

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

VIRGIN MARY & ST. PACHOMIOUS Public
COPTIC ORTHODOX CHURCH Hearing

Applicants.

----- X

7 o'clock p.m.
December 9th, 2010
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
- GLADYS CALLAGHAN, Member (Not present)
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member

21

MARY PAGANO,
Secretary to the Board

22

23

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

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Appearances continued: 3

IRA EMANUEL, ESQ.
Attorney for Applicant
Four Laurel Road
New City, New York 10956

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

WILLIAM SHEEHAN, Town Building Inspector

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)

ATZL, SCATASSA & ZIGLER, P.C.
Engineers/Surveyors for Applicant
254 North Main Street
New City, New York 10956
BY: DAVID M. ZIGLER, P.L.S.

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

21

61 Crickettown Road

22

Stony Point, New York 10980

23

(845) 429-8986 FAX and Phone

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(This is the 12/09/10 meeting of
the Stony Point Planning Board.)

THE CHAIRMAN: Can we stand for the
Pledge?

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

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

MS. PAGANO: Mr. Mc Menamin?

MR. MC MENAMIN: Here.

MS. PAGANO: Mr. Muller?

MR. MULLER: Here.

MS. PAGANO: Mr. Javenes?

MR. JAVENES: Here.

MS. PAGANO: Mr. Krease?

MR. KREASE: Here.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Here.

MS. PAGANO: Chairman Gubitosa?

21 THE CHAIRMAN: Here. All right.

22 Before we get started, if you have your

23 cell phone on, just put it on vibrate.

24 The first item on the agenda, is a

25 public hearing for the Virgin Mary Saint

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Pachomious Coptic Orthodox Church. This is the continued Public Hearing.

Ira, if you can get us up to speed?

MR. EMANUEL: Ira Emanuel, lawyer for the Applicant, Four Laurel Road, New City, New York.

When we were last here at the October meeting, we made a presentation as to the proposal, and the public hearing was continued so that, in part, we can go to the Town Board and get a sewer extension.

That sewer extension was granted at the November 23rd meeting of the Town Board.

We are back seeking approval, a continuation and, hopefully site plan approval.

The only other thing I would like

21 to bring to your attention, as a
22 reminder, is the County Planning
23 Department's recommended modifications of
24 October 7th, 2010. Most of them, we have
25 no problem with.

1 HEADER

2 The one item we want to bring to
3 your attention is Item, yes, item 5,
4 which discusses a landscaping plan. It
5 says the landscaping shall meet all Town
6 requirements and the requirements of the
7 Palisades Interstate Park Commission.

8 The landscape plan has been revised
9 to trees to augment the thirty foot
10 buffer to act as a year round screen,
11 screening the Palisades Interstate
12 Parkway and designed are (reading from a
13 document) requiring us to plant low
14 growing evergreens on Cedar Flats Road.

15 Now, we have had extensive
16 discussions, with regard to that site.

17 With respect to this building, in
18 particular, the Palisades Park
19 Commission, basically wants this
20 building to be invisible at all times and

21 under all circumstances.

22 That is just not possible, so we

23 would ask that the Board overrides that

24 portion of the recommended modifications

25 that puts forth these particular

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HEADER

requirements. We are happy to comply by
all of the Town's requirements.

MR. MULLER: Can I ask you a
question?

(Off-the-record.)

MR. EMANUEL: I am making my
presentation.

Obviously, if we hear something
different at the Public Hearing --- as
the record now stands, we would ask for
an override of just that portion.

MR. MULLER: Just item 5?

MR. EMANUEL: Yes, well, that
portion that relates to the Palisades
Park Commission. We have no problem
complying with the Town's requirements.

Other than that, I have nothing
else to say, unless you have questions.

THE CHAIRMAN: At this time, we will

21 open the public hearing for the Church.

22 Is there anyone here to comment

23 about the Church?

24 (No responses were heard at this

25 time.)

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MR. KREASE: I will make a motion to

3

close.

4

MR. ROGERS: I will second it, Mr.

5

Chairman.

6

THE CHAIRMAN: Mary, poll the

7

Board.

8

MS. PAGANO: Mr. Mc Menamin?

9

MR. MC MENAMIN: This was to close

10

it?

11

MS. PAGANO: Yes.

12

MR. MC MENAMIN: Yes.

13

MS. PAGANO: Mr. Muller?

14

MR. MULLER: Yes.

15

MS. PAGANO: Mr. Javenes?

16

MR. JAVENES: Yes.

17

MS. PAGANO: Mr. Krease?

18

MR. KREASE: Yes.

19

MS. PAGANO: Mr. Rogers.

20

MR. ROGERS: Yes.

21 MS. PAGANO: Chairman Gubitosa?

22 THE CHAIRMAN: Yes.

23 MR. MULLER: I have a statement to
24 make; as you know, there was some concern
25 with the Palisades Interstate Park

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Commission with respect to shielding the view from the Parkway.

As you know, we had a crane set up which was on-site, five or seven days on-site. We had notified everybody about the visual test held on a Saturday. It has been stated in this public arena that had anybody requested a weekday or the following week visit, we would have made accommodations for that.

I am speaking about the Palisades Park Commission, specifically. No request --- excuse me --- was made. The crane was on-site, so if a Saturday didn't work, we would have made another date available.

We spoke about notifying the Palisades Interstate Park Commission, and we did that. There was a Public Hearing

21 continuing today --- Dave, did you notify

22 them?

23 MR. ZIGLER: Yes.

24 MR. MULLER: By certified mail?

25 MR. ZIGLER: Yes.

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HEADER

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MR. MULLER: The Palisades

3

Interstate Park Commission was notified

4

by certified mail and that would have

5

been their chance to come in and speak

6

about shielding the view. Nobody has

7

spoken out, or attended, so I really

8

feel that the Board has welcomed their

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comments and notified them. We are

10

having this public arena.

11

They have been notified and they

12

could have come in to express their

13

concerns and no concerns have been

14

expressed. No one is here.

15

THE CHAIRMAN: Thank you. So noted.

16

Does the Board have any other questions?

17

Tom?

18

MR. MC MENAMIN: We met in the field

19

to look at the concerns of the Palisades

20

Interstate Park Commission and we, kind

21 of --- I kind of decided that trying to
22 shield it with the trees up by their
23 right-of-way --- because of the heights
24 involved --- was going to be an
25 impossibility to really do it

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HEADER

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effectively, or in any meaningful way.

3

At the meeting I thought of an idea

4

of changing the color scheme of the roof

5

of the Church.

6

I think Dave said he would look

7

into that with the architect and maybe

8

make it a darker color, maybe, darker

9

than the beige that is shown on the plan.

10

I wonder if there was any progress

11

with respect to that and maybe that would

12

help the issue that they raise?

13

MR. EMANUEL: Yes, Mr. McMenammin,

14

we did ask for that. This (indicating a

15

picture) is a picture of an existing

16

church and that's the color of the dome

17

we will be using.

18

It is a dark brown, if you will ---

19

UNIDENTIFIED VOICE: It is a darker

20

color.

21 MR. MULLER: Does the color of the
22 dome have any religious significance to
23 the Church?

24 **NEPAL NIGAN: I am the architect
25 of the project.

1 HEADER

2 MR. EMANUEL: What did you call
3 the dark browns?

4 MR. NIGAN: It's in between like a
5 medium --- it's like --- it is a
6 fiberglass dome, so it is the same paint
7 they use for cars. It is not gold leaf
8 or anything else.

9 MR. EMANUEL: It is
10 non-reflective.

11 MR. NIGAN: Exactly. It has a
12 painted on, matte finish. It is paint
13 over the fiberglass. When I went to the
14 ARB meetings, I gave them the
15 manufacturer's chip of the color.

16 MR. EMANUEL: Now, the walls will
17 not be white. This is (indicating)
18 merely a representation of the color for
19 the dome. This is a representation of
20 the Arch Angel Coptic Church

21 (phonetically written) in New Jersey. It

22 is from outside. It is not

23 reflective. Ours is all very natural, no

24 reflection at all.

25 MR. MC MENAMIN: I think that is a

1 HEADER

2 good compromise.

3 When I was there to look at this,
4 there's a hillside behind where the Cedar
5 Pond Brook is and by Cedar Flats Road,
6 there is a hillside. I was thinking if
7 these domes and that roof were the darker
8 color, they may blend in more and give
9 less of a presentation to the Palisades
10 Interstate Parkway.

11 MR. NIGAN: Yes. This is hundred
12 percent of the color that we have chosen.

13 MR. MC MENAMIN: Can the Board keep
14 that?

15 MR. NIGAN: Yes.

16 MR. KREASE: On the record, what
17 they showed us today is more on the brown
18 side, as compared to the gold, which
19 there was some objections to.

20 THE CHAIRMAN: Okay. Bill?

21 MR. SHEEHAN: For the record,
22 personally I think steeples on a mountain
23 side look pretty good all over the world.
24 The ARB approved the other color,
25 but if you are overriding ---

1 HEADER

2 MR. NEGAN: I'm sorry. The ARB
3 approved exactly that color that we gave
4 you.

5 MR. SHEEHAN: Okay then. I am fine
6 with that. I just want to make sure it
7 was on the record.

8 MR. MC MENAMIN: I appreciate that.
9 I think you did something for somebody
10 that is not here tonight.

11 MR. NIGAN: Okay.

12 THE CHAIRMAN: Yes.

13 MR. KREASE: Just another note;
14 after the last site visit, you did agree,
15 for the record, to the adjacent removal
16 of the trees, the replacement of them and
17 fixing the fence and the gates.

18 MR. EMANUEL: We have no problem
19 with that.

20 THE CHAIRMAN: Yes.

21 MR. ZIGLER: The only difference was
22 the letter talking about the four foot
23 fence. They wanted to put up a
24 six-or-seven foot fence. That will be
25 the only difference.

1 HEADER

2 MR. MULLER: I would like to say I
3 appreciate your efforts in this area.

4 This really wasn't necessary. As a
5 Board, we try to keep the neighbors
6 happy, as a compromise, I want to say
7 thank you for doing these things. It is
8 a way to form good community. And the
9 building that you are looking to expand,
10 it is great of you to work with the
11 neighbors' requests. I would just like
12 to say thank you.

13 MR. EMANUEL: You're welcome. My
14 clients express they want to remain and
15 be good neighbors.

16 MR. MULLER: It makes our job
17 easier, too, to keep everyone happy.

18 MR. KREASE: Did you see the if
19 there was a permit from the ---

20 MR. ZIGLER: We don't need a permit.

21 We don't need a DEC permit, either.

22 MR. KREASE: Do we have a copy of

23 that?

24 MR. SHEEHAN: Normal highway permits

25 and DEC permits, and so forth, will have

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to be obtained prior to a building

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permit, so we would also be checking

4

prior to issuing a building permit, some

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type of letter when they have no

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jurisdiction. That's the way we normally

7

work it. We second check you or we make

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sure that agency that might have

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interests, we have the documentation from

10

them.

11

MR. JAVENES: Thank you.

12

THE CHAIRMAN: With all items in

13

hand, the changes were made. The Board

14

is satisfied. The neighbors are happy.

15

MR. MULLER: I would like to make a

16

motion to approve this project.

17

THE CHAIRMAN: We have a motion to

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approve for a resolution.

19

MR. SHEEHAN: I think before you

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make a motion to approve, I don't believe

21 we did a super majority vote. If you
22 include it in the same resolution, yes,
23 but you might get two different votes.

24 MR. MULLER: So, first ---

25 MR. SHEEHAN: You would ask for the

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HEADER

resolution to override the County; number
5 and give a reason why. Then take a
vote on that. Then you can the make a
motion to approve.

MR. MULLER: Mr. Chairman, I make
a motion to override the County on the
super majority vote for the reasons we
just discussed.

The Applicant has adhered to our
requests to change the building, soften
the views and the fact that we requested
the Palisades Interstate Parkway to be a
part of this and we have notified them by
certified mail, we have tried to address
all of their concerns, and the fact they
have not reached out to us or come here
tonight, anyway, I'd like this project to
be approved, against the wishes of the
Palisades Interstate Park Commission, so

21 I would like to make a resolution to
22 override.

23 THE CHAIRMAN: So, we're overriding
24 the County's recommendation to
25 accommodate the Palisades Park Commission

1 HEADER

2 regulations.

3 MR. RESNICK: You can the take
4 one vote, but the Board has to
5 understand that due to the fact that with
6 the Applicant's super majority to approve
7 the resolution, you don't need a separate
8 vote to overrule that one item, but state
9 that it is just the one item that the
10 Applicant will not comply with ----
11 off-the-record.

12 (Off-the-record discussion.)

13 THE CHAIRMAN: Let the Board know,
14 so I have a motion. I need a second.

15 MR. ROGERS: I will second it.

16 THE CHAIRMAN: I have to read it
17 first; then we will vote.

18 MR. SHEEHAN: Well, normally you
19 read it before we make a motion.

20 THE CHAIRMAN: I will read it.

21 "Resolution: A meeting of the Town
22 of Stony Point Planning Board (the
23 Planning Board) was held at the RHO
24 Building, Stony Point, New York on
25 December 9th, 2010 at 7:00 p.m.

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HEADER

"The following resolution was duly offered and seconded, to wit;

"Resolution granting conditional site plan approval with respect to the application of Virgin Mary and St. Pachomious Coptic Orthodox Church for utilization of existing structures at the premises and construction of a new church structure located at the north side of Swim Club Road, 250 feet east of Sherwood Farms Court, in the Town of Stony Point, New York.

"The Chairman advised that the hearing before the Board concerned Conditional Site Plan approval for the application of Virgin Mary and St. Pachomious Coptic Orthodox Church, pursuant to the Town of Stony Point's Site Plan Rules and Regulations.

21 "The Chairman opened the meeting,
22 explained the purpose of the hearing and
23 the history of the Applicant's proposal
24 before the Planning Board. Ira A.
25 Emanuel, Esq., and David M. Zigler, PLS,

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were present on behalf of the Applicant.
Kevin Maher was present as Town Engineer,
Special Counsel to the Planning Board,
Feerick, Lynch, MacCartney, was present
by David J. Resnick, Esq.; Robert
Geneslaw Company, Planning Consultants to
the Planning Board was present by
Maximilian Stach.

"The Planning Board previously
heard from the Town's Planning
Consultant, Robert Geneslaw Company and
Kevin Maher, Town Engineer with respect
to the Applicant's proposal.

"Whereas, the Applicant has made an
application to the Planning Board for
Site Plan approval for the utilization of
existing structures and the construction
of a new church structure of
approximately 9,000 square feet, located

21 in an RR Zoning District, at the north
22 side of Swim Club Road, 250 feet east of
23 Sherwood Farms Court, Town of Stony
24 Point, State of New York (the Premises).
25 Said Premises being designated on the

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Town of Stony Point tax map as Section 14.02, Block 1, Lot 30, as shown on the 'Overall Site Development Plan' for Virgin Mary and St. Pachomious Coptic Orthodox Church, consisting of nine (9) pages, as prepared by Atzl, Scatassa & Zigler, P.C. and first May 6th, 2010, last revised August 12, 2010 (the Project), and;

"Whereas, the Planning Board of the Town of Stony Point (Planning Board) declared its intent to be Lead Agency at its meeting of March 25, 2010, and determining that the proposed Project constituted an Unlisted action under the New York State Environmental Quality Review Act (SEQRA);

"Whereas, the Applicant submitted a Long Form EAF Part I to the Planning

21 Board, dated March 4th, 2010, and;

22 "Whereas, the Planning Board

23 conducted a site visit to the premises on

24 April 10, 2010, and;

25 "Whereas, the Planning Board

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referred the Applicant to the Town of
Stony Point Architectural Review Board at
its April 22, 2010, rescinded it prior
Lead Agency designation and re-declared
its Notice of Intent to be Lead Agency
taking into account the necessity for
Town of Stony Point Town Board review for
the Project with regard to sewer district
extension, and;

"Whereas, the Planning Board at its
meeting of June 24, 2010 designated the
Project as a Type I action, accepted the
Applicant's Part II EAF, referred the
Applicant to the Town of Stony Point
Zoning Board of Appeals for necessary
variance review and set the date for a
balloon test for the Project regarding to
height and site lines for July 10, 2010,
and;

21 "Whereas, the Planning Board,
22 acting as Lead Agency at its meeting of
23 July 22, 2010, adopted the Applicant's
24 Part III EAF for the Project, as well as
25 determined that a Negative Declaration

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was appropriate for the Project,
following a thorough review and
consideration of the Applicant's
submissions and the comments of all
concerned agencies, and set the date for
a public hearing to be duly noticed for
the Project for October 28th, 2010, and:

.
"Whereas, the Applicant on or about
October 15th, 2010 submitted a 'Petition
for Extension of Sewer District #2', to
the Town of Stony Point Town Board (Town
Board) seeking approval for the extension
of and connection to Stony Point Sewer
District Number 2 to provide service to
the premises for the Project, with such
Petition approved by the Town Board at
its meeting of November 23rd, 2010, and.

"Whereas, the Planning Board duly

21 opened a Public Hearing for the Project
22 on October 28th, 2010 and thereafter duly
23 closed said Public Hearing by motion of
24 the Planning Board on October 28th, 2010,
25 during which hearing, members of the

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public, the Applicant and its consultants
were heard by the Planning Board and
their comments duly taken into
consideration, and.

"Whereas, the Project application
and all documentation in support of the
application, was distributed for review
and comment by all involved Town and
County agencies and necessary
consultants, and.

"Whereas, the Planning Board duly
considered the requests, comments and
recommendations of the public, reviewing
agencies and consultants, including the
County of Rockland Department of Planning
by letters dated April 22, 2010, May 21,
2010, August 2, 2010, August 19, 2010 and
October 7, 2010; the Rockland County
Department of Health, by letters dated

21 March 11, 2010, May 18, 2010 and July 12,
22 2010; the Rockland County Drainage
23 Agency, by letters dated March 18, 2010
24 and September 8, 2010; the Rockland
25 County Highway Department, by letters

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HEADER

dated May 21, 2010 and August 27, 2010;
the Palisades Interstate Park Commission,
by letters dated April 6, 2010 and August
19, 2010; the New York State Department
of Transportation, by letters dated April
12, 2010 and May 21, 2010, the New York
State Department of Environmental
Conservation by letter dated July 1,
2010; the Board of Fire Commissioners of
the Stony Point Fire District, by letter
dated October 4, 2010; and the letters of
Atzl, Scatassa and Zigler, dated July 13,
2010 and July 14, 2010, among other
submissions, and.

"Whereas, all other approvals and
permit applications are still outstanding
with respect to the Project, including
those required from the New York State
Department of Environmental Conservation

21 and the Rockland County Drainage Agency,

22 among others, and.

23 "Whereas the Planning Board

24 Acknowledges that a super majority vote

25 of the Planning Board is required for

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HEADER

approval of the instant Application, due to the Applicant's not meeting that which is set forth in Item 5 of the October 7, 2010 letter of the Rockland County Department of Planning, and;

"Whereas, the Applicant, in response to the comments and concerns of all interested and involved agencies and consultants, made substantial changes to the proposed Site Plan to the satisfaction of the Planning Board, and.

"Whereas, it appears that the best interests of the Town of Stony Point will be served if the application of the Virgin Mary and St. Pachomious Coptic Church is approved, subject to certain conditions.

"Now, therefore, be it resolved by the members of the Town of Stony Point

21 Planning Board, as follows:
22 "Section 1: The site plan
23 entitled, 'Overall Site Development Plan
24 for Virgin Mary and St. Pachomious Coptic
25 Orthodox Church', consisting of nine

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HEADER

pages, as prepared by Atzl, Scatassa and
Zigler, P.C., and first May 6, 2010; last
revised August 12, 2010 (the Project);
submitted to the Planning Board for
approval and affecting premises
designated on the Tax Map of the Town of
Stony Point as above referenced, be and
hereby is approved, upon payment of any
and all outstanding fees and expressly
after compliance with and subject to the
following conditions:

"A) The Applicants shall
comply with all pertinent and applicable
conditions set forth in the letters of
the Rockland County Department of
Planning and other reviewing agencies, as
referred to herein, to the satisfaction
of the Town of Stony Point and shall
obtain all necessary permits, if any,

21 with the exception that the Applicant
22 will not fully comply with the
23 requirements of the Rockland County
24 Department of Planning as set forth in
25 Item 5 of its October 7, 2010 letter,

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HEADER

regarding the Palisades Interstate Park
Commission and the landscaping concerns
due to impracticability;

"B: Upon (i) payment of all
required fees to the Town and its
consultants and (ii) submission and
approval of any legal documents and the
Site Plan, with such additions as may be
required, (iii) approval of any and all
permits required by the Rockland County
Drainage Agency, (iv) approval of any and
all permits required by the New York
State Department of Environmental
Conservation, the Site Plan may be
approved and signed by the Chairman of
the Planning Board and duly filed in the
Office of the Clerk of the Town of Stony
Point."

Okay. That is the Resolution. We

21 have a motion and a second.

22 MR. SHEEHAN: Wait. The "Type I

23 action", in there should be "Unlisted".

24 MR. STACH: I think it is a Type one

25 because it is next to the Park.

1 HEADER

2 MR. SHEEHAN: We did an unlisted
3 action in SEQRA. We didn't do a Type one.
4 You have it as "unlisted" in the
5 beginning of the Resolution and then you
6 go to a Type one.

7 Off-the-record.

8 (Off-the-record discussions were
9 held.)

10 THE CHAIRMAN: On page 2; you are
11 right.

12 MR. STACH: Type one was adopted on
13 6/24 and on 3/25 we did unlisted. Then
14 we changed it into Type one. We are
15 good. Okay.

16 THE CHAIRMAN: Just who made the
17 motion?

18 MR. MULLER: I made the motion.

19 MR. ROGERS: I seconded it.

20 THE CHAIRMAN: Mary, poll the

21 Board?

22 MS. PAGANO: Okay. Mr. Mc Menamin?

23 MR. MC MENAMIN: Yes.

24 MS. PAGANO: Mr. Muller?

25 MR. MULLER: Yes.

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MS. PAGANO: Mr. Javenes.

MR. JAVENES: Yes.

MS. PAGANO: Mr. Krease?

MR. KREASE: Yes.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes. That was a long
resolution.

MR. EMANUEL: Thank you very much.
Happy holidays.

* * *

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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:

CARRECCIA,

Applicants.

----- X

7:45 o'clock p.m.
December 9th, 2010
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
- GLADYS CALLAGHAN, Member (Not present)
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

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

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Appearances continued: 33

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

WILLIAM SHEEHAN, Town Building Inspector

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)

The Applicant, Mr. Careccia

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

61 Crickettown Road

Stony Point, New York 10980

(845) 429-8986 FAX and Phone

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1 - Proceedings - 34

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3 THE CHAIRMAN: We are going to move
4 one item up a little. Number three, the
5 lot line change. We are going to move
6 them out to put you next.

7 MR. CARECCIA: Saving me for last
8 because it's a simple one?

9 THE CHAIRMAN: No, Careccia is
10 next. Tom Careccia --- it's the same.

11 You are the proprietor for both
12 pieces of the property in question?

13 MR. CARECCIA: Yes. It is a simple
14 lot line change, which shares a common
15 lot line between, with the two pieces of
16 property.

17 There's no issues as far as
18 drainage variances. It was
19 simplistically designed on purpose. It
20 is my understanding that the final proof,

21 well, we had to remove the driveway and
22 sidewalks on Benson Point Court
23 (phonetically), which we did and added
24 two boxes for the Building Inspector's
25 signature and Town engineer.

1 - Proceedings - 35

2 Jay Greenwell suggested to include
3 a box for the Drainage Agency, which I
4 did.

5 THE CHAIRMAN: Well ---

6 MR. KREASE: Did you remove it from
7 the other street?

8 MR. CARECCIA: Yes. Excuse me;
9 Timpbrook Road; that's what we did.

10 MR. SHEEHAN: You don't need the
11 Drainage Agency. It is not a
12 subdivision.

13 MR. CARECCIA: Other than that,
14 there's no other issue.

15 THE CHAIRMAN: Bill?

16 MR. SHEEHAN: It was going to
17 remain, provided they ended up dedicating
18 it to the Town. It is a Town road. No,
19 I have no issues with it. It meets
20 zoning.

21 We are not going to look at the
22 mylar tonight. Both the Town Engineer
23 and myself will have to review it.

24 I rather not see an empty box on
25 the mylar. If you want to go to the

1 - Proceedings - 36

2 Drainage Agency ---

3 MR. CARECCIA: According to Jay
4 Greenwell when we filed the map with the
5 County ---

6 MR. SHEEHAN: Because you will ---
7 all subdivisions are subject to drainage.
8 That's a part of their stream law; it's
9 not within a hundred feet of the
10 Timpbrook stream, so they have no
11 jurisdiction.

12 MR. CARECCIA: You told me the same
13 thing last time. I agreed with you. You
14 know what? Regardless of who is right or
15 wrong ---

16 MR. SHEEHAN: If you want to ---

17 MS. PAGANO: I wouldn't play
18 around with it. You should remove it.

19 MR. SHEEHAN: Yeah. If you go to
20 the County to file a map and there's an

21 empty box, which doesn't have to be done
22 tonight, obviously if the Board prefers,
23 it has to be removed by Kevin and myself
24 and the Chairman, so you have time to wet
25 an eraser and take it right off.

1 - Proceedings - 37

2 MR. CARECCIA: That will work.

3 MR. MAHER: Jay should have an
4 electric eraser to take it right off.

5 THE CHAIRMAN: Any questions or
6 concerns, Kevin?

7 MR. MAHER: No.

8 THE CHAIRMAN: We can approve it
9 pending the changes on the mylar.

10 MR. SHEEHAN: Approve it as is.
11 Before I sign or Kevin signs it, we will
12 make sure it is right.

13 MR. RESNICK: The empty box is on
14 the revised map and the mylar.

15 MR. SHEEHAN: The only thing I care
16 about is the mylar.

17 MR. CARECCIA: The last application
18 they wanted twenty-five copies.
19 Off-the-record.

20 (Off-the-record discussion.)

21 MR. KREASE: He just takes it off

22 the private road.

23 (Cross-talking, off-the-record.)

24 MS. PAGANO: Mr. Careccia, show

25 them the new map.

1 - Proceedings -

2 MR. KREASE: Here it is
3 (indicating). Do we keep it?

4 MR. SHEEHAN: Well ---

5 MR. MAHER: It still says,
6 "re-subdivision."

7 THE CHAIRMAN: You have to change
8 that, too?

9 MR. SHEEHAN: Yes. Off-the-record.

10 (Off-the-record discussion.)

11 MR. SHEEHAN: It has to say, "lot
12 line change."

13 (Off-the-record.)

14 MS. PAGANO: I will just cross it
15 off. I'll send it right back to him and
16 that's all.

17 So, it's the Town Engineer, the
18 Planning Board and the Building
19 Inspector. Okay.

20 MR. STACH: Can't we --- we

21 sometimes require changes to a map as a
22 condition and then the Chairman is
23 authorized to sign it.

24 MR. SHEEHAN: Yes. That's the way
25 I figured we would do it. We don't meet

1 - Proceedings -

2 until the end of January. Me, myself, if
3 the Board is inclined towards approval,
4 it will be subject to the changes that we
5 discussed.

6 MR. KREASE: If they want, they can
7 come back.

8 MR. STACH: Right. Because it is not
9 a substantive change.

10 THE CHAIRMAN: I will read a
11 resolution and a vote.

12 "Resolution: Granting approval of
13 an application for a lot line change,
14 entitled, 'Re-Subdivision of Lands of
15 Careccia';

16 "A meeting of the Town of Stony
17 Point Planning Board (the Board) was
18 convened on December 9th, 2010, at 7
19 o'clock p.m.

20 "Whereas, an application has been

21 made for the approval of a plat for a
22 property line change, entitled 'Lot-Line
23 Change of Careccia', dated September 23,
24 2010, (the Plan) and last revised
25 November 20, 2010, as prepared by Jay A.

1 - Proceedings -
2 Greenwell, PLS, affecting premises
3 designated as Tax Lot 15.01-5-4 and
4 15.01-5-45 on the Tax Map of the Town of
5 Stony Point, located in an RR Zoning
6 District at the northerly side of
7 Benson's Point Court at the intersection
8 of Timpbrook Road in the Town of Stony
9 Point, with Tax Lot 15.01-5-45,
10 consisting of 1.8 acres, with an existing
11 dwelling and Tax Lot 15.01-5-44,
12 consisting of 2.5 acres, with no
13 structures and;
14 "Whereas, upon examining the
15 proposed Plan, the Board has determined
16 that only two (2) lots are involved and
17 that there will be no increase in the
18 number of lots, and that there shall be
19 no resultant conflict with the applicable
20 requirements of the Zoning Code of the

21 Town of Stony Point after lot line
22 adjustment, and.
23 "Whereas, the Board duly considered
24 the application and found that as a Type
25 II action, no SEQRA was necessary, and;

1 - Proceedings -

2 "Whereas, pursuant to Town of Stony
3 Point Town Code, Section 191-30, the
4 Planning Board is empowered to consider
5 the special circumstances of a particular
6 plat and may adjust its regulations in
7 the interest of justice and the public
8 interest, and;

9 "Whereas, pursuant to Section 191.7
10 (B) of the Town of Stony Point Town Code,
11 a lot line change is deemed to be a Type
12 II action, for purposes of the New York
13 State Environmental Quality Review Act,
14 and.

15 "Now, therefore, be it resolved by
16 the member of the Town of Stony Point
17 Planning Board as follows:

18 "That the plat for lot line change,
19 entitled, 'Re-Subdivision of Careccia',
20 dated September 23, 2010 and revised

21 November 20, 2010, as prepared by Jay A.
22 Greenwell, PLS, affecting premises
23 designated as Section 15.01-5-44 and
24 Section 15.01-5-45 on the Tax Map of the
25 Town of Stony Point, be and hereby is

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approved, with the Chairman hereby authorized to sign the plat and to permit same to be filed in the Office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point and after compliance with and subject to the following conditions:

"Section 1: The Lot Line Change

shall conform with the final mylar of the Plan, originally dated September 23, 2010 and last revised November 20th, 2010, as prepared by Jay A. Green wall, PLS, to be modified as set forth more fully below, said Plan to be recorded in the records division of the Office of the Clerk of Rockland County, New York, and:

"Section 2: The following Notes

and changes shall be indicated on the Plan:

21 "A) Upon the lot line change, the
22 existing Tax Lot indicated as 15.01-5-44
23 as indicated on the Plan, shall be
24 increased in land area from 97,154 square
25 feet to 101,235 square feet, with Lot

1 - Proceedings -
2 15.01-5-45 decreasing in lot area from
3 79,863 square feet to 65,782 square feet,
4 and.

5 "B) The true and correct lot line
6 between tax Lots 15.01-5-44 and
7 15.01-5-44, as indicated on the plan,
8 and.

9 "C) Thomas Careccia, owner of the
10 properties at issue shall execute the
11 Plan to indicate acknowledgement of
12 agreement with the Plan and all notes
13 indicated thereupon, and the recording of
14 the Plan in the Office of the Clerk of
15 Rockland County, and.

16 "D) The Applicant shall remove the
17 text box for the Rockland County Drainage
18 Agency's signature and shall modify the
19 heading of the plat from 'Re-Subdivision
20 of Lands of Careccia', to 'Lot Line

21 Change of Lands of Careccia', and.

22 "E) The Applicant shall correct

23 the bulk table to remove any reference to

24 the non-conforming nature of the

25 premises.

1 - Proceedings -

2 "Section 3: The Applicant's
3 compliance with any necessary
4 requirements set forth in the comments of
5 any reviewing agencies, and.

6 "Section 4: Upon payment of all
7 required fees to the Town and its
8 consultants and submission and approval
9 of any legal document as may be required,
10 the plat may be approved and signed by
11 the Chairman of the Planning Board and
12 duly filed in the Office of the Clerk of
13 the Town of Stony Point."

14 MR. SHEEHAN: Did I hear somewhere
15 in there to make it less conforming? I
16 mean, both of them conformed before and
17 after.

18 MR. RESNICK: There's one item of
19 non-conformity on the ---

20 MR. CARECCIA: It's the width.

21 MR. MC MENAMIN: That's what is
22 indicated here (indicating). The lot
23 width is not conforming.

24 MR. SHEEHAN: Incorrect.

25 MR. MC MENAMIN: In two ---

1 - Proceedings -

2 MR. STACH: It was incorrect. It
3 should have been changed.

4 MR. MC MENAMIN: It is still on.
5 It's a copy of the mylar.

6 THE CHAIRMAN: So, we have to change
7 that.

8 MR. STACH: Well, if ---

9 MR. RESNICK: What's the minimum
10 lot width required?

11 MR. SHEEHAN: Fifty. There's a
12 special requirement for lots on a
13 cul-de-sac.

14 MR. MC MENAMIN: But the required
15 has to change?

16 MR. SHEEHAN: Both.

17 MR. MC MENAMIN: It says
18 eighty-seven point five, then you take
19 the asterisks off.

20 MR. SHEEHAN: I don't want the

21 resolution saying that we are taking a
22 non-conforming lot and making it less
23 conforming.

24 If you take that out of the
25 resolution, we will take the mylar and

1 - Proceedings -

2 make sure it reflects the correct
3 verbiage. Off-the-record.

4 (Off-the-record discussion.)

5 MR. SHEEHAN: Everything else is
6 good.

7 THE CHAIRMAN: We are going to have
8 one amended; an Amendment "E", that the
9 Applicant shall correct bulk table to
10 remove requirements or references to the
11 non-conforming nature of premises, then
12 we will correct the second paragraph and
13 strike where it says, "Whereas, the Board
14 hereby finds it non-conforming..."

15 We will strike that entire
16 paragraph, so, with those changes, we
17 have the resolution updated. I just need
18 a motion to accept it.

19 MR. ROGERS: I will make the
20 motion.

21 THE CHAIRMAN: I need a second?

22 MR. JAVENES: Second.

23 THE CHAIRMAN: Mary, poll the

24 Board, please? I will revise the

25 resolution.

1 - Proceedings -

2 MS. PAGANO: Mr. Mc Menamin.

3 MR. MC MENAMIN: Yes.

4 MS. PAGANO: Mr. Muller?

5 MR. MULLER: Yes.

6 MS. PAGANO: Mr. Javenes?

7 MR. JAVENES: Yes.

8 MS. PAGANO: Mr. Krease?

9 MR. KREASE: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Chairman Gubitosa.

13 THE CHAIRMAN: Yes. All right, all

14 right.

15 MR. CARECCIA: Thank you very much.

16 Enjoy the holidays, everyone.

17 MR. STACH: Just as a point, it may

18 be advisable for the Applicant to get a

19 copy of the resolution in its final form.

20 MR. SHEEHAN: He's coming in.

21 MR. STACH: Very good.

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- Proceedings -

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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:

STONY POINT AMBULANCE CORPS,

Applicants.

----- X

8:20 o'clock p.m.
December 9th, 2010
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
GLADYS CALLAGHAN, Member (Not present)
EUGENE KREASE, Member
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

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

25

1

2 Appearances continued: 50

3 MARTIN SENDLEWSKI,
4 Architect for Applicants

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

9 WILLIAM SHEEHAN, Town Building Inspector

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

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

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)

20 Shelly Engleman (phonetically written)

 And the Public.

 PULEO REPORTING & TRANSCRIPTION SERVICES

 61 Crickettown Road

 Stony Point, New York 10980

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1 - Proceedings - 51

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3 THE CHAIRMAN: All right. Next on
4 the agenda is the Stony Point Ambulance.

5 I have Martin Sendlewski.

6 THE CHAIRMAN: Give us an update of
7 where we are now.

8 MR. SENDLEWSKI: Where we stand
9 right now, there is a public hearing
10 scheduled for the Town Board on Tuesday
11 the fourteenth, with regard to the Code
12 Amendment to allow this project to move
13 forward.

14 Prior to this point, in conjunction
15 with the Planning Board, we have gone to
16 the tech meeting. So, we have been to a
17 few meetings here, also and we have been
18 able to incorporate all the comments ---
19 well, obviously if there's more, we will
20 incorporate them, too and review them at

21 the tech meeting in January, with the
22 hopes of having a hearing and an
23 approval of the project on or at the
24 January Planning Board meeting,
25 predicated on a referral from this Board.

1 - Proceedings - 52

2 I know the Town Board has referred
3 the Code Amendment to this Board and we
4 are hoping we can get the referral to the
5 Town and a neg dec from this Board with
6 regard to this Applicant, both for the
7 site plan and for the Code Amendment, so
8 we can go to the Town Board so that they
9 can take the, take the information they
10 need to act at the meeting next week.

11 THE CHAIRMAN: Max, do we want to go
12 over the Part II?

13 MR. STACH: I supplied a memo to the
14 Board last Friday. I believe that
15 everybody has it?

16 MS. PAGANO: I sent it to you in
17 an e-mail.

18 MR. STACH: Essentially, what I did
19 was, I reviewed the Applicant's revised
20 Part I, EAF which was submitted and

21 revised to reflect the Code Amendments as
22 an additional requirement, as part of the
23 sequence of related actions that must be
24 taken, as a result of the sponsor's
25 proposal.

1 - Proceedings - 53

2 I reviewed it, and after having
3 done so, noted that since the text,
4 "more than 25 acres," --- well, I assume
5 this is the entire BU District. I
6 submitted at the Planning Board review,
7 the SEQRA status of the application, as a
8 Type one.

9 After resubmission, I provided the
10 Board with the Part II EAF, which doesn't
11 indicate any potential large impacts and
12 this is based on several points.

13 One is that there are already
14 several uses permitted within and
15 permitted in the BU District that will
16 result in much greater impact than what
17 is being proposed as an ambulance
18 facilities with accessory apartments.

19 Secondly, it was determined that
20 the proposed use of the ambulance

21 facility will have a positive impact on
22 the health, safety and general welfare
23 for the Town of Stony Point's residents,
24 given that it is appropriately located
25 with regard to access to major streets

2 and geographic location within the
3 community; which is three.

4 It was also determined that the
5 proposed use is consistent with the type
6 of uses already located within the BU
7 district.

8 (Mr. Stach is reading from a
9 document at this time.)

10 Four, that with regard to the text
11 amendment, despite that the ambulance
12 facilities will be permitted, allowed in
13 the BU District, it is highly unlikely
14 that a significant number of additional
15 facilities such as this are ever likely
16 to be located there.

17 And lastly, with regard to the
18 proposed site plan, it is not likely that
19 the proposed facility, itself, will
20 result in significant impact, given that

21 the plans that the ambulance corps has

22 verified, state it won't be operating

23 its sirens while leaving the site.

24 So, I am suggesting, if the Board

25 agrees with the proposed Part II, I have

2 provided a neg dec that records this
3 reasoning, and it may adopt that if it is
4 so inclined, as well.

5 Lastly, you will recall a few
6 months ago you had issued an informal
7 recommendation to the Town Board that it
8 adopt a text amendment to allow the
9 approval of the site plan, as was
10 approved at that time.

11 The Town Board last issued a
12 request, at this time, for an official
13 recommendation.

14 I have provided you with a
15 suggested recommendation to that affect.

16 Part of that is notification of the
17 Town Board, that with this Board's
18 action, they are adopting a neg dec, the
19 Town Board has no further responsibility
20 under SEQRA to adopt its own neg dec, so

21 they may make their only decision without
22 any further SEQRA action.

23 THE CHAIRMAN: So, with the Part II,
24 everything is good there. If we can
25 adopt the Part II --- well, does the

1 - Proceedings - 56

2 Board have any questions?

3 MR. MC MENAMIN: Well, there is a
4 question. I question the wisdom of doing
5 an EAF Part I and Part II. They are two
6 very, very different things.

7 One is the text amendment and the
8 other is the ambulance corps site plan.

9 It seems to me, if I was a going to
10 attack this, I would have done a separate
11 sequence on the text amendment and then
12 the site plan. You are lumping them
13 together.

14 We had an EAF Part I that said
15 we've had a site plan and access. Now we
16 have an EAF Part I, saying it involves
17 125 acres, which I assume is the entire
18 BU District.

19 MR. STACH: Well -- --

20 MR. MC MENAMIN: I am looking for an

21 explanation or discussion, on why this is
22 a good idea.

23 MR. STACH: SEQRA, the statute, it
24 is clear in that when you are considering
25 any action that is comprised of multiple

2 related approvals, that you can consider
3 the entirety of that. If you don't, that
4 is known as "segmentation".

5 The reason why you don't ever want
6 to segment is specifically, is the DEC
7 and the State doesn't want you to
8 consider things in individual pieces.

9 Whereas, if you consider them
10 together, it may have reason to level a
11 more thorough environmental; a more
12 thorough environmental review may be a
13 requirement.

14 Again, the DEC wants you to
15 consider all of the steps leading to the
16 physical act, because they don't want you
17 to take a piece, make a single approval
18 and say you don't need DEIS and take the
19 second piece and say you don't need an
20 EIS.

21 They want you to look at the entire
22 project, to the extent practicable. They
23 don't want you to do piece meal reviews
24 on your SEQRA reviews.
25 MR. MC MENAMIN: So, do we have

1 - Proceedings - 58

2 enough information in the record? This
3 Part II, it ---

4 MR. STACH: Everything is checked,
5 "No".

6 The reason why I gave you the five
7 salient facts, is, were nothing similar
8 or comparable allowed in the BU District,
9 okay, for example, where a district that
10 only allows parks, allows ambulance
11 facilities, it will increase the impact.

12 But if --- BU is a clear, commercial
13 district and it allows development at a
14 more intensive coverage area than what
15 the Applicant here is proposing.

16 So, I don't think that, considering
17 the range of the uses that is already
18 allowed in the BU District, that this
19 addition will be any significant impact
20 or result in any significant impacts

21 beyond this.

22 MR. MC MENAMIN: We've got to have a

23 SEQRA Public Hearing.

24 MR. SHEEHAN: No public hearing for

25 SEQRA is necessary.

1 - Proceedings - 59

2 MR. STACH: Only if you were to
3 require that an EIS be prepared. In
4 which case -- -

5 MR. SHEEHAN: A DEIS and all of
6 that. I happen to agree with you, Tom.

7 However, that will be the easiest
8 and simple-most way, but Max is a hundred
9 percent correct; this would be a
10 segmentation.

11 If this project wasn't before us,
12 the Town Board, must have done SEQRA and
13 done the text amendment and ---

14 MR. MC MENAMIN: Which is normal.

15 MR. SHEEHAN: But it was prior to
16 the Town Board undertaking a text
17 amendment. That's the way this came
18 down.

19 They purchased the building in a
20 BU, without checking with anything. I

21 guess that it wasn't zoned for ambulance

22 facilities.

23 The difference between this

24 facility and the fire district, which got

25 their zoning waived because there's no

1 - Proceedings - 60

2 zoning required, because they're a
3 district, this is a corps --- if the
4 ambulance district would have gave them a
5 waiver of the zoning, then we would have
6 handled it the same as the fire; but
7 again, that is not the way it was done.

8 The main point on this as far as
9 the Part II having no large impacts, the
10 ambulance district, there's no zoning
11 whatsoever, for the ambulances are
12 allowed in residential right now under
13 your present codes.

14 What Max is getting at is, it is
15 less intrusive in the business zone than
16 in the residential, which is now allowed.

17 I think the way it was done ---
18 and we went back and forth with this ---
19 we could have done it on both ends; it's
20 a lot different, but we had a change of

21 Town Board members. This is going on for
22 a year. It got lost.

23 I agree with Max. I don't believe
24 a Part III has to be conducted. A
25 negative dec can be granted. That being

1 - Proceedings - 61

2 said, on our end, that is not our
3 problem.

4 If you --- if I were you guys, I
5 would like to see what the Town Board has
6 sent to the County. Off-the record.

7 (Off-the-record discussion.)

8 MR. SHEEHAN: We will get our share
9 out of them for the site plan, but not
10 the text amendment. I don't know what
11 paperwork they forwarded to the Town of
12 Haverstraw, Village of Haverstraw, the
13 County -- --

14 MR. STACH: I told Joan to call
15 you, Bill, by December 14th. I don't
16 think you are going to make that
17 deadline.

18 MR. MC MENAMIN: Aren't we the lead
19 agency?

20 MR. SHEEHAN: That's for SEQRA.

21 MR. MC MENAMIN: Except from SEQRA?

22 MR. SHEEHAN: Well, but the County

23 hasn't gotten anything. We just got the

24 SEQRA, SEQRA documents within the last

25 week or so, so both of us and the Town

1 - Proceedings - 62

2 Board --- I don't know what they're
3 doing.

4 We were sending everything we get
5 to the agencies. We need to, but we are
6 sending it to make sure we are covering
7 our tails in sending it to everyone.

8 MR. MULLER: If Max were compensated
9 for that work, he, he would have the
10 ability to send them all the ---

11 MR. SHEEHAN: No. The clerk will
12 send them. I am trying to fill in these
13 people. I don't think anybody is
14 advising the Town Clerk on what she's
15 supposed to be doing.

16 MR. MULLER: Could the Applicant
17 hire Max to see those details through?

18 MR. SHEEHAN: No. That will be a
19 conflict.

20 MR. STACH: But Max, on his own

21 initiative, has provided the Town Board

22 --- I think it was the Town Board ---

23 with a memo similar to what I wrote to

24 you outlining the steps needed to take on

25 this application, that ---

1 - Proceedings - 63

2 MR. MC MENAMIN: Donations?

3 MR. STACH: No, not a donation, but
4 the hope of --- off-the-record.

5 (At this time, there was an
6 off-the-record discussion.)

7 MR. SHEEHAN: Come Tuesday, if the
8 Town Board votes and they haven't -- I
9 know they don't have the thirty days yet
10 --- a number of questions were proposed.

11 Probably every member of the
12 ambulance corps can reach out to Counsel
13 members and state, "...we need this and
14 this, whatever", before or you can turn
15 it over to your director and get a list
16 of the questions and say, are you aware
17 that these steps need to be taken because
18 a lot of time was --- with the amount of
19 people working on it, they should get to
20 the meeting so that they're, you know,

21 they are all informed, but if you are
22 able to reach out to any of these people,
23 what comes up, what you need, is what Max
24 has prepared. The document is here.
25 There's a map for them to follow at

1 - Proceedings - 64

2 this point because you can reach out to
3 them and keep them abreast.

4 MR. SENDLEWSKI: Right. It may be,
5 with the hearing scheduled for Tuesday,
6 they may follow it up or keep it open
7 until the following month.

8 MR. SHEEHAN: I think they have to
9 because I didn't know if a public notice
10 was posted.

11 (Off-the-record discussion.)

12 MR. SHEEHAN: Hire Max to do what
13 you have got to do. For some reason, it
14 didn't happen in this case.

15 MR. STACH: I think I was informed
16 that the notice went out on the
17 twenty-second or the twenty-third.

18 I got a call from the Town Clerk
19 that she would send it out.

20 MR. SHEEHAN: I think what she sent

21 out had to do with the text amendment,
22 but there was no legal notice. I don't
23 think the attorneys drew up a legal
24 notice.
25 She called me at home last week.

1 - Proceedings - 65

2 She said the only thing she had was the
3 text amendment; nothing else.

4 The one that actually came from the
5 ambulance as far as that, that's all she
6 has.

7 MR. STACH: I handed her
8 something a week before that.

9 MR. SHEEHAN: I am just telling
10 you what I was told.

11 MR. SENDLEWSKI: It may fall.
12 It may be required to be left open, the
13 public hearing, which will still work,
14 if it gets resolved one way or another.

15 At the next one, hopefully, we will
16 be on track for the January 27th meeting
17 with this Board.

18 MR. MULLER: If you have a list
19 with what you have got and what you need,
20 so that at the next meeting every

21 criteria is met, so that the Town Clerk

22 has what she needed?

23 MR. SHEEHAN: I know there's a grant

24 issue going on within the same time

25 frame. We are trying to work

1 - Proceedings - 66

2 back-and-forth to get this thing done.

3 We can sit down and talk because I
4 don't want to get too much involved with
5 the Town Board.

6 MR. STACH: I will be attending the
7 Town Board meeting on the 14th, the
8 Tuesday coming up, so I will be in there
9 and I can answer any questions.

10 MR. SHEEHAN: You may want to check
11 with Joan.

12 MR. STACH: I will call her
13 tomorrow.

14 MR. KREASE: Where can this
15 Applicant go to find out exactly what he
16 needs?

17 MR. SHEEHAN: He will contact Joan
18 tomorrow.

19 MR. STACH: I'll find out exactly
20 what was sent out and the dates.

21 MR. SHEEHAN: Max and Marty
22 (phonetically) can get together and the
23 Town Board will look for advise in the
24 time frame. Nobody will argue with the
25 ambulance corps, but it still has to be

1 - Proceedings - 67

2 done properly.

3 MR. MULLER: What will be required?

4 MR. SHEEHAN: The Town Board can't
5 do anything until a couple things happen.

6 One is a negative dec here. They
7 can not take action unless there is a
8 negative dec and the second thing is,
9 they have to wait for the prescribed time
10 frame.

11 Now, if the County answers them in
12 three days, that time frame is over
13 because they have got a response.

14 If they haven't answered, they have
15 to wait thirty days to check.

16 If they have no meeting for
17 forty-five days, that thirty days doesn't
18 apply.

19 So, the only thing we have to do
20 to get our end going is a negative dec,

21 basically. Then we really can't do
22 anything else until the text amendment is
23 done, because we have no zoning for these
24 people.

25 MR. KREASE: Can we put this on the

1 - Proceedings - 68

2 Public Hearing in January in
3 anticipation?

4 MR. SHEEHAN: If the Board was
5 inclined to adopt the Part II, grant a
6 negative dec, set a meeting for January.

7 If not, fine; just continue the
8 public hearing and issue its
9 recommendations.

10 MR. MULLER: I will make a motion
11 to adopt the Part II.

12 THE CHAIRMAN: Can I have a second?

13 MR. KREASE: Second.

14 THE CHAIRMAN: Any discussions?

15 (No responses heard at this time.)

16 THE CHAIRMAN: Mary, poll the Board,
17 please on the Part II.

18 MS. PAGANO: Mr. Mc Menamin?

19 MR. MC MENAMIN: Yes.

20 MS. PAGANO: Mr. Muller?

21 MR. MULLER: Yes.

22 MS. PAGANO: Mr. Javenes?

23 MR. JAVENES: Yes.

24 MS. PAGANO: Mr. Krease?

25 MR. KREASE: Yes.

1 - Proceedings - 69

2 MS. PAGANO: Mr. Rogers?

3 MR. ROGERS: Yes.

4 MS. PAGANO: Chairman Gubitosa?

5 THE CHAIRMAN: Yes. Now, I need a

6 motion --- well, we will read the

7 Negative Declaration: Jerry?

8 MR. ROGERS: Yes.

9 "Proposed Draft, State

10 Environmental Quality Review; Negative

11 Declaration, Notice of Determination of

12 Non-Significance.

13 "Project: Stony Point Ambulance

14 "Town of Stony Point, New York

15 "Date: December 9th, 2010

16 "This notice is issued pursuant to

17 Part 617 of the implementing regulation

18 pertaining to Article 8 (State

19 Environmental Quality Review Act) of the

20 Environmental Conservation Law.

21 "The Planning Board of the Town of
22 Stony Point, as lead agency, has
23 determined that the proposed action
24 described below will not have a
25 significant effect on the environment and

1 - Proceedings - 70
2 a Draft Environmental Impact Statement
3 will not be prepared.
4 "Name of Action: Zoning Text
5 Amendment and Site Plan for Stony Point
6 Ambulance.
7 "SEQRA Status: Type I.
8 "Condition Negative Declaration:
9 No.
10 "Description of Action: Zoning
11 Text Amendments to permit ambulance
12 facilities and accessory residential
13 units for members of the ambulance corps
14 in the BU District; Site Plan approval of
15 a proposed Ambulance Corps Facility and
16 accessory apartments.
17 "Location: Text Amendments - BU
18 District in Stony Point, New York. Site
19 Plan - 47 Liberty Drive in Stony Point,
20 New York.

21 "Reasons Supporting This
22 Determination:
23 "The proposed action is not
24 anticipated to result in any adverse
25 environmental impacts based on the

2 following:

3 "1) On or about May 24, 2010, the
4 Planning Board received a Part I Full
5 Environmental Assessment Form (EAF)
6 providing project information on the
7 proposed application for site plan
8 approval;

9 "2) On or about June 24, 2010 the
10 Planning Board noticed its intent to
11 declare lead agency status identifying
12 the Town of Stony Point Town Board as an
13 involved agency;

14 "3) On or about July 24, 2010,
15 having received no objection to its
16 notice of intent, the Planning Board
17 assumed lead agency status and declared
18 the action an unlisted action.

19 "4) Since its lead agency
20 declaration, the Planning Board has

21 determined that a Zoning Text Amendment
22 is necessary to approve the site plan and
23 the project sponsor has requested that
24 the Town of Stony Point amend the text of
25 its Zoning Local Law.

2 "5) On or about November 22, 2010,
3 the Planning Board received an amended
4 Part I Full Environmental Assessment
5 Form, providing project information on
6 the proposed text amendment.

7 "6) On or about December 9, 2010,
8 the Planning Board changed the SEQRA
9 status of the related actions of a Zoning
10 Text Amendment and Site Plan Approval to
11 Type I.

12 "7) On or about December 9, 2010,
13 the Planning Board adopted a Part 2
14 Environmental Assessment Form,
15 identifying no potential large impacts
16 resulting from the proposed related
17 actions.

18 "8) The Ambulance Corps has
19 verified that vehicle sirens are not used
20 as they exit the facility and noise

21 impacts are therefore not likely to

22 result.

23 "9) It was determined that the

24 proposed use is consistent with the type

25 of uses already located within the BU

2 district.

3 "10) It was determined that the
4 proposed use is not likely to result in
5 greater impacts than uses already
6 permitted as of right in the zoning
7 district.

8 "11) It was determined that given
9 the nature of the proposed ambulance
10 corps facilities, it is not likely that a
11 significant number of additional
12 facilities will be located with the BU
13 district, once the proposed use is
14 constructed.

15 "13) It was determined that the
16 proposed use will result in positive
17 impacts on the health, safety and general
18 welfare of the residents of Stony Point,
19 given that it is appropriately located
20 with regard to access to major streets

21 and geographic locations with the
22 community.

23 "14) No other potential large
24 impacts were identified for the site."

25 THE CHAIRMAN: I need, well, I have

1 - Proceedings - 74

2 a motion for a neg dec. Do I have a
3 second?

4 MR. KREASE: Second.

5 THE CHAIRMAN: Mary, poll the
6 Board, please.

7 MS. PAGANO: Yes. Mr. McMenamin?

8 MR. MC MENAMIN: Yes.

9 MS. PAGANO: Mr. Muller?

10 MR. MULLER: Yes.

11 MS. PAGANO: Mr. Javenes?

12 MR. JAVENES: Yes.

13 MS. PAGANO: Mr. Krease?

14 MR. KREASE: Yes.

15 MS. PAGANO: Mr. Rogers?

16 MR. ROGERS: Yes.

17 MS. PAGANO: Chairman Gubitosa?

18 THE CHAIRMAN: Yes. Now, I think

19 ---

20 MR. KREASE: I will make a motion to

21 set a public hearing for the next

22 available meeting.

23 THE CHAIRMAN: Second?

24 MR. ROGERS: I will second it.

25 THE CHAIRMAN: Mary, poll the

1 - Proceedings - 75

2 Board.

3 MS. PAGANO: Mr. Mc Menamin?

4 MR. MC MENAMIN: Yes.

5 MS. PAGANO: Mr. Muller?

6 MR. MULLER: Yes.

7 MS. PAGANO: Mr. Javenes?

8 MR. JAVENES: Yes.

9 MS. PAGANO: Mr. Krease?

10 MR. KREASE: Yes.

11 MS. PAGANO: Mr. Rogers?

12 MR. ROGERS: Yes.

13 MS. PAGANO: Chairman Gubitosa.

14 THE CHAIRMAN: Yes. All right.

15 Wait a minute, wait a minute.

16 MR. KREASE: This is for the formal
17 recommendation to the Town Board,
18 regarding the recommendation of the text
19 amendment.

20 MR. ROGERS: I will second it, Mr.

21 Chairman.

22 THE CHAIRMAN: Mary, poll the Board

23 on the recommendation to the Town Board

24 for the text amendment; a positive

25 recommendation.

1 - Proceedings - 76

2 MR. MC MENAMIN: This is the letter
3 that has been given to us?

4 MS. PAGANO: No, we don't have it
5 yet.

6 MR. STACH: I sent it yesterday.

7 MR. MC MENAMIN: Dated today?

8 THE CHAIRMAN: It has December
9 ninth's date on it, but he sent it last
10 week.

11 MR. KREASE: Let me see. Is it that
12 letter?

13 MR. SHEEHAN: I said that, but it
14 doesn't have the text amendment on it.

15 MS. PAGANO: I need a copy. It
16 has to be signed. Gene has to sign it.

17 MR. KREASE: I will be in Ohio
18 tomorrow. Off the record.

19 (Off-the-record discussion.)

20 MS. PAGANO: I will get Peter.

21 MR. SHEEHAN: You can make a
22 recommendation to the Town Board to
23 accept the text amendment as proposed;
24 the proposed zone text amendment.
25 (Off-the-record discussion.)

1 - Proceedings - 77

2 THE CHAIRMAN: All right. I will
3 read the letter.

4 (At this time the Chairman read a
5 letter into the record.)

6 The Planning Board of the Town of
7 Stony Point and its attorneys, have
8 reviewed the application for the
9 ambulance facilities and accessory
10 apartments, which will be limited to only
11 ambulance corps members, excluding the
12 adoption of the text amendment as
13 proposed to the Planning Board. Be
14 further advised that the Town Board, as
15 lead agency, is undertaking the
16 coordinated review of the adoption of the
17 negative dec, pursuant to state review
18 for the text amendment and the site plan.
19 No further site ---

20 MR. SHEEHAN: Can I ask a question?

21 Are you done with the letter?

22 THE CHAIRMAN: Well ---

23 MR. SHEEHAN: What about the

24 children?

25 UNIDENTIFIED VOICE FROM AUDIENCE:

21 a certain time period.

22 MR. SHEEHAN: That will end up being

23 a section in the Zoning Code.

24 MR. STACH: It was actually

25 proposed.

1 - Proceedings - 79

2 MR. SHEEHAN: Right and the
3 accessory use is subject to children
4 being, blah-blah-blah.

5 MR. STACH: No, this is subject to
6 additional requirements and final ---

7 MR. SHEEHAN: I see. That will be
8 in the verbiage.

9 MR. MULLER: If you are attracting
10 the young people into the ambulance and
11 they --- you expect them to start their
12 lives, as they get older --- well, I mean
13 to say, it's the younger people who have
14 a hard time getting started.

15 What you're looking to do is
16 attract them to be part of the ambulance
17 corps, essentially?

18 MS. ENGLEMAN: Shelly Englemen
19 (phonetically written). I believe that
20 the housing authority designated children

21 as one-year-old, running around on their

22 own, not in their Mama's arms.

23 If a couple is living in the

24 appointment, there's a possibility at

25 this time that the female may get

1 - Proceedings - 80

2 pregnant.

3 At this point, you know, we don't
4 expect them to move out at the time the
5 baby is born. They have would have up
6 until the baby's first birthday to leave
7 the premises.

8 MR. MULLER: If you have the right
9 couple that live in there and they are
10 doing a good job for the ambulance, you
11 are going to kick them out?

12 MS. ENGLEMEN: That was the concern
13 that was given to us from the Zoning
14 Board.

15 MR. MULLER: I heard that it was
16 quite bothered by --- well, this is
17 planning. This is where we figure the
18 use out. They weren't part of the
19 planning. I thought they were
20 overstepping their authority. When we

21 talked in depth about apartments, and
22 couples and children, I thought they were
23 out of line. This is not their role.

24 MR. SHEEHAN: I disagree because
25 they have to come up with the zoning.

1 - Proceedings - 81

2 You have four appointments, so if
3 you have a young child or children ---

4 (Several people speaking at one
5 time.)

6 MR. SHEEHAN: So otherwise ---

7 MS. ENGLEMEN: It is not something
8 steadfast from the ambulance corps. At
9 this point this was proposed by us, we
10 thought, as a requirement, so we are
11 definitely flexible to your
12 recommendations and your requirements.

13 MR. MULLER: What do we have to
14 adhere to?

15 MR. SHEEHAN: We are -- we have
16 minimum requirements; we can say, that
17 you can have five kids in their by-laws;
18 they can say no kids. Whatever.

19 MR. MULLER: I understand, but I
20 thought the thrust of their whole process

21 was that you were trying to create a
22 place where young people work on the
23 ambulance corps, to start a family.
24 MR. SHEEHAN: Then you get into the
25 outside park; outside playground.

1 - Proceedings - 82

2 MR. JAVENES: I had a concern about
3 that.

4 MS. ENGLEMEN: The reason why we
5 found out, is under the state-wide
6 housing authority, up until one year old,
7 is not considered a child on premises.
8 We are flexible on that based upon your
9 recommendations.

10 MR. SENDLEWSKI: I think Max
11 brought that up very effectively.

12 I think that where the reasonable
13 restriction comes in, as opposed to
14 making it a hard line situation; having
15 it as a reasonable restriction, and up to
16 the discretion of the Board, gives us
17 more flexibility.

18 MR. KREASE: What are the bedrooms
19 on these appointments?

20 MS. ENGLEMEN: Two, one-bedrooms

21 and two, two-bedrooms.

22 MR. KREASE: So, you're looking at

23 fifty percent, basically?

24 MR. SHEEHAN: We have gone down this

25 road before. You really don't want kids

1 - Proceedings - 83

2 on 9W and they can restrict it so they
3 can't go anything less than one, when
4 they get the site approval, but they can
5 be more stringent and we have nothing to
6 say about that. It's your
7 recommendations.

8 You can recommend to the Town
9 Board, yeah, we agree with your bulk
10 requirement, but you should look at the
11 kid issue. You can do that, too.

12 MR. STACH: I think you can suggest
13 that.

14 If you change it now, even if the
15 County review is in on the fourteenth,
16 the Town Board may take up the issue of
17 whether or not children are appropriate
18 and it may get pushed to January because
19 of it.

20 I think the ambulance corps has

21 stated that it's a reasonable
22 restriction. They have confidence in the
23 Planning Board to establish the
24 reasonable restrictions to allow children
25 up to a year.

1 - Proceedings - 84

2 I believe you guys are reasonable
3 to require those restrictions, so I would
4 suggest just leaving it as a draft.

5 MR. SHEEHAN: Don't forget this is
6 a one time deal. We are not getting any
7 more ambulance corps on 9W. It is a
8 whole BU Zone, but let's face it, you are
9 talking one building, with four
10 appointments.

11 You can work out something where
12 everyone is happy; with children or
13 whatever they may be.

14 MR. KREASE: I agree. We can pick
15 over this thing forever, but it's not a
16 conducive place to raise a children.

17 There's no room at all.

18 THE CHAIRMAN: So, we will leave
19 this. We have a motion to get the letter
20 and send it to the Town Board, with the

21 recommendations and then ---

22 MR. KREASE: I made the motion.

23 MR. ROGERS: I think I seconded it.

24 THE CHAIRMAN: Mary, poll the

25 Board.

1 - Proceedings - 85

2 MS. PAGANO: Mr. Mc Menamin?

3 MR. MC MENAMIN: Yes.

4 MS. PAGANO: Mr. Muller?

5 MR. MULLER: Yes.

6 MS. PAGANO: Mr. Javenes?

7 MR. JAVENES: Yes.

8 MS. PAGANO: Mr. Krease?

9 MR. KREASE: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Chairman Gubitosa?

13 THE CHAIRMAN: Yes.

14 Next, we have to do the text

15 amendment for the BU ---

16 MR. SHEEHAN: No, you just did it.

17 You did both together.

18 THE CHAIRMAN: Okay. There is one

19 more item on the Agenda; one more thing.

20 Mr. Scatassa sent a letter.

21 (Off-the-record discussion.)

22 MR. SENDLEWSKI: Thank you very

23 much.

24 MR. KREASE: So, you understand

25 where we are? You got everything that

1 - Proceedings - 86

2 you wanted from us.

3 MR. SENDLEWSKI: Absolutely. Thank

4 you. I'd like to say thank you to this

5 Board.

6 One thing that catches my eye, you

7 are helping the volunteers to do a better

8 job in saving lives in the community.

9 Thank you.

10 * * *

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1 - Proceedings - 87

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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:

INGAGLIO,

Applicants.

----- X

9:45 o'clock p.m.
December 9th, 2010
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
GLADYS CALLAGHAN, Member (Not present)
EUGENE KREASE, Member
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

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

25

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Appearances continued: 89

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

WILLIAM SHEEHAN, Town Building Inspector

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
Stony Point, New York 10980
(845) 429-8986 FAX and Phone

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1 - Proceedings - 90

2 THE CHAIRMAN: The last thing on
3 the agenda, is Ingaglio; yes. Final
4 resolution. He's asking for an
5 extension. Starting in June, so the six
6 months are up. Our next meeting is not
7 until January.

8 He's asking for a ninety day
9 extension on the final resolution. I
10 need a motion to give them the ninety
11 days.

12 MR. KREASE: I will make a motion to
13 give them the extension.

14 THE CHAIRMAN: A second?

15 MR. ROGERS: Second.

16 THE CHAIRMAN; Poll the Board,
17 Mary?

18 MS. PAGANO: Mr. Mc Menamin? ?

19 MR. MC MENAMIN: Yes.

20 MS. PAGANO: Mr. Muller:

21 MR. MULLER: Yes.

22 MS. PAGANO: Mr. Javenes?

23 MR. JAVENES: Yes.

24 MS. PAGANO: Mr. Krease?

25 MR. KREASE: Yes.

1 - Proceedings - 91

2 MS. PAGANO: Mr. Rogers?

3 MR. ROGERS: Yes.

4 MS. PAGANO: Chairman Gubitosa?

5 THE CHAIRMAN: Yes. Last thing is
6 to accept the September 23rd minutes. I
7 need a motion?

8 MR. ROGERS: I will make it.

9 THE CHAIRMAN: Second?

10 MR. KREASE: I will second it.

11 THE CHAIRMAN: All in favor?

12 (Unanimous affirmative vote).

13 MR. KREASE: I make a motion that
14 the other side of the room make a couple
15 motions once in a while.

16 (Laughter).

17 MR. MC MENAMIN: I will make that
18 motion. I will also make a motion to
19 close.

20 MR. KREASE: Second it.

21 THE CHAIRMAN: Good night.

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