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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:

SUPER VALUE SHELL STATION,

Applicants.

----- X

January 28th, 2010  
7:15 o'clock p.m.  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

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

B E F O R E : Thomas Gubitosa,  
Chairman

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

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

21 MARY PAGANO,  
Secretary to the Board

22

23 Reported by:

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

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  
8 Counsel

7

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

9

LIZ VERRIER, Deputy Town Attorney

10

KEVIN P. MAHER, P.E, Town Engineer

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)

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

19

20 And the Public.

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

1           - Proceedings -       4

2           (Planning Board meeting. January  
3           28th, 2010.)

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

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

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

10          MS. PAGANO: Mr. McMenammin?

11          MR. MC MENAMIN: Here.

12          MS. PAGANO: Mr. Muller?

13          MR. MULLER: Here.

14          MS. PAGANO: Mr. Krease?

15          MR. KREASE: Here.

16          MS. PAGANO: Mrs. Callaghan?

17          MRS. CALLAGHAN: Here.

18          MS. PAGANO: Chairman Gubitosa?

19          THE CHAIRMAN: Here.

20          All right, first on the agenda,

21 Super Value Shell Station. Dave?

22 MR. ZIGLER: Dave Zigler, Atzl,

23 Scatassa and Zigler. I just wanted to

24 update the Board. You know we had

25 several different layouts and Mr.



1           - Proceedings -           5

2           Ditello (phonetically written) finally  
3           made a choice and we are going to be  
4           coming back in with a plan, almost like  
5           the original layout, the same sized  
6           building and placed it all the way  
7           against the west property line and have  
8           access off of 9W. We are eliminating  
9           all access to West Main Street.

10           It was your concern and it was a  
11           concern --- there were some concerns  
12           from the County and basically, it's  
13           just we cannot get the grading from 9W  
14           to West Main Street to work. It is way  
15           too steep for a commercial site, so  
16           that's it. If we look at it, it had  
17           its options. It took him two  
18           months, but we finally agreed. So, we  
19           will be back in next month with one  
20           box, all the way back on the west

21 property line, like the original  
22 layout, still putting everything  
23 towards 9W, but the access will be the  
24 existing curb cuts. We will submit  
25 that with you guys and we are also

1           - Proceedings -       6

2           taking it up with the D.O.T. and  
3           meeting with them. Phil Greeley is  
4           involved now on traffic, because ---  
5           well, I think there will be a catch  
6           between the accesses, because as I  
7           said before, because 9W, where they  
8           were trying, the state, to keep us off  
9           of it, but something is going to have  
10          to happen.

11          MR. KREASE: Can you stay up there  
12          because I just want to get it clear.  
13          There will be no access at all from  
14          West Main.

15          MR. ZIGLER: Right; no in or out.  
16          We'd have the jump a two-and-a-half or  
17          three foot curb. It will be about that  
18          much difference in grade. It is  
19          impossible to get out.

20          MR. KREASE: I am just curious. I

21 know it is just preliminary, but, so  
22 what you're looking to do is to have  
23 the sidewalk in some sort of a step  
24 down or a rough grade ---

25 MR. ZIGLER: No. It will stay

1           - Proceedings -       7

2           just like it is, the same, but if you  
3           want to enter from the sidewalk, you  
4           have to come around from 9W and enter  
5           on the side.

6           MR. MC MENAMIN: So, then you are  
7           pushing the building over toward West  
8           Main Street?

9           MR. ZIGLER: Up against the back  
10          property line, up against the back  
11          residential lot, yes.

12          MR. MC MENAMIN: So, it will be--

13          MR. ZIGLER: It will be twelve or  
14          fifteen off the right-of-way. So, it  
15          will be pretty tight to the one corner  
16          that you are talking about, facing 9W.

17          MR. MC MENAMIN: Facing 9W you are  
18          sliding it over closer to West Main  
19          Street?

20          MR. ZIGLER: Yes.

21 MR. MC MENAMIN: You may be able  
22 to garner more parking?

23 MR. ZIGLER: Right now we have  
24 seven spaces directly in front of the  
25 store.

1           - Proceedings -       8

2           THE CHAIRMAN: Thank you. We  
3 will see you at the tech meeting.

4           MR. ZIGLER: Yes. Thank you.

5                       \* \* \*

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1            - Proceedings -            9

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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:

GALT/LUCREZIA,

Applicants.

----- X

January 28th, 2010  
7:35 o'clock p.m.  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

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

B E F O R E : Thomas Gubitosa,  
Chairman

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

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

21 MARY PAGANO,  
Secretary to the Board

22

23 Reported by:

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

1

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Appearances continued: 11

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

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

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LIZ VERRIER, Deputy Town Attorney

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KEVIN P. MAHER, P.E, Town Engineer

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

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20 And the Public.

21 PULEO REPORTING & TRANSCRIPTION  
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25

1           - Proceedings -       12

2           THE CHAIRMAN: Next is  
3 Galt/Lucrezia. Mr. Zigler?

4           MR. ZIGLER: David Zigler, Atzl,  
5 Scatassa and Zigler for the Applicant.  
6 I made some really minor changes to the  
7 map, mostly just incorporated in a Part  
8 III. We had the drainage report  
9 before, but we incorporated the soil  
10 analysis and then a simple English  
11 report on the soil analysis. That was  
12 in the front of it. And we are here  
13 for, hopefully for a neg dec. Because  
14 we have to go to the ZBA for variance  
15 before we can gather a subdivision.

16           THE CHAIRMAN: Okay. All right.  
17 Off the record.

18           (Off-the-record discussion.)

19           THE CHAIRMAN: Do you want to go  
20 through the Part III?

21 Oh, Dave Resnick is not here yet.

22 MR. STACH: You remember at the

23 last meeting we had already adopted a

24 Part II.

25 Mr. Zigler has submitted a Part



1           - Proceedings -       13

2           III, EAF reacting to really, the only  
3           identified, potential soil  
4           contamination brought up at a public  
5           hearing. After which, the Board  
6           amended their Part II, and he had  
7           provided a lot of data on that,  
8           including the soil testing, that has  
9           indicated there is no soil  
10          contaminations from that oil tank, but  
11          a possibility there might have been an  
12          oil tank there in the past, so  
13          essentially what you're looking at  
14          now -- -- he's also provided some  
15          traffic data in there. I thought I saw  
16          it in there. Do we have it?

17               MR. ZIGLER: Just very little  
18               stuff we had in there.

19               MR. STACH: Okay. I have reviewed  
20               that. I feel that it is adequate for

21 the Board to consider a neg dec at this  
22 time, and I have prepared one and have  
23 submitted it for the Board's review.

24 THE CHAIRMAN: Okay. Kevin, on  
25 the drainage, I guess there was the

1           - Proceedings -       14

2           State --- you answered, who was it,  
3           Mary Jo's letter about the dry wells?

4           MR. MAHER: Yes.

5           THE CHAIRMAN: All right. I  
6           guess, just if you can just sum what up  
7           your response was. I know you have a  
8           letter and we will put that in the  
9           record.

10          MR. MAHER: Basically, using a dry  
11          well is old technology. They fail.  
12          When they fail, it is usually too late  
13          to notice. The typical home owner  
14          doesn't look inside the dry well every  
15          year like they're supposed to. The new  
16          type designed and that's being  
17          encouraged by the New York State  
18          Department of Environmental  
19          Conservation, is a low-impact design,  
20          and that means using a recharged swale,

21 to not only water quantity control, but  
22 water quality control. That is what  
23 this new system will do. It will  
24 accomplish both. It is actually a  
25 better design than what Ms. Russo was

1           - Proceedings -       15

2           talking about. And it drained through  
3           9W at the end of the catch basin on  
4           Rochelle Court. So, there is no extra  
5           run-off getting into the State drainage  
6           system.

7           THE CHAIRMAN: Okay. Great.

8           MR. KREASE: Tom, what are you  
9           doing? You are submitting this letter  
10          from the Town engineer into the record?

11          THE CHAIRMAN: Yes, we are  
12          submitting the letter into the record  
13          from the Town engineer.

14          MR. KREASE: Good.

15          THE CHAIRMAN: Any questions with  
16          regard to the Part II?

17          MR. STACH: Not the Part II; the  
18          neg dec?

19          THE CHAIRMAN: Oh, yes; the neg  
20          dec. I'm sorry.

21 (No responses heard at this

22 time.)

23 THE CHAIRMAN: So, we just need a

24 neg dec. I need a motion for the neg

25 dec.

1           - Proceedings -       16

2           MR. MULLER: I will make that  
3 motion.

4           THE CHAIRMAN: I need a second?

5           MRS. CALLAGHAN: Second.

6           THE CHAIRMAN: Very good. I will  
7 read it at this time.

8           "Town of Stony Point, New York:

9           "Date: January 28, 2010.

10          "This notice is issued pursuant  
11 to Part 617 of the implementing  
12 regulation pertaining to Article 8  
13 (State Environmental Quality Review  
14 Act) of the Environmental Conservation  
15 Law.

16          "The Planning Board of the Town  
17 of Stony Point, as lead agency, has  
18 determined that the proposed action  
19 described below will not have a  
20 significant effect on the environment

21 and a Draft Environmental Impact  
22 Statement will not be prepared.  
23 "Name of Action: Galt/Lucrezia  
24 Two-Lot Subdivision.  
25 "SEQRA Status: Unlisted.



1           - Proceedings -       17

2           "Condition Negative Declaration:

3       No.

4           "Description of Action:

5       Subdivision Approval creating one new  
6       building lot.

7           "Location: On the North side of  
8       Washburns Lane, 100 feet west of the  
9       intersection of Rochelle Court.

10          "Reasons Supporting this  
11       Determination:

12          "The proposed action is not  
13       anticipated to result in any adverse  
14       environmental impacts based on the  
15       following:

16          "1) The proposed subdivision is  
17       consistent with the built character of  
18       the neighborhood;

19          "2) The Town Engineer has  
20       reviewed the application and has found

21 that any potential impacts from storm  
22 water runoff may be mitigated and it is  
23 likely that the proposed installation  
24 of a drainage swale will improve  
25 existing down gradient wet conditions,

1           - Proceedings -       18

2           which is a better solution that  
3           individual dry wells, which would not  
4           improve existing drainage conditions;

5           "3) The Proposed driveways will  
6           require road opening permits by the  
7           Rockland County Highway Department,  
8           which will review the application for  
9           potential impacts to traffic on the  
10          County roads:

11          "4) The applicant has submitted  
12          soil testing results and a Full  
13          Environmental Assessment Form, Part  
14          III, indicating that there are no  
15          contaminated soils associated with the  
16          on-site above ground heating oil tank;

17          "5) No other potential  
18          significant impacts have been  
19          identified."

20          MR. STACH: Before you adopt that,

21 Mary just brought to my attention, that  
22 we need to adapt the Part III before we  
23 do that.

24 So, we will have to ---

25 MR. MULLER: Oh, we didn't do

1           - Proceedings -       19

2           that?

3           THE CHAIRMAN: No.

4           MR. MULLER: One correction under

5           "Description of Action", they have,

6           "subdivision approval creating one new

7           building..." and it says "lots" with

8           an "s" at the end and it is should

9           actually just be "lot".

10          THE CHAIRMAN: So noted. All

11          right, so what we'll do, I need a

12          motion to accept the Part III?

13          MRS. CALLAGHAN: I will make the

14          motion.

15          THE CHAIRMAN: I need a second.

16          MR. KREASE: Second.

17          THE CHAIRMAN: Mary, poll the

18          Board?

19          MS. PAGANO: Mr. McMenamin?

20          MR. MC MENAMIN: Yes.

21 MS. PAGANO: Mr. Muller?  
22 MR. MULLER: Yes.  
23 MS. PAGANO: Mr. Krease?  
24 MR. KREASE: Yes.  
25 MS. PAGANO: Mrs. Callaghan?

1 - Proceedings - 20

2 MRS. CALLAGHAN: Yes.

3 MS. PAGANO: Chairman Gubitosa?

4 THE CHAIRMAN: Yes. All right.

5 We've accepted it. Now for the neg  
6 dec. We had a motion and a second with  
7 the one correction. We just need a  
8 vote on this one.

9 MR. MULLER: I will make a motion  
10 to accept the negative dec.

11 MR. MC MENAMIN: I will second it.

12 THE CHAIRMAN: Poll the Board,  
13 Mary?

14 MS. PAGANO: Yes. Mr. McMenamin?

15 MR. MC MENAMIN: Yes.

16 MS. PAGANO: Mr. Muller?

17 MR. MULLER: Yes.

18 MS. PAGANO: Mr. Krease?

19 MR. KREASE: Yes.

20 MS. PAGANO: Mrs. Callaghan?

21 MRS. CALLAGHAN: Yes. Chairman

22 Gubitosa?

23 THE CHAIRMAN: Yes. Thank you. I

24 guess you are done. You're all set.

25 MR. ZIGLER: I will be back next



1            - Proceedings -        21

2            month. Thank you.

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1            - Proceedings -            22

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

----- X

In the Matter of the Application

RE:

KBT PROPERTIES, LTD.,

Applicants.

----- X

January 28th, 2010  
8:05 o'clock p.m.  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

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

B E F O R E : Thomas Gubitosa,  
Chairman

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

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

21 MARY PAGANO,  
Secretary to the Board

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23 Reported by:

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

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Appearances continued: 24

JOHN LOCH, Engineer for Applicant  
(Not Present)

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

WILLIAM SHEEHAN, Town Building  
Inspector  
(Not Present)

LIZ VERRIER, Deputy Town Attorney

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

ATZL, SCATASSA AND ZIGLER  
Surveyors/Planners for Applicant  
234 North Main Street  
New City, New York 10956  
BY: DAVID ZIGLER, P.E.

21 And the Public.

22 PULEO REPORTING & TRANSCRIPTION  
23 SERVICES

24 61 Crickettown Road

25 Stony Point, New York 10980

(845) 429-8986 FAX and Phone



1           - Proceedings -       25

2           THE CHAIRMAN: KBT is next on the  
3           agenda. I don't see anyone here.

4           MR. MULLER: Motion to accept the  
5           minutes.

6           MR. STACH: Well, before that, I  
7           know that there is a lot of outstanding  
8           issues, but -- -- I don't know if you  
9           might want to consider at least  
10          reviewing the Part II at this point on  
11          KBT. The Applicant will be receiving a  
12          copy of it, but -- -- the public  
13          hearing hasn't been opened yet just so  
14          that you're at least, sort of,  
15          continuing with the process here. I  
16          have identified several potential  
17          impacts. I think it might be good to  
18          go through it.

19          MR. MC MENAMIN: Shouldn't it be  
20          --- wouldn't it be better if the

21 Applicant is here for this?

22 MR. MULLER: There's a note, I

23 don't know if the rest of the Board is

24 aware, but they did not come to the

25 tech workshop.

1           - Proceedings -       26

2           MR. MC MENAMIN: Maybe they're not  
3 still interested with proceeding.

4           MR. RESNICK: Well, the issues  
5 that are open were discussed at the  
6 last meeting, also, so that he didn't  
7 really have to come to the tech  
8 meeting. We can proceed without them.  
9 It is up to the Board.

10          MR. STACH: I take it, the only  
11 reason why I suggest continuing, is  
12 that the Board has several issues. I  
13 did my best to remember all the issues  
14 that the Board raised in preparing this  
15 Part II.

16          THE CHAIRMAN: We can just go  
17 through the issues with Max, just to  
18 see if we need --- just to make sure we  
19 have everything we need. All right,  
20 then. Go ahead.

21

\* \* \*

22

MR. STACH: On impact of land, we

23

have construction on land with a depth

24

of the water table is less than three

25

feet. I don't believe that any of the

1           - Proceedings -       27

2           other issues here are present.

3           THE CHAIRMAN: Which one? Was  
4           that --- which one? Which number?

5           MR. STACH: We are on number one  
6           and steep slopes. I don't believe there  
7           are any steep slopes on the site.

8           "Construction of paved parking  
9           area for one thousand or more  
10          vehicles."

11          Exposed bed rock in --- in  
12          excess of one year construction  
13          excavation for mining purposes;  
14          Construction or expansion of a sanitary  
15          landfill. Construction in a designated  
16          floodway, -- oh,

17          MR. MC MENAMIN: Hold on, hold  
18          on. You're going way too fast. What  
19          number are you on?

20          MR. STACH: The first page. It's

21 under 1. IT's the 4th, 5th, 6th bullet

22 point, I think.

23 MR. MC MENAMIN: Okay. Got it.

24 Sorry.

25 MR. STACH: Now, construction in

1           - Proceedings -       28

2           a designated floodway, there is  
3           floodway, but not there is not actually  
4           construction being proposed in that  
5           area, so I didn't check that one off.

6           MR. STACH: Impact on water; the  
7           developable area of site does contain a  
8           protected water body. There is no  
9           dredging. There is no extension of the  
10          utility distribution. This was one I  
11          wasn't sure; "construction in a  
12          designated fresh water or tidal  
13          wetlands". I didn't check this.  
14          Instead, under "Other Impacts", I wrote  
15          "previous filling of the on-site pond  
16          was regulated by the DEC and in  
17          compliance with DEC should be  
18          demonstrated." There was an issue with  
19          the condition of that filling. They  
20          were supposed to go to Army Corps.

21 THE CHAIRMAN: We never got that.

22 MR. STACH: I don't think they

23 ever got permission from Army Corps,

24 but they got Army Corps to come out

25 after the fact. So, in any event, no



1           - Proceedings -       29

2           matter how they want to adapt it, they  
3           should address it in the Part III.

4           MR. MC MENAMIN: Well, then, I  
5           think you you're right. You should  
6           check "construction in designated fresh  
7           water"... because I read something  
8           about, I think, from the drainage  
9           agency that identified wetlands. Did  
10          you see that?

11          MR. STACH: Yes, because there are  
12          fresh water. Well, there were tidal  
13          wetlands on the site.

14          MR. MC MENAMIN: In 2004 there  
15          were and it says, "construction in  
16          designated fresh water tidal wetlands",  
17          and I think you should check that  
18          "large impact" because they might have  
19          to take that material out of there.

20          MR. STACH: Right, right. Okay.

21 And then "Will the proposed action  
22 affect any non-protected existing or  
23 new body of water?" No.

24 MR. MULLER: Isn't there a pond on  
25 the property that they will be adding

1           - Proceedings -       30

2           water to? The County has asked for ---

3           MR. RESNICK: Cedar Brook Pond?

4           MR. MULLER: Well, there's a pond

5           in the back right hand corner of that

6           property.           MRS.

7           CALLAGHAN: It's a retention basin.

8           MR. MULLER: A retention basis is

9           a body of water, which they have to add

10          water to. The County asked for plans

11          about that and ---

12          MR. STACH: I thought that was

13          also already a protected wetlands.

14          MR. MC MENAMIN: No, he is talking

15          about the water pond on the property.

16          THE CHAIRMAN: I don't think it

17          was a protected wetlands.

18          MR. MC MENAMIN: This is

19          tentively an increase in the surface

20          area which, if it should happen, the

21 run-off, there would be a whole lot of  
22 water added into it.

23 MR. STACH: Okay. So, we'll do  
24 that as "potential large".

25 MR. STACH: "Will the proposed

1           - Proceedings -       31

2           action affect surface or groundwater

3           quality or quantity?" I wrote yes.

4           "Will the proposed action

5           require a discharge permit?" No.

6           "Proposed action requires use of

7           a source of water that does not have

8           approval to serve proposed project

9           action." No.

10          "Will the proposed action require

11          water supply from wells with greater

12          than 45 gallons per minute pumping

13          capacity?" No.

14          "Operation causing any

15          contamination of a water supply

16          system?" No.

17          "Will the proposed action

18          adversely affect groundwater?" I wrote

19          no.

20          "Liquid effluent will be conveyed

21 off the site to facilities which  
22 presently do not exist or have  
23 inadequate capacity?" No. They  
24 presently do not.  
25 "Will the proposed action change

1           - Proceedings -       32

2           flood water flows?" No.

3           "Will the proposed action would  
4           use water in excess of 2000 gallons per  
5           day?" No.

6           "Will likely cause situation or  
7           other discharge into an existing body  
8           of water, to the extent that there will  
9           be an obvious visual contrast to  
10          natural conditions?"

11          MR. MC MENAMIN: Yes.

12          MR. STACH: I had written, "No"  
13          because they're keeping a hundred feet  
14          buffer -- -

15          MR. MULLER: I'm not sure of that,  
16          though. Will the proposed action use  
17          water in excess of twenty thousand  
18          gallons? It could because he's talking  
19          about keeping huge amounts of  
20          fertilizers --- not fertilizers, I mean

21 mulch, and they have to keep that wet.

22 That's the only way they have to keep

23 it cool, by wetting it.

24 MR. STACH: Twenty thousand

25 gallons a day? MR. MAHER: I thought



1           - Proceedings -       33

2           that was one of the items that we had  
3           discussed at an earlier tech meeting  
4           and they agreed not to keep.

5           MR. STACH: No. They weren't  
6           going to actually produce it, but ---

7           MR. MULLER: Potentially then,  
8           they can store a great deal of it. It  
9           generates heat and the only way they  
10          can keep that cool is ---

11          MR. KREASE: 20,000.00 gallons of  
12          water a day is an awful lot of water.

13          MR. MULLER: Well, they haven't  
14          told us what they ---

15          MR. KREASE: Well, again, this is  
16          the something we are still trying to  
17          deal with with them.

18          MR. MC MENAMIN: There's no one  
19          here to tell us anything, so let them  
20          address it, instead of us trying to

21 flail along.

22 MR. STACH: Tom, you wanted to do

23 --- "Will the Proposed action likely

24 cause siltation or other discharge into

25 an existing body of water to the extent

1           - Proceedings -       34

2           that there will be an obvious visual  
3           contrast to the natural conditions?"

4           "Proposed action will require the  
5           storage of petroleum or chemical  
6           products greater than 1100 gallons?"

7           No.

8           MR. MULLER: That one, we don't  
9           really know, either.

10          MR. STACH: No. He said he  
11          wasn't going to.

12          MR. MULLER: There could be a gas  
13          tank there. It could be a fuel oil  
14          truck. We are awaiting a list of  
15          equipment.

16          THE CHAIRMAN: Yes. A full truck  
17          can be stored there.

18          MR. KREASE: This is a preliminary  
19          discussion we're having now, anyway.

20          MR. STACH: Yes.

21 MR. MULLER: Yes, yes, but I don't

22 want to have us check "No" and then

23 have him breeze by later.

24 MR. STACH: "Will the proposed

25 action allow residential uses in areas

1           - Proceedings -       35

2           without water and or sewer services?"

3           No.

4           "Proposed action locates  
5           commercial and/or industrial uses which  
6           may require new or expansion of waste  
7           treatment and storage facilities?" No.

8           However, under "Other Impact", I  
9           wrote "both storage of certain  
10          materials may result in the degradation  
11          of ground or surface water and other  
12          water qualities." Yes. That would be  
13          a catch-all that talks about salt,, et  
14          cetera.

15          "Will the proposed action alter  
16          drainage flow or patterns, or surface  
17          water run-off?" I wrote "No".

18          MR. MAHER: I think there is a  
19          potential for it.

20          MR. MC MENAMIN: Me, too.

21 MR. STACH: And that's --- it may

22 cause substantial erosion?

23 MR. MAHER: Could. There's a

24 possibility. Maybe, I think, it

25 should be along the lines of

1           - Proceedings -       36

2           small-to-moderate, because there won't  
3           be a substantial amount of hard  
4           pavement on the site, but there will be  
5           some degree, so the potential is  
6           small-to-moderate.

7           MR. MULLER: Depends on how the  
8           piles of material are staged, also.

9           MR. MAHER: Yes.

10          MR. MULLER: Which could create a  
11          linear area for the water to travel,  
12          yes.

13          (AT this time there was  
14          cross-talking.)

15          MR. MC MENAMIN: Eliminate, or not  
16          have erosion or any kind of the ---

17          MR. MAHER: There's no plan as  
18          yet ---

19          MR. MC MENAMIN: No knowledge of  
20          what they might do to stop them. I

21 will agree with "small-to-moderate."

22 MR. STACH: "Proposed action is

23 incompatible with existing drainage

24 patterns?" "No."

25 "Proposed action will allow



1           - Proceedings -       37

2           development in a designated floodway?"

3           "No".

4           "Impact on air; I had wrote,

5           "No".     "Proposed action will

6           induce one thousand or more vehicle

7           trips in any given hour? "

8           MR. MULLER: I disagree with the

9           air question. Ever been down to West

10          Nyack? This proposed action, if he

11          keeps mulch there, it will have an

12          impact.

13          MR. STACH: "Will proposed action

14          induce one thousand or more vehicle

15          trips in any given hour?" No.

16          "Will the proposed action result

17          in the incineration of more than one

18          ton of refuse per hour?" No.

19          "Emission rate of total

20          contaminants will exceed five pounds

21 per hour or a heat source producing  
22 more than ten million BTU's per hour?"

23 No.

24 "Proposed action will increase in  
25 the amount of the land committed to

1           - Proceedings -       38

2           industrial use? "No.

3           "Proposed action will allow an

4           increase in the density of industrial

5           development within the existing

6           industrial areas?" No.

7           So, was there another impact that

8           you wanted to identify, Pete?

9           MR. MC MENAMIN: When we get 17,

10          we can talk to the odor.

11          MR. STACH: It's more of an odor.

12          MR. MC MENAMIN: I think the decay

13          of the mulch will produce an odor.

14          That's for sure. I think it goes under

15          seventeen as far as "Odor Impact",

16          which we already have checked.

17          MR. STACH: Okay.

18          "Impact on plants and animals." I

19          had wrote, "No". However, I need to

20          note that when you received comments on

21 the fact that they didn't really have  
22 any basis for saying that there is no  
23 protected species on the site. The  
24 fact is, the entire site has pretty  
25 much been filled at this point. So, it

1           - Proceedings -       39

2           is really up to the Board, now I think  
3           to have them check out the ER map and  
4           contact DEC, but if there was any  
5           habitat, it probably been filled over.

6           MR. MC MENAMIN: So, then you  
7           should change it to "yes". So, so, you  
8           should say yes and you should say,  
9           "remove any portion of wildlife  
10          habitats."

11          THE CHAIRMAN: Yes, because we  
12          don't know what's there.

13          MR. MC MENAMIN: It is maybe  
14          small-to-moderate because it a small  
15          site.

16          THE CHAIRMAN: Yes.

17          MR. STACH: "Will the proposed  
18          action substantially affect  
19          non-threatened or non-endangered  
20          species?" I had wrote no.

21 "Will the proposed action would  
22 substantially interfere with any  
23 resident or migratory fish, shellfish  
24 or wildlife species?" "Proposed  
25 action requires the removal of more

1           - Proceedings -       40

2           than ten acres of mature forest over  
3           one hundred years of age, or other  
4           locally important vegetation?"

5           "Will the proposed action affect  
6           agricultural land resources?" No. I  
7           don't think we have to go through  
8           those. It is not applicable to the  
9           land.

10          "Impact on aesthetic resources?"

11          Yes.       "Proposed land uses for  
12          project components, obviously different  
13          from or in sharp contrast to current  
14          land use pattern, whether  
15          manmade or natural?" Yes.

16          "Proposed land uses or project  
17          components visible to users of  
18          aesthetic resources, which will  
19          eliminate or significantly reduce the  
20          enjoyment of that resource?" Yes.

21 "Project components that will  
22 result in the elimination or  
23 significant screening of the scenic  
24 views known to be important to the  
25 area?" I wrote, "No".



1           - Proceedings -       41

2           "Impact on historic or  
3           archeological resource?" I wrote,  
4           "No." Pretty much for the same reason  
5           which we just discussed, which is they  
6           pretty much filled in the entire site.  
7           So, I don't think it is probable that  
8           there's anything left of value on  
9           that site.

10          "Impact on the open space and  
11          recreation?" I wrote, "no".

12          "Impact on the CEA's?" I wrote  
13          "no".     "Impact on transportation?  
14          Yes.

15          "Alterations of the present  
16          patterns of movement of people and/or  
17          goods?" No.

18          "Proposed action will result in  
19          major traffic problems?" No.

20          I wrote under "Other impacts",

21 "significant increase in usage of the  
22 private access easement; significant  
23 increase in traffic through substandard  
24 and potential dangerous rail  
25 crossings". So, yes.

1           - Proceedings -       42

2           "Impact on energy?" No.

3           "Proposed action will not cause a  
4           greater five percent increase in the  
5           use of any form of energy in the  
6           municipality?"

7           "Proposed action will require the  
8           extension of an energy transmission or  
9           supply system to serve more than fifty  
10          single or two family residences or to  
11          serve a major commercial or industrial  
12          use?" No.

13          "Noise impacts?" Yes.

14          "Blasting?" No.

15          "Odors will occur routinely?"  
16          Yes.

17          "Proposed action will produce  
18          operating noise exceeding the local  
19          ambient noise levels for noise outdoors  
20          outside of structures?" I wrote "No."

- 21 "Natural barriers?" No.
- 22 "Noise screen." No.
- 23 "Impact on public health?" Yes.
- 24 "Proposed action may cause a risk
- 25 of explosion or release of hazardous

1           - Proceedings -       43

2           substances in the event of an accident  
3           or upset conditions, or there may be a  
4           chronic, low level discharge or  
5           emission?" I wrote, "yes".

6           "Proposed action may result in  
7           the burial of hazardous wastes in any  
8           form?" I wrote, "No."   "Storage  
9           facilities for one million or more  
10          gallons of liquefied natural gas or  
11          flammable liquids?" No.

12          "Will proposed action result in  
13          the excavation or any disturbance  
14          within two thousand feet of the site  
15          used for the disposal of hazardous  
16          waste?" Yes.

17          MR. MC MENAMIN: You have to  
18          explain that one.

19          MR. KREASE: Okay, where is that?

20          MR. STACH: Well, they are,

21           essentially, within two thousand feet  
22           of the site that has been used for the  
23           disposal of Agent Orange. The  
24           settling ponds are on that property.

25           MR. MC MENAMIN: But what you are

1           - Proceedings -       44

2           saying "yes" to says, "This proposed  
3           action may result in the excavation of  
4           certain...", so how will this action  
5           result in excavation disturbances?

6           MR. STACH: They're proposing  
7           excavation on the site.

8           MR. MAHER: Tom, they have to put  
9           drainage in for the underpass and  
10          chances are, that drainage may have to  
11          go out to the detention pond, so there  
12          may be excavation through a pipe. You  
13          may have to dig through an area that  
14          may be a former site.

15          MR. MC MENAMIN: I was unaware.  
16          That's something new. I didn't know  
17          that they had to put drainage in an  
18          area that goes underneath the tresel  
19          because it fills up with water.

20          MR. MAHER: That's what John Loch

21 was talking about. John is working on

22 some design right now.

23 MR. MC MENAMIN: Okay. I got it.

24 Sorry. Good.

25 MR. STACH: Under "other impact",



1           - Proceedings -       45

2       this was brought out at one of the  
3       Board's meetings, I believe there was a  
4       concern, and I wrote, "potential  
5       leaching of hazardous waste materials  
6       being stored on soils. Uncertainty as  
7       to quality and content of fill material  
8       previously imported as cap." Which is  
9       really two issues. It was thought that  
10      when they stored the mulch, the  
11      groundwater will bring up whatever was  
12      in the soil to the mulch. Is that  
13      correct?

14           MR. MULLER: Yes. Didn't you  
15      mention that Agent Orange was used in  
16      that area where the ponds were?

17           MR. STACH: Well, that is ---  
18      there has been monitoring on the site.  
19      The DEC required two feet of clean fill  
20      to do anything on the site, but we

21 don't know what kind of fill they used  
22 because they never kept records. So,  
23 we don't know if the cap will be  
24 effective. And when you store soil  
25 over soil you can get groundwater

1           - Proceedings -       46

2           coming up. Isn't that correct?

3           MR. MAHER: Yes. When you  
4           compress the soil above, you are  
5           putting pressure and you can force  
6           the groundwater up around that area.

7           MR. MULLER: Mulch is a like a  
8           big sponge.

9           MR. MAHER: Yes. It's a natural  
10          sponge. It can aspirate up.

11          MR. STACH: "Impact on growth and  
12          character or community or  
13          neighborhood?" I have answered no. Do  
14          you want to go through those?

15          "Current population of the city,  
16          town or village in which the project is  
17          located is likely to grow by more than  
18          5 percent?" No.

19          "The municipal budget for capital  
20          expenditures or operating services will

21 increase by more than five percent per  
22 year as a result of the project? No.  
23 "Proposed action will conflict  
24 with officially adopted plans or  
25 goals?" No.

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2           "Proposed action will conflict  
3 with the officially adopted plans or  
4 goals?" No.

5           "Proposed action will cause a  
6 change in the density of land use? No.

7           "Proposed action will replace or  
8 eliminate existing facilities,  
9 structures or areas of historic  
10 importance to the community?" No.

11          "Development will create a demand  
12 for additional community services?"  
13 No.

14          "Proposed action will set an  
15 important precedent for future  
16 projects?" No.

17          "Proposed action will create or  
18 eliminate employment?" No.

19          Under, "Other impacts," -- oh  
20 ----

21 MR. MULLER: I have a question on

22 Item 13, which is the impacts on open

23 space and recreation.

24 MR. STACH: Okay.

25 MR. MULLER: One of the letters

1           - Proceedings -       48

2           we got was from the owner of the  
3           Insul-Ex building and he said that it  
4           could hamper his ability to rent that  
5           out. So, if you are talking about  
6           future open spaces, or recreation, we  
7           don't know what that building will be  
8           used for. If that's used for  
9           recreational, this project can have an  
10          impact on it. The aroma on the site,  
11          the traffic on the site. So there may  
12          be a potential impact on future uses  
13          in that area of surrounding properties  
14          in the area that will directly be  
15          affected by this project. When they  
16          say "future", we don't know what else  
17          will be developed on there.

18                MRS. CALLAGHAN: I have a  
19                question, too; the proposed action  
20                will set an important precedent for the

21 future. Future what?

22 MR. STACH: Future projects.

23 MRS. CALLAGHAN: That special

24 permit, can that be restricted to only

25 this potential development?



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2           MR. STACH: Oh, yes. Special  
3 permits, by their nature, are  
4 restrictive.

5           MRS. CALLAGHAN: By granting it,  
6 would it not --- say, for instance,  
7 the next Town wants to come in and  
8 grant that land to the County? They  
9 can buy it back and do whatever they  
10 want to do and it goes back.

11          MR. STACH: Well, if the County  
12 came in and wanted to use it for  
13 contractor storage and for retail or  
14 neighborhood commercial uses for sale  
15 to the contract, whatever it is, I'm  
16 not sure if they would be permitted to  
17 do that under the existing special  
18 permit. But if they wanted to operate  
19 a mulch plant there, they couldn't do  
20 that with the existing special permit.

21 They would to come in for --- frankly,  
22 they would have to come in for a zoning  
23 amendment to allow that use variance.

24 MRS. CALLAGHAN: Wouldn't that set  
25 a precedent where they can say, that

1           - Proceedings -       50

2           they already have that use on land?

3           That it wouldn't take that much more to

4           get it approved to be a County dump

5           because it is not pristine land?

6           MR. RESNICK: It does use move the

7           use of land closer to what the County

8           is wanting to do.

9           MR. MULLER: Absolutely. It

10          would move closer. They already have

11          all of the bulk materials right on site

12          there. They would have all of the

13          tractors going in and out. The only

14          thing they wouldn't have are the

15          grinding materials. So, it will be

16          just one more step. So, I agree with

17          you.

18          MR. STACH: So, we are saying

19          "yes" to nineteen and "yes" to

20          thirteen?

21 THE CHAIRMAN: Right.

22 MR. STACH: We are going to run

23 through the changes now.

24 On page seven, item 4; well,

25 actually item, 3, We've identified the

1           - Proceedings -       51

2           construction in the designated fresh  
3           water wetlands. Under Item 4, we are  
4           now identifying this as a "yes" and we  
5           are indicating the ten percent increase  
6           or decrease in the surface area of any  
7           body of water or more than a ten acre  
8           increase or decrease.

9           Under 5, we are also identifying  
10          use of water in excess of the  
11          20,000.00 gallons per day.  
12          "Proposed action will likely cause the  
13          siltation or other discharging into an  
14          existing body of water to the extent  
15          that there will be an obviously visual  
16          contrast in the condition?

17          "Proposed action will require  
18          storage of petroleum or chemical  
19          products greater than eleven hundred  
20          gallons."

21 MR. KREASE: What was the first  
22 one, Max?  
23 MR. STACH: Under five, proposed  
24 action will use water in excess of  
25 twenty thousand gallons of water a day.

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2           MR. KREASE: Under?

3           THE CHAIRMAN: Under six. That's

4           now "Yes", it is now six; "Proposed

5           action may cause substantial erosion."

6           Small-to-moderate impact.

7           MR. RESNICK: Impacts that, well,

8           if it reaches this level, does it

9           automatically kick into category two?

10          If you think it might result in

11          substantial erosion, I think you might

12          have to identify it as or label it as

13          "potential large". You need more ---

14          MR. STACH: Yes. I thought it was

15          talking about ---

16          MR. MULLER: We need more

17          information.

18          MR. STACH: So, you want it

19          potential large?

20          MR. RESNICK: Yes.

21 THE CHAIRMAN: Yes, put it as  
22 large.

23 MR. STACH: Then under, "Impact on  
24 the Plants and Animals, removal of any  
25 portion of the wildlife habitat." By



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2           the same reasoning, do we want to do  
3           that as ---

4           MR. KREASE: Large.

5           MR. MULLER: They have not  
6           provided us with the information  
7           needed.

8           MR. STACH: The next change was on  
9           Page 9, item 13. "Yes", the permanent  
10          foreclosure of the future recreational  
11          opportunity; potential large impact.

12          And on Page 11, item 19, "Impact  
13          on the growth and character of the  
14          neighborhood?" Yes. "Proposed  
15          action will set an important precedent  
16          for future projects." Potential large  
17          impact, "yes".

18          And one thing we didn't address  
19          is there likely to be public  
20          controversy relating to adverse

21 environmental impact? I wrote "yes".

22 Maybe at this section, I

23 will make the revisions and I will

24 write a short memo detailing the

25 Board's reasons identifying these

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2           because I know some of these might  
3           require a little bit of an explanation

4           ---

5           THE CHAIRMAN: Okay.

6           MR. STACH: --- and then, well  
7           shall I transmit that to the applicant?

8           MR. MULLER: I have a question,  
9           Mr. Chairman, we have asked for an  
10          extension from the Town Board on this  
11          project. Were we able to do this?

12          MR. STACH: Well, you should  
13          continue to ask for extensions, but by,  
14          by sort of, point of information here,  
15          they really can't act on this  
16          application until you finish your SEQRA  
17          review. So, it is really not --- you  
18          don't really get a complete application  
19          until SEQRA is finished, so ---

20          THE CHAIRMAN: Well, so we will

21 get it off to them. We will get that

22 off to the Applicant.

23 MR. STACH: Right.

24 THE CHAIRMAN: Kevin, you had

25 questions too, that you wanted to get

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2           answered from them?

3           MR. MAHER: Yeah. Basically, it

4           had to do deal with the filling

5           operations. Bill and I were discussing

6           it this afternoon. They have yet to

7           demonstrate they have complied with the

8           Army Corps requirements.

9           THE CHAIRMAN: Maybe we will get

10          a formal letter. All right.

11          MR. COLLYER: Are you going to

12          have a Public Hearing soon?

13          THE CHAIRMAN: Not yet.

14          MR. STACH: After we do a negative

15          dec. There was recent case law, now

16          that says you can't have a public

17          hearing, that your consideration of

18          the public's input should be, sort of,

19          as you go along.

20          MR. COLLYER: How can you do that?

21 MR. STACH: I agree a hundred

22 percent, but that's what --

23 MR. COLLYER: We will check on

24 that.

25 MR. KREASE: Tom I just have a

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2       couple questions being that the  
3       Applicant hasn't been to the tech  
4       meetings, nor has he showed up tonight.  
5       And the questions I brought up to you,  
6       Tom, about W.R. Sports trying to get  
7       the paper work from W.R. Sports, as the  
8       Applicant at the time, to see what  
9       their proposal was and what their  
10      solution was. Also, at that time what  
11      the Town Engineer at that time said was  
12      necessary and what the DEC actually  
13      said, and the Army Corps of Engineers  
14      because this was the previous situation  
15      that we are involved with. So, I don't  
16      know if it's the Building Inspector  
17      or Kevin, but someone should go over  
18      these files to see, to see if we are on  
19      same track with that. Because this  
20      potentially has --- it sounds like, to

21 me, it sounds like a small operation

22 now, but if you if we don't watch what

23 we're doing, down the road, you know,

24 I don't want to make a mistake.

25 MR. MULLER: We really don't know



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2           if it's a small operation or not  
3           because we have asked for the amount of  
4           vehicles. We have asked for the amount  
5           of the materials. We have asked for  
6           the size of the operation and none of  
7           those questions have been answered  
8           yet.

9           MR. KREASE: Well I based that on  
10          the assumption conversation had  
11          previously. It appeared to be a small  
12          operation, but with no input from the  
13          Applicant, and from going back, on the  
14          site visit was in October or November.

15          MR. MULLER: November.

16          MR. KREASE: Those minor  
17          questions, or not minor questions, but  
18          the questions that were raised at the  
19          site visit, were not answered at all to  
20          any sort of satisfaction. It is

21       already now the end of January. We  
22       are going to have to go very slow with  
23       this one, but we are getting no where  
24       fast.

25               THE CHAIRMAN: All right. We

