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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 FIRE DISTRICT SUBSTATION,

Applicants.

----- X

7 o'clock p.m.  
July 22nd, 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
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member (Not present)

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:           4

3           THE BOARD OF FIRE COMMISSIONERS

4           KORNFELD, REU, NEWMAN & SIMEONE

          Attys. For Applicants

5           Suffeern, New York 10901

          BY: SCOTT DOW, Esq., Of Counsel

6

          FERRICK, LYNCH & MAC CARTNEY, Esqs,

7           96 South Broadway

          South Nyack, New York 10960

8           BY: DAVID RESNICK, Esq., Special Counsel

9           WILLIAM SHEEHAN, Town Building Inspector  
(Not Present)

10

          LIZ VERRIER, Deputy Town Attorney

11           (Not Present)

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

13           ROBERT GENESLAW COMPANY,  
          Planning Consultants

14           Two Executive Boulevard - Suite 401

          Suffern, New York 10901

15           BY: MAXIMILIAN STACH, Town Planner

          ROBERT GENESLAW, Town Planner

16           (Not Present)

17

          ATZL, SCATASSA & ZIGLER

18           Surveyors/Planners for Applicant

          234 North Main Street

19           New City, New York 10956

          BY: DAVID ZIGLER, P.E.

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

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2 (Planning Board meeting held

3 Thursday, July 22nd, 2010.)

4 THE CHAIRMAN: Good evening. Can

5 we stand for the Pledge?

6 (At this time the Pledge of

7 Allegiance was recited.)

8 THE CHAIRMAN: Mary, can you just

9 call the Roll?

10 MS. PAGANO: Yes. Mr. McMenamin?

11 MR. MC MENAMIN: Here.

12 MS. PAGANO: Mr. Javenes?

13 MR. JAVENES: Here.

14 MS. PAGANO: Mr. Krease?

15 MR. KREASE: Here.

16 MS. PAGANO: Mrs. Callaghan?

17 MRS. CALLAGHAN: Here.

18 MS. PAGANO: Mr. Rogers?

19 MR. ROGERS: Here.

20 MS. PAGANO: Chairman Gubitosa?

21 THE CHAIRMAN: Here. All right.  
22 Before we start the meeting, I  
23 will ask if you have a cell phone, just  
24 to please put it on vibrate? Thank  
25 you.

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2 The first thing on the Agenda  
3 tonight is the public hearing on the  
4 Stony Point Fire District. This is the  
5 site plan.

6 And, come on up here, please.

7 Then I will have the Fire  
8 Commissioners sit here (indicating) at  
9 this table up front that we set up for  
10 them, so when we go to the public  
11 hearing, if there is any questions, you  
12 can help us to answer them.

13 I see Scott Dow is here, and is  
14 the attorney for the Applicants.

15 THE CHAIRMAN: Dave, first, let  
16 the Fire Commissioners state their  
17 names for the record.

18 MR. ZIGLER: Very well.

19 MR. MC CREA: I am Bruce McCrea.  
20 I am Chairman of the Board of Fire

21 Commissioners.  
22 My Vice-Chairman is Don Scherer;  
23 S-C-H-E-R-E-R.  
24 MR. TAMSON: George Tamson,  
25 Commissioner.

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2 MR. MARAFFINO, JR.: Steve

3 Maraffino, Commissioner.

4 M-A-R-A-F-F-I-N-O.

5 MR. MC CREA: And then there is

6 Robert Sullivan who hasn't arrived yet,

7 who is also our fifth Commissioner.

8 THE CHAIRMAN: Thank you. You can

9 proceed, Dave.

10 MR. ZIGLER: Dave Zigler, from

11 Atzl, Scatassa and Zigler, representing

12 the Fire Commission on the site plan.

13 We have also Phil Greeley here,

14 representing the Commission on the

15 traffic lights.

16 So, I guess, I will just give

17 you a run down of the site plan.

18 Basically, what you have is a

19 reconstruction or a redevelopment of

20 the station on top of the existing

21 station on that triangle of Route 210

22 and Central Highway.

23 Right now the station is about

24 forty-five hundred square foot.

25 The doors are, go out the back

1           - Proceedings -       7

2           towards the residential, and the  
3           station itself has issues with the new  
4           O.S.H.A. safety requirements and the  
5           truck requirements are being  
6           implemented with the new trucks.

7           So, rather than go for the custom  
8           trucks or for custom lengths, and  
9           everything else, they're going to  
10          replace the station.

11          This station, it is higher and  
12          has deeper bays. When they started the  
13          process, the whole thought was to take  
14          the bays and turn them away from the  
15          residential.

16          We have the mobile home park on  
17          the top here (indicating on a diagram)  
18          and there are a couple homes down here  
19          on the bottom. That's the old road,  
20          and that's Route 210; over here

21 (indicating) this is the entrance to

22 the police department.

23 So, with the thought of turning

24 the bays around, facing the, the fire

25 bays facing the Police Department,

1           - Proceedings -           8

2           brought in the idea of requiring a  
3           traffic light.

4           Once that was settled, if  
5           everybody decided that that was the way  
6           to go, the plan was developed as you  
7           see it before you.

8           Okay. What we have is a  
9           firehouse with four doors facing the  
10          Police Department and they enter on to  
11          210, almost immediately after the  
12          intersection.

13          On the parking area, which is  
14          basically where the parking area is  
15          now, there will be spaces for cars to  
16          park. There will also be space on the  
17          side for drivers when they can come in,  
18          they go right in the bays.

19          The bays are the front half of  
20          this building here (indicating) and the

21 entire length of the building is lower,  
22 and why I say, "the entire length", the  
23 doors are on the back wall, so you can  
24 actually come from Haverstraw, coming  
25 into this parking lot and drive into

1           - Proceedings -       9

2           the front bay through the back bay.

3           This section of the firehouse

4           right here, is raised here

5           (indicating). That is the offices,

6           here, (indicating).

7           So, the point was to get a higher

8           firehouse, you know, we had to raise

9           what's there. Totally eliminate it.

10          And that firehouse sits very low; it

11          is sitting very low, but to get the

12          grade to hit 210, they had to drop the

13          garage doors.

14          So that the garage doors in here

15          (indicating) are being dropped from two

16          to three to six foot. The grade top.

17          So, these garage doors are

18          actually equal with the curb right

19          there now.

20          So, as you standing on Central

21 Highway, if you are walking down the  
22 sidewalk for your daily exercise during  
23 the day, you see like a one story  
24 building. It is very low.  
25 When they do this next year, at

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2 the same time, you will look over and  
3 you will see the same thing because the  
4 doors are dropped. The height of the  
5 building is not being raised. I think  
6 that will be pretty neat.

7 Because you've all seen the  
8 firehouses that are out there, the one  
9 next to Costco and the one over in New  
10 City, they stand so high, it looks like  
11 Batman, Gotham City.

12 So, this guy is going to set  
13 really low. If you coming from  
14 Haverstraw in your car and you look in,  
15 these doors, these will actually be  
16 like two stories high; 16 or 18 foot,  
17 but they'll be lower than the road and  
18 the cars that are actually parked here,  
19 are two or three foot lower than the  
20 road, so when you come down the

21 sidewalk and look over, there's cars  
22 parked there, you are not going to see  
23 the cars like you do now.  
24       You only will see the roofs and  
25 you would barely see these doors

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2 (indicating) here.

3 So, the whole development of the  
4 plan was to take the doors, take the  
5 operations and take the noise of the  
6 trucks leaving and entering the bays  
7 away from the residential.

8 That flipped into having the  
9 necessity of having the traffic lights.

10 And then the through doors are  
11 basically, for convenience, because  
12 instead of coming up 210 either way and  
13 turning around or doing some kind of  
14 maneuver in the driveway, hopefully they  
15 will be able to go through.

16 Now, it is possible that in the  
17 future that other emergency vehicles  
18 may be parked here, but the doors  
19 become out for both, but these will be  
20 the smaller emergency vehicles; like

21 the vans you see with (inaudible).  
22 This (indicating on a diagram) is  
23 a little by-pass. So, if you come  
24 around the firehouse, you can actually  
25 come around and pull in front. Both of

1 - Proceedings - 12

2 these maneuvers of going through or  
3 coming around the west end there; both  
4 of those maneuvers are so that this is  
5 removing the amount of movement you  
6 have on 210, to back in. Sort of like  
7 what you have on 9W now.

8 That is basically the plan.

9 There's nothing major. It just  
10 barely fits into the property line.

11 The property line is right along  
12 the face here, and you, Central Highway  
13 is triangle-shaped, and this is just  
14 excess property, which is now the  
15 parking lot, anyway.

16 There is no extension of the  
17 mains. There has to be no removing of  
18 --- no installation of sewer or lines;  
19 it's just building connections.

20 Other than the traffic light, it

21 really is a pretty simple replacement

22 type action.

23 I think Mr. Greeley can tell you

24 about the traffic lights. I will just

25 show you this. (Indicating).

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2 This is the elevation if you are  
3 standing in the Police Department,  
4 looking across the street.

5 Here's the front (indicating)  
6 this is the side (indicating), this  
7 would be the sidewalk. The front of  
8 this --- this is the sidewalk, sitting  
9 here (indicating) and this would be  
10 coming down from Haverstraw, looking  
11 into the back (indicating on a  
12 diagram), if you were standing in the  
13 parking lot right here (indicating on a  
14 diagram) to the handicapped space and  
15 looking out, you would see that and  
16 then, again, this is the front.

17 So, with the grade, as you can  
18 see it here (indicating), the floor  
19 itself is four foot higher than the  
20 garage and then to -- right on Central

21 Highway, in here, it will be three foot  
22 higher right here (indicating). There's  
23 a wall.

24 So, this is a wall. A retaining  
25 wall in the parking lot and a retaining

1 - Proceedings - 14

2 wall, that is higher than the --- the  
3 sidewalk is higher than the front door,  
4 so the building will set low.

5 Phil?

6 MR. GREELEY: Phillip Greeley, and  
7 I am with John Collins Engineers.  
8 Traffic consultant.

9 We were hired to look at the  
10 intersection relative to the need for  
11 signalization and other improvements.

12 Under existing conditions, we did  
13 traffic counts at the intersection of  
14 Central Drive and Central Highway and  
15 we found that the intersection  
16 currently meets warrants for  
17 signalization.

18 So, even if this wasn't going  
19 forward, it is something that in the  
20 near future would be something to be

21 addressed, in terms of the traffic at

22 the intersection.

23 We did a warrant study and

24 submitted it to Rockland County Highway

25 Department, because both roadways are

1           - Proceedings -       15

2           County controlled.

3           As part of the plan, we submitted  
4           the warrant studies to them. Then we  
5           met with them to talk about the signal  
6           and we went ahead with the designs.

7           Associated with the signalization  
8           of the intersection, we also identified  
9           the ability to create some turn lanes  
10          that would make the operation a little  
11          bit safer in terms of, in terms of the  
12          turning movements.

13          After looking at some accident  
14          data and so on, so, the first plan that  
15          we have here is a striping modification  
16          plan. Basically, what it would do is,  
17          it creates left turn lanes on Central  
18          Drive, so if I were turning into the  
19          Police Department or turning off of  
20          Central Drive onto Central Highway, I

21 would have a protected left turn lane.  
22 Based upon review comments from  
23 your consultant, we were asked to  
24 extend the re-striping, here  
25 (indicating on a diagram).

1 - Proceedings - 16

2 This would be into the Police  
3 Department and onto Central Highway.

4 We are being asked to extend the  
5 striping past the next intersection to  
6 the east and it makes sense, in terms  
7 of the location of those intersections.

8 The main part of our design is  
9 the signalization of the intersection,  
10 here, (indicating on a diagram) and, at  
11 this point we have received some  
12 comments from your traffic consultant,  
13 Mr. Canne. Pretty minor comments;  
14 instead of us using the junction boxes  
15 for some of the loop detectors on the  
16 approaches, we will run the loop wires  
17 directly back to the pool boxes,  
18 location of stop bars (phonetically  
19 written) are some of the  
20 recommendations there.

21           But, essentially, you know, it's  
22           a detailed review of the operation.  
23           The fire department access will have a  
24           preemption and under that preemption,  
25           we would have the ability to stop

1 - Proceedings - 17

2 traffic heading eastbound on Central  
3 Drive. It would basically stop all  
4 approaches so that the fire equipment  
5 can leave under the signal control.

6 There would be actuation loops on  
7 each of the approaches from the left  
8 turn movements, as well as actuation on  
9 the driveway from the Police  
10 Department.

11 This will improve the ability  
12 getting in and out of the Police  
13 Department also and it will improve the  
14 ability for vehicles turning both out  
15 of Central Highway or into Central  
16 Highway.

17 That pretty much is it.

18 There's a lot of details in terms  
19 of the design.

20 We have submitted this to the

21 County and we got review comments from  
22 the County and, well, one of the  
23 comments was, we have to get a permit  
24 from them to do this, because it is two  
25 County highways.

1 - Proceedings - 18

2 So, I think that pretty much is  
3 it.

4 If there is any questions, I will  
5 be happy to answer them and that's it.

6 THE CHAIRMAN. I just saw our  
7 traffic consultant, and maybe he can  
8 give us any comments you may have at  
9 this time. Just come up and just state  
10 your name?

11 MR. CANNE: Yes. I am John  
12 Canne, and I am a professional  
13 engineer, licensed in the State of New  
14 York. I work for Abbot, a consulting  
15 firm in White Plains.

16 My apologizes for being late. I  
17 was caught in traffic.

18 We have reviewed the information  
19 that has been provided to us.

20 Primarily, the striping plan was

21 provided by Mr. Greeley's office, the  
22 traffic signal plan, which was provided  
23 also by Mr. Greeley's office.

24 We were also requested when we  
25 were retained, to review a circulation

1           - Proceedings -           19

2           plan on the site.

3           We're awaiting the site plan to  
4           complete that review.

5           We had some comments on the  
6           striping plan and on the signal plan  
7           itself.

8           It is, basically, a work in  
9           progress. It is down to the details:  
10          Two of the key details which I do want  
11          to draw to Board's attention to  
12          consider, would be there is an  
13          opportunity here to add pedestrian  
14          features to the signal, pedestrian  
15          cross-walks, push buttons and lights.

16          I'm not personally familiar with  
17          the level of the pedestrian activity in  
18          this area, but I do know that there's a  
19          firehouse and a police station, so I  
20          think it would be up to this Board to

21 determine whether it would be  
22 appropriate to have pedestrian features  
23 at this signal, to determine whether  
24 that pedestrian features will be  
25 necessary.

1 - Proceedings - 20

2 The second one is more an  
3 operational one, and it relates to how  
4 the signal functions.

5 Right now it is basically  
6 anticipated to be --- if I can point to  
7 it on the diagram.

8 It is here and here.  
9 (Indicating).

10 There are primarily two phases;  
11 Central Drive will go with an arrow,  
12 then north Central Highway will go with  
13 the Police Department driveway.

14 In looking at the traffic volumes  
15 coming out there by the police station,  
16 they are relatively minimal. So, maybe  
17 a couple cars an hour.

18 Really, the question is whether  
19 you would have like to have separate  
20 phases for the Police Department and

21 Central Drive.  
22 And if you did that, you can  
23 allow the eastbound right turn  
24 movement, here (indicating on a  
25 diagram).

1 - Proceedings - 21

2 This movement, is to run  
3 concurrently with that movement here,  
4 (indicating).

5 It is really an option. The  
6 signal has more than enough capacity.  
7 The average today is, I'm guessing, is  
8 around fifteen seconds, overall for an  
9 intersection. If you split the  
10 phasing, and run it like that, it might  
11 reduce it to thirteen seconds. So, it  
12 is really just an option, whether you  
13 think it's preferable or not preferable  
14 to have the phasing on Central Drive  
15 to be separate from the police  
16 station, so that you can have an  
17 overlap.

18 Yes?

19 MR. MC MENAMIN: You mean when the  
20 police have a signal to stop, you are

21 talking about that, like a phase, a  
22 phase for the Police Department to stop  
23 and a phase ---  
24 MR. CANNE: Separate from the  
25 operation of the signal under control

1 - Proceedings - 22

2 of the fire department. When it is in  
3 normal operation.

4 MR. MC MENAMIN: Okay.

5 MR. CANNE: Basically, you will  
6 have east/west, and at some point a  
7 green arrow, rather for the westbound  
8 left turn lane. After that --- that's  
9 north Central Highway, right?

10 After that, those vehicles have  
11 been accommodated, you are going to  
12 stop those vehicles and have the  
13 north/south vehicles go.

14 You can have them either go  
15 together, so if there is anybody coming  
16 out of the Police Department, they can  
17 go at the same time as the people  
18 coming off Central Drive.

19 If you do that, you can  
20 accommodate the right turn under signal

21 control from the eastbound north

22 Central Highway, because it won't

23 conflict.

24 MR. MC MENAMIN: Nobody will be

25 imposing anybody then?

1 - Proceedings - 23

2 MR. CANNE: If you ran the police  
3 department and the northbound, the  
4 northbound approach separately, the  
5 northbound approach is running at the  
6 same time, it would overlap.

7 So, it is a function of the  
8 light. It is a detail.

9 As I say, these are just details.  
10 It would definitely work. It is just a  
11 question of whether you want salad with  
12 your entree or soup.

13 MR. JAVENES: There's not a lot of  
14 traffic coming from the police  
15 department.

16 MR. CANNE: No, once they come to  
17 the intersection, they would be allowed  
18 to go, the vehicles will be detected,  
19 the light will change and if it's an  
20 emergency, they can put their lights on

21 and supercede the light in that regard.

22 The other issue is whether you

23 want to put in pedestrian indications.

24 MR. MC MENAMIN: How will we make

25 that decision? We don't have any data

1           - Proceedings -       24

2           on pedestrian activity, so --

3           MR. CANNE: I suggest that you  
4           consult with the police department and  
5           fire departments.

6           They seem to be the two entities  
7           closest to that intersection that might  
8           generate some form of pedestrian  
9           traffic there.

10          They are more familiar with the  
11          intersection. You can, you know,  
12          basically, just consult with the police  
13          chief.

14          Just say, you know, that it has  
15          been brought to our attention that  
16          there might be pedestrians who would,  
17          if we add pedestrian features, if they  
18          were to be installed, they might  
19          benefit from the crosswalk there, and  
20          ask him, what do you think.

21           If they both answer, "Yes", you  
22           put it in. If they both say, "No", you  
23           don't put it in.  
24           And if they both answer, "Yes"  
25           and "No", you can talk to them again

1 - Proceedings - 25

2 and see if they can agree.

3 MR. KREASE: Let me get it  
4 straight. Basically, as far as the  
5 markings go, is it just what we see  
6 now, give or take?

7 MR. CANNE: Yes or maybe a minor  
8 adjustment, yes.

9 MR. KREASE: So, there will be a  
10 second traffic light coming from  
11 west-to-east prior to the firehouse?

12 MR. CANNE: Correct.

13 MR. KREASE: Which will --- well,  
14 I assume that before that, there is  
15 some signs denoting the fact that  
16 there's a firehouse ahead or a traffic  
17 signal?

18 MR. CANNE: I would have to check.  
19 I think that under the NATC ---

20 MR. KREASE: I would assume so.

21 In other words, when you are coming  
22 from west-to-east, you're coming down  
23 the little incline, I think there, it  
24 would be a good idea to have some  
25 signs indicating either a traffic

1 - Proceedings - 26

2 signal or fire house is ahead.

3 MR. CANNE: We will have to check

4 and make sure it's not conflicting,

5 because sometimes the standard of the

6 requirements we use, might say, you

7 cannot use these sign in conjunction

8 with the signal and you actually do

9 have a signal there that will flash

10 yellow, under normal operating

11 conditions.

12 And then, when it's preempted by

13 the fire department, it will be a

14 steady yellow, followed by a red and

15 you are required to obey the red. You

16 may not be - we will check, but you

17 may not be allowed to use a sign that

18 says, "Firehouse ahead", in

19 conjunction with the signal. But I

20 think you really have to put a sign

21 that says, "Signal ahead".

22 MR. KREASE: Something to the fact

23 to warn the people coming down that

24 incline, because it just so happens

25 that it's a fact that people coming

1 - Proceedings - 27

2 down that incline, they tend to speed

3 up there, no matter patrol the area

4 ---

5 MR. CANNE: Yeah, right.

6 MR. KREASE: So I think that some

7 sort of a warning will be nice.

8 As far as the pedestrian

9 crosswalk, the side where the police

10 department is, there is no sidewalks

11 there at all.

12 MR. CANNE: Understood.

13 MR. KREASE: I think that would

14 really be a big issue. There may be

15 an issue, well not even an issue, but

16 going from east-to-west or

17 west-to-east, crossing Central Highway.

18 MR. CANNE: Yes.

19 MR. KREASE: I can see maybe

20 putting up a pedestrian indicator

21       there. It's not a big deal, either.

22               MR. CANNE: Not a big deal, yes.

23               MR. KREASE: And then, I

24       understand when there is a fire and all

25       the lights turn red, and everything

1 - Proceedings - 28

2 stops, which is what we are looking to  
3 do. Right?

4 MR. CANNE: Yes. Everybody stops,  
5 except for when you come out of the  
6 firehouse and make the right turn,  
7 there will be three lights, two lights  
8 directly in front of you. They will be  
9 green because the fire department by  
10 the way --

11 MR. KREASE: I understand that,  
12 but is there any provision if something  
13 happens and the Police Department, God  
14 forbid it ever happens, has to come  
15 out in an emergency, that they can stop  
16 the lights, also, to stop traffic?

17 Not that that happens often.

18 This police department is not  
19 that big. I'm just concerned, if we're  
20 going to do a traffic situation with

21 lights there, is it possible it will be  
22 directed from the Police Department to  
23 stop traffic in case they have to  
24 leave.

25 MR. CANNE: It's not typical. I

1           - Proceedings -       29

2           am familiar with situations in the  
3           past.

4           It is no longer the case in  
5           Tarrytown, where there is heavy volume  
6           of traffic, that from inside, there is  
7           a police officer who opens up the box,  
8           put a plug in and he would click the  
9           switch and it would go from one street  
10          to the other street because they  
11          thought that he was more efficient than  
12          the old signal.

13          But the signals today are so  
14          complicated, that you wouldn't want  
15          anybody except a trained technician in  
16          the box, switching it on and off, so my  
17          answer is I don't think it's really  
18          possible.

19          MR. KREASE: Who will throw the  
20          switch at the fire department?

21 MR. CANNE: That will be set up.

22 That would be hardwired to the fire

23 department. We will have to discuss

24 that.

25 MR. GREELEY: Still more

1           - Proceedings -       30

2           importantly, for the fire department,  
3           there will be a preemption device in  
4           the house, which will be hit, so that  
5           as they're loading on to the equipment,  
6           they will control the signals and then  
7           exit.

8           In terms of the Police  
9           Department, we do have actuation on the  
10          driveway to trigger the light.

11          What we had proposed at this time  
12          was to set up the spacing so that when  
13          there was a call on the police  
14          department driveway, that would get the  
15          interim priority under the normal  
16          conditions.

17          However, to put in a preemption  
18          device there, there's a question. Do  
19          you put the preemption inside the  
20          Police Department, which could be or

21 could be done, or do you put it in a  
22 vehicle?

23 And the more practical thing  
24 would be to put it in the Police  
25 Department. The difference here is

1           - Proceedings -       31

2           that the fire house, which is typical  
3           of these signals, is readily  
4           accessible.

5           In the Police Department, by the  
6           time you exit, get into the car, start  
7           the car, and leave, it almost defeats  
8           the purpose.

9           So, so our experience has been  
10          actuation on the Police Department  
11          driveway. If it is an emergency call,  
12          they do have there emergency flashers  
13          going.

14          The fire department preemption is  
15          a standard item that is included in all  
16          the signals, but we can look into that  
17          more and see if there's a spot in the  
18          Police Department where you can have  
19          the same type of preemption if it is an  
20          emergency.

21           So, if it's an emergency, you  
22           have officers leaving, they can hit  
23           it, trigger the light, and essentially,  
24           accommodate the same thing.  
25           The control would be capable of

1 - Proceedings - 32

2 handling it.

3 MR. KREASE: The question is, is  
4 it up to the police chief, if it is  
5 needed? We will for ask his opinion.

6 MR. GREELEY: Yes. Yes.

7 I think when we talk to him about  
8 the pedestrian issue, it is perfect  
9 timing and we will make sure he is  
10 satisfied with whatever ---

11 MR. KREASE: The only thing, I  
12 mean, what is the expense of doing all  
13 of this? If he has the suggestion, or  
14 thinks it wouldn't be a bad idea, if we  
15 never use it, too, thank God, but we  
16 will ask him if he thinks we need it,  
17 to address it now.

18 MR. GREELEY: Yes. No problem.

19 THE CHAIRMAN: Any other  
20 questions? Max?

21 MR. STACH: No.

22 THE CHAIRMAN: Mr. Canne, do you

23 have any further comments?

24 MR. CANNE: No.

25 THE CHAIRMAN: What we will do now

1           - Proceedings -       33

2           is open the public hearing and I'll ask  
3           that if you want to speak, just state  
4           your name, address for the record.

5           Come up here so that we can hear  
6           you. Right now I will open up the  
7           Public Hearing for the fire district.

8           Is there anyone who would like  
9           to speak?

10          Frank? Come on up. Frank, come  
11          up to the podium.

12          MR. COLLYER: Frank Collyer, Ten  
13          Knapp Road, Stony Point, a member of  
14          the Stony Point Action Committee on the  
15          Environment.

16          I just have a couple  
17          observations. The plan is wonderful,  
18          but I do have a couple questions.

19          The first thing I'd like to say  
20          is, I was disappointed to see that the

21 Planning Board did not retain lead

22 agency status for SEQRA.

23 I understand that the fire

24 commission wants to be lead agency on

25 the project, but it seems to me that

1           - Proceedings -       34

2           the Planning Board has considerable  
3           experience and training in SEQRA  
4           reviews and that the fire commissioners  
5           would have the benefited if they  
6           decided on a coordinated review by  
7           both the Boards; both the Boards would  
8           have input on this thing. And they  
9           would have the benefit of the Board's  
10          expertise, but what's done is done.

11          The first question is, if you  
12          look at the letter from the County and  
13          --- well, I have to put on my specs ---  
14          the County Planning Department says the  
15          Town zoning division, (inaudible). Now  
16          right now the area is residential and  
17          there is no firehouse district in Stony  
18          Point.

19          I had spoke with the Supervisor  
20          about that and he said he didn't want

21 to see it put in because it cost 20  
22 thousand dollars to put it in; twenty  
23 thousand. However, there has to be  
24 some way to handle this and the other  
25 alternatives is probably adding a whole

1 - Proceedings - 35

2 bunch of variances, which can be used  
3 by other people for other reasons. It  
4 also mentioned bulk table shall be  
5 added to the site plan ---

6 (Mr. Collyer is reading from a  
7 document.)

8 There's the parking regulations,  
9 so already they're saying we want more  
10 than what's there right now.

11 So, I don't understand how this  
12 will be brought down. Maybe the  
13 attorneys are figuring out how to  
14 handle it.

15 Another thing is, I really  
16 question the need for a traffic light  
17 there. I understand the need for them  
18 to be able to get the fire equipment  
19 out onto Route 210 quickly.

20 However, a traffic signal is in

- 21 excess of a hundred thousand dollars.
- 22 It's a lot of money. I question
- 23 whether we really need to have that.
- 24 It is a lot of money. I question
- 25 whether we really have a need for it.

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2           I am not an expert. I certainly don't  
3           present myself as one.

4           However, the firehouse on Hammond  
5           Road, right near the high school, has  
6           no signal there. They don't seem to  
7           have --- They've been there for years  
8           and they don't have any trouble getting  
9           equipment out on a busy road.

10          Route 210 is not a really a busy  
11          road. I don't see that a traffic  
12          signal is really all that necessary for  
13          that intersection there.

14          I wouldn't --- I mean, I use that  
15          road, and I have no problem getting on  
16          to the road in either direction, onto  
17          210.

18          So I would them --- I would ask  
19          everybody to reconsider and look again  
20          at the needs for a very expensive

21 traffic signal which we may not really

22 need. Thank you.

23 THE CHAIRMAN: Thank you.

24 Anyone else have anything to say?

25 Any more comments?

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2 (No comments heard.)

3 THE CHAIRMAN: All right, seeing  
4 that there's no other questions, I will  
5 ask the fire commissioners if you are  
6 happy with the public input, if you  
7 would like to close the public hearing?

8 MR. MC CREA: Chairman, I would  
9 see no reason why not. I thank you for  
10 the comments. The comments are  
11 greatly appreciated.

12 MR. KREASE: Has all the questions  
13 been asked about the traffic study to  
14 the satisfaction of the Board?

15 THE CHAIRMAN: I think so.

16 (Cross-talking.)

17 MR. ROGERS: I will make a motion  
18 to close.

19 THE CHAIRMAN: I will need a  
20 second.

21 MR. JAVENES: I will second it.

22 THE CHAIRMAN: Mary, just poll the

23 Board please.

24 MS. PAGANO: Yes. Mr. McMenamin?

25 MR. MC MENAMIN: Yes.

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2 MS. PAGANO: Mr. Javenes?

3 MR. JAVENES: Yes.

4 MS. PAGANO: Mr. Krease?

5 MR. KREASE: Yes.

6 MS. PAGANO: Mrs. Callaghan?

7 MRS. CALLAGHAN: Yes.

8 MS. PAGANO: Mr. Rogers?

9 MR. ROGERS: Yes.

10 MS. PAGANO: Chairman Gubitosa?

11 THE CHAIRMAN: Yes. All right.

12 We are going to close the public

13 hearing.

14 Does the Board, well, I know the

15 Board has some questions.

16 MR. MC MENAMIN: With respect to

17 the comment that we heard, Mr. Greeley,

18 or Mr. Canne; either one.

19 According to your report that the

20 existing intersection has a certain

21 level of service "C" existing and you  
22 did that by using the traffic study you  
23 did?

24 MR. GREELEY: Yes. We've had "D's"  
25 and "F's" here and we haven't had a

1 - Proceedings - 39

2 traffic signal before.

3 When you say, I guess I don't  
4 understand what meeting the warrants  
5 means and also, in light of what we  
6 have heard, what part of or how much of  
7 a need for the traffic light that we  
8 have here is because of the  
9 intersection meeting the warrants and  
10 having a level of the operation "C" or  
11 the need for the fire trucks to make  
12 their way out of the firehouse in this  
13 configuration?

14 What part of the need is which;  
15 how much is one, and how much is the  
16 other?

17 MR. GREELEY: The Manual of  
18 Uniform Traffic Control Devices, which  
19 is manual to determine signalization,  
20 has a series of hidden warrants that

21 the people get.  
22 The primary warrants are volume  
23 warrants and crash history and the  
24 there is a series of the pedestrians  
25 warrants. You can have a corridor

1           - Proceedings -       40

2           where there are existing signals,  
3           whether or not any in between areas  
4           should be signalization to be keep a  
5           progression.

6           What we analyzed here at this  
7           location is street crash history and  
8           also the volumes.

9           Now, as you indicated there is a  
10          lot of locations throughout the Town in  
11          other areas where you may have a level  
12          of service "E" and "F" on a side road.

13          For example, on 9W, there are  
14          numerous locations that people exiting  
15          a driveway or a side road, they  
16          experience more delays. Well, they  
17          don't get a traffic signal.

18          Even though you have enough  
19          volume on the main road, there is a  
20          criteria you have to hit a certain

21 mark on a side road.  
22 Okay?  
23 What we have here at this  
24 intersection is a lot of turning  
25 movement coming out of Central

1 - Proceedings - 41

2 Highway and off of Central Drive.

3 The combination of the turning  
4 movements and through traffic are the  
5 governing factor here to satisfy the  
6 warrants.

7 Now, without the fire department  
8 changes, without any changes to the  
9 firehouse, and we did it based on  
10 existing volumes.

11 So, the volumes that are there  
12 today, that will increase in the future  
13 with growth, warrant a signal at the  
14 intersection of the Central Highway and  
15 Central Drive ---

16 MR. MC MENAMIN: Because of the  
17 number of the turns?

18 MR. GREELEY: And the volumes on  
19 each approach to the intersection.

20 Okay?

21           The fact that the firehouse is  
22           here and is just an added item, but if  
23           no changes were being done to the  
24           firehouse, the signal would be  
25           warranted today.

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2 Now, when a signal is warranted  
3 it, doesn't mean it is going in the  
4 next day. It means it is something  
5 that is identified, whether it be a  
6 state, County or Town road, it is  
7 something you need put on the program  
8 to address, because it meets the  
9 warrants.

10 It means you should be looking at  
11 putting in a traffic signal. That's  
12 where we are.

13 Once we determine that and the  
14 firehouse was looking to make  
15 modifications, it made sense to  
16 incorporate those changes at the same  
17 time that the signalization will take  
18 place.

19 Once that intersection is  
20 signalized, it also makes sense, based

21        only the traffic signal design criteria  
22        and NETCD, in this case, to put in a  
23        supplemental signal, so we are  
24        proposing because of the firehouse, as  
25        you are coming from the west, there's a

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2 supplemental signal and then --

3 MR. MC MENAMIN: Because you still

4 --- you already have the intersection

5 signalized.

6 MR. GREELEY: That's correct.

7 MR. MC MENAMIN: Yes. So, this is

8 piggybacked on to that because it is

9 convenient to do it at the same time?

10 MR. GREELEY: Yes, basically.

11 MR. MC MENAMIN: I just wanted to

12 flesh it out. Thank you.

13 MR. GREELEY: Absolutely.

14 THE CHAIRMAN: Does the Board

15 have any other questions? Kevin?

16 MR. MAHER: No.

17 THE CHAIRMAN: Dave, do you have

18 anything to add before ---

19 MR. ZIGLER: No.

20 THE CHAIRMAN: We will see you

21 next month, Mr. Dow.

22 MR. DOW: At this point as part of

23 what was agreed upon at the last

24 appearance, I'm the attorney, we would

25 at our next Board meeting, I'd like to

1           - Proceedings -       44

2           modify the environmental assessment  
3           form to indicate that the traffic  
4           patterns of movement people on that  
5           Part II would be amended to reflect a  
6           potential large impact, which is what I  
7           believe the Planning Board had asked us  
8           to do.

9           So, that will be something that  
10          we would like the Board would do at  
11          the next regularly scheduled meeting.

12          After that, we would address that  
13          impact in the Part III, with respect  
14          to the input that was given by your  
15          consultants and the consultants that  
16          had been retained by the Board of Fire  
17          Commissioners and addressing that  
18          impact with respect to this traffic  
19          light study.

20          We would like to, at that point,

21 do our hard look, consider all  
22 responses received up to that point and  
23 consider whether or not there has been  
24 a significant adverse environmental  
25 impact.

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2 And I'd like to just note for the  
3 record that this has been a coordinated  
4 review and we have welcomed the input  
5 from the Planning Board and do  
6 appreciate the participation and the  
7 cooperation that the Planning Board has  
8 provided and will provide to this Board  
9 of Fire Commissioners.

10 THE CHAIRMAN: Thank you, Mr. Dow.

11 MR. STACH: The last point, in  
12 talking to the traffic consultant, I  
13 believe he had requested a site plan to  
14 check on the internal circulation and  
15 he's got it in his hands and ---

16 MR. CANNE: I have it.

17 MR. DOW: It is a public -- it is  
18 a public property, as far as, like the  
19 public can have access to it at certain  
20 times, so there is not going to be any

21 significant circulation issues that  
22 will change the current use of the  
23 firehouse.

24 So, certainly we would not object  
25 to the consultants providing some

1           - Proceedings -       46

2           information with regard to that.

3           MR. STACH: That normally will be  
4           part of the site plan.

5           MR. MC MENAMIN: Also, to  
6           follow-up one thing, the pedestrian  
7           question; I thought I heard Doctor  
8           Greeley say that you were going to  
9           follow-up with the Police Department  
10          and the fire department and find out  
11          about the number of pedestrians because  
12          I know there is a lot of people that  
13          are walking up and down Central  
14          Highway, but I'd like to --- we left  
15          that out there and didn't decide who,  
16          and I thought ---

17          MR. GREELEY: Yes. I will  
18          follow-up with the Police Department on  
19          the preemption issue and the  
20          pedestrian. There are pedestrians on

21 Central Highway. I've seen them. They  
22 come up on one side of Central Highway,  
23 and cross over and go back down the  
24 other side of Central Highway.

25 There's not much crossing of 210,

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2 but we will talk to the Police  
3 Department.

4 MR. STACH: May I ask quickly, how  
5 far that is across the street on the  
6 210 side, the Police Department?

7 (At this time Mr. Greeley is  
8 turning the diagram over to another  
9 mounted diagram.)

10 MR. ZIGLER: Thanks, Phil. It is  
11 just a private drive there where Bruce  
12 Smith used to live and there are three  
13 homes here (indicating on a diagram).

14 That's it.

15 The rest of are the Orange and  
16 Rockland park until, you start to go up  
17 to hill by Anderson is where you have a  
18 subdivision ---

19 MR. MC MENAMIN: I think a hard  
20 look should been taken, as there is a

21 huge amount of shoulder space.  
22 And there are a lot of people  
23 going up and down the side of 210.  
24 I think it should be addressed  
25 and looked at as part of the large

1           - Proceedings -       48

2           impact, pedestrian travel. I don't  
3           know the numbers.

4           MR. ZIGLER: I spoke to the Chief  
5           today and told him we are going to  
6           forward this information after the  
7           meeting he said he would look at all of  
8           the comment and all of the information  
9           and give us his comments and thoughts  
10          on the pedestrians.

11          THE CHAIRMAN: Thank you.

12          I'd like to thank everyone for  
13          the information, the Commissioners for  
14          coming down tonight.

15          MR. MC CREA: We thank you, also.

16                           \* \* \*

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

3

----- X

4

In the Matter of the Application

5

RE:

6

VIRGIN MARY & ST. PACHOMIOUS COPTIC  
ORTHODOX CHURCH

7

8

Applicants.

----- X

9

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

10

11

12

13

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

14

15

B E F O R E : THOMAS GUBITOSA,  
Chairman

16

17

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

18

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

19

20

21 PETER MULLER, Member (Not present)

22 MARY PAGANO,  
Secretary to the Board

23

Reported by:

24

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

1

2

Appearances continued: 51

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

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

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

14

KEVIN P. MAHER, P.E, Town Engineer

15

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

21

22 ATZL, SCATASSA & ZIGLER  
23 Surveyors/Planners for Applicant  
24 234 North Main Street  
25 New City, New York 10956  
26 BY: DAVID ZIGLER, P.E.

27 And the Public.

28 PULEO REPORTING & TRANSCRIPTION  
29 SERVICES

21

61 Crickettown Road

22

Stony Point, New York 10980

23

(845) 429-8986 FAX and Phone

24

25

1           - Proceedings -       52

2           THE CHAIRMAN: Moving on to item  
3 two on the Agenda. Virgin Mary and  
4 Saint Pachomious Coptic Church. This is  
5 a pending application.

6           Give us an update, please, Mr.  
7 Emanuel.

8           MR. EMANUEL: Good evening. I  
9 am Ira Emanuel, and I'm the attorney  
10 for Applicant, Four Laurel Drive, New  
11 City.

12          Of course, you know, this is Dave  
13 Zigler.

14          The Board has seen this before at  
15 the last time we were here, I believe,  
16 at the May meeting, the Board adopted  
17 an EAF Part II with respect to this  
18 church, which is already functioning  
19 over at the old Marvello County Club.  
20 You are familiar with it.

21           We have submitted materials with  
22           respect to each of the issues  
23           identified in the Part II. The most  
24           recent submission was with respect to  
25           visual impact.

1           - Proceedings -       53

2           The Board was advised of the  
3 crane test that was conducted a couple  
4 of weeks ago.

5           Dave can go over the results of  
6 the materials that have been submitted.

7           THE CHAIRMAN: Okay. Thank you,  
8 Mr. Emanuel.

9           Dave?

10          MR. ZIGLER: I just added two  
11 pages, after the field, because it was  
12 raining so hard, I didn't have any maps  
13 out.

14          I just wanted to make sure  
15 everyone understood how high we were.  
16 And basically, what we have is, if you  
17 were standing bucket, you would have  
18 been equal to the roof peak. I  
19 thought it would have been equal to the  
20 top, the cross, but that's not true.

21           But on Monday, the trip was on  
22           Saturday. And Monday the boys went  
23           back up there and they went to over  
24           seventy foot.  
25           And really, they couldn't get any

1           - Proceedings -       54

2           pictures at all. It's still lower  
3           than the trees.

4           Now, mind you, there is the two  
5           trees that I pointed out to you, but  
6           it's still very thick, the underbrush,  
7           so the height of the church wouldn't be  
8           visible at all from anywhere.

9           The bottom of the church, maybe  
10          some of the building might be visible  
11          from the neighbors, but with foliage on  
12          the trees, it will be visible in the  
13          street, to only people in the immediate  
14          areas.

15          You've seen, walking up from the  
16          parking lot, you couldn't even see the  
17          crane and the crane was set in front of  
18          the church.

19          So, I forward that to the Board  
20          members. We did the same thing in

21 response to the Palisades Interstate  
22 Parkway. They received the same thing  
23 you did by green cards. They had to  
24 sign for it. And we got no comments  
25 coming back.

1           - Proceedings -       55

2           Also in there, I did say it would  
3           be visible from everywhere in the  
4           winter because none of the trees are  
5           that thick. There are no evergreens.

6           And even from the P.I.P., it  
7           would be visible, perpendicular to the  
8           travel lane, it's visible for about two  
9           and-a-half seconds.

10          So, that's what it is in addition  
11          to the book you received for the Part  
12          III ---

13          MR. EMANUEL: What we would hope  
14          to get from the Board this evening will  
15          be a negative dec to allow us to go  
16          forward with the Zoning Board of  
17          Appeals. You have already referred us  
18          over there.

19          We'd also like you to set a  
20          Public Hearing for the October meeting.

21 MS. PAGANO: October?

22 MR. EMANUEL: Yes. October,

23 because the ZBA doesn't meet in August.

24 That is why.

25 We would rather have it done

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2           after the ZBA meeting.

3           MR. ZIGLER: Yes. If something  
4           happens, and they don't vote ---

5           THE CHAIRMAN: Okay.

6           MR. EMANUEL: Exactly. And that  
7           the will give us some time to take care  
8           of the height variances that we need.

9           We also need to return back to  
10          the Town Board with respect to the  
11          expansion of the sewer district.

12          There have been a number of  
13          discussions that we had with Kevin,  
14          regarding exactly how the sewers are  
15          going to, exactly where the sewer is  
16          going to go.

17          We have come to an agreement with  
18          him. Basically, what we are going to  
19          do is to design the system so that it  
20          will serve the church, but design it in

21 such a way that it can be easily  
22 expanded to serve the surrounding areas  
23 when and if you get funding to do  
24 that. It would be a nice way of doing  
25 it. It is a two-step process.

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2           It is a nice way to do it.

3           Providing the church with its  
4           immediate need, and also allowing  
5           expanding of the sewer service in that  
6           area at some future time.

7           THE CHAIRMAN: Okay. Thank you.

8           MR. STACH: You have adopted a  
9           Part II at this time already and  
10          submitted a Part III by the Applicant,  
11          which I have.

12          I had essentially no comments on  
13          it.

14          I did revisit --- I think you  
15          might want to address whether if any of  
16          the Board members have questions, if  
17          you can adopt it tonight.

18          I have prepared a negative  
19          declaration, which you received  
20          tonight.

21           Really, at this point, it was  
22           assuming you might want to review it.

23           Essentially, it states what the  
24           arguments, or the rationales are  
25           concluded in the Part III, you ---

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2           off-the-record.

3           (Off-the-record discussions.)

4           MR. STACH: So, you could adopt  
5           it tonight, if you so choice.

6           THE CHAIRMAN: Does the Board have  
7           any questions on the Part III or  
8           comments on the Part III?

9           MR. MC MENAMIN: Yeah, I looked  
10          over the drainage report and just this  
11          afternoon I spoke to Kevin about it.

12          I needed comments. I got the  
13          feeling that it is not a complete  
14          design as yet, and I am commandeering  
15          --- I wonder if I can have the report  
16          from the engineer on it, and in that  
17          report I want to hear that the concerns  
18          that I or Kevin have about it, can be  
19          resolved before we vote on this  
20          negative declaration and the Part III.

21 Is that good?

22 THE CHAIRMAN: Kevin, do you have

23 any comments?

24 MR. MAHER: Tom and I had a

25 discussion on the phone regarding his

1           - Proceedings -       59

2           concerns about the swale that is being  
3           used to carry the bulk of the run-off  
4           from the site to the existing pond.

5           I know I had discussed it with  
6           Doctor Aponti (phonetically written)  
7           about the use of the rain guards around  
8           the building itself, and the  
9           landscaping and at some point, the  
10          water quality treatment, which would  
11          then break away a portion of the  
12          run-off from that swale, so that swale  
13          can be dedicated to bulk or smaller  
14          areas of the run-off.

15          I know he said he was going to  
16          look into that. That's why I am  
17          anticipating an update to the report  
18          about that.

19          Because I also told him about the  
20          new storm water management rate design

21 manual, which was supposed to be coming

22 out soon. That's been promised now for

23 the past four months.

24 I am in touch with the Mr. Brown

25 (phonetically written) constantly about

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2           when they're going to come out with it,  
3           because there are specific guidelines  
4           in there for low impact development  
5           regarding the rain guards, the  
6           recharged swales, et cetera.

7           And I think those will be the  
8           appropriate means to mitigate a lot of  
9           the run-off on the site and make the  
10          impact to that pond much smaller.

11          I believe that that will take  
12          care of Tom's concerns.

13          THE CHAIRMAN: All right. So, you  
14          think we should have these be next  
15          month?

16          MR. ZIGLER: I really don't think  
17          it has anything to do with the negative  
18          dec.

19          What you are discussing here is  
20          alternatives to a plan that already

21 works.

22 Now, we did discuss with the

23 members of the church about the rain

24 guards. They would really like to keep

25 the landscaping and the area around the

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2       church very easy to maintain, because  
3       they only have one person to maintain  
4       the grounds.

5           You have seen the grounds. So, I  
6       did discuss it with the architect. He  
7       was not thrilled to have, you know,  
8       more than one thing to maintain and  
9       that is why we went to the pond area  
10      where the swale is.

11          With the swale, you can cut and  
12      the pond will probably be dry  
13      eleven-and-a-half months out of the  
14      year.

15          So, that was the design that the  
16      church would like. It does work.

17          If there's alternatives, we would  
18      look at them for you, but it is not to  
19      say that the plan that was submitted,  
20      which is a concept drainage plan,

21 doesn't work. It does work.

22 The neg dec could be granted on

23 that.

24 And if there's other things to

25 look at, we will look at other things

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2           because we are coming in for the  
3           October meeting.

4           And if the regulations change, we  
5           have to adhere to them. So, we are in  
6           agreement.

7           You know, we are driving a car,  
8           but we just don't know what model.

9           So, you have a concept and that  
10          concept works; it's a concept that  
11          works. I don't know why that would  
12          hold up your neg dec.

13          MR. STACH: On the negative dec,  
14          the relevant point of that to this  
15          particular discussion is Number nine;  
16          it reads: (Reading a document).

17          "The project sponsor has provided  
18          a storm water management report and  
19          drainage system design report and the  
20          Town engineer has found erosion

21 impacts can be adequately mitigated."

22 So, I think you would, at a

23 minimum, like to get the Town

24 Engineer's verification at this point.

25 MR. MAHER: By using these means,

1           - Proceedings -       63

2           there is a that exists manual right  
3           now.

4           For example, the swale could be  
5           armored slightly when it comes into the  
6           pond area.

7           As far as the design, the basis  
8           of the design is correct.

9           It is just that these little  
10          tweaks to the design would make it more  
11          compliant with the regulations that are  
12          ready to be issued any moment.

13          And that is the discussion that I  
14          had with Dr. Aponti (phonetically  
15          written) that the report, on its face  
16          is sound, the design is basically  
17          sound, but they have to address those  
18          other water quality issues that I  
19          believe could be adequately satisfied.

20          I am not saying the entire

21 building needs has to have a rain  
22 garden around it. Rain gardens are  
23 not, it is not a new thing.  
24 It has -- it is being used in  
25 New York now. In New York, it is

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2           becoming more and more of a regular  
3           item that is installed with major  
4           developments, but it can simply have  
5           the roof leaders come down into  
6           whatever landscaping they have along  
7           side of the building and then you put a  
8           drain which takes the water slowly  
9           right out to the pond. It goes right  
10          to the pond, rather than letting it run  
11          together with a swale.

12          That will prevent erosion in the  
13          swale. And that's all we were  
14          concerned ---

15          MR. STACH: The rain guards, I  
16          understand, actually because I have  
17          dealt with them in another community,  
18          it is, basically, maintenance free. I  
19          believe that ---

20          MR. MAHER: If you use the right

21 selection of planting, it can be very  
22 easy to maintain. If you complicate it  
23 by putting in a lot of flora, and  
24 vegetation, if you put a lot of that,  
25 it does require a lot of tender loving

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2       care.

3           But if you keep it simple, it is  
4       easy to maintain itself.

5           It just flows in-and-out inside  
6       of the surface run off.

7           I believe that that will address  
8       Tom's concern about the swale being  
9       eroded during periods of very high  
10      volume.

11          MR. MC MENAMIN: You know, I  
12      think I will take back the comments  
13      about the Part III or adopting the neg  
14      dec, because small changes can ---

15          I wasn't concerned about the rain  
16      guards.

17          I am concerned, more concerned  
18      about the new regulations and that we  
19      can say we are applying the new  
20      regulations, to this application.

21 I'd like to have some kind of  
22 back-up that we are using the right DEC  
23 guidelines.

24 The other thing, the comments I  
25 made to Kevin were about the longest

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2           --- the life of the --- how the design  
3           will work.

4           I ran the numbers. And I agree  
5           with the output, and the reduction;  
6           overall reduction of the flow out, off  
7           of the property. I agree, or I pretty  
8           much I agree with that.

9           I think the design can be tweaked  
10          a little bit. I know there is a  
11          concern about what erosion can do over  
12          time, and to totally sending all of the  
13          new construction run-off into the pond,  
14          as opposed to the clean water basin.

15          So, I'm not totally against it.

16          Look, because I think it is still  
17          a work in progress.

18          I think that I heard that since  
19          that design was submitted, some other  
20          changes had been made to the building.

21           It's --- I understand that you  
22           have to go to the ZBA to get other  
23           things, but I made some comments.  
24           I just want to be clear, whether  
25           this is approved or not, all I am

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2           saying is that, I'm saying if we can  
3           mitigate the large impact by changes in  
4           site plan and if you do that, it will  
5           be a negative dec and no impact to the  
6           environment.

7           That was my concern about it.

8           That was a concern that I gave to the  
9           engineer to look at.

10          That's all.

11          THE CHAIRMAN: Is --- Max, it's  
12          number nine?

13          MR. STACH: Yes. It can be  
14          mitigated, but it hasn't been, but it  
15          can be.

16          THE CHAIRMAN: Right.

17          MR. STACH: I think that is the  
18          what the threshold is you, technically  
19          are held to by the negative dec, when  
20          you're talking about a preliminary

21 subdivision.

22 There are details that have to be

23 fleshed out, but, the fact that it is

24 a workable thing -- --

25 THE CHAIRMAN: Right, so, if we

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2           did the negative dec Kevin still has to  
3           approve -- -

4           MR. STACH: Yes, oh yeah. Kevin,  
5           as the Town Engineer, of course, would  
6           require drainage and --

7           THE CHAIRMAN: All right. So,  
8           we could adopt the neg dec?

9           MR. STACH: Before you do that,  
10          you would want to adopt the Part III.

11          THE CHAIRMAN: All right, so the  
12          Part III --- you made your comments, so  
13          ---

14          MR. ROGERS: Just one question on  
15          the aesthetic side; Dave, you're  
16          talking about the two point five  
17          seconds, visibility from the Palisades  
18          Interstate Parkway?

19          MR. ZIGLER: Yeah.

20          MR. ROGERS: That it's seen on

21 the Palisades Interstate Parkway.

22 MR. ZIGLER: Right.

23 MR. ROGERS: And the P.I.P., they

24 didn't have a problem with that. Do

25 they have a cross regulation that says

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2           it has to be ---

3           MR. ZIGLER: No. The only thing,  
4           all they asked us to do is put that  
5           twenty foot buffer on our property.

6           That's no problem for us. And  
7           really, if they go up there and do the  
8           maintenance, they would be cutting more  
9           trees back, so it will be visible more  
10          after the leaves fall.

11          You know, we have forwarded  
12          everything to them and they have no  
13          comments.

14          MR. ROGERS: One last thing; way  
15          back when there was an old fence  
16          running down there, down the property  
17          line, and the question was, whose fence  
18          was it and whose --- well, did you find  
19          out?

20          MR. ZIGLER: Yes. It's a

21 half-and-half; half is the neighbor's  
22 --- behind the neighbor with his pool.  
23 It's their fence, but the trees  
24 are on our side. The client has agreed  
25 to trim up the trees and dead branches

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2           and then closer to Swim Club Road, it  
3           is actually on the property line, so  
4           it's half on our portion which is from  
5           Swim Club, up to the second property,  
6           it is pretty well maintained, but there  
7           was a question about the dead limbs of  
8           the trees, and the Church said they  
9           would take care of that. And they are  
10          going to be moving the play area out of  
11          there.

12          MR. ROGERS: Yes, I saw that.

13          Thank you.

14          MR. MC MENAMIN: I have another  
15          question, Dave.

16          MR. ZIGLER: Yup?

17          MR. MC MENAMIN: I have been  
18          trying to ask the question about what  
19          trees are slated to be coming down.

20          You have a tree map on your

21 existing condition map and I compared  
22 them, the tree map to the developed  
23 conditions.

24 I counted around sixteen trees  
25 shown on the tree map that have to be

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2           removed because of the work that is  
3           going to be done.

4           So, I am just asking you if you  
5           can show the existing trees, that are  
6           shown in to existing condition and the  
7           developed condition on the ---

8           MR. ZIGLER: Yes, but we're making  
9           some changes to keep certain trees  
10          around the stream.

11          MR. MC MENAMIN: I only have this  
12          set, which is dated 6/28.

13          Actually, I counted sixteen that  
14          have to go because of the work shown  
15          now as it is.

16          MR. ZIGLER: We are going to fix  
17          that and modify that; absolutely.

18          MR. EMANUEL: Yes.

19          MR. MC MENAMIN: Thank you, Dave.

20          THE CHAIRMAN: Any other

21 questions?

22 MR. KREASE: Yes. Obviously, the

23 Palisades Interstate Parkway responded,

24 but - well, is there anything from any

25 of the neighbors?

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2           MR. ZIGLER: One neighbor said,  
3           "how come we didn't do the crane?"

4           The one neighbor said that. That  
5           was it.

6           MR. KREASE: Getting back to what  
7           Tom said, when we were in there on  
8           Saturday, you pointed to five trees  
9           that were marked with a green "X" and  
10          now you're saying sixteen trees?

11          MR. ZIGLER: There were three  
12          trees that we marked in the loop that  
13          were coming out.

14          MR. MC MENAMIN: They have a tree  
15          map that showed trees over eight inches  
16          in diameter.

17          MR. ZIGLER: Yes. There is a new  
18          plan where we are saving a line of  
19          trees. There is a corridor of trees  
20          that we are saving for the parking lot.

21           If you are standing at the crane,  
22           and looking down there's a corridor of  
23           trees, we're going to come up through,  
24           we're going to take out the gazebo in  
25           Phase Two and we are going to change

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2           the loop to save the trees. That will  
3           be referred to on our next map. That  
4           is going to be changed.

5           MR. KREASE: Very good.

6           MR. JAVENES: Dave, what happened  
7           to the culvert and the sewer pipe? You  
8           were talking about putting in a  
9           culvert?

10          MR. ZIGLER: Yes. We are going  
11          over the culvert, but it still requires  
12          a DEC permit, but we wouldn't be  
13          disturbing the stream, but because we  
14          are going over the stream, they would  
15          still have to redo it.

16          It is just a better plan on our  
17          part not to disturb the stream.

18          MR. MC MENAMIN: One other  
19          comment; in the Part III, in item  
20          three(b), Impact.

21 (Reading from the Part III.)  
22 MR. ZIGLER: Yes?  
23 MR. MC MENAMIN: You're saying  
24 all sewer lines will be in prior to  
25 utilization as mitigation?

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2 MR. ZIGLER: Yes. Absolutely.

3 MR. MC MENAMIN: It's a forced  
4 main?

5 MR. ZIGLER: Yes.

6 MR. MC MENAMIN: I think maybe you  
7 should say it will be tested to the  
8 height of the manufacturer's  
9 recommendations. Just talking about  
10 testing of the sewer line if ---

11 (Off-the-record discussion.  
12 Cross-talking.)

13 MR. ZIGLER: Okay.

14 THE CHAIRMAN: Anyone else have  
15 any questions at this point?

16 (No responses heard.)

17 MR. KREASE: I will make a motion  
18 to set a public hearing.

19 THE CHAIRMAN: I need a second?

20 MR. ROGERS: I will second it.

21 THE CHAIRMAN: Mary, just call

22 the roll, please?

23 MS. PAGANO: Yes. Mr. McMenamin?

24 MR. MC MENAMIN: Yes.

25 MS. PAGANO: Mr. Javenes?

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2           MR. JAVENES: Yes.

3           MS. PAGANO: Mr. Krease?

4           MR. KREASE: Yes.

5           MS. PAGANO: Mrs. Callaghan?

6           MRS. CALLAGHAN: Yes.

7           MS. PAGANO: Mr. Rogers?

8           MR. ROGERS: Yes.

9           MS. PAGANO: Chairman Gubitosa?

10          THE CHAIRMAN: Yes. Now, I need a

11          motion to adopt the negative

12          declaration?

13          MS. PAGANO: Read it first.

14          THE CHAIRMAN: Right.

15          "Proposed Draft State

16          Environmental Quality Review, Negative

17          Declaration; Notice of Determination

18          of Non-Significance.

19          "Project: Virgin Mary and Saint

20          Pachomious Church.

21 "Town of Stony Point, New York

22 "Date: July 22nd, 2010

23 "This notice is issued pursuant

24 to Part 617 of the implementing

25 regulation pertaining to Article 8,

1           - Proceedings -       76  
2       State Environmental Quality Review Act)  
3       of the Environmental Conservation Law.

4           "The Planning Board of the Town  
5       of Stony Point, as lead agency, has  
6       determined that the proposed action  
7       described below will not have a  
8       significant effect on the environment  
9       and a Draft Environmental Impact  
10      Statement will not be prepared.

11          "Name of Action: Virgin Mary and  
12      Saint Pachomious Church.

13          "SEQRA Status: Unlisted.

14          "Condition Negative Declaration:

15      No.

16          >Description of Action:

17      Expansion of an existing church  
18      building formerly used as a catering  
19      hall into a more traditional church  
20      building, with accessory educational

21 and banquet space.

22 "Location: North side of Swim

23 Club Road, 250 feet east of Sherwood

24 Farms Court in the Town of Stony Point,

25 Rockland County, New York 10980. Lot

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2           is designated as Section 14.02, Block  
3           1, Lot 30 on the Town of Stony Point  
4           Tax Map.

5           "Reasons Supporting this  
6           Determination:

7           "The proposed action is not  
8           anticipated to result in any adverse  
9           environmental impacts, based on the  
10          following:

11          "1) On or about March 4th, 2010,  
12          the Planning Board received a Part I,  
13          Full Environmental Assessment Form  
14          (EAF) providing project information.

15          "2) On or about April 22nd,  
16          2010, the Planning Board noticed its  
17          intent to declare lead agency status.

18          "3) On or about June 24th, 2010,  
19          the Planning Board assumed lead agency  
20          status and declared the action a Type I

21 Action. At this time, a Part II EAF  
22 was also adopted indicating potential  
23 large impacts to:  
24 "a) A protected water body,  
25 including extension of utilities

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2           through the protected water body;

3           "B) A freshwater wetland;

4           "C) A county stream;

5           "D) Erosion;

6           "E) Visual impacts to

7           aesthetic resources.

8           4) The Planning Board adopted a

9           Part III EAF at its July 22nd, 2010

10          meeting having reviewed the submission

11          and having found the documents provided

12          adequate information and analysis to

13          determine the importance of potential

14          large impacts;

15          "5) It was determined that there

16          will be no disturbance within 150 feet

17          of protected water bodies and that the

18          existing septic system will be disabled

19          and removed.

20          "6) The stream crossing will

21 follow all requirements of multiple  
22 agencies reviewing the proposal  
23 including the DEC and the Rockland  
24 County Drainage Agency and the Town of  
25 Stony Point. All sewer lines will be

2           vacuum tested for leaks prior to  
3           utilization.

4           "7) There will be no disturbance  
5           to Army Corps or New York State DEC  
6           wetlands.

7           "8) The Applicant will file for  
8           a Rockland County Drainage Permit and  
9           adhere to its requirements.

10          "9) The project sponsor has  
11          provided a storm water management  
12          report and drainage system design  
13          report and the Town Engineer has found  
14          that erosion impacts can be adequately  
15          mitigated.

16          "10) Upon review of the cross  
17          sections and a crane test, it was  
18          determined that the action would not  
19          result in a significant visual impact;

20          "11) No other potential large

21 impacts were identified for the site."

22 MR. STACH: May I submit one

23 change as the item one. I believe it

24 should be, "on or about March 4th,

25 2010".

1           - Proceedings -       80

2           THE CHAIRMAN: We will make that  
3 change. Kevin?

4           MR. MAHER: You also have to make  
5 a change with regard to the sewer  
6 testing. You still have the document  
7 saying, "...vacuum testing".

8           It should be that you have to  
9 test the pipe according to the pipe  
10 manufacturer's recommendations, and/or  
11 appropriate State or Federal  
12 regulations. That would be number six.

13          You have to change that.

14          THE CHAIRMAN: Okay. Anything  
15 else?

16          (No responses heard.)

17          THE CHAIRMAN: We need a motion.

18          MR. ROGERS: Okay. With those  
19 changes, I will make the motion to  
20 adopt the neg dec.

21 THE CHAIRMAN: I need a second.

22 MRS. CALLAGHAN: Second.

23 THE CHAIRMAN: Mary, just poll

24 the Board, please?

25 MS. PAGANO: Mr. McMEnamin?

1           - Proceedings -       81

2           MR. MC MENAMIN: Yes.

3           MS. PAGANO: Mr. Javenes?

4           MR. JAVENES: Yes.

5           MS. PAGANO: Mr. Krease?

6           MR. KREASE: Yes.

7           MS. PAGANO: Mrs. Callaghan?

8           MRS. CALLAGHAN: Yes.

9           MS. PAGANO: Mr. Rogers?

10          MR. ROGERS: Yes.

11          MS. PAGANO: Chairman Gubitosa?

12          THE CHAIRMAN: Yes. Now, you want

13          us to set a public hearing?

14          MR. EMANUEL: Yes. But, can you

15          set a public hearing for the October

16          meeting?

17          THE CHAIRMAN: I just need a

18          motion to set a public hearing for the

19          October meeting?

20          MR. ROGERS: I will make it.

21 THE CHAIRMAN: Second?

22 MR. STACH: I have a question

23 before that; are you --- the ZBA will

24 be hearing you when?

25 MR. EMANUEL: In September. That

1           - Proceedings -       82

2           is why I asked for a public hearing in  
3           October.

4           MR. STACH: Oh, right. Sorry  
5           about that.

6           MR. EMANUEL: No problem. We can  
7           get the application in next week if we  
8           have to, but we will certainly be  
9           there at the ZBA for the September  
10          meeting.

11          MR. ZIGLER: The application is in  
12          already.

13          MR. KREASE: We will be back in  
14          September.

15          MR. ZIGLER: We will update the  
16          plans.

17          (Cross-talking.)

18          THE CHAIRMAN: Motion was made by  
19          Jerry. I need a second.

20          MR. KREASE: I will second the

21 motion to set the Public hearing for  
22 the October meeting.

23 THE CHAIRMAN: Okay, the motion  
24 was seconded by Mr. Krease.

25 We will have the Public Hearing

1           - Proceedings -       83

2           for you in October.

3           MR. EMANUEL: Thank you.

4           THE CHAIRMAN: Thank you.

5           MR. ZIGLER: Thank you.

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1            - Proceedings -            84

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

3

----- X

4

In the Matter of the Application

5

RE:

6

STONY POINT AMBULANCE CORPS,

7

Applicants.

8

----- X

9

8:50 o'clock p.m.  
July 22nd, 2010  
RHO Building  
Five Patriot Drive  
Stony Point, New York  
10980

10

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12

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

13

14

B E F O R E : THOMAS GUBITOSA,  
Chairman

15

16

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

17

18

THOMAS MC MENAMIN, Member  
GLADYS CALLAGHAN, Member

19

EUGENE KREASE, Member  
GERRY ROGERS, Member

20

KARL JAVENES, Member  
PETER MULLER, Member (Not present)

21

MARY PAGANO,  
Secretary to the Board

22

23

Reported by:

24

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

25

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2

Appearances continued: 86

3

STONY POINT AMBULANCE CORPS  
BY: CHERYL HUBERT

4

5

FERRICK, LYNCH & MAC CARTNEY, Esqs,  
96 South Broadway

6

South Nyack, New York 10960  
BY: DAVID RESNICK, Esq., Special  
Counsel

7

8

WILLIAM SHEEHAN, Town Building  
Inspector  
(Not Present)

9

10

LIZ VERRIER, Deputy Town Attorney  
(Not Present)

11

KEVIN P. MAHER, P.E, Town Engineer

12

ROBERT GENESLAW COMPANY,  
Planning Consultants

13

Two Executive Boulevard - Suite 401  
Suffern, New York 10901

14

BY: MAXIMILIAN STACH, Town Planner  
ROBERT GENESLAW, Town Planner  
(Not Present)

15

16

ATZL, SCATASSA & ZIGLER

17

Surveyors/Planners for Applicant  
234 North Main Street

18

New City, New York 10956  
BY: DAVID ZIGLER, P.E.

19

And the Public.

20

PULEO REPORTING & TRANSCRIPTION

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

1           - Proceedings -       87

2           THE CHAIRMAN: Next item the  
3 agenda is the Stony Point Ambulance  
4 Corps.

5           Nobody is here?

6           MS. HUBERT: No, no. I'm here.

7           THE CHAIRMAN: Who are you?

8           MS. HUBERT: Cheryl Hubert, Nine  
9 Autumn Lane, Stony Point.

10          THE CHAIRMAN: Can you give us an  
11 update?

12          MS. HUBERT: Yes.

13          When we met with you a couple of  
14 weeks ago, you made some suggestions  
15 about moving.

16          We came up with another plan.

17          Can I show you the copy?

18          I know you were concerned about  
19 the shrubs and the bushes and the trees  
20 in the back of the property for the

21 neighbor. They were moved so that they

22 wouldn't impact the neighbors.

23 Here is the diagram,

24 (indicating).

25 They go along the fence, along

1           - Proceedings -       88

2           here (indicating) and we have moved  
3           them down here, (indicating on a  
4           diagram) and the retaining wall, as  
5           well; the five foot retaining wall, as  
6           well.

7           Also, the parking spaces were  
8           also asked about. The ten parking  
9           spaces will be to the south of the  
10          parking area and we would use two  
11          handicapped spots to separate the  
12          membership from the apartments.

13          MR. MC MENAMIN: So, all of those  
14          the back spots ---

15          MS. HUBERT: There will be six  
16          here (indicating on the diagram), and  
17          two handicapped and one extra, and the  
18          rest will be for the members.

19          MR. MC MENAMIN: So, everything  
20          back here (indicating) is for the

21 apartments?

22 MS. HUBERT: Yes.

23 MR. MC MENAMIN: All this, the

24 handicapped spots will be for the

25 public, though?

1 - Proceedings - 89

2 MS. HUBERT: Yes.

3 MR. MC MENAMIN: I see. Okay.

4 MS. HUBERT: If I can answer any  
5 other questions, I'd love to.

6 If, unfortunately, the one other

7 two members are not here;

8 unfortunately, one is sick and the

9 other is away on business, so I try to

10 answer.

11 THE CHAIRMAN: Mary, do we have

12 these maps?

13 MS. PAGANO: Do we have these

14 maps?

15 MS. HUBERT: You can have them

16 now. They should have submitted by the

17 architect.

18 MR. KREASE: Did you get them,

19 Mary?

20 MS. PAGANO: I don't know. I

21 don't think so.

22 MR. KREASE: Just remind the

23 architect that the secretary of the

24 Planning Board didn't get them.

25 MS. HUBERT: Okay.

1           - Proceedings -       90

2           THE CHAIRMAN: Yes. Also, ask him  
3           to just include the floor plans for the  
4           upstairs. We saw them here, but we  
5           didn't get copies. We just wanted to  
6           have them, so if there were any  
7           questions --

8           MS. HUBERT: Okay.

9           MS. PAGANO: No, we don't have  
10          that map. You went on the site visit on  
11          the tenth.

12          THE CHAIRMAN: Okay, right.

13          MR. JAVENES: Did you provide a  
14          sample lease agreement?

15          MS. HUBERT: No, but that's not a  
16          problem. I know they're addressing it.

17          It's not a problem.

18          MR. STACH: Do you have any action  
19          before the Town Board at this time; any  
20          applications?

21 MS. HUBERT: I know there was an  
22 application or a discussion as to  
23 whether we need a variance or a waiver.

24 MR. KREASE: On the apartments?

25 MS. HUBERT: No. On the property,

1           - Proceedings -       91

2           because it is listed as a business.

3           MS. PAGANO: For the zoning.

4           MS. HUBERT: I'm sorry; the

5           zoning problem; a waiver or special

6           permit. We are looking for a special

7           permit, I think.

8           MR. STACH: They can't make a

9           decision until you finish your SEQRA.

10          MR. KREASE: Right.

11          MR. STACH: They're asking for a

12          waiver to allow the apartments.

13          MS. HUBERT: I think it was a

14          special permit.

15          MR. STACH: Special permit?

16          MS. HUBERT: Um-hum.

17          THE CHAIRMAN: Yes. I think it

18          was for a special permit, too. Is that

19          correct?

20          MR. KREASE: What do you have to

21 do at SEQRA?

22 MR. STACH: At this point, we did

23 a Notice of Intent. It was on the

24 twenty-fourth. It is now the

25 twenty-second.

1           - Proceedings -       92

2           So, you set a site visit last  
3           time.

4           MR. KREASE: We did that.

5           MR. STACH: If it was done on the  
6           twenty-fourth. Thirty days hasn't  
7           run, so you weren't allowed to assume  
8           lead agency status.

9           You can't do it until next month.

10          MR. KREASE: Do you understand  
11          that we can't assume lead agency until  
12          next month because of the time period  
13          and we will go into the Part II after  
14          that, next month?

15          THE CHAIRMAN: Yes; next time. We  
16          will see everyone at the tech meeting.

17          MS. HUBERT: Right. Thank you.

18                       \* \* \*

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1            - Proceedings -            93

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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:

K.B.T. PROPERTIES, LIMITED,

Applicants.

----- X

9:40 o'clock p.m.  
July 22nd, 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
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member (Not present)

21

MARY PAGANO,  
Secretary to the Board

22

23

Reported by:

24

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

25

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Appearances continued: 95

DONALD S. TRACY, Esq.  
Attorney for Applicant  
317 South Little Tor Road  
New City, New York 10956

LOCH SURVEYORS & ENGINEERS  
Surveyor/Engineer for Applicant  
433 Viola Road  
Spring Valley, New York 10977  
BY: JOHN LOCH, Engineer

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

WILLIAM SHEEHAN, Town Building  
Inspector  
(Not Present)

LIZ VERRIER, Deputy Town Attorney  
(Not Present)

KEVIN P. MAHER, P.E, Town Engineer

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

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 -       96

2           THE CHAIRMAN: Moving on to item  
3 four, KBT. Mr. Loch?

4           MR. LOCH: Yes, John Loch.

5           THE CHAIRMAN: Okay, tell us where  
6 we are, John?

7           MR. LOCH: I think we are in a  
8 much better place than where we are  
9 were.

10          We actually didn't appear at the  
11 meeting, last time, as we had a number  
12 of outstanding issues with a lot of  
13 outside agencies.

14          We have addressed most of them.

15          Looking back on things, we are  
16 looking back to our May fifth updated  
17 narrative, the plans that were  
18 submitted at the time.

19          At that point, the plans that  
20 were submitted, at that time, we

21 submitted a location, the excavation  
22 soil testing results on the site plan.  
23 We had put in the storm water  
24 filter strip details and changed the  
25 location somewhat. We added a berm.

1           - Proceedings -       97

2           We had some discussions with  
3           Haverstraw regarding plantings and  
4           we've had further discussions modifying  
5           them. We added those for erosion  
6           control measures.

7           We indicated re-paving under the  
8           two existing bridges for the access and  
9           the details needed for grading on that.

10          We added some notes regarding the  
11          storage of fertilizers, pesticides and  
12          herbicides.

13          We have also provided some  
14          documentation regarding a list of  
15          materials that may be stored at the  
16          site. That was in May.

17          In June, at that point, we had  
18          some additional studies done, and we  
19          also looked into certain issues with  
20          outside agencies.

21           Specifically, in June, we  
22           provided you with a traffic report  
23           prepared by John Collins. The soil  
24           testing done by Taylor Environmental  
25           (phonetically written).

1           - Proceedings -       98

2           We copied you on Haverstraw with  
3 regard to their issues and we also  
4 contacted the DEC regarding a  
5 jurisdictional determination.

6           Briefly, the traffic report  
7 doesn't indicate any regional problems.  
8 It does recommend some traffic control  
9 measures for the underpass.

10          We have no problem with having  
11 those designed.

12          The soil testing report from  
13 Taylor doesn't indicate any significant  
14 issues.

15          We have had quite a bit going  
16 back-and-forth with Haverstraw.

17          We have also have some  
18 information from the DEC.

19          Specifically from Haverstraw, we  
20 had discussions with them concerning

21 what they're concerns were with the  
22 development of the site.

23 We have addressed them. I  
24 believe that Haverstraw has sent a  
25 letter to you.

1           - Proceedings -       99

2           As of today, they indicated it  
3           was faxed to the Planning Board from  
4           Silverberg Atlantis (written  
5           phonetically).

6           I don't know if your secretary  
7           has distributed it or not.

8           THE CHAIRMAN: No, we didn't get  
9           it.

10          MR. LOCH: Additionally, the  
11          reports from Corker and Corker  
12          (phonetically written) the planning  
13          consultant. Maser (phonetically  
14          written) is the engineering company.

15          Briefly, they said if we go with  
16          the conditions, as recommended in their  
17          report, they would have no real issues  
18          with this.

19          Now, what we have done to  
20          demonstrate things to them, is we have

21        been modifying the plans.

22                There are a few items that this

23        Planning Board has not seen with the

24        last submission, with respect to those

25        plans.

1           - Proceedings -       100

2           Frankly, we just got the review  
3           from Haverstraw, I think, on Monday.

4           One of their complaints was they  
5           said that they haven't received  
6           anything from what they have submitted  
7           to Stony Point.

8           Stony Point assured us they were  
9           sending things. We can't address why  
10          they don't have them, but we did make  
11          arrangement to provide them with the  
12          documentation so that they have all the  
13          documentation.

14          I will briefly go over the ---

15          MS. PAGANO: The maps were sent to  
16          them on May 5th, like we always send  
17          them to everyone else. What they did  
18          with them, we don't know.

19          MR. LOCH: All right. I don't  
20          have a way to dispute it one way or the

21 other. They're saying they don't have

22 it.

23 THE CHAIRMAN: Who are you dealing

24 with in Haverstraw?

25 MR. LOCH: Excuse me?

1           - Proceedings -       101

2           THE CHAIRMAN: Who are talking to  
3           in Haverstraw?

4           MR. LOCH: We have been dealing  
5           with the Supervisor's office. And we  
6           have also been dealing directly with  
7           the Planning Consultants.

8           THE CHAIRMAN: If you don't copy  
9           us, like we have asked you to -- --

10          MR. LOCH: We have copied you on  
11          the things that were submitted.

12          However, with the GML review,  
13          which required transmittal of certain  
14          things, such as the site plan, that was  
15          sent from Stony Point to them.

16          THE CHAIRMAN: No, I meant with  
17          Haverstraw. I'd just like to know, I  
18          mean, you are talking to the  
19          Supervisor's office and ---

20          MR. LOCH: Well, we have asked

21       them to coordinate. We had a sit down,  
22       one sit down meeting with their  
23       consultants.

24               We have copied you on the  
25       correspondence, back-and-forth with the

1           - Proceedings -       102

2           Consultants and the indication we have  
3           is that the --

4           THE CHAIRMAN: I haven't seen them  
5           John. I didn't see anything like that,  
6           John.

7           MR. LOCH: My understanding is  
8           that some of them just came in today.

9           THE CHAIRMAN: Okay. Then we can  
10          talk about those next time.

11          MR. STACH: You said there was a  
12          letter from the attorney, the planner,  
13          and the engineer?

14          MR. LOCH: Yes, we have a letter  
15          from Silverberg, that is dated today.  
16          We have a letter from them.

17          I will be happy to provide copies  
18          to you.

19          THE CHAIRMAN: They came to the  
20          office today. We will have them in

21 next months packet.

22 MR. LOCH: Okay. Briefly, since  
23 these are resolved issues, we have had  
24 with prior reviews, we have made  
25 alterations in the planning, along the

1           - Proceedings -       103

2           common boundary.

3           I'm sorry, would you like a

4           closer view?

5           (Putting go up a map.)

6           MR. LOCH: Briefly -- --

7           MRS. CALLAGHAN: Can we move it

8           out closer so that I can ---

9           MR. LOCH: Certainly.

10          Briefly, we have increased the

11          plantings in here through this area

12          (indicated on a map) and provided them

13          in a staggered pattern. It is a

14          mixture of evergreens, that is likely

15          to prevent a problem if you have a

16          blight of a species.

17          We have Blue spruce, white cedar,

18          red cedar, and red and white pines.

19          We have also added plantings on

20          the berm of the property to provide

21 additional screening. This was more at  
22 the request of Stony Point with regard  
23 to issues and concerns about the views  
24 from down near the Hudson River.

25 We have added some additional

1           - Proceedings -       104

2       notes with respect to contractor  
3       storage and the erosion control  
4       measures.

5           We have also included the same  
6       areas included in the narrative, with  
7       respect to what type of materials we  
8       are looking to store.

9           We have provided bulk tables for  
10       which I'd like to have some sort of a  
11       discussion regarding it.

12          I have the detail sheet, which I  
13       have upside down at the moment. I will  
14       fix it. I'll fix that. One second.

15          (Fixing the map.)

16          MR. LOCH: The most significant  
17       change on the detail sheet is, is that  
18       we have a berm. The water quality  
19       system that we have indicated for the  
20       capturing the water off the site and

21 filtering into the ground. And we have  
22 added a note stating that we made the  
23 berm wider to accommodate that.

24 This particular revision of the  
25 plans will be reviewed by Haverstraw.

1           - Proceedings -       105

2           It is noted in their reviews and  
3           their comments, which presumably you  
4           will be examining next month.

5           THE CHAIRMAN: Yes.

6           MR. LOCH: Although there is  
7           really nothing more than that, they're  
8           saying that we haven't addressed their  
9           previous comments.

10          Okay, we had, of course,  
11          submitted the soil testing and traffic  
12          reports.

13          I don't know if there are any  
14          comments from the Board on those  
15          documents.

16          MR. STACH: I didn't see it, at  
17          this time, though, the traffic reports  
18          has been forwarded to John Sarno  
19          (phonetically written). Have you not  
20          heard back yet?

21 MR. MC MENAMIN: I have a question

22 on traffic.

23 In there it said, John Collins

24 said, his statement is that with the

25 improvements, we can expect decreased

1           - Proceedings -       106  
2       volumes as one of the improvements.  
3       Though it is talking about --- is this  
4       --- I have two concerns; one of them --  
5       I guess one of them is the underground  
6       crossing.  
7           He indicates that you need to do  
8       a lot of work there.  
9           Are you saying you are going to  
10      do that? You are going to do this  
11      traffic signalization that it talks  
12      about, that it's calling for, or  
13      everything that is in here, because  
14      that is just a one-lane tunnel.  
15           MR. LOCH: Actually, it is not  
16      just a one-way tunnel. It is not a  
17      tunnel at all. It is really two  
18      bridges. It is an underpass.  
19           Technically speaking, it is not  
20      one lane. It does meet the width

21 requirements for two lanes of traffic.

22 However, we admit, if you have

23 large trucks going through there, it

24 could be uncomfortable for people.

25 We are looking at signalization

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2           of that, as recommended by the Board.

3           Yes, and we have already

4           indicated on the plans the appropriate

5           grading.

6           MR. MC MENAMIN: I have seen the

7           plans.

8           MR. LOCH: The plan's submitted

9           many ---

10          MR. MC MENAMIN: Would you go over

11          that?

12          MR. LOCH: Certainly.

13          You have got two bridges here

14          (indicating on a diagram).

15          You have a bridge for the

16          railroad and also you have a bridge to

17          connect the facilities from the former

18          Insul-X paint plant.

19          You then have a road under here

20          (indicating).

21           The clearance, right now is right

22           around thirteen feet.

23           However, what happened is over a

24           period of time, there has been a build

25           up of blacktop materials in there and

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2           it's over there (indicating on a  
3           diagram).

4           All we are looking to do is from  
5           the catch basin system to catch basin  
6           system, mill out the pavement and  
7           repave it.

8           It works for the grading and  
9           drainage and provides us with a  
10          thirteen-and-a-half foot clearance.

11          MR. MC MENAMIN: So you will  
12          change ---

13          MR .LOCH: We will not have to  
14          change anything significantly, except  
15          slightly for the paving grades. We  
16          will not have to change anything  
17          significantly. You are talking about  
18          material removal.

19          You know, we need to make sure we  
20          have a good base. We will need,

21 obviously, four to six inches and then,

22 you know, repave it. It works

23 grade-wise.

24 All of this drainage is already

25 in and is piped out and connected to

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2           the system here (indicating).

3           MR. MC MENAMIN: How is the  
4           traffic signal going to work? Is it  
5           going to be one lane of traffic in one  
6           direct and you stop it ---

7           MR. LOCH: Yes. That is basically  
8           what they have recommended.

9           MR. MC MENAMIN: Where will that  
10          occur?

11          MR. LOCH: We will probably have  
12          one back in this area (indicating on a  
13          map) and you'll have one back on the  
14          other side.

15          We have a thirty foot width for  
16          the easement. We have the possibility  
17          to have vehicles pass each other. The  
18          only area that is even slightly tight  
19          is the underpass.

20          MR. MC MENAMIN: Didn't Insul-X

21        have a crossing on their property, on  
22        that location, too? On one side?

23            MR. LOCH: I don't know. You,  
24        you mean the overpass?

25            MR. MC MENAMIN: Yes.

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2           MR. LOCH: Yes.

3           MR. MC MENAMIN: Well, isn't it

4           also ---

5           (Cross-talking.)

6           MR. LOCH: East of there?

7           MR. MC MENAMIN: That is ---

8           MR. LOCH: You have a crossing

9           back here (indicating).

10          MR. MC MENAMIN: So that will go

11          across. So, where would your signal be

12          in relationship to that? After that?

13          MR. LOCH: Yes.

14          MR. MC MENAMIN: So, cars will

15          stop there at that signal and if

16          backed-up, then Insul-X wouldn't be

17          able to go across their grade crossing.

18          MR. LOCH: We don't have a really

19          high volume.

20          MR. MC MENAMIN: Is that what your

21 traffic consultants are recommending?

22 MR. LOCH: Yes. Yes.

23 MR. MC MENAMIN: How is the  
24 signalization system going to work?

25 MR. LOCH: Well, actually there

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2           are two things; in looking at the  
3           signalization system.

4           One of which was, one which he  
5           didn't think the volume necessarily  
6           warranted having loop detectors  
7           because the volume is so low, but he  
8           would take another look at that.

9           That is in the report.

10          But, yes, there's two ways it can  
11          be done in terms of the signalization.

12          You can either have loop  
13          detectors, detecting how much traffic  
14          there is backed up on one side or the  
15          other for controlling the intersection,  
16          or you can have it work simply on  
17          timing.

18          There is very low volume timing.

19          He is indicating that it can work  
20          simply just on timing.

21 MR. MC MENAMIN: Okay, but I think

22 that has to be fleshed out, how you

23 want to do it, so if ---

24 MR. LOCH: I believe that is an

25 appropriate item for site plan.

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2           MR. MC MENAMIN: Thank you.

3           The second thing I want to talk  
4           about is the grade, the at-grade  
5           crossing.

6           There's been some discussion  
7           about crossing gates, but the traffic  
8           report doesn't talk about that or does  
9           it -- the County suggests it; it does  
10          not require it, but they suggested ---

11          MR. LOCH: It is not something  
12          that is within the economic realm of  
13          the project.

14          MR. MC MENAMIN: Here's what you  
15          want to do; well, have you done a  
16          study with regard to grade-crossing  
17          sight distances?

18          MR. LOCH: With respect to what  
19          issue?

20          MR. MC MENAMIN: With respect to

21       how much sight distance there is for a  
22       car crossing the grade-crossing --

23             MR. LOCH: Yes, we have looked at  
24       that.

25             MR. MC MENAMIN: What were the

1           - Proceedings -       113

2       results?

3           MR. LOCH: The results were, it  
4       was indicated that it was adequate  
5       with respect to the crossing and  
6       specific numbers.

7           Because, the standards of care is  
8       not whether you can the stop the train  
9       based upon the visual.

10          MR. MC MENAMIN: What I am worried  
11       about is, how long before the train  
12       gets there, can you see it?

13          There has been some testimony I  
14       have heard regarding that crossing  
15       being dangerous because of the sight  
16       distance up and down that track.

17          MR. LOCH: Whose testimony?

18          MR. MC MENAMIN: I don't remember.

19          But did you look at this and  
20       think about it?

21 MR. LOCH: Yes; we looked at it  
22 after we had the comments from the  
23 County.  
24 MR. MC MENAMIN: And?  
25 MR. LOCH: We included that in our

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2           written comments, our written response  
3           to you.

4           The way the County was looking at  
5           it as if you had to stop the train.

6           MR. MC MENAMIN: They were  
7           suggesting crossing gates.

8           MR. LOCH: Okay, my recollection  
9           is the County was looking at a project  
10          to stop all railroad whistles.

11          They would like everything to be  
12          silent.

13          They're talking about whistles.

14          They don't want the trains blowing the  
15          whistles.

16          If you have a four-way gate, you  
17          don't have to blow the whistle, and the  
18          County is looking ---

19          MR. MC MENAMIN: What about a  
20          bell?

21 MR. LOCH: There is a bell on the  
22 site on the east of the track.

23 MR. MC MENAMIN: There is?

24 MR. LOCH: Yes, there is. There's  
25 a bell at this crossing. The bell is

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2           on the east side of the tracks. It is  
3           set off by the train.

4           MR. MC MENAMIN: On both sides?

5           THE CHAIRMAN: John, John.

6           MR. LOCH: The bell is just  
7           sitting on one side. If you are there,  
8           you hear that bell long before a train  
9           comes into view.

10          MR. MC MENAMIN: In an either  
11          direction?

12          MR. LOCH: Yes.

13          MR. MC MENAMIN: North or south?

14          MR. LOCH: Yes, yes. It trips  
15          the bell.

16          MR. MC MENAMIN: Thank you.

17          Along with that, you have to look  
18          at the sight distances and feel that it  
19          is a safe crossing regarding how much  
20          time or how much distance you get to

21 look down or up the train tracks to see

22 if it is clear.

23 MR. LOCH: Yes.

24 MR. MC MENAMIN: Clear. Thank

25 you.

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2           MR. JAVENES: We just don't want  
3           to see anyone get killed there when  
4           they're trying to cross the tracks.

5           MR. LOCH: I understand that is  
6           the way it was. I don't remember  
7           anybody testifying here that it was a  
8           dangerous condition.

9           THE CHAIRMAN: John, John, the  
10          County did.

11          MR. LOCH: No, the County ---

12          THE CHAIRMAN: The County did say  
13          that this crossing is dangerous due to  
14          limited sight distance as you are  
15          approaching the railroad crossing.

16          John, And I am reading from the  
17          County ---

18          MR. LOCH: Yes, and I am  
19          responding to it.

20          MR. MC MENAMIN: Now you have a

21 traffic study here?

22 MR. LOCH: Yes.

23 MR. MC MENAMIN: Now you are

24 talking about volumes. I think this is

25 appropriate to bring it up again

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2           because it is, like the most important  
3           thing we are talking about here; is the  
4           access to your site.

5           That is why I am bringing it up  
6           again because I want to talk about it.

7           MR. LOCH: Okay. Thank you.

8           MR. MC MENAMIN: One of my  
9           concerns were the sight distance.

10          Your traffic consultants says,  
11          it's his own conclusion. I will read  
12          it.

13          He feels, "...we conclude that  
14          the expected volumes on the site can be  
15          accommodated with the completion of the  
16          improvements." And the improvements he  
17          is talking about only are the  
18          underground crossing and you are  
19          intending to do those improvements.

20          Are there any other improvements

21 that you are intending to do here?

22 MR. LOCH: No. Not that I am

23 aware of.

24 MR. STACH: You don't talk about a

25 light, but you are saying that you will

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2           put the light on the site plan

3           approval? Is that correct?

4           MR. LOCH: That's correct; right

5           now, this action is before your Board,

6           seeking a recommendation to the Town

7           Board with respect to the Special

8           Permit.

9           MR. MC MENAMIN: Based on the

10          plans that we were presented with.

11          Correct?

12          MR. LOCH: Yes.

13          MR. MC MENAMIN: I'd like to see,

14          see a traffic signal on there. You seem

15          to agree with it.

16          MR. LOCH: We have agreed that we

17          will put that on there. We will put

18          that on and have it designed.

19          I am surprised in certain

20          respects with the level of the details

21 and concern on the design with respect  
22 to making a recommendation to the Town  
23 Board for a special permit.  
24 MR. STACH: I think that this  
25 Board has always, always come together

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2           with the site plan prior to a  
3           recommendation to the Town Board.

4           We have to finish SEQRA before  
5           the Town Board can act on the special  
6           permit.

7           MR. DONALD TRACY: Mr. McMenamin,  
8           I am also concerned about the access to  
9           the site, but if I may point to you, it  
10          is an access that this Planning Board  
11          gave us when they subdivided the  
12          property.

13          We have no other access, except  
14          for this.

15          With regard to the signalization,  
16          with respect to the present access, it  
17          has have worked well for Insul-X,  
18          during that period of time when they  
19          were bringing in eighteen wheelers with  
20          paints.

21           Also, there is, as part of the  
22           County's plan, to gate every railroad  
23           crossing in Rockland County, to silence  
24           the necessity for blowing whistles.  
25           This particular piece of property

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2           is in Phase Four of the County's plan.

3           Phase Four will be implemented  
4           sometime around 2016 and at that time  
5           the people who are responsible for the  
6           private road, will be asked to pay for  
7           the installation of the signalization.

8           With respect to roads that are  
9           crossings that are not private, "X"  
10          will be paid, but this already part of  
11          the County's plan.

12          You know, I keep hearing about  
13          the access.

14          Well, we would like to have a  
15          better access, but the Planning Board  
16          didn't give it to us.

17          They gave us two, thirty foot  
18          easements, with one exception; we do  
19          have fifty foot access.

20          If I can point that out, for

21        ingress and egress. It starts off at  
22        thirty feet.  
23                You have to pardon me. I am  
24        getting more and more challenged every  
25        day. I have to move up here to hear.

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2           We have an easement which  
3 presently is existing. Show it to me  
4 here, John.

5           MR. LOCH: This is the one coming  
6 from the underpass?

7           MR. DONALD TRACY: No. The one  
8 that goes down the side of the property  
9 that's been blocked -- --

10          (Off-the-record discussion.)

11          MR. LOCH: This one, (Indicating  
12 on a map), through here.

13          MR. DONALD TRACY: We have an  
14 easement directly from the traffic  
15 light right, on through, that has been  
16 permitted to be blocked off by the  
17 numerous trees, by a large rock wall  
18 and by the buffer area and plantings  
19 for Shop Rite.

20          We kept quiet because if we were

21 to come in here and say, "Hey, that  
22 easement is existing. We are going to  
23 use that. That will be our access."  
24 That will run right along side  
25 all of the residential houses and we

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2           would, without doubt, create a fervor.

3           People will be in here screaming,  
4           so we, at the request of one of the  
5           Town Fathers, when I raised this  
6           question about the fact that the  
7           easement still existed and may not been  
8           extinguished, I was informed during  
9           the Shop Rite proceeding, "Don't raise  
10          the question", and I acquiesced.

11          We can sit around talking about  
12          the access, all day, but it is what it  
13          is. It is all that we've got and all  
14          that you gave us.

15          MR. MC MENAMIN: Mr. Tracy, I am  
16          not trying to tell you have to go back  
17          and use the easement behind the  
18          shopping center.

19          I am looking at your application  
20          and the existing access to your

21 application and what you want to do.

22 We have had other applications

23 for other things going in here and we

24 looked at the same problems.

25 It is a matter of looking at the

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2           access and looking at what you want to  
3           do today on this piece of property and  
4           trying to figure out if that is an  
5           adequate access that you have or that  
6           we gave you many years ago. I wasn't  
7           there. I don't remember giving you any  
8           access, but we are just trying to look  
9           at this application and those accesses  
10          that you are showing us that you want  
11          to use. And that's all.

12                 MR. DONALD TRACY: I appreciate  
13           that. I hope you don't think I am  
14           trying to be argumentative.

15                 MR. MC MENAMIN: No. That's the  
16           discussion that you had with somebody  
17           else, who is not here before us right  
18           now -- --

19                 MR. DONALD TRACY: You must admit  
20           that the traffic and the type of the

21 traffic that governed W.R. Leasing,  
22 that the ball field was going to use,  
23 was certainly, would be much more  
24 intense use than what we are going to  
25 use here.

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2           MR. MC MENAMIN: Absolutely. They  
3           went away and now you are here and you  
4           have got a different application.

5           I read your traffic studies. I  
6           got the volumes. I got the plan.

7           I have a Planner telling us what  
8           you are going to do here and now, I say  
9           okay, that train-crossing is going to  
10          be blocked sometimes with a train. It  
11          will be blocked sometimes and people  
12          will be forced to use the underpass.

13          I want to know, how will it work?

14          If there will be two cars there  
15          at one time, John says they can fit  
16          there, but in reality only one car can  
17          fit at a time without scraping the car  
18          door handles and I want to know, how's  
19          it going to work?

20          MR. LOCH: Can I summarize?

21 THE CHAIRMAN: No need to  
22 summarize, since, we haven't seen this  
23 plan ---

24 MR. LOCH: It's a special access.  
25 There's nothing different on this

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2           plan with respect to access. Nothing  
3           is different than what was submitted to  
4           your Board in May.

5           THE CHAIRMAN: All right. Go on.  
6           What is next?

7           MR. LOCH: We have the crossing  
8           up here (indicating a map).

9           We have looked at the sight  
10          distance and saw the comments from  
11          Haverstraw. Back in February we  
12          responded to you.

13          The standard that they were  
14          looking at was to stop a train and that  
15          people should have adequate sight  
16          distance. In February, we responded  
17          with the sight distances and they were  
18          adequate.

19          THE CHAIRMAN: What about the  
20          County?

21 MR. LOCH: Okay. I can't control  
22 the County. I can respond to them.

23 But, basically, we have said for  
24 a normal standards, that is an adequate  
25 sight distance.

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2           You go up and walk to this  
3 crossing (indicating) you will see, and  
4 you're looking in the range of  
5 five-to-six hundred feet.

6           THE CHAIRMAN: Sometimes you still  
7 can't see, but move on.

8           MR. LOCH: Moving on.

9           A concern was that sometimes it  
10 is blocked. WE know that sometimes,  
11 yes, it does get blocked, periodically.  
12 It is not very often, but it does  
13 happen.

14          We talked to Haverstraw about  
15 emergency access. We have worked out  
16 an agreement with Haverstraw.

17          We have the emergency access  
18 through the landfill site and, in turn,  
19 we have provided them an emergency turn  
20 access through our site.

21 THE CHAIRMAN: Do we have that?  
22 MR. LOCH: I don't know if you  
23 have copies ---  
24 MR. DONALD TRACY: He was in the  
25 process of preparing it. Now that he

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2           has the metes and bounds for  
3           Haverstraw. The Board has approved it.

4           MR. LOCH: Okay, concerning the  
5           --- the concern was --- we still don't  
6           like this because the County would like  
7           a four-way crossing, of course.

8           It is not within our ability,  
9           economically, to put a four-way  
10          crossing on there. First of all, say  
11          we didn't mind, and tonight you are  
12          telling us about an emergency exit that  
13          we didn't even know about and thanks  
14          for telling us about the emergency use  
15          or access for the dome. We do  
16          appreciate it, and we just don't have  
17          the money to put a four-way gate there.

18          You are saying about the  
19          emergency situation? We didn't even  
20          know about that. Thanks for telling us

21 about the exit through the dome. I

22 appreciate that. Thank you. We are

23 making progress.

24 THE CHAIRMAN: John, wait. Just

25 the same, we have asked you hundreds of

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2           times, John. I'd like to be notified  
3           of when you talk with Haverstraw.  
4           Maybe some of us would like to be  
5           there.

6           You might not like it. I  
7           understand, but it our prerogative.

8           You are telling me things. You  
9           are saying, "We have emergency access",  
10          whatever; we don't know.

11          We don't know, and we've asked  
12          since January and we'd like to know.

13          John, there and --- can you look  
14          at me when I am talking, please.

15          MR. LOCH: I can still listen to  
16          you without looking at you.

17          THE CHAIRMAN: No, John. I need  
18          you to look at me.

19          (Cross-talking)

20          MR. DONALD TRACY: Gentlemen, just

21 look in your records. Look in your  
22 records. This emergency access was  
23 resolved months ago.

24 THE CHAIRMAN: No, No. I have  
25 asked to be copied on everything. You

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2           come here telling me you have emergency  
3           access with Haverstraw.

4           I have no idea what you are  
5           talking to Haverstraw about. That's  
6           all we're saying. I understand. I  
7           don't want to be confrontational. I am  
8           asking a question.

9           We are the Planning Board. We  
10          have to do what we do. This is what we  
11          do. When I'm asking, I need to know.

12          When you just tell me, "I met  
13          with Haverstraw...", we have no idea.  
14          We have to be notified of it.

15          I don't know what they are  
16          telling you. None of us do.

17          We are sitting here trying to  
18          approve this thing and you say, "Oh,  
19          we have emergency access. We have  
20          notified Haverstraw". We have no idea.

21 We haven't seen these plans.  
22 That's all I'm saying.  
23 When you talk to Haverstraw, we  
24 just want a little copy note. Even one  
25 of us would like to go. How this is

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2           ---

3           MR. LOCH: First of all, we are  
4           not about to start inviting you to  
5           meetings.

6           THE CHAIRMAN: Why not?

7           MR. LOCH: Because they're not  
8           open public meetings and we are not  
9           going to start having public  
10          discussions with regard to trying to  
11          satisfy everybody's needs.

12          THE CHAIRMAN: All right. John,  
13          move on.

14          MR. LOCH: With respect to this,  
15          we provided that on the plan several  
16          months ago. It's just been brought up  
17          in review by your own consultants and  
18          discussions before this Board and also  
19          it was initially brought up in  
20          Haverstraw, their consultants, because,

21 frankly, the Planning Board consultants

22 didn't realize we were discussing it

23 with the Haverstraw Town Board.

24 So, this is not new. They're not

25 new. We are here. We discussed doing

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2       this and ---

3           THE CHAIRMAN: Next. Keep going.

4           MR. LOCH: Okay. When it became a

5       concern that you have trouble passing

6       vehicles through here --- which, by the

7       way, which by the way, the width of the

8       overpass is more than half the width of

9       some of the County roads you have here

10      in Stony Point.

11           You have public roads that are

12      eighteen feet wide and they are not

13      scraping door handles.

14           A lot of the traffic will be

15      large trucks, so we don't want people

16      to be uncomfortable with that, so we

17      have said we will put signals in.

18           That is not something that is

19      new.

20           And, basically, it was included

21 in the traffic report, which I applaud  
22 Mr. Mc Menamin for having read it. I  
23 appreciate that.

24 Now, with respect to the access,  
25 we have the access up here (indicating

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2           a portion on a map), that, in our  
3           opinion, it has provides adequate sight  
4           distance, with respect to vehicles that  
5           are crossing, contrary to the County's  
6           opinion, that it is a totally under  
7           signalized access, yet there is a bell.

8           You can go listen and look at  
9           it. Enjoy. Have a good time there.

10          We have proposed improvements for  
11          the underpass, including the  
12          re-grading to attain a  
13          thirteen-and-a-half foot clearance,  
14          because the building inspector has  
15          indicated that that is a standard that  
16          is required.

17          We have provided an emergency  
18          access through Haverstraw. I do  
19          apologize. We don't have the final  
20          details on that yet.

21           We will provide that to you as

22           soon as we have them.

23           MR. MC MENAMIN: That was

24           discussed in the future? Today you are

25           telling us it's a done deal?

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2           MR. LOCH: Yes, it is.

3           MR. DONALD TRACY: Mr. Chairman,

4           if I may; at the last tech meeting ---

5           I think you were on vacation, and

6           Mr. Muller was presiding --- I asked a

7           question.

8           I see the Town of Haverstraw, and

9           I'm not going to tell what we had to go

10          through to pull this stuff out, but, I

11          see them telling you these are the

12          hours of operation. These are the

13          uses.

14          But, I asked a question. I said,

15          has the Town of Haverstraw submitted to

16          this Planning Board, the Town of Stony

17          Point, their plans for their desal

18          plant? Do they know whether it's

19          going to be thirty or fifty feet high?

20          Do they know if there is going to

21 be emissions from it?  
22 And the answer is, this is a  
23 sovereign Board and I understand the  
24 necessity and the desire for  
25 cooperating with the neighbors in the

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2           municipality, but you guys are calling  
3           the shots.

4           What we have done, is taken the  
5           objections of three consultants of  
6           Haverstraw, who stuck their noses in  
7           here, Mr. Silverberg, Mr. Corker,  
8           (phonetically written) and Mr. Crusoe.

9           We were in there with the  
10          Supervisor. We sat down and said,  
11          "What is this?" He called them in.  
12          They said, "All right, what are you  
13          going to do? This is what we are  
14          concerned about."

15          We worked out what they were  
16          concerned about and we sent them a map,  
17          which has really, nothing to do with  
18          this Board, because this Board can take  
19          a look at the map of what Haverstraw  
20          wants and tell them to go fly a kite.

21 This is the Town of Stony Point; not  
22 the Town of Haverstraw.

23 However, we have to admit that it  
24 is for the benefit of the site and  
25 makes a good neighbor.

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2           Everyone has been -- I have been  
3           trying for three months to get the  
4           easement, which would be reported to  
5           this Board when we are working on the  
6           emergency access easement. And we  
7           found the report somewhere in the  
8           records, some five or six months ago.

9           Mr. Stein, unfortunately being  
10          braver than I, went in and had his hip  
11          replaced, so he's been out of action.

12          Anyway, when he got back, we got  
13          together with Pat Brady, and got a  
14          description of what they wanted. We  
15          prepared that last end of it. They  
16          said, "Okay."

17          I had prepared the easement, but  
18          I couldn't give him metes and bounds  
19          for Haverstraw.

20          What I did was, I just put on the

21 existing road, they said, "No, we need  
22 metes and bounds", and gave the map to  
23 Mr. Loch. He made metes and bounds.  
24 I finished that off and sent it  
25 off two weeks ago.

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2           Let me also deal with the report  
3           that you have from New Paulz ---

4           MR. LOCH: They don't have that  
5           yet.

6           MR. DONALD TRACY: What?

7           MR. LOCH: They don't have that.

8           MR. DONALD TRACY: Why don't they  
9           have it; why?

10          MR. LOCH: We just got it.

11          MR. MC MENAMIN: I know we just  
12          got it. You think we could give it to  
13          them?

14          MR. LOCH: That's why we're here  
15          tonight.

16          We have a time frame for  
17          submission of the documents.

18          MR. DONALD TRACY: I hear you. I  
19          hear you.

20          Anyway, with respect to a very

21 thorough report on this property from  
22 New Paulz, this Board requested that.  
23 I thought it was unusual, because  
24 I thought, why are they requesting an  
25 approval of our site plan I thought,

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2           "Why are they requesting an approval of  
3           our site plan from the DEC in New  
4           Paulz?", while this Board has the site  
5           plan authority. The Board monitored  
6           the building, or rather the Town Board  
7           approved it, and if I would tell you  
8           what it took to -- one, actually the  
9           presence to go up and sit in New Paulz  
10          every morning and say, "How about this  
11          report?".

12          They say, "Well, now it's going  
13          to solid waste and now it's going to  
14          aesthetic services." Now, it's going  
15          here and now it's going there.

16          Why is it taking that long?  
17          They've never been asked to do this  
18          before. They said they didn't have a  
19          procedure in place that gives you a  
20          total evaluation of our site plan and

21 all of these things, we come before the  
22 Board and the Board says, "What are you  
23 coming here for when you have nothing  
24 different than you had last month?"

25 And the answer is, yes, it is

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2           true, because it takes months and  
3           months and months to dig out the  
4           material that you want.

5           I thoroughly appreciate the fact  
6           that this Board is doing a thorough job  
7           and I do not criticize that, but I just  
8           --- you have to bear with us on some  
9           things.

10          We fought the Drainage Agency.

11          In fact, we said you have no  
12          jurisdiction. They showed us maps from  
13          1955, from the photo, aerial maps,  
14          which are totally inaccurate and which  
15          never have been approved by the  
16          legislature of the County of Rockland,  
17          as required by the Rockland County  
18          Stream Control Act.

19          So, from my point of view, the  
20          Drainage Agency has jurisdiction over

21 nothing.

22 We met with the County Attorney  
23 and met with the Drainage Agency and  
24 said, "Look, we are not going to fight.  
25 These are the defects we've seen in

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2           your project. Research them, if you  
3           want, because we already have and we  
4           are going to submit a permit."

5           MR. LOCH: We applied for a permit  
6           application.

7           MR. DONALD TRACY: I'm sorry, but  
8           we submitted an application.

9           And you call them. You say,  
10          "Hey, where is our application? They  
11          say, "Oh, we are getting to it. Oh,  
12          we're getting to it."

13          MR. LOCH: They acknowledged  
14          receipt. That's all we were able to  
15          get out of them.

16          That is the entire response from  
17          the Drainage Agency. They acknowledged  
18          receipt of our application. That is  
19          it.

20          MR. MC MENAMIN: Can you put

21       yourself in our position? We are  
22       sitting here and the Drainage Agency  
23       claims to have jurisdiction over your  
24       property and you want us to ignore  
25       that? Is that what you're asking us to

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2       do?

3           MR. DONALD TRACY: Right.

4           MR. MC MENAMIN: We can't. We are

5       doing our best here. I hope it is not

6       a left-handed complement that you are

7       giving us, but we are trying to do the

8       right thing.

9           We had some questions about the

10       fill. We asked for some documentation.

11          I appreciate the work you had to

12       go through to get us the information.

13       We really felt we needed that or we

14       wouldn't ask for it.

15          We need to know the Drainage

16       Agency is okay with this.

17          We needed the Town of Haverstraw

18       to say that they're okay with this.

19          I know it is probably odd, but I

20       think it is important.

21 I think the best thing I heard  
22 tonight is that there is an emergency  
23 access. I think that it is great.  
24 I'm sorry you had to work so hard  
25 to get here.

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2           We are trying to work with you,  
3           but there is a lot of issues here.

4           MR. DONALD TRACY: I have no doubt  
5           of that, Mr. McMenammin. What mea culpa  
6           is, is, "Hey, to understand what you  
7           have asked us to do, that we are  
8           pounding people on the heads to give us  
9           this and give us that and give us the  
10          other thing".

11          We are meeting with the  
12          Haverstraw -- we are meeting with the  
13          Drainage Agency.

14          You don't know how --- I'm not  
15          saying look, it has always been my  
16          experience in dealing with municipal  
17          agencies, that they get paid the same  
18          whether they work and finish in a week  
19          or they work and finish in a month.

20          God bless them.

21 I am glad we have them, but you

22 raised a question about the sight

23 distance.

24 If you stand on Beach Road, you

25 can see the site. That was about

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2           three meetings ago.

3           MR. MC MENAMIN: Today, I see that

4           you addressed it three months later.

5           Thank you.

6           MR. DONALD TRACY: You know what I

7           think? You know what I think you are

8           going to see when you stand there? I

9           think you are going to see a desal

10          plant.

11          MR. KREASE: Can I just say, I was

12          at the tech meeting and you had a valid

13          question about why are we cowing down

14          or yielding so much to Haverstraw, and

15          the answer was at the tech meeting that

16          it was out of our control. And that

17          is right, to some point.

18          And again, I've dealt with --- it

19          was the Town Board of the Town of Stony

20          Point.

21            Again, with respect to what Tom  
22            had to say, I have dealt with the DEC  
23            and permits long before I came on this  
24            Planning Board.  
25            You are absolutely right. You

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2           are a hundred percent right. The  
3           system is flawed. It is antiquated.

4           You can't find nothing and you can't  
5           get anything.

6           You can't find anything.

7           But you have to understand, like  
8           he said, from our position, if we just  
9           let this go, everyone who walks through  
10          the door would want the same thing. So  
11          our hands are really tied.

12          I know it's a fact. I just  
13          wanted to address a couple things; Mr.  
14          Loch said, you said that that diagram  
15          there was reviewed by Haverstraw?

16          MR. LOCH: Yes.

17          MR. KREASE: Well, we don't have  
18          it. You say it's the exact, same  
19          thing, but you said that you added bulk  
20          contents to it, right?

21 MR. LOCH: It was too late to  
22 submit it to this Board, in terms of  
23 your submission date.

24 That plan was dated Tuesday.

25 MR. KREASE: Okay.

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2           MR. LOCH: But, again, I  
3 indicated what the differences were.

4           How we responded to Haverstraw;  
5 the comments, most of which were  
6 already before this Board.

7           I also tried to indicate to you  
8 how we've addressed Haverstraw's  
9 comments. That you have, essentially,  
10 already received letters.

11          But, I realize that they're late.  
12 The one from Haverstraw was at 1:39  
13 this afternoon.

14          MR. KREASE: I understand.

15          MR. DONALD TRACY: John, the  
16 answer is --

17          MR. LOCH: But, essentially, we've  
18 addressed the comments that Haverstraw  
19 had.

20          MR. KREASE: But the bottom line

21 is, they're saying that ---

22 MR. TRACY: When did they have

23 that map?

24 MR. LOCH: They will have it

25 before the first Thursday of next

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2           month.

3           MR. KREASE: All I am saying is if  
4           Haverstraw had a chance to review it,  
5           we should have had a chance to review  
6           it, also.

7           Getting back to the sight  
8           distances, with respect to the  
9           railroad, I personally went down there  
10          and when I am going from west-to-east,  
11          looking north, I personally, find it  
12          intrusive looking from north. All  
13          right, if it is only a matter of  
14          clearing shrubs, tress, but that's my  
15          own, personal observation of that.

16          So, you stated before that it is  
17          cost prohibitive to do anything with  
18          the railroad crossing, and the DEC  
19          letter is coming to them.

20          Well, let's go back. I've dealt

21 with the DEC over permits for years.

22 And I will say that they're atrocious.

23 They are.

24 But, when you file for a permit,

25 it has to get closed at some point

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2           along the line. That's my impression  
3           of it.

4           There's something open somewhere  
5           from the DEC, which no one can even  
6           find, basically, and we are just trying  
7           to close it out, because that is what  
8           we have to do.

9           And I'm not saying --- I don't  
10          think it's right, either, but ---

11          The Haverstraw letter --- you  
12          know, I don't know why we are waiting  
13          for the Haverstraw letter.

14          I don't know how we got involved  
15          with Haverstraw having so much to say  
16          about our business.

17          Then, again, are you going to  
18          come back with another site plan. I  
19          know the building inspector is not here  
20          today, but you're going to put the bulk

21 rate regs on the plan next month?

22 MR. LOCH: Yes. That will be on

23 --

24 MR. KREASE: --- next month. All

25 I am saying, you are trying. We are

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2           trying. We're back now to --

3           MR. LOCH: August.

4           MR. KREASE: Yes. You are going

5           to get upset if ---

6           MR. LOCH: You were at the tech

7           meeting, and all of the things we

8           wished to discuss at the tech meeting,

9           which, for example was the parking,

10          which we tried to bring up with the

11          building inspector a number of times,

12          parking requirements will be presented

13          at the tech meeting.

14          We tried to bring it up a number

15          of times because your bulk regulations

16          don't have parking that makes sense

17          with regard to the relevant site. It

18          just refers to how much office space

19          you have.

20          MR. KREASE: I also was under the

21 impression that he also wanted you to  
22 come up with some sort of an idea of  
23 approximately how many contractors you  
24 said you would have there.

25 One of the answers and concerns

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2           was an answer you made where you said,  
3           "Well, we'd like to have as many as we  
4           can."

5           And then we brought up the fuel  
6           situation, where you're only allowed to  
7           have a thousand gallons per contractor.

8           But, so, if you had 20 or 30, you would  
9           have 20 or 30 thousand gallons of fuel.

10          We know that that's not going to  
11          happen, but you have to understand that  
12          these are questions we had to ask  
13          because, what if there were 30  
14          contractors, all landscapers, they all  
15          had a truck and had a thousand gallons  
16          and something happened? And there's no  
17          bulk requirement?

18          Yes, the building inspector  
19          should have looked into it. He is not  
20          here. And I didn't get a chance to talk

21 to him, so ---

22 MR. LOCH: The Town doesn't have

23 anything on their books with respect to

24 that.

25 However, that will be covered by

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2           certain aspects of the building code  
3           and it is also covered by the County  
4           Health Department regulations and the  
5           DEC regulations on bulk storage.

6           For small, fuel storage, which is  
7           also covered by County and DEC, we have  
8           indicated things that are suitable for  
9           portable tanks.

10          If --- if, we actually had thirty  
11          people in here, how do we know we  
12          wouldn't end up with thirty tanks lined  
13          up next to each other.

14          MR. KREASE: I understand, but you  
15          have the right to do that. I  
16          understand your situation, but you have  
17          to understand, our hands are tied by  
18          law, too.

19          Now, just one more thing, and  
20          then I will let the attorney handle it,

21 but are you happy with the easement?

22 We have been asking for ---

23 MR. RESNICK: I would like to have

24 copies of them. Can you get us a copy

25 of what you have in the file, rather

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2           than spending two hours pulling all the  
3           easements?

4           MR. DONALD TRACY: Did you get the  
5           easements I sent you?

6           MR. RESNICK: I got the letter  
7           with the synopsis of the easements. Do  
8           you have the actual ---

9           MR. DONALD TRACY: Wait, wait a  
10          minute. I gave you that. Do you want  
11          me to go to the County Clerk's office  
12          and do you want me to pull the actual,  
13          physical easements out?

14          MR. RESNICK: I figured you had  
15          them on file already, with copies. I  
16          can do it. I can do it on the computer  
17          or go to the clerk myself, if -- --

18          MR. DONALD TRACY: I will take a  
19          morning and try to do it.

20          MR. RESNICK: I don't want you to

21 do that. I thought you just had

22 copies if they did a review.

23 MR. DONALD TRACY: I thought you

24 wanted to know what easements were

25 there and that's what I gave you.

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2           MR. RESNICK: I would like to  
3 review them myself.

4           MR. DONALD TRACY: You want the  
5 metes and bounds of each easement?

6           MR. RESNICK: Yes.

7           MR. DONALD TRACY: All right. I  
8 will get them for you.

9           MR. KREASE: I understand that we  
10 just got a letter from you, from  
11 Haverstraw, whatever they want us to  
12 do, and you are saying that the letter  
13 from the DEC will satisfy whatever  
14 other concerns we have?

15          MR. DONALD TRACY: We should have  
16 ---

17          MR. KREASE: And next month we  
18 will have a new site plan with bulk  
19 regulations on it.

20          Correct, John?

21 MR. LOCH: Actually, I would like  
22 to discuss one of the aspects of the  
23 bulk regulations with the Board,  
24 because, essentially, you don't have  
25 anything with respect to parking that

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2           makes sense.

3           MR. KREASE: Let me ask you this;  
4           wouldn't it be better if you just put  
5           the site plan in and just put on what  
6           you proposed and confer with the  
7           building inspector?

8           I mean, he would know more about  
9           if there is no regulations on the  
10          books, he would know better what will  
11          be required to satisfy him.

12          MR. LOCH: We have asked that  
13          question a number of times.

14          MR. KREASE: I know what you're  
15          saying. There's no ---

16          MR. DONALD TRACY: John, please,  
17          don't beat a dead horse.

18          We need a special permit. If the  
19          Town Board says, "Make more parking",  
20          we will make more parking.

21           If the parking is fine, based on  
22           the recommendation of the Planning  
23           Board ---  
24           MR. LOCH: Well, on the parking,  
25           we will show ten spaces on gravel --

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2           MR. KREASE: This is also July.

3           We would like to move along, too. We  
4           got this application in October.

5           We don't like to take too long to  
6           make any kind of decisions. We don't  
7           like having things --

8           THE CHAIRMAN: John, you know  
9           what?

10          We haven't seen it yet. We can  
11          discuss it next month. We can't give  
12          you any input because we haven't seen  
13          it.

14          MR. STACH: Can I discuss, Mr.  
15          Chairman, if he is unable to get a  
16          definitive answer on the parking  
17          requirements, that you put something in  
18          the bulk table what your best  
19          understanding of what the code says,  
20          and then if the Building Department or

21 the Building Inspector disagrees with  
22 you, to let you know what the correct  
23 one is.

24 So, at least there is something  
25 on the map that is listed as a

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2           requirement and then what you are  
3           actually proposing to do, to provide,  
4           in terms of the parking for the site  
5           and perhaps a typical parking  
6           arrangement for the contractor.

7           That will probably help the Board  
8           review the necessities of ---

9           MR. LOCH: We will do that with  
10          the parking. I appreciate your  
11          comments on that.

12          I know this gentleman has found  
13          past dealings with the DEC to be  
14          frustrating and we have found it to be  
15          interesting, as well.

16          One of the more difficult things  
17          is that every time you get reviews from  
18          the various agencies, you get from  
19          Haverstraw, the County, you think you  
20          need a DEC permit.

21 Well, we finally got the DEC to  
22 do a comprehensive review of what  
23 permits we need. I does come up with  
24 that we will have to do a SWFF  
25 (phonetically written), which is not a

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2           big surprise, that's something that  
3           gets filed as a construction document.

4           But essentially, the highlight of  
5           their letter comes in to things like  
6           fresh water wetlands.

7           Having looked at this plan, a  
8           fresh water wetland permit is not  
9           required for the use on the property of  
10          the water.

11          In summary, again, it says permit  
12          not required.

13          Water quality certification.

14          Again, we go with --- really,  
15          there is no waters within their  
16          jurisdiction on that.

17          (Reading from a document).

18          We did get a --- we finally got a  
19          response from the state listing  
20          endangered species.

21           Which basically says, while shown  
22           as being historically documented for  
23           Stony Point, they are not aware of any  
24           data with respect to this property;  
25           incident tape permit, (phonetically

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2           written) permit is not required. I  
3           mentioned the (inaudible) and we would  
4           have to get that permit. That permit  
5           is required.

6           The only two things they came up  
7           with that we have to do, we have to  
8           submit for historical preservation  
9           review, simply because everything in  
10          Stony Point, basically, falls into that  
11          zone now, but we are not expecting them  
12          to come up with anything that will  
13          require or trigger a permit on that.

14          That is the substance of the  
15          letter, but we get reviews from  
16          agencies saying, "Oh, you must need a  
17          permit." But nobody reads the  
18          conditions.

19          There's reports; we get report  
20          after report, reports from the County,

21 saying we need something, when we have  
22 a jurisdictional report from the Army  
23 Corps saying that we don't ---

24 MR. DONALD TRACY: You are  
25 starting to sound like a lawyer, John.

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2 MR. KREASE: I will make a motion  
3 to close.

4 THE CHAIRMAN: Second?

5 MR. ROGERS: Second.

6 THE CHAIRMAN: All in favor?

7 (Unanimous affirmative vote).

8 THE CHAIRMAN: Good evening, all.

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2           THE CHAIRMAN: John, we  
3 understand. You are frustrated like we  
4 are. We just understand. You are  
5 showing us stuff we haven't seen. We  
6 are not saying you're not right. We  
7 are just saying that we haven't had a  
8 chance to look at them.

9           MR. DONALD TRACY: I'm not  
10 frustrated because I think this was a  
11 good meeting. I appreciate the input.

12           You are --- I appreciate the  
13 input you're giving and I feel that we  
14 moved a giant step forward.

15           MR. ROGERS: Mr. Tracy, with the  
16 traffic signalization, do you consider  
17 that your main entrance, visa vis the  
18 other entrance there?

19           What is that.

20           (Indicating on a diagram).

21 MR. DONALD TRACY: I don't know  
22 the answer to that.

23 MR. ROGERS: Okay. I am just  
24 curious.

25 MR. DONALD TRACY: I know when I,

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2           I go, how I go in.

3           I go over the railroad tracks  
4           when I take my dog down to exercise or  
5           not ---

6           THE CHAIRMAN: All right.

7           We will see you at the tech  
8           meeting. We jut have to look at this  
9           stuff.

10          We haven't seen it, so I don't  
11          know how to comment on that.

12          MS. PAGANO: The Town clerk's  
13          letter, do you want that? I will just  
14          ---

15          (Off-the-record discussion.)

16                   \* \* \*

17          THE CHAIRMAN: All right.

18          We have to accept the minutes of  
19          the May 27th meeting. I need a motion  
20          to accept the minutes.

21 MR. ROGERS: I will make a motion

22 to accept the minutes, Mr. Chairman.

23 THE CHAIRMAN: I need a second?

24 MRS. CALLAGHAN: I will second it.

25 THE CHAIRMAN: Motion to close?

