37

2 Department of Environmental Control.

3 MR. MULLER: As a Planning
4 Board, we asked and you agreed to it.

5 The Town Engineer and your
6 engineer agreed to that.

7 We can go back into the minutes
8 to confirm. That's what we wanted to
9 see and you agreed to it.

10 MR. DONALD TRACY: I didn't agree
11 to anything.

12 THE CHAIRMAN: Did your engineer
13 agree to it?

14 MR. DONALD TRACY: I did not hear
15 that. I have a great difficulty in
16 this room with the acoustics.

17 The words just vanish up into the
18 ceiling in this room.

19 MR. MULLER: Another thing we
20 asked was that the people from the

21 Planning Board be present to see what
22 was discussed. That wasn't honored
23 either.

24 MR. DONALD TRACY: You are a
25 sovereign Town. You have a landfill

1 - Proceedings - 38

2 next to you in the Town of Haverstraw
3 coming to you, saying, "We want this,
4 this and this in your Town."

5 And what is Haverstraw doing?

6 They're building the
7 desalinisation plant next to you.

8 Do you know what it's going to
9 look like? Do you?

10 MR. MULLER: No.

11 MR. DONALD TRACY: Have they
12 filled you in on anything? We did this
13 as a courtesy.

14 I read this that (inaudible) Chet
15 Jobson (phonetically written) said, "I
16 want to sit down with you". He got all
17 of his people together and we sat down
18 he said, "This is my only concern...",
19 and he voiced his concerns. We said we
20 would address them.

21 You are telling me that we're

22 remiss by not having you there?

23 MR. MULLER: I didn't ---

24 MR. DONALD TRACY: You're wrong.

25 You will get a letter from Haverstraw

1 - Proceedings - 39

2 saying we have satisfied their
3 concerns.

4 MR. MULLER: We have a project
5 before us. We need to look at all the
6 aspects. We wanted to see what the
7 soil looked like.

8 You said it was okay and the
9 holes were dug and we were not there.

10 We also asked that all
11 correspondence with Haverstraw be sent
12 to us and that we'd be notified so that
13 we are well aware of what Haverstraw's
14 feelings are with respect to this
15 project, because we had the Haverstraw
16 attorneys come to us, unaware of ---
17 look, we are trying to move the project
18 along.

19 MR. DONALD TRACY: I
20 respectfully disagree a hundred

21 percent.

22 THE CHAIRMAN: Just so you know,

23 in February someone from the Town

24 Attorney's office from Haverstraw, came

25 in and wanted to be here. I let her

1 - Proceedings - 40

2 --- I got two letters and I have
3 nothing from Haverstraw telling me,
4 "Hey, we are fine with it". I just
5 have --- I just have John's words and
6 your words.

7 MR. DONALD TRACY: You didn't hear
8 me. I said we are going to furnish you
9 with a letter.

10 What more do you want?

11 THE CHAIRMAN: I want to see the
12 letters. All I keep hearing is that we
13 have them.

14 MR. LOCH: Wednesday we met with
15 them to see what the concerns were and
16 we have the channel.

17 THE CHAIRMAN: If the attorney
18 didn't come here in February and speak
19 at my meeting, I wouldn't have
20 concerns, but she spoke.

21 I get two letters saying we don't
22 know anything that's going on. I need
23 something that says ---
24 MR. LOCH: I think that
25 Haverstraw, they were surprised to find

1 - Proceedings - 41

2 this out.

3 THE CHAIRMAN: I will say your

4 word, "hearsay". I will use Mr.

5 Tracy's words; "It is hearsay".

6 It doesn't mean anything to us.

7 MR. DONALD TRACY: You have a

8 letter that says from Haverstraw, "We

9 have reviewed the site plan dated such

10 and such and it satisfies our

11 concerns."

12 THE CHAIRMAN: I just need to have

13 the letters answered.

14 MR. DONALD TRACY: I mean enough

15 is enough.

16 MR. KREASE: Getting back to my

17 original question. Kevin wasn't

18 present at the time of the digging of

19 the holes.

20 MR. LOCH: Yes, he was.

21 MR. MAHER: I got there after the
22 holes were dug.

23 To clarify, the first three holes
24 that were done on the property, were
25 dug in an approximate nature to get a

1 - Proceedings - 42

2 feel for the soil; what the soil was
3 underneath, if it was uniform ---
4 anyway, the holes were dug. You picked
5 the locations. I spread them out over
6 the sides to see the if they were
7 uniform.

8 There was a second set of holes
9 dug. They were dug on a Thursday
10 afternoon, and, I was called about 2:30
11 in the afternoon, "Could I come down
12 and look at a hole?"

13 I figured one hold was dug
14 already, so, I drove down there and I
15 found three holes.

16 I did say to John, and to Bruce,
17 "Hey, wait a second. Planning Board
18 people were supposed to be here." I
19 said, "You have to address this to the
20 Planning Board..."

21 MR. KREASE: My concern now is,
22 well, was that testing done on the
23 second three holes?

24 MR. LOCH: Yes.

25 MR. MAHER: Yes.

1 - Proceedings - 43

2 MR. KREASE: And you were
3 satisfied where the three holes were
4 dug?

5 MR. MAHER: Yes. They were dug
6 in an area where the filter strip may
7 be constructed; within that area.

8 MR. KREASE: All I want you to do
9 is send us a letter stating that you
10 are aware of the situation, where the
11 holes were dug and you, personally, as
12 the Town Engineer, are satisfied with
13 the location and the soil testing.

14 MR. MAHER: I am awaiting the soil
15 reports to be submitted.

16 MR. KREASE: Right. When you do
17 get that, the report, I still want you
18 to send notice of the fact that you
19 aware of what went on and that you are
20 satisfied.

21 That's all; no more, no less.
22 One of the other requests would
23 be, on the next set of maps, will you
24 put the location of where the tests
25 were made up there?

1 - Proceedings - 44

2 MR. MAHER: Sure.

3 MR. LOCH: Yes.

4 THE CHAIRMAN: Back before K.W.

5 Sports, weren't there wells

6 contaminated? It's before my time.

7 I just read some papers.

8 MR. LOCH: The wells I am aware

9 of, are on to Insul-X's property.

10 MR. DONALD TRACY: The company

11 overseeing the transactions with the

12 DEC, requested to close those and they

13 were eliminated, the ones that were on

14 the property.

15 MR. KREASE: Were all four on your

16 property, or just two?

17 MR. BRUCE TRACY: The ones on our

18 property were closed.

19 MR. KREASE: Okay. All right.

20 MR. BRUCE TRACY: The reason was

21 they were finding nothing but
22 groundwater.

23 MR. KREASE: All right. It seems
24 to be an issue here. We just want to
25 move along.

1 - Proceedings - 45

2 THE CHAIRMAN: Okay.

3 MR. KREASE: Going back in
4 November when we did the site visit and
5 all the Board members asked for a list
6 of the amount of fill material subject
7 that you are going to store there, can
8 you give us an idea of what you are
9 going to do on that?

10 That was a concern, as far as I
11 know, we didn't get anything. I have
12 missed a few meetings, but I believe
13 that we never got anything back on
14 that.

15 MR. LOCH: I think two months ago
16 I covered that in the narrative. That
17 should have covered what you are
18 looking for.

19 MR. KREASE: We asked for amounts.

20 THE CHAIRMAN: We got material,

21 but not amounts.

22 MR. MAHER: I thought you also

23 asked for a list of materials that

24 wouldn't be stored.

25 MR. KREASE: Yes, it is was a

1 - Proceedings - 46

2 large thing, trying to pinpoint what is
3 allowed, so we asked for a list of
4 what is not allowed; how much is
5 allowed of what materials.

6 THE CHAIRMAN: Yes.

7 MR. LOCH: I will review that.

8 MR. KREASE: I just want to bring
9 it up again, so you are aware of it
10 now, if it comes up again, about the
11 two feet of fill, whether it was clean
12 or not.

13 Another question that was raised,
14 my only question to you again, I wasn't
15 there, it was not a controlled fill, so
16 we really, even though I believe you
17 were the Town Engineer at the time --
18 --

19 MR. LOCH: Yes.

20 MR. KREASE: But one thing that

21 stuck out to me, was that there were
22 dumpsters and various metal objects
23 found mixed in with the fill.

24 A dumpster, to me, is more than a
25 little bit of metal objects,

1 - Proceedings - 47

2 undesirable materials and we don't know
3 where the fill came from or how clean
4 was it, really?

5 MR. LOCH: It would be
6 uncontrolled fill.

7 The trucks, coming in were being
8 checked, in terms of what material was
9 coming in. They were not just driving
10 in with whatever and dumping.

11 Admittedly, trucks pull in, and
12 you might find a fence post or
13 something else when it is spread out,
14 it is easily picked out.

15 The dumpster was kept on-site so
16 that anything that is removed from the
17 fill, would easily be placed right
18 into the dumpster.

19 MR. KREASE: I am just putting
20 this on the record, so I make sure you

21 understand what I'm saying.

22 MR. LOCH: To me, it wasn't a

23 specific compaction, the property

24 (inaudible) ---

25 MR. KREASE: To me, clean fill is

1 - Proceedings - 48

2 what the Applicant is storing there now

3 for the DEC ---

4 MR. LOCH: I disagree with that in

5 terms of the definition.

6 What there is now is a specific

7 mix of materials.

8 MR. KREASE: Leaving the dumpster

9 on the site leads me to believe that

10 maybe it is not as clean as we are

11 being lead to believe. That's all.

12 I just want to make that point.

13 THE CHAIRMAN: All right.

14 MR. LOCH: That's good. We will

15 see you, if the Board doesn't have any

16 other questions, we will see you next

17 time.

18 THE CHAIRMAN: Yes.

19 MR. LOCH: One second.

20 (Off-the-record discussion.)

21 MR. LOCH: If it satisfies the
22 Board members, is there a particular
23 time, early evening one day next week?

24 That will work for us, for
25 digging out holes and, well, do you

1 - Proceedings - 49

2 have a particular day that will work

3 for you?

4 THE CHAIRMAN: We can coordinate

5 that after the meeting.

6 MR. LOCH: Okay. Thank you.

7 MR. KREASE: I have a question.

8 One more thing. Well, you go ahead,

9 Tom.

10 MR. MC MENAMIN: Okay. Just for

11 the record, John, we'd like to check

12 the location of the holes as well.

13 MR. LOCH: That's fine. Thank

14 you.

15 THE CHAIRMAN: Okay.

16 * * *

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1

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

3

----- X

4

In the Matter of the Application

5

RE:

6

INGAGLIO,

7

Applicants.

8

----- X

9

April 22nd, 2010

8:20 o'clock p.m.

10

RHO Building

Five Patriot Drive

11

Stony Point, New York

10980

12

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

13

14

B E F O R E : Thomas Gubitosa,

15

Chairman

16

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

17

18

THOMAS MC MENAMIN, Member

PETER MULLER, Member

19

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20

GERRY ROGERS, Member

KARL JAVENES, Member

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by:

24

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

25

1

2 Appearances continued: 72

3 IRA EMANUEL, Esq.
4 Attorney for Applicant
5 Four Laurel Drive
6 New City, New York 10956

5

6 FERRICK, LYNCH & MAC CARTNEY, Esqs,
7 96 South Broadway
8 South Nyack, New York 10960
9 BY: DAVID RESNICK, Esq., Special
10 Counsel

8

9 WILLIAM SHEEHAN, Town Building
10 Inspector
11 (Not Present)

11

12 LIZ VERRIER, Deputy Town Attorney
13 (Not Present)

12

13 KEVIN P. MAHER, P.E, Town Engineer

14 ROBERT GENESLAW COMPANY,
15 Planning Consultants

16 Two Executive Boulevard - Suite 401
17 Suffern, New York 10901

18 BY: MAXIMILIAN STACH, Town Planner
19 ROBERT GENESLAW, Town Planner

20 (Not Present)

21 ATZL, SCATASSA & ZIGLER
22 Surveyors/Planner for Applicant

23 234 North Main Street
24 New City, New York 10956

25 BY: DAVID ZIGLER, P.E.

20

21 And the Public.

22 PULEO REPORTING & TRANSCRIPTION
23 SERVICES

24 61 Crickettown Road

25 Stony Point, New York 10980

(845) 429-8986 FAX and Phone

1 - Proceedings - 53

2

3 THE CHAIRMAN: Next on the agenda
4 is Ingaglio, a minor subdivision,
5 located on the north side of East Main
6 Street. I think, Mr. Emanuel, you had
7 gone to the Zoning Board, so if you can
8 update us?

9 MR. EMANUEL: And Mr. Zigler is
10 also here for us, the Applicant.

11 THE CHAIRMAN: Yes.

12 MR. ZIGLER: Hello.

13 MR. EMANUEL: Good evening,
14 everyone.

15 This is the --- well, for the
16 record, Ira Emanuel, Four Laurel Road,
17 New City; attorney for the Applicant.

18 This was before the Board a long
19 time ago, and it was sent over to the
20 ZBA because of the nature of the

21 property and the application.
22 I can bring you back up to speed.
23 As you know, this is a property
24 on East Main street, a little bit east
25 of Town Hall, 1.45 acres and it has on

1 - Proceedings - 54

2 it three structures; there is a
3 four-family home, a three-family home
4 and the one-family home. They are all
5 legal, prior non-conforming use.

6 There were some concerns with
7 respect to what my client wants to do,
8 which is subdivide the property into
9 two, so that the four-family home is
10 one lot and the three-family and the
11 one-family home is on the other lot.

12 No construction is proposed. No
13 additions are proposed for the homes.

14 They've proposed no increase in
15 the number of the units.

16 All they want to do is draw the
17 line in conjunction with that.

18 They also intend to regularize
19 the parking areas and the driveway, but
20 as far as increasing the density of or

21 the intensity of the use, that just is

22 not going to happen.

23 We went to the ZBA and asked for

24 a number of avenues of relief, more

25 technical, but the bottom line is that

1 - Proceedings - 55

2 all of the relief that is necessary to
3 allow this subdivision, should this
4 Board grant it, all that relief was
5 granted by the Zoning Board of Appeals.

6 I don't know if we have a County
7 Planning Department letter on the
8 subdivision.

9 I do know that when we went to
10 the ZBA, the County Planning
11 Department, recommended the following
12 modifications in their November 2, 2009
13 letter; one, an updated review must be
14 done; two, all required permits must be
15 obtained. Period. End of story.

16 So, clearly the County Planning
17 Department had no problems with it.

18 The Zoning Board of Appeals, I
19 suspect, would have no problems were
20 the Planning Board satisfied.

21 Mr. Zigler has been in contact
22 with the County Planning and the County
23 Highway Departments and the
24 configuration you see before you is
25 consistent with what they have

1 - Proceedings - 56

2 requested of us and we would like to
3 set a public hearing, so, hopefully we
4 can get the subdivision process moving.

5 MR. STACH: Mr. Chairman, we have
6 a letter dated June 26, 2009 that ---

7 MR. EMANUEL: Oh, I see it. I
8 didn't go deep enough in the pile.

9 MR. STACH: Also there is a letter
10 from the Rockland County Department of
11 Highway, dated June 18, 2009.

12 The first one from the Rockland
13 County Planning Department letter, I
14 ran through it quickly, but the
15 Rockland County Planning and Department
16 of Highway is satisfied.

17 They have gotten soil and erosion
18 control plan, reviewed and signed by
19 the RCDA (phonetically written) and
20 there is no net increase in storm water

21 run-off and they have the opportunity
22 to review any variance source that was
23 met. Then they write, "...with regard
24 to the conditional uses, we do not
25 normally approve four-family uses being

2 in zoning districts that have been
3 created for one-family and two-family
4 uses. If the subject proposal for a
5 four-family use were for a new use, we
6 would not recommend approval. However,
7 in reading, in this instance, it is our
8 understanding that the structures that
9 are proposed for four-family uses on
10 each of the lots are pre-existing,
11 non-conforming uses.

12 "Therefore, our only
13 recommendation regarding the four
14 family uses is as follows:

15 "1) It is our understand that
16 the Town's Zoning Code does not include
17 bulk or other zoning requirements for
18 three-family and four-family
19 structures. If the Planning Board
20 approves the Conditional Uses, building

21 and any other appropriate zoning
22 standards should be made a part of the
23 Conditional Use approval when it is
24 granted."

25 MR. EMANUEL: We are --- I don't

1 - Proceedings - 58

2 think that we are looking for a
3 conditional use permit here.

4 If I can, if I can get a copy of
5 that.

6 MR. STACH: I believe you're
7 correct. There's no application for a
8 conditional use here.

9 MR. EMANUEL: As a result of the
10 ZBA's action, none is needed. You
11 agree with me on that?

12 MR. STACH: Yes. I was just
13 reading the letter.

14 MR. EMANUEL: Okay. I am just
15 trying to tie that in.

16 MR. STACH: I believe that at the
17 tech meeting, we discussed the timing
18 of the adoption of a negative dec.

19 A short form was submitted by the
20 Applicant and distributed. I don't

21 believe, well, if the engineer is
22 satisfied with that new drainage
23 facilities, associated parking areas
24 are adequate, et cetera, I have
25 prepared a neg dec for you to adopt,

1 - Proceedings - 59

2 either now or at a future meeting, but
3 I think at that point, it would
4 probably be a good idea to set a public
5 hearing.

6 THE CHAIRMAN: Okay. You guys
7 have any questions? Does the Board
8 have any questions?

9 MR. MC MENAMIN: So, we have to
10 do SEQRA in there, right?

11 MR. EMANUEL: Yes.

12 THE CHAIRMAN: Okay.

13 MR. MC MENAMIN: The ZBA does
14 SEQRA?

15 MR. EMANUEL: It was done with the
16 uncoordinated review.

17 I am asking for a public hearing
18 on the subdivision and you can deal
19 with SEQRA at the conclusion of that
20 Public Hearing.

21 MR. MC MENAMIN: There's only ---

22 there is no construction, you're just

23 moving the driveway or ---

24 MR. EMANUEL: Yes and the parking

25 areas will be regularized.

1 - Proceedings - 60

2 MR. MC MENAMIN: And the ZBA
3 approved the variances to allow these
4 lines to be there, where they're shown
5 here?

6 MR. EMANUEL: Yes, yes.

7 MR. MC MENAMIN: So,
8 theoretically, we can't move the lines
9 from where the ZBA put them?

10 MR. EMANUEL: You cannot move them
11 anyway from what the ZBA granted.

12 MR. MC MENAMIN: Okay.

13 MR. EMANUEL: What do you have in
14 mind?

15 MR. MC MENAMIN: I have nothing in
16 mind. I'm just probing a little bit.

17 I also read their resolution
18 quickly. They said that anything that
19 wants or needs to be changed, would
20 require your coming back to see what

21 the things are that they can do with

22 the properties there.

23 MR. EMANUEL: They can not

24 increase the number of units.

25 Obviously, they can do renovation

1 - Proceedings - 61

2 work. They can, you know, redo a
3 kitchen or perhaps move an interior
4 wall, as long as they don't create
5 another unit, but they can not add on
6 to the number of buildings or they
7 cannot add units.

8 MR. MC MENAMIN: Are they
9 demolishing and rebuilding it?

10 MR. EMANUEL: Probably, yes, in
11 the same location.

12 MR. MC MENAMIN: Only in the same
13 location?

14 MR. EMANUEL: I believe so, but I
15 don't know. These remain as prior,
16 non-conforming uses.

17 MR. MC MENAMIN: That was the
18 impression I got.

19 My question is lot 2 is huge, and
20 they can take the three-family and the

21 one-family and knock them down and
22 build a four-family.

23 MR. EMANUEL: No, no, no. I would
24 say, no because, again, we have prior,
25 non-conforming uses and I think that's

1 - Proceedings - 62

2 that.

3 That probably will be over the
4 line.

5 MR. MC MENAMIN: I just have to
6 review that.

7 MR. EMANUEL: It was complicated.
8 We spent a lot of time.

9 MR. MC MENAMIN: I'm playing with
10 you a little bit. It seemed like to me
11 that the line has to be there and the
12 building can't move, and that's it.

13 MR. EMANUEL: Pretty much.

14 MR. MC MENAMIN: That's all. Thank
15 you.

16 MR. STACH: Is there going to be
17 some sort of drainage required for the
18 parking areas?

19 MR. ZIGLER: I think we're going
20 to do a drainage report for the back

21 parking area and give it to Kevin so
22 that everyone is satisfied because
23 there was a question. We would do the
24 drainage and have it before the
25 workshop.

1 - Proceedings - 63

2 THE CHAIRMAN: Thank you, Dave.

3 Any other questions from the Board?

4 (No responses heard at this
5 time.)

6 THE CHAIRMAN: I need a motion to
7 set the Public Hearing for the
8 subdivision.

9 MR. ROGERS: I will make a motion
10 to set a public hearing.

11 THE CHAIRMAN: I need a second.

12 MR. KREASE: I will second that
13 motion.

14 MR. RESNICK: Stop for a second.

15 A recent court case said that neg
16 decs must be adopted before you set
17 the Public Hearing.

18 THE CHAIRMAN: Before you hold it,
19 not before you set it.

20 MR. RESNICK: You can adopt the

21 neg dec before it. It is a question of

22 some particulars.

23 MR. STACH: But you want to open

24 it up, informally?

25 MR. RESNICK: If anybody has any

1 - Proceedings - 64

2 comments on the negative dec, you can
3 take their informal comments.

4 THE CHAIRMAN: We will leave the
5 motion out there, then, until we do the
6 negative dec.

7 MR. STACH: I think what you want
8 to do, is ask the public if anyone has
9 any comments, informal comments, or ---

10 THE CHAIRMAN: I will ask the
11 public if anyone has any informal, if
12 anyone has any issues with this right
13 now, to informally bring it up before
14 we do the negative dec? Off the
15 record.

16 (Off-the-record discussion.)

17 MR. RESNICK: Just to clarify, the
18 Zoning Board conducted SEQRA only for
19 the variance issue and it is up to the
20 Planning Board to make it clear what we

21 are speaking about ---

22 (Off-the-record discussions.

23 Several people speaking at one time.)

24 THE CHAIRMAN: So, we will go for

25 the neg dec; we will do the neg dec.

1 - Proceedings - 65

2 Well, do we have a motion for a
3 negative dec?

4 MR. ROGERS: Mr. Chairman, I will
5 make a motion to read the negative dec.

6 THE CHAIRMAN: Do I have a
7 second?

8 MRS. CALLAGHAN: Yes. I will
9 second that.

10 THE CHAIRMAN: All right. I will
11 read it, then, I guess.

12 "Proposed Draft, State
13 Environmental Quality Review, Negative
14 Declaration; Notice of Determination of
15 Non-Significance.

16 "Project: Ingaglio.

17 "Town of Stony Point, New York.

18 >Date: April 22nd, 2010.

19 "This notice is issued pursuant
20 to Part 617 of the implementing

21 regulation pertaining to Article 8
22 (State Environmental Quality Review
23 Act) of the Environmental Conservation
24 Law.
25 "The Planning Board of the Town

1 - Proceedings - 66
2 of Stony Point as lead agency, has
3 determined that the proposed action
4 described below will not have a
5 significant effect on the environment
6 and a Draft Environmental Impact
7 Statement will not be prepared.

8 "Name of Action: Ingaglio
9 Two-lot subdivision.

10 "SEQR Status: Unlisted.

11 "Condition Negative Declaration:
12 No.

13 >Description of Action:
14 Subdivision of lot with two existing
15 multi-family buildings and one existing
16 single-family residence into two lots,
17 the first with one existing
18 multi-family (three units) building and
19 one existing single-family residence
20 and the other with an existing

21 multi-family building (four-family).
22 "Location: 11 East Main Street,
23 Stony Point, New York.
24 "Reasons Supporting This
25 Determination:

1 - Proceedings - 67

2 "The proposed action is not
3 anticipated to result in any adverse
4 environmental impacts based on the
5 following:

6 "1) The proposed subdivision
7 will not result in an increase in
8 density or an expansion of existing
9 residential facilities.

10 "2) The application will
11 result in an increase in impervious
12 surface with the installation of
13 separate driveways and parking
14 facilities, but the Town Engineer has
15 verified that the plan includes
16 appropriate mitigations to control
17 storm water run-off.

18 "3) No other potential large
19 impacts were identified for the site."

20 MR. STACH: Drainage for the

21 driveway?

22 MR. MAHER: New York State has

23 adopted a low impact development design

24 standard. I'm sure this site can be

25 very well accommodated by it.

1 - Proceedings - 68

2 THE CHAIRMAN: Thank you. I have
3 a motion and a second to adopt the
4 negative dec. Mary, poll the Board.

5 MS. PAGANO: Mr. McMenamin?

6 MR. MC MENAMIN: Abstain.

7 MS. PAGANO: Mr. Muller?

8 MR. MULLER: Yes.

9 MS. PAGANO: Mr. Rogers?

10 MR. ROGERS: Yes.

11 MS. PAGANO: Mr. Krease?

12 MR. KREASE: Yes.

13 MS. PAGANO: Mrs. Callaghan?

14 MRS. CALLAGHAN: Yes.

15 MS. PAGANO: Mr. Javenes?

16 MR. JAVENES: Yes.

17 MS. PAGANO: Chairman Gubitosa?

18 THE CHAIRMAN: Yes. Now, we have

19 a motion and a second to set a public

20 hearing for the subdivision. Mary,

21 poll the Board on that.

22 MS. PAGANO: Mr. McMenamin?

23 MR. MC MENAMIN: Yes.

24 MS. PAGANO: Mr. Muller?

25 MR. MULLER: Yes.

1 - Proceedings - 69

2 MS. PAGANO: Mr. Rogers?

3 MR. ROGERS: Yes.

4 MS. PAGANO: Mr. Krease?

5 MR. KREASE: Yes.

6 MS. PAGANO: Mrs. Callaghan?

7 MRS. CALLAGHAN: Yes.

8 MS. PAGANO: Mr. Javenes?

9 MR. JAVENES: Yes.

10 MS. PAGANO: Chairman Gubitosa?

11 THE CHAIRMAN: Yes. So, we have

12 the public hearing set and it will be

13 next month for the subdivision; May

14 27th. Anything else?

15 MR. STACH: That's it.

16 MR. EMANUEL: Thank you, Mr.

17 Chairman.

18 * * *

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1 - Proceedings - 70

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

3

----- X

4

In the Matter of the Application

5

RE:

6

VIRGIN MARY & SAINT PACHOMIOUS COPTIC
ORTHODOX CHURCH,

7

8

Applicants.

----- X

9

April 22nd, 2010
9 o'clock p.m.
RHO Building
Five Patriot Drive
Stony Point, New York
10980

10

11

12

13

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

14

15

B E F O R E : Thomas Gubitosa,
Chairman

16

17

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

18

THOMAS MC MENAMIN, Member
PETER MULLER, Member
GLADYS CALLAGHAN, Member
EUGENE KREASE, Member
GERRY ROGERS, Member

19

20

21 KARL JAVENES, Member

22 MARY PAGANO,
Secretary to the Board

23

Reported by:

24

25 Patricia A. Puleo,
NYS Certified Court Reporter
and Notary Public

1

2 Appearances continued: 72

3

4 FERRICK, LYNCH & MAC CARTNEY, Esqs,
5 96 South Broadway
6 South Nyack, New York 10960
7 BY: DAVID RESNICK, Esq.,Special
8 Counsel

7

8 WILLIAM SHEEHAN, Town Building
9 Inspector
10 (Not Present)

9

10 LIZ VERRIER, Deputy Town Attorney
11 (Not Present)

11

12 KEVIN P. MAHER, P.E, Town Engineer

12

13 ROBERT GENESLAW COMPANY,
14 Planning Consultants
15 Two Executive Boulevard - Suite 401
16 Suffern, New York 10901
17 BY: MAXIMILIAN STACH, Town Planner
18 ROBERT GENESLAW, Town Planner
19 (Not Present)

17 ATZL, SCATASSA & ZIGLER
18 Surveyors/Planner for Applicant
19 234 North Main Street
20 New City, New York 10956
21 BY: DAVID ZIGLER, P.E.

20

And the Public.

21

PULEO REPORTING & TRANSCRIPTION

22

SERVICES

23

61 Crickettown Road

24

Stony Point, New York 10980

25

(845) 429-8986 FAX and Phone

1 - Proceedings - 73

2

3 THE CHAIRMAN: Next on the
4 agenda, item three, is Virgin Mary and
5 Saint Pachomious Coptic Orthodox
6 Church, for site plan, located on the
7 north side of Swim Club Road, east of
8 Sherwood Farms Court.

9 MR. ZIGLER: If it would be all
10 right with the Board, tonight the
11 architect is here and he can show you
12 just exactly what there planning for
13 the addition.

14 This plan is a little bit
15 different than the plan I submitted.

16 The hallway is a little bit
17 longer and the one building is about
18 five foot bigger; basically, it is the
19 same thing, and, then the Father is
20 here and would just like to give you a

21 quick summary on the operation of a

22 normal, Sunday service day.

23 So, the plan that you have is the

24 plan we have turned around to face the

25 public and we will hand it off to the

1 - Proceedings - 74

2 architect and he will introduce
3 himself and show you to building
4 elevations.

5 MR. MIJALLI: My name is Nabil N.
6 Mijalli and I will give you a card.

7 I am a licensed architect in the
8 State of New York and New Jersey. I am
9 a member of the National Council for
10 Visual Architects (phonetically
11 written).

12 I am here to show you exactly the
13 design that we have. I am going to
14 start with the diagram and we have the
15 floor plan for the building.

16 This (indicating on a diagram) is
17 the new Church. Also, this is the,
18 where we have the kitchen right now and
19 where we eat.

20 at the field trip you have seen

21 this for the kitchen, and this is the
22 link between the two buildings and this
23 is also the for the Church. The
24 Church itself will be brick. There is a
25 new height of the Church from the

1 - Proceedings - 75

2 grading; forty-five feet. It is only
3 sixty feet high steepling, two
4 steeple. Is also the stairs and the
5 domes above the building here
6 (indicating). And (indicating),
7 here's the floor plan.

8 This is the floor plan.

9 Actually, this is entrance to the
10 building, the main. This is open to
11 an above, two-story high foyer lobby
12 and this is two stairs running on each
13 side, going up to balcony and also
14 there's stairs to go downstairs to
15 basement. You have a basic entry
16 (inaudible) and also this area
17 (indicating) is for the Deacon and
18 three alters and two alters, on the
19 side for the women and one on the
20 other side for the men.

21 The normal occupancy for the
22 Church is 338 occupants (phonetically
23 written) and also 48 for the Deacons.
24 There is the balcony, where there can
25 be 96 occupants.

1 - Proceedings - 76

2 There is the --- oh, everything
3 is handicapped accessible. We have a
4 ramp that going to the handicapped
5 accessible and an elevator to take from
6 the first floor to the balcony.

7 Also into the basement, because
8 we have a basement, actually, I have a
9 basement floor plan.

10 This is (indicating) basement
11 which is exactly the same size as the
12 Church. This is the basement,
13 (indicating), and would have the two
14 stairs, an eating area, the bathrooms
15 will be here (indicating on a diagram),
16 the changing rooms, mechanical rooms,
17 also we have an activity area and the
18 meeting room.

19 This, big room, (indicating) is
20 the open area for social activities and

21 could be used to put a couple tables.

22 In the winter we use it for

23 classroom for kids, just open an area,

24 that we have ---

25 MR. MC MENAMIN: Did you say

1 - Proceedings - 77

2 "classrooms"?

3 MR. MIJALLI: Yes. It is Sunday
4 school classrooms. Yes. Do you want
5 to see the elevation of the second
6 floor?

7 MR. MC MENAMIN: Yes.

8 MR. MIJALLI: Here it is
9 (indicating on a diagram).

10 This is a front elevation of the
11 building as we say, the thirty-five
12 foot is the maximum height for the new
13 building.

14 The steeple and domes,
15 (indicating) the dome is going to be
16 fifty-nine feet above the grading.

17 Also, sixty-four feet for the
18 steeples. The steeples for the tower.

19 This is a link between the
20 buildings. (Indicating on a diagram)

21 and there is the new building and the
22 area where we are going to cover -- ---
23 I, I have another drawing to show
24 you.
25 MR. ZIGLER: This is where the

1 - Proceedings - 78

2 patio is (indicating on a diagram).

3 MR. MAJILLI: We are going to

4 cover this (indicating on a drawing)

5 like a sun room, and small kitchen over

6 here (indicating) and this will be for,

7 the eating area for Church members.

8 This is also more elevations on

9 the side (inaudible) elevation and the

10 rear elevations, where we have the

11 altars and this is the link to the area

12 where we could have the kitchen area.

13 THE CHAIRMAN: The front of the

14 Church, the entrance, that's where we

15 are standing here (indicating) is going

16 to sit on top of the pool and that will

17 be the front entrance. The front

18 entrance is where the stairs and the

19 pool was?

20 MR. MAJILLI: Exactly.

21 MR. ZIGLER: A little off of that

22 area. The Church will be facing out,

23 towards ---

24 THE CHAIRMAN: East, facing 210?

25 MR. ZIGLER: Yes.

1 - Proceedings - 79

2 MR. KREASE: What variances are we
3 looking for? You have a height of
4 sixty feet on the steeples?

5 MR. ZIGLER: We are looking at
6 maybe three. The coverage is very
7 close.

8 The square footage is very close.

9 I think with the coverage, we
10 will probably be under because we are
11 removing a lot of pavement, but the
12 square footage depends on how Bill will
13 count some of these rooms and floor
14 area.

15 We might be over a little bit and
16 over on the height of the steeples, so
17 we will need two.

18 MR. KREASE: Which two, right now,
19 Dave?

20 MR. ZIGLER: Floor and height;

21 building height.

22 MR. MC MENAMIN: Floor area

23 elevation?

24 MR. ZIGLER: Yes, well, it's

25 close.

1 - Proceedings - 80

2 MR. RESNICK: What about the
3 setback areas, also?

4 MR. ZIGLER: Well, no. No. The
5 map was changed. We just changed it.

6 No, because most of the
7 undersized yards are the existing
8 buildings, but that was prior to when
9 we thought that we didn't need any
10 variances.

11 If Bill follows --- what he
12 usually does, is he covers the
13 non-conforming areas with the variance,
14 just so we have a new ---

15 MR. RESNICK: But, With the
16 extension, you will run into the same
17 problem. Right?

18 MR. ZIGLER: Yes.

19 MR. KREASE: I wasn't able to make
20 the last site visit, so some where

21 along the line, between now and then,
22 I'd just like to come over and take a
23 look at it with somebody. Maybe the
24 new Planning Board member would like to
25 visit on the same day to get a feel for

1 - Proceedings - 81

2 what we do out there?

3 MR. JAVENES: Yes. Fine.

4 MR. ZIGLER: If you call me, I'll

5 meet you out there and we will stake it

6 again somehow, you know, as long as

7 you give me a day and unless it's a

8 tanning day, I will be at work.

9 (Laughter).

10 MR. KREASE: No problem. That's

11 the only questions I had.

12 MR. MC MENAMIN: Mr. Majilli, did

13 you put or can you put up the basement

14 plans up again?

15 MR. MAJILLI: Yes.

16 (Complying.)

17 MR. MC MENAMIN: Starting at the

18 top left corner, go around and read to

19 me the names of all the rooms.

20 MR. MAJILLI: Yes. This the

21 small lobby (indicating) and because
22 during the service, we don't want
23 people using this area (indicating on a
24 drawing) it has the elevator and this
25 is the confession room, here

1 - Proceedings - 82

2 (indicating).

3 This is the main bathrooms here,

4 (indicating on a diagram). This is

5 called (inaudible) we will call it

6 Classroom one, two, three, four, five,

7 six and this is the storage area

8 (indicating).

9 That's the book store, here.

10 This is classrooms, (indicating

11 on a diagram). And this the mechanical

12 room, here (indicating).

13 MR. MC MENAMIN: I have to get up

14 to see it.

15 MR. MAJILLI: Holy books,

16 clothing for Deacons, is here

17 (indicating).

18 Holy bread baking and also the

19 Sunday school classes; holy bread

20 baking.

21 MR. KREASE: I see on some of the
22 notes here, has the septic facilities
23 been, or will they be addressed to
24 make sure that they are adequate for
25 the amount of people using this

1 - Proceedings - 83

2 facility?

3 MR. ZIGLER: After the architect

4 is finished, I will address that

5 because we are going to ask the Board

6 for some direction on that.

7 MR. KREASE: You are also going to

8 the ARB?

9 MR. ZIGLER: Yes, after the Father

10 goes, we will get into that.

11 THE CHAIRMAN: Okay. Father, do

12 you want to just get up and speak?

13 FR. ABADEER: I am Father

14 Youhanna Abadeer, and I am the younger

15 priest in the Church.

16 Just, I describe to you exactly

17 what we do, how our service is working.

18 Our service is on Sunday. Our

19 service takes around three hours. It

20 starts at 8:30; between 8:30 and 9:30.

21 They come gradually, all by 9:30.
22 They're there, from 9:30 to 11:30.
23 They're there, it ends around 11:30,
24 the communion, and then there's a
25 social gathering time for the adults,

1 - Proceedings - 84

2 from 11:30 to twelve o'clock.

3 Then, Sunday school is from Pre-K

4 to college meeting. There are the

5 Sunday school classes first, and then

6 from 11:30 to twelve o'clock is the

7 sermon and the social gathering for

8 adults and sometimes for kids to finish

9 the Sunday school. School is

10 dismissal. If I don't have kids, the

11 adults leave twelve o'clock. Kids

12 leave one, one thirty, by the end of

13 the services.

14 We have another service, which is

15 on the Wednesday and Saturday and

16 Saturday is short from nine to eleven

17 and Wednesday it is from six to eight

18 in the morning.

19 Usually, Wednesday and Saturday's

20 attendance is much less; five or ten

21 percent of the usual attendance and
22 usually attendance is 225, 250 people
23 on a regular Sunday.
24 The question come, why do we need
25 another extension or the building.

1 - Proceedings - 85

2 Number one, as a Coptic,
3 traditional church, the entrance has to
4 face the east, which is the sunrise.
5 This is why.

6 The Church, it is not looking at
7 east. It looks, north/south.

8 Number two, the design, the place
9 where it is, it's the kitchen, of
10 course, but doesn't have --- the
11 seating is like a bus. A lot of
12 problems happen with that.

13 If you're standing in the first
14 row, nobody can see the alter.

15 It's, if you are trying to put up
16 projector, nobody can see it or we
17 can't drop it from the ceilings. It is
18 obstructing the view. This is a very
19 hard time. It is not well-maintained.

20 The ceiling is the problem. Once

21 you enter, you feel that the space is

22 tight; low ceilings.

23 Other point is in our regular,

24 weekly liturgy, we have a process. In

25 this process, the Priest, and

1 - Proceedings - 86

2 sometimes, if there is any kind of
3 feast, all Deacons process, procession;
4 you turn around in the Church three
5 times. These processions need certain
6 areas (inaudible).

7 What is also in our churches,
8 there is no (inaudible). Nobody is
9 supposed to be outside. So, there is
10 from our point of view, we do not
11 expect there's somebody outside of the
12 Church social code or for any other
13 reason, say, like someone is eating
14 while the liturgy is being held, so the
15 service in the church is expecting
16 everybody to be in the Church.

17 Thank you.

18 MR. EMANUEL: Good evening, again.

19 Ira Emanuel. I am the attorney for the
20 Applicant.

21 We have received memorandum from
22 the County Department of Planning.

23 Do you want me to go over that?

24 Do you want to go over that?

25 We just received it, again.

1 - Proceedings - 87

2 MR. KREASE: We didn't get it.

3 MR. STACH: We can probably go
4 over that at the tech meeting.

5 MR. EMANUEL: Fine. We have no
6 problems with it.

7 Palisades Parkway Commission
8 wants to make sure nothing gets seen,
9 which is typical of them.

10 Currently, in the original plan
11 we talked about handling the sanitary
12 sewerage with a septic system.

13 MR. STACH: The Palisades, do you
14 have a response to their letter?

15 Do you have any issues with their
16 requests?

17 MR. EMANUEL: Not at this time.
18 I'm not aware of any problems we will
19 have.

20 Basically, they're asking to make

21 sure that we do a complete screening;
22 as best as possible, so we need to
23 explore that a little further.
24 We just got these architectural
25 plans. They were just finished

1 - Proceedings - 88

2 recently.

3 I can't give you a definitive
4 answer. That is the reason only I'm
5 hedging.

6 MR. STACH: Okay.

7 MR. EMANUEL: Sanitary sewerage,
8 we are going to be seeking an extension
9 of the sewer district to include this
10 property, so that we can hook up with
11 the sewer. Mr. Zigler has done a study.

12 It is his opinion that we are
13 better off trying to get a connection
14 to the municipal sewer system, than to
15 try to handle it through the expansion
16 of the septic tanks that are there, in terms
17 of the cost and in terms of efficacy.

18 Septic, apparently will cost us
19 almost as much to do a proper septic
20 system, as to connect to the sanitary

21 sewer. It is long term. In the long
22 term, it is cheaper for us and it is
23 better for us.

24 MR. MULLER: How far do you have
25 to travel?

1 - Proceedings - 89

2 MR. ZIGLER: From the front steps
3 of the Church, the existing catering
4 hall to the manhole is about twelve
5 hundred feet; just opposite Swim Club
6 Road on 210.

7 MR. MULLER: Okay.

8 MR. EMANUEL: And it's an
9 incredible expense, but in the long
10 run, it's the best bet for everyone.

11 MR. MULLER? Wells?

12 MR. ZIGLER: Yes, but they have to
13 be clarified with the Health
14 Department. That was creating another
15 problem.

16 You have two DEC streams. We
17 just looked at --- I am going around
18 asking people, you know, informally and
19 we are going to -- well, Ira will set
20 up a Petition for water.

21 MR. EMANUEL: We will try. That's
22 about it for me at this point.

23 MR. KREASE: Can I ask a
24 question; as to the septic facilities,
25 I happen to like that much better.

1 - Proceedings - 90

2 MR. ZIGLER: There's two septic
3 out there now. They would have to be
4 redug and that forces us you to put
5 something up by the tennis court, so
6 looking in and the way they use the
7 facility, it's not current. It's
8 almost like a catering hall; it's like
9 one day on and three days off. It
10 would work better with a pump.

11 We will size the tanks to the
12 electric outside, if it takes a days'
13 use, it will have three days to pump
14 it. If the electric is out for three
15 days, the tanks will still hold.

16 MR. STACH: The sewer, are you
17 in the sewer district, now?

18 MR. ZIGLER: No.

19 MR. STACH: The end of the
20 district to your property, would you be

21 capping any residences between and you

22 the ---

23 MR. ZIGLER: No. The only way, if

24 you put a force main in, you can't hook

25 up to it and in reality, we are just

1 - Proceedings - 91

2 passing two homes.

3 The other homes are in, off the
4 cul-de-sac. I think there are only two
5 services off of Swim Club Road.

6 MR. EMANUEL: Obviously, it is an
7 issue for the Town Board. We will do
8 that at the appropriate time.

9 THE CHAIRMAN: Anything else?

10 MR. KREASE: Is it going to the
11 ZBA?

12 THE CHAIRMAN: Are you ready to go
13 to the ZBA?

14 MR. ZIGLER: No, but we would like
15 a referral to the ARB at this time.

16 MRS. CALLAGHAN: I will make the
17 motion to send them to the ARB.

18 THE CHAIRMAN: I need a second?

19 MR. ROGERS: Second.

20 THE CHAIRMAN: Mary, poll the

21 Board.

22 MS. PAGANO: Mr. McMenamin?

23 MR. MC MENAMIN: Yes.

24 MS. PAGANO: Mr. Muller?

25 MR. MULLER: Yes.

1 - Proceedings - 92

2 MS. PAGANO: Mr. Rogers?

3 MR. ROGERS: Yes.

4 MS. PAGANO: Mr. Krease?

5 MR. KREASE: Yes.

6 MS. PAGANO: Mrs. Callaghan?

7 MRS. CALLAGHAN: Yes.

8 MS. PAGANO: Mr. Javenes?

9 MR. JAVENES: Yes.

10 MS. PAGANO: Chairman Gubitosa?

11 THE CHAIRMAN: Yes. So, you will
12 go to ARB.

13 MR. EMANUEL: One question that I
14 have; has the Board intended themselves
15 to be lead agency and have they
16 declared this?

17 THE CHAIRMAN: We did that last
18 time.

19 MR. EMANUEL: I wasn't here.
20 Thank you.

21 MR. STACH: From my notes, it was
22 just declared, the Board declared
23 itself lead agency. Are you before the
24 Town Board?

25 MR. EMANUEL: Well, we will be

1 - Proceedings - 93

2 before the Town Board, we will be and

3 ---

4 MR. STACH: When they declared
5 leadagency, at the time, they weren't
6 requiring any variances, and no sewer
7 extension, so we can begin coordinating
8 the review.

9 MR. EMANUEL: I will ask the Board
10 to do that.

11 MR. STACH: So, do you want to
12 actually rescind our lead agency?

13 MR. RESNICK: I think so.

14 MR. STACH: You want to rescind
15 your previous lead agency status.

16 THE CHAIRMAN: I need a motion to
17 rescind our previous intent to be lead
18 agency and a motion for notice of
19 intent.

20 (Off-the-record discussion.)

21 THE CHAIRMAN: So, the first
22 motion I need is to rescind our lead
23 agency status. I need a motion for
24 that.

25 MR. KREASE: I will make it.

1 - Proceedings - 94

2 THE CHAIRMAN: I need a second.

3 MR. ROGERS: Second.

4 THE CHAIRMAN: All right, Mary.

5 Poll the Board, please.

6 MS. PAGANO: Mr. McMenamin?

7 MR. MC MENAMIN: Yes.

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Mr. Krease?

13 MR. KREASE: Yes.

14 MS. PAGANO: Mrs. Callaghan?

15 MRS. CALLAGHAN: Yes.

16 MS. PAGANO: Mr. Javenes?

17 MR. JAVENES: Yes.

18 MS. PAGANO: Chairman Gubitosa?

19 THE CHAIRMAN: Yes. Now I need a

20 motion to notice of our intent to be

21 lead agency?

22 MRS. CALLAGHAN: I will make that

23 motion.

24 THE CHAIRMAN: A second?

25 MR. KREASE: I will second that.

1 - Proceedings - 95

2 THE CHAIRMAN: Mary, poll the
3 Board.

4 MS. PAGANO: Mr. McMenamin?

5 MR.MC MENAMIN: Yes.

6 MS. PAGANO: Mr. Muller?

7 MR. MULLER: Yes.

8 MS. PAGANO: Mr. Rogers?

9 MR. ROGERS: Yes.

10 MS. PAGANO: Mr. Krease?

11 MR. KREASE: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MRS. CALLAGHAN: Yes.

14 MS. PAGANO: Mr. Javenes?

15 MR. JAVENES: Yes. Chairman

16 Gubitosa?

17 THE CHAIRMAN: Yes.

18 MR. EMANUEL: In that regard, it

19 might be a good idea if we take another

20 look at the EAF. We will start with

21 that and have to try to get it to you
22 within the next couple of days.

23 MS. PAGANO: Here are the
24 agencies, (indicating a document).

25 MR. STACH: Did you know if you're

1 - Proceedings - 96

2 going to be in the Drainage Agency's
3 jurisdiction?

4 MR. EMANUEL: Yes.

5 MR. ZIGLER: Yes, it is.

6 MR. EMANUEL: Oh, yes we are in
7 their jurisdiction.

8 There's a stream on both sides.

9 MR. ROGERS: Just curious, the
10 towers, are they bell towers?

11 MR. ZIGLER: No, just domes. Did
12 you want us to mark them and do you
13 want to go up on your own; what's
14 easier?

15 MR. KREASE: You don't have to be
16 there. We just want to get a feel.

17 MR. ZIGLER: What we did prior, we
18 marked the corners of the both
19 buildings. So, go up after Tuesday or
20 actually Monday. Well, you can go up

21 Monday or Saturday, if you want.

22 MR. KREASE: All right. Thank

23 you. You get any closer and we can go

24 right now?

25 (Laughter).

1 - Proceedings - 97

2 MR. KREASE: Dave, we will be
3 there Monday afternoon.

4 MR. ZIGLER: Very good.

5 * * *

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1 - Proceedings - 98

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

3

----- X

4

In the Matter of the Application

5

RE:

6

FERNSTROM AND ROBERTS,

7

Applicants.

8

----- X

9

April 22nd, 2010

9:20 o'clock p.m.

10

RHO Building

Five Patriot Drive

11

Stony Point, New York

10980

12

HELD BEFORE THE PLANNING BOARD OF THE
TOWN OF STONY POINT:

13

14

B E F O R E : Thomas Gubitosa,

15

Chairman

16

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

17

18

THOMAS MC MENAMIN, Member

PETER MULLER, Member

19

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20

GERRY ROGERS, Member

KARL JAVENES, Member

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by:

24

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

25

1

2 Appearances continued: 100

3

FERRICK, LYNCH & MAC CARTNEY, Esqs,
4 96 South Broadway
 South Nyack, New York 10960
5 BY: DAVID RESNICK, Esq., Special
 Counsel

6

7 WILLIAM SHEEHAN, Town Building
 Inspector
8 (Not Present)

9

10 LIZ VERRIER, Deputy Town Attorney
 (Not Present)

11 KEVIN P. MAHER, P.E, Town Engineer

12

ROBERT GENESLAW COMPANY,
13 Planning Consultants
 Two Executive Boulevard - Suite 401
14 Suffern, New York 10901
 BY: MAXIMILIAN STACH, Town Planner
15 ROBERT GENESLAW, Town Planner
 (Not Present)

16

ATZL, SCATASSA & ZIGLER
17 Surveyors/Planner for Applicant
 234 North Main Street
18 New City, New York 10956
 BY: DAVID ZIGLER, P.E.

19

20 And the Public.

21 PULEO REPORTING & TRANSCRIPTION
SERVICES
22
61 Crickettown Road
23
Stony Point, New York 10980
24
(845) 429-8986 FAX and Phone
25

1 - Proceedings - 101

2

3 THE CHAIRMAN: Fernstrom and
4 Roberts is the next matter on the

5 Agenda and this is a ---

6 (Off-the-record.)

7 THE CHAIRMAN: All right, as I

8 said, the next matter on the Agenda is

9 Fernstrom and Roberts for a lot line

10 change located on the northeast corner

11 of Crickettown and Heights Roads.

12 Dave?

13 MR. ZIGLER: Yes. Dave Zigler

14 from Atzl, Scatassa and Zigler for the

15 Applicant.

16 As you know, we did our site

17 visit and I revised my map with the

18 widening strip through both lots and we

19 sent in a letter about the wetlands,

20 which is down in the corner quite a

 ways from the house, and ---

21 THE CHAIRMAN: And we have the
22 letter from Mr. Torgeson.

23 MR. ZIGLER: Yes. We're just
24 asking you to finish it up and vote on
25 it if you feel comfortable and -- --

1 - Proceedings - 102

2 THE CHAIRMAN: Does the Board have
3 any questions on anything about the
4 site visit, on anything that you
5 looked at?

6 (No responses heard.)

7 THE CHAIRMAN: Does anyone have
8 any questions about Mr. Torgeson's
9 letter?

10 (No responses heard.)

11 THE CHAIRMAN: Kevin, do you have
12 any questions on this?

13 MR. MAHER: I am satisfied with
14 the right-of-way dedication through the
15 easement; yes.

16 THE CHAIRMAN: All right. Tom?

17 MR. MC MENAMIN: Just one; maybe
18 nobody knows the answer but, are any of
19 the adjoining properties owned by
20 anyone involved in this deal that we

21 are doing now?

22 One of the requirements of the

23 Code, I believe, is that you identify

24 if any of the properties adjoining are

25 owned by that owner.

1 - Proceedings - 103

2 MR. ZIGLER: No. No; not the
3 owner nor the Estate. No.

4 MR. MC MENAMIN: Okay.

5 THE CHAIRMAN: So, what do we need
6 is a motion to adopt the resolution.

7 MR. KREASE: I will make the
8 motion.

9 THE CHAIRMAN: I've got it. We
10 need a motion for the resolution be to
11 granted, the approval of the ---

12 MR. KREASE: I made it.

13 THE CHAIRMAN: Did we have a
14 second?

15 MR. ROGERS: I will second it.

16 THE CHAIRMAN: We have to read it
17 first.

18 MR. ROGERS: "Resolution, for
19 granting the approval of A Lot Line
20 Change Entitled, 'Fernstrom and

21 Roberts', Amendment of Property Line
22 Between Tax Lots 15.03-3-3 and Tax Lot
23 15.03-3-2.
24 "A meeting of the Town of Stony
25 Point Planning Board (the Board) was

1 - Proceedings - 104
2 convened on March 25th, 2010 at 7:00
3 p.m.
4 "Whereas, an application has been
5 made for the approval of plat for a
6 property line changed entitled,
7 'Fernstrom and Roberts - Amendment of
8 Property Line Between Tax Lots
9 15.03-3-3 and Tax Lot 15.03-3-2', dated
10 January 29th, 2010 and last revised
11 March 30th, 2010 (the Plan), affecting
12 premises designated as Tax Lot
13 15.03-3-3 and Tax Lot 15.03-3-2 on the
14 Tax Map of the Town of Stony Point,
15 located at the northeast corner of
16 Crickettown Road and Heights Road in
17 the Town of Stony Point; and,
18 "Whereas, upon examining the
19 proposed Plan, the Board has determined
20 that only two (2) lots are involved,

21 and that there will be no increase in
22 the number of lots, and that there
23 shall be no resultant conflict with the
24 applicable requirements of the Zoning
25 Code of the Town of Stony Point after

1 - Proceedings - 105

2 lot line adjustment, except that
3 presently, existing Tax Lot 15.03-3-3
4 is non-conforming as to bulk, and.

5 "Whereas, the Board duly
6 considered the comments of Town
7 Engineer, Kevin P. Maher by letter Memo
8 dated March 17th, 2010, its Planning
9 Consultants, revised the measurements
10 of its proposed property line change so
11 as to decrease the non-conformity of
12 existing Lot 15.03-3-3 with respect to
13 bulk, and;

14 "Whereas, pursuant to Town of
15 Stony Point Town Code, Section 19-30,
16 the Planning Board is empowered to
17 consider the special circumstances of a
18 particular plat and may adjust its
19 regulations in the interest of justice
20 and the public interest, and;

21 "Whereas, the Board hereby finds
22 that it is in the best interests of the
23 Town of Stony Point and the public to
24 have non-conforming properties made
25 less non-conforming, and;

1 - Proceedings - 106

2 "Whereas, pursuant to Section
3 9-7B of the Town of Stony Point Town
4 Code, a lot line change is deemed to be
5 a Type II action for the purposes of
6 the New York State Environmental
7 Quality Review Act, and;

8 "Now, therefore be it Resolved by
9 the members of the Town of Stony Point
10 Planning Board, as follows:

11 "That the plat for lot changed
12 entitled, 'Fernstrom and Roberts -
13 Amendment of Property Line Between Tax
14 Lot 15.03-3-3 and Tax Lot 15.03-3-2',
15 dated January 29th, 2010 and last
16 revised March 30th, 2010, affecting
17 premises designated as Section
18 15.03-3-2 and Section 15.03-3-3 on the
19 Tax Map of the Town of Stony Point, be
20 and hereby is approved, with the

21 Chairman hereby authorized to sign the
22 plat and to permit same to be filed in
23 the office of the Rockland County
24 Clerk, upon payment of any and all
25 outstanding fees to the Town of Stony

1 - Proceedings - 107

2 Point and after compliance with and
3 subject to the following conditions:

4 "Section 1: The Lot Line change
5 shall conform with the final mylar of
6 the Plan originally dated January 29th,
7 2010 and last revised March 30th, 2010
8 as prepared by Atzl, Scatassa and
9 Zigler, P.C, said Plan to be recorded
10 in the land records division of the
11 Office of the Clerk of Rockland County,
12 New York, and.

13 "Section 2: The following Notes
14 and changes shall be indicated on the
15 Plan:

16 "A) Upon the lot line
17 change, the existing Tax Lot Line
18 indicated as 15.03-3-3, as indicated on
19 the Plan, shall be increased in land
20 area from 13,795 square feet to 23,071

21 square feet, with Lot 15.03-3-2
22 decreasing in lot area from 3.8030
23 acres to 3.5954 acres.
24 "B) The true and correct
25 lot line between Tax Lots 15.03-3-3 and

1 - Proceedings - 108

2 15.03-3-2 shall be indicated on the
3 Plan, and.

4 "C) Anne Kennedy, as
5 Executor of the Estate of
6 Fernstrom/Roberts shall execute the
7 Plan to indicate acknowledgement of and
8 agreement with the Plan and all notes
9 indicated thereupon, and the recording
10 of the Plan in the Office of the Clerk
11 of Rockland County, and;

12 "Section 3: The Applicant's
13 compliance with any necessary
14 requirements set forth in the comments
15 of the aforementioned reviewing
16 agencies, and;

17 "Section 4: Upon payment of all
18 required fees to the Town and its
19 consultants and submission and approval
20 of any legal documents as may be

21 required, the plat may be approved and
22 signed by the Chairman of the Planning
23 Board and duly filed in the Office of
24 the Clerk of the Town of Stony Point."

25 THE CHAIRMAN: All right. I have

1 - Proceedings - 109

2 a motion and a second to grant the

3 approval. Mary, poll the Board.

4 MS. PAGANO: Mr. McMenamin?

5 MR. MC MENAMIN: Yes.

6 MS. PAGANO: Mr. Muller?

7 MR. MULLER: Yes.

8 MS. PAGANO: Mr. Rogers?

9 MR. ROGERS: Yes.

10 MS. PAGANO: Mr. Krease?

11 MR. KREASE: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MRS. CALLAGHAN: Yes.

14 MS. PAGANO: Mr. Javenes?

15 MR. JAVENES: Yes.

16 MS. PAGANO: Chairman Gubitosa?

17 THE CHAIRMAN: Yes.

18 MR. ZIGLER: Thank you.

19 THE CHAIRMAN: Last thing on the

20 agenda is to accept the March second,

21 2010 minutes. I need a motion?

22 MR. ROGERS: I will make a motion

23 to accept the minutes of the March 2nd,

24 2010 meeting.

25 THE CHAIRMAN: A second?

1 - Proceedings - 110

2 MRS. CALLAGHAN: I will second

3 it.

4 THE CHAIRMAN: Mary, poll the

5 Board.

6 MS. PAGANO: Mr. McMenamin?

7 MR. MC MENAMIN: Yes.

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Mr. Krease?

13 MR. KREASE: Yes.

14 MS. PAGANO: Mrs. Callaghan?

15 MRS. CALLAGHAN: Yes.

16 MS. PAGANO: Mr. Javenes?

17 MR. JAVENES: Abstain.

18 MS. PAGANO: Chairman Gubitosa?

19 THE CHAIRMAN: Yes. I need a

20 motion to close?

21 MR. ROGERS: I will make it.
22 THE CHAIRMAN: I will second it.
23 All in favor?
24 (Unanimous affirmative vote.)
25 THE CHAIRMAN: Good night.

