

| | | |
|----|-------------------|---|
| 1 | HEADER | 1 |
| 2 | TABLE OF CONTENTS | |
| 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
15
16
17
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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:

S. & V. ALIMRON,

Applicants.

----- X

7:20 o'clock p.m.
February 24th, 2011
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
- EUGENE KREASE, Member (Not Present)
- GERRY ROGERS, Member (Not Present)
- KARL JAVENES, Member
- PETER MULLER, Member (Not Present)

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: 3

3

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

6

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

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

9

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

10

11

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

15

16 ATZL, SCATASSA & ZIGLER, P. C.
17 Engineers, Architects, for Applicant
18 BY: DAVID ZIGLER, P.E.

17

18

19 And the Public.

19

20 PULEO REPORTING & TRANSCRIPTION SERVICES

20

61 Crickettown Road

21

Stony Point, New York 10980

22

(845) 429-8986 FAX and Phone

23

24

25

1 - Proceedings -

2 (This is the 2/24/11 meeting of
3 the Stony Point Planning Board.)

4 THE CHAIRMAN: Okay, can we stand
5 for the Pledge this time the Pledge of
6 Allegiance was recited.)

7 THE CHAIRMAN: Mary, call the
8 roll, please.

9 MS. PAGANO: Yes. Mr. McMEnamin.

10 MR. MC MENAMIN: Here.

11 MS. PAGANO: Mr. Javenes?

12 MR. JAVENES: Here.

13 MS. PAGANO: Mrs. Callaghan?

14 MRS. CALLAGHAN: Here.

15 MS. PAGANO: Chairman Gubitosa?

16 THE CHAIRMAN: Here.

17 MS. PAGANO: Mr. Krease is
18 absent, along with Mr. Rogers and Mr.
19 Muller.

20 THE CHAIRMAN: Yes.

21 Okay, the first item on the
22 Agenda is S and V Alimron, Section
23 1502, Block 2, Lot 35, located on the
24 west side of Route 9W, 300 feet south
25 of Polk Court in an R-1 zone.

1 - Proceedings -

2 This is coming back. You have
3 resubmitted.

4 MR. ZIGLER: Yes.

5 THE CHAIRMAN: Okay, Mr. Zigler,
6 give us a quick update.

7 MR. ZIGLER: I have a handout. I
8 figured you guys had nothing to do,
9 so I gave you a little coloring to do.

10 We were here, we got final
11 approval. We came back for an
12 extension a couple of times and, well,
13 she just never filed it because no one,
14 nobody was interested in purchasing.

15 Unfortunately, the Applicant and
16 her husband got sick and it just fell
17 by the wayside.

18 Then late last year they came
19 into the office and we were discussing
20 it back-and-forth with the client, and

21 we went to the Planning Board workshop
22 several times and we come up with a
23 better mousetrap than we had before.
24 What we were talking about at the
25 workshop would be trying to relieve the

1 - Proceedings -
2 pressure of doing all the improvements
3 at one time, so there was a discussions
4 on how they can by phased.
5 So, we really came up with a good
6 idea about phasing the improvements to
7 do with the new house.
8 So, basically what's going to
9 happen is, she can go in and do a
10 C of 0 for the two existing homes,
11 clean it up and she has to just do the
12 improvements on that lot, the north
13 lot; lot three, that, she has to make
14 that parking lot and do the
15 improvements for the utilities.
16 On Lot 2 she has to make that
17 parking lot and do the improvements for
18 the utilities, but at that time they're
19 still going to be using that existing
20 driveway.

21 Okay, now when she goes in for
22 the new lot, which is lot one, to put a
23 house on it, then she has to put all
24 the improvements in; all of the
25 remaining improvements, still, whether

1 - Proceedings -

2 she has the C. Of O's on this or not.

3 All right?

4 Then, or when she goes to sell
5 the piece of the property, any piece of
6 property, she has to put all the
7 improvements in.

8 So at the workshop, we went
9 back-and-forth and that seemed to fit,
10 but my old map, which is in the yellow
11 here (indicating), on page one, this is
12 indicating the new road onto 9W was not
13 on lot one's property.

14 So, we decided to go to page two,
15 and you will see the orange. Now that
16 is the road that is on the property for
17 lot one, so basically what we had
18 discussed at that time, at the
19 workshop and I'm asking the Board is,
20 there's going to be triggers set for

21 improvements for each lot.
22 There is going to be a trigger
23 set if she sells one lot, any lot, if
24 she transfers it, the improvements have
25 to be done.

1 - Proceedings -

2 Bottom line; if she goes to start
3 the construction of the new home for a
4 C. Of O., they all --- all of the
5 improvements --- all of the
6 improvements have to be done.

7 What we are talking about, is on
8 lot three, would be the drainage ditch
9 or swale we talked about; the utilities
10 and the parking area.

11 On lot two, it is taking some of
12 the pavement away from the front, a new
13 parking area in the back and also
14 utilities.

15 And then on lot three, it is
16 everything or ---

17 At the workshop, and just about
18 ten minutes ago, Kevin said maybe it
19 would be better if the Applicant ran an
20 eight inch sewer line down the front of

21 the three lots.

22 We are looking into that.

23 That also came out at the

24 workshop, so we are going to take a

25 peek at that.

1 - Proceedings -

2 At the same time, we had
3 comments back from the State. It
4 really wasn't too much, as far as
5 comments. It was very little. Less
6 than last time.

7 At the workshop they wanted me to
8 look into trees, they wanted me to look
9 into the trees along the front because
10 we are going to regrade the property,
11 the front.

12 Before, we were planning on a
13 wall in the front, take the wall that's
14 there and move it back, but the state
15 has been giving us a lot of trouble
16 with that.

17 They don't want anything within
18 ten or fifteen foot of the
19 right-of-way.

20 So, if I have to move the wall

21 all the ways back, I might as well just
22 grade it, make a nice slope in the
23 front.
24 So, as I said, at the workshop
25 the members wanted me to go to locate

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- Proceedings -

the trees, so we did that.

What I have here, is really just smoothing the property line on lot one, a set of documents that will be filed, that will serve as a trigger to trigger whatever improvements, at certain times for the rest of the lots that have to be done, and we are going to look into the sewer and plot the trees.

So, with that, that is a brand new application, because we are changing the property line on lot one and we are required to have a Public Hearing, so if everybody is comfortable with that, and we will go back at the public hearing next month and answer the all of the questions next month and move on.

21 THE CHAIRMAN: Before we get
22 started, Max, do you have anything to
23 add?

24 MR. STACH: You do not need to
25 reopen SEQRA on this. It was already

1 - Proceedings -

2 done.

3 The only thing, you will want to
4 do is, you will want to reference the
5 previous negative declaration and make
6 a statement that there are no
7 significant and substantive changes
8 from that application, that will result
9 in environmental impacts. We can
10 provide that.

11 THE CHAIRMAN: At the next
12 meeting, we can get the negative
13 declaration and the comments.

14 We will do that then, so, we
15 don't have to do lead agency.

16 MR. STACH: No. The answer is you
17 are still lead agency.

18 THE CHAIRMAN: We are still lead
19 agency, right, because we did the
20 original SEQRA?

21 MR. STACH: Correct.

22 THE CHAIRMAN: All right. We

23 should have to get the letter for the

24 next meeting just have --- if there are

25 no objections, we can set a public

1 - Proceedings -

2 hearing for the next month.

3 MR. ZIGLER: If you have a
4 meeting, I will be here.

5 THE CHAIRMAN: All right, then I
6 just need a motion.

7 MRS. CALLAGHAN: One question; are
8 there going to be trees behind the
9 existing subdivision up there?

10 MR. ZIGLER: We located the trees
11 in the front.

12 There's a few trees, but at the
13 workshop, they asked me to locate the
14 trees that we are removing in the front
15 when we re-slope it and they also
16 suggested, maybe we would supplement
17 the trees with more plantings, so
18 there's not that many trees on the
19 site; only up in the far, far corner,
20 so, I think, we can actually spot all

21 the trees in there where we are talking
22 about, you will see that there's not
23 that much and spot the trees we are
24 taking down and we will be glad to
25 discuss it, supplementing with --

1 - Proceedings -

2 MRS. CALLAGHAN: I just assume
3 that that development will be objecting
4 if you didn't.

5 MR. ZIGLER: Actually, one of the
6 people, when we had a public hearing,
7 said they didn't care if we cut down
8 all the trees in their yard, so that
9 they can see the river.

10 THE CHAIRMAN: The one behind
11 them.

12 MR. ZIGLER: Yeah. There's not
13 that many trees.

14 THE CHAIRMAN: These guys didn't
15 care much because they had a garage
16 here. In here (indicating), there's
17 lots of trees. There is nothing along
18 here (indicating).

19 MR. ZIGLER: In here, next to the
20 rocks there's trees, yes. Lots of

21 trees. That's the only spot there's

22 lots of trees.

23 MRS. CALLAGHAN: Yes.

24 THE CHAIRMAN: The garage is here

25 (indicating) down the hill. He is

1 - Proceedings -

2 doing everything here.

3 MRS. CALLAGHAN: Okay. Oh, okay.

4 MR. MC MENAMIN: You have to

5 acknowledge that you can't sell any

6 lots.

7 MR. ZIGLER: She can sell any lot

8 she wants to, but she will have to do

9 the improvements to sell the lot.

10 MR. MC MENAMIN: Okay.

11 MR. ZIGLER: In other words, if

12 she sells this lot ---

13 THE CHAIRMAN: But she has to get

14 a C.O. first?

15 MR. ZIGLER: She's, well, let's

16 say she's working on this house, she's

17 got to go for a building permit for

18 both homes, okay, but when she wants to

19 get a C of O for this house, all the

20 improvements have to be done.

21 This here, house, this parking

22 area and the driveway out, any

23 utilities would have to be done.

24 MR. MC MENAMIN: So, you don't

25 need that, that driveway that goes

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- Proceedings -

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along the back of the property?

3

MR. ZIGLER: It's going to be left

4

with these two lots or homes with

5

access in-and-out.

6

MR. MC MENAMIN: Even with not

7

touching anything on the bottom. I'm

8

not talking about one. You would still

9

use that driveway, and have to do all

10

the improvements on two and three or

11

just correct them up?

12

MR. ZIGLER: Yes. Right.

13

That is the way it is phased on

14

the big map that I gave you. We

15

actually phased the two lots together

16

and then we phased this as separately

17

shown.

18

MR. MC MENAMIN: With the idea

19

that she would make money by selling a

20

lot and then she could progress.

21 MR. ZIGLER: She doesn't think she
22 can sell anything here. She don't
23 think she can sell it.

24 But she wants to improve it, just
25 the improvements, now she's thinking

1

- Proceedings -

2

about improving these homes, because

3

remember these two, this one especially

4

had a pretty intense ARB on it.

5

So, she wants to do this and then

6

probably later on, build a house here,

7

but this isn't even in the game.

8

MR. MC MENAMIN: She can, like, do

9

some work and then, like, stop?

10

MR. ZIGLER: No, not if she wants

11

to get a C.O. If she wants to put

12

people in these homes, she has the

13

finish it to get a C.O.

14

MR. MC MENAMIN: I mean with the

15

triggers, I mean, if you finishes three

16

and gets connected to the driveway in

17

back, she puts people in there, if she

18

wants, she can stop?

19

MR. ZIGLER: Yes.

20

MR. MC MENAMIN: Then we are left

21 with people on three, or on two, with
22 the old driveway?

23 MR. ZIGLER: Yes. And two. Just
24 like it was ten or twenty years ago.

25 MR. MC MENAMIN: Which isn't a bad

1 - Proceedings -

2 thing.

3 MR. ZIGLER: The state never had a
4 problem with this.

5 We had a problem, because we
6 wanted to get another lot out of it.

7 That was a question I had. I
8 said to her, "Do you want me to remove
9 the lot?" That was one of my
10 questions.

11 She said, "No, I want the lot",
12 and that's how we came to the phasing
13 thing. It will be put on the filed map
14 that we discussed and filed covenants
15 for each lot.

16 MR. MC MENAMIN: So, then, the
17 middle lot, lot two, will be a lot
18 smaller?

19 MR. ZIGLER: Yes, because of the
20 property line over here. We lost about

21 forty foot.

22 MR. MC MENAMIN: What does that do

23 to lot two?

24 MR. ZIGLER: Nothing.

25 MR. MC MENAMIN: They're all okay?

1 - Proceedings -

2 MR. ZIGLER: Right. We are not
3 touching the variances. We are not
4 going into a situation asking for more
5 relief; no.

6 MR. MC MENAMIN: The last thing,
7 that you talked about quickly was the
8 wall.

9 MR. ZIGLER: It is gone. We are
10 grading it back.

11 MR. MC MENAMIN: You said it is
12 gone?

13 MR. ZIGLER: Yes.

14 MR. MC MENAMIN: You mean you are
15 leaving it the way it is?

16 MR. ZIGLER: We are taking that
17 wall out and re-grading the whole front
18 yard.

19 MR. MC MENAMIN: So, you are not
20 moving the wall?

21 MR. ZIGLER: It is coming out, you

22 can't see --- I mean here (indicating),

23 you can't see.

24 I mean, here (indicating) you can

25 see because you have a light with the

1 - Proceedings -
2 road turning around from you, even
3 though it's an acute angle, but here
4 (indicating) you would never be able to
5 see.

6 So, the wall had to come back or
7 come down, but the state is really
8 killing us on that kind of stuff.

9 Originally we said we'd bring it
10 back to the right-of-way, but the state
11 is killing us on that kind of stuff.

12 MR. MC MENAMIN: We have to look
13 at the grading of the front lawn of
14 two. Not so much three, but definitely
15 two.

16 MR. ZIGLER: All of them, and it
17 will be ripping the utilities out. We
18 had to redo the utilities anyway. It's
19 going to be ripping the utilities out,
20 so we had to redo ---

21 MR. MC MENAMIN: Because you are

22 lower now. That will create no front

23 lawn there?

24 MR. ZIGLER: 301. It's not going

25 to be any worse. It will be Town Code.

1 - Proceedings -

2 MR. MC MENAMIN: Would you tell
3 us, the wall it will be steeper than it
4 is today?

5 MR. ZIGLER: Yes, it is. Well,
6 look, if look at the funeral home,
7 it's almost going to look like the
8 funeral home, because the stone wall is
9 low; this one is high.

10 MR. MC MENAMIN: We even talked
11 about putting the driveway across,
12 because it is so wide.

13 MR. ZIGLER: Right.

14 MR. MC MENAMIN: Okay.

15 MR. ZIGLER: He says one ---

16 MR. STACH: I have a question,
17 Dave, one --

18 MR. ZIGLER: You always say one
19 and then you ask me three questions.

20 MR. STACH: The wall on lot one,

21 when is that getting taken out and
22 graded?

23 MR. ZIGLER: What will happen here
24 (indicating on a document) is this
25 stuff -- oh, I still have to figure

1 - Proceedings -
2 this out. I think what would happen,
3 if you are going to do something on
4 here (indicating) and want to get the
5 C.O., you have to be in control of all
6 of these lots the day you do that.

7 That will be very expensive, so
8 she has to understand, if she does this
9 and halfway through somebody comes in
10 and throws money at you, you going to
11 have to do that. That will have to be
12 done while it is still under her
13 control and prior to the C.O. for lot
14 one.

15 MR. STACH: Right.

16 But it seems to me also, that
17 even if she is just going for a C.O.
18 for two and three, she is not looking
19 to convey one or build one; she just
20 wants to get the C.O.'s, you are doing

21 the utilities for two and three and so
22 you are taking out the wall for two and
23 three and grading it.

24 MR. ZIGLER: Maybe. I have to
25 look at it. I think we would, if you

1 - Proceedings -

2 bring in the sewer through, we have to
3 take down the wall. It has to be taken
4 down all the way across.

5 MR. STACH: Yes, it is will be ---
6 it will look horrible if you don't.

7 So, if you are taking the wall
8 down on two and three, the question is,
9 with a C.O, do you also have to take
10 the wall down on lot one?

11 MR. ZIGLER: Yes. You can't
12 stage the wall. It has to be taken
13 down, but you can stage the grading
14 for the driveway because we left it on
15 lot one.

16 That is why the property line is
17 here (indicating).

18 MR. STACH: But you would make
19 that slope, though, wouldn't you?

20 MR. ZIGLER: You can actually,

21 slope this away, today, so it will be
22 ready for that, or you can wait until
23 she wants to sell it, and you can do
24 all that. I really have to speak to
25 her.

1 - Proceedings -

2 MR. STACH: Really, when it comes
3 down to it, the cost savings are
4 getting smaller and smaller for not
5 doing the improvements on lot one. The
6 road bed and the paving ---

7 MR. ZIGLER: That is state
8 stuff. It will be very expensive,
9 building a wall.

10 MR. STACH: You are going to do
11 the grading for the road, though?

12 MR. ZIGLER: Yes, but building a
13 wall, you can't stop.

14 If you have a problem building
15 the wall, you can't stop and you are
16 stuck. You got material there, you got
17 people there. You have to build it;
18 bite the bullet for a quarter million.

19 But, if you are just taking it
20 down and grading it, it will --- you

21 can do it in a more lengthy time and

22 you'd have more control of it.

23 It can take you all summer.

24 You have to have somewhere to go

25 with the dirt. It's not going to go

1 - Proceedings -

2 here, so you have, so it's going to
3 take long and you are in control of the
4 costs a lot better. It is better to
5 do the re-grading.

6 MR. MC MENAMIN: But you can
7 actually do two and three without
8 touching the wall and stay on the back
9 driveway and be finished with --

10 MR. ZIGLER: We could, until we
11 got into installing the sewer.

12 As soon as we do look into doing
13 that, the wall will have to come down,
14 period.

15 So, if we have no obstacles in
16 bringing that sewer in southbound, then
17 the wall is pretty much the first thing
18 that will happen. That is easy to
19 control.

20 It's easier to do, than to take

21 the wall out than to put up the new

22 wall.

23 MRS. CALLAGHAN: Where in there is

24 it going, where is it going to be

25 written out?

1 - Proceedings -

2 MR. ZIGLER: I will have the
3 attorney, Mr. Rogers do that one.

4 They also need a driveway
5 maintenance agreement.

6 MR. STACH: You, in the previous
7 submission submitted a map that colored
8 everything that's needed to be done for
9 the C.O. on two and three, I think.

10 MR. ZIGLER: I might have.

11 MR. STACH: And anything that will
12 be done, will be done with the
13 conveyance or the construction of lot
14 one, also? I think it will be a good
15 idea to spell it out.

16 MR. RESNICK: Yes, I am having
17 trouble keeping it straight.

18 MR. ZIGLER: Okay. We will do
19 some construction phasing, you mean?

20 MR. STACH: Yes, sure.

21 THE CHAIRMAN: Does the Board have
22 any other questions, if not, I need a
23 motion to get or set a public hearing
24 for next month?

25 MR. MC MENAMIN: I will make the

1 - Proceedings -

2 motion, Mr. Chairman, to set a public
3 hearing for next month.

4 THE CHAIRMAN: I need a second?

5 MR. JAVENES: Second.

6 THE CHAIRMAN: I have a motion
7 and second. All in favor?

8 (Unanimous affirmative vote.)

9 THE CHAIRMAN: So, we will set
10 the public hearing for the March
11 twenty-fourth meeting.

12 Anything else? No?

13 MR. ZIGLER: No. Thank you. We
14 will see you at the tech meeting.

15 THE CHAIRMAN: Yes. We just need
16 a motion to --- I'm sorry, to accept
17 the minutes of the December 9th
18 meeting; to accept them.

19 MR. MC MENAMIN: Yes. I will make
20 that motion.

21 THE CHAIRMAN: A second?

22 MRS. CALLAGHAN: I will second it.

23 THE CHAIRMAN: All in favor?

24 (Unanimous affirmative vote).

25 THE CHAIRMAN: Now I need a

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- Proceedings -

motion to close.

MR. MC MENAMIN: I will make a
motion to close.

THE CHAIRMAN: A second?

MR. JAVENES: Second.

THE CHAIRMAN: All in favor?

(Unanimous affirmative vote).

MR. ZIGLER: Okay. Thank you
very much.

THE CHAIRMAN: Good night.

* * *

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