

21

22

23

24

25

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

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

----- X

In the Matter of the Application

RE:

OTHER BUSINESS - SEMBLER SUBDIVISION

Applicants.

----- X

7 o'clock p.m.
June 24th, 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 (Not present)
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by:

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

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

HEADER

Appearances continued: 3

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)

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

And the Public.

21 PULEO REPORTING & TRANSCRIPTION
SERVICES

22

61 Crickettown Road

23

Stony Point, New York 10980

24

(845) 429-8986 FAX and Phone

25

1 - Proceedings -
2 (The June 24th, 2010 Planning
3 Board of the Town of Stony Point.)
4 THE CHAIRMAN: Please stand.
5 (At this time the Pledge of
6 Allegiance was recited.)
7 THE CHAIRMAN: Roll call, Mary,
8 please?
9 MS. PAGANO: Mr. McMenamini?
10 MR. MC MENAMIN: Here.
11 MS. PAGANO: Mr. Muller?
12 MR. MULLER: Here.
13 MS. PAGANO: Mrs. Callaghan?
14 MS. CALLAGHAN: Here?
15 MS. PAGANO: Mr. Rogers?
16 MR. ROGERS: Here.
17 MS. PAGANO: Chairman Gubitosa?
18 THE CHAIRMAN: Here.
19 All right we are going to take
20 two things out of order tonight.

21 One of the things I ask if you
22 have your cell phones, please put them
23 on vibrate for me?
24 Right now we are going to go the
25 the matter of the Sembler subdivision;

1 - Proceedings -

2 Sembler is first, and they are looking
3 for ninety day extension to the time of
4 signing the map --- oh, Max has to
5 leave.

6 MR. STACH: Right. I have to
7 recuse myself.

8 (At this time Mr. Stach leaving
9 the podium.)

10 THE CHAIRMAN: Basically what we
11 have is, we granted them an extension
12 back in March with regard to signing
13 the map and I know that there are still
14 some issues going on, on the easement
15 between the two properties.

16 Right now, the ninety days runs
17 out on July 23rd, which is before our
18 next Planning Board meeting, so we need
19 to give you the extension now.

20 MR. ZIGLER: Yes. Basically, I

21 supplied at the workshop, with a cross
22 easement agreement that has been filed,
23 so, I need this time extension.

24 The next thing we will do, as
25 soon as we get back the filing

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

- Proceedings -

information and that agreement is
filed, the map with the Planning Board
has to be filed and signed, so that we
can then take it on its merry way and
file it as a subdivision.

THE CHAIRMAN: All right. Any
questions from the Board?

(No responses heard.)

THE CHAIRMAN: Which, we will
just need a motion to grant the ninety
days extension.

MR. ROGERS: Mr. Chairman, I will
make the motion.

MS. CALLAGHAN: I will second it.

THE CHAIRMAN: Mary, poll the
Board, please.

MS. PAGANO: Yes. Mr.
McMenamin?

MR. MC MENAMIN: Yes.

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

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

- Proceedings -

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

THE CHAIRMAN: Yes.

MR. ZIGLER: Thank you.

* * *

21

22

23

24

25

1 - Proceedings -

2 Certification

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

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

3

----- X

4

In the Matter of the Application

5

RE:

6

THE STONY POINT AMBULANCE CORPS,

7

Applicants.

8

----- X

9

7:20 o'clock p.m.
June 24th, 2010
RHO Building
Five Patriot Drive
Stony Point, New York
10980

10

11

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
EUGENE KREASE, Member (Not present)
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member

19

20

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by:

24

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

25

1

2

Appearances continued: 10

3

BRIAN HOROWITZ, Ambulance Corps
President

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

11

LIZ VERRIER, Deputy Town Attorney
(Not Present)

12

KEVIN P. MAHER, P.E, Town Engineer

13

14

ROBERT GENESLAW COMPANY,
Planning Consultants

15

Two Executive Boulevard - Suite 401
Suffern, New York 10901

16

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

17

(Not Present)

18

19

And the Public.

20

PULEO REPORTING & TRANSCRIPTION
SERVICES

21

61 Crickettown Road

22

Stony Point, New York 10980

23

(845) 429-8986 FAX and Phone

24

25

1 - Proceedings - 11

2

3 THE CHAIRMAN: Next, we will go
4 to the fourth item on the Town agenda,
5 which is the Stony Point Ambulance
6 Corps for a site plan, located on the
7 west side of South Liberty Drive, south
8 of Route 210.

9 This is a new application.

10 MR. HOROWITZ: Brian Horowitz.

11 Can we hold off on that one,
12 please? We are waiting for someone.

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 - Proceedings - 12

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

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

3

----- X

4

In the Matter of the Application

5

RE:

6

VIRGIN MARY & SAINT PACHOMIOUS COPTIC
ORTHODOX CHURCH,

7

8

Applicants.

----- X

9

7:50 o'clock p.m.
June 24th, 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 (Not present)
GERRY ROGERS, Member
KARL JAVENES, Member

19

20

21 PETER MULLER, Member

22 MARY PAGANO,
Secretary to the Board

23

Reported by:

24

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

1

2

Appearances continued: 14

3

4

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

12

KEVIN P. MAHER, P.E, Town Engineer

13

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)

17

18

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

19

20

And the Public.

21

PULEO REPORTING & TRANSCRIPTION
SERVICES

22

23

61 Crickettown Road

24

Stony Point, New York 10980

25

(845) 429-8986 FAX and Phone

1 - Proceedings - 15

2 THE CHAIRMAN: All right. Then we
3 we will go on to item 2. Saint Mary
4 and Saint Pachomious Coptic Orthodox
5 Church. This is the a plan, also. Mr.
6 Zigler, if you can just give us an
7 update today?

8 MR. ZIGLER: Hi. I am Dave
9 Zigler, from Atzl, Scatassa and Zigler
10 for the Applicant.

11 At the last Planning Board
12 meeting, the Board did not have the
13 thirty days yet, the time to be voting
14 on the Part II. The thirty days is up
15 now.

16 Basically, what we are asking
17 is, we are asking the Board to adopt
18 the Part II, slashing the
19 transportation as we discussed, because
20 there is really no difference in the

21 project as it exists today, so that
22 will be our first request is that the
23 Board adopts the Part II.
24 The second thing would be, some
25 of the members of the Board wanted to

1 - Proceedings - 16

2 have a site or visual of the height of
3 the building and we want to set a hard
4 date on that.

5 Basically, that will be visible
6 only from the site, with a quick trip
7 up the P.I.P., as you start to make the
8 curve, where you think that Marvellos
9 is, there is a 55 mile an hour zone
10 there, and as you go up the Palisades
11 Interstate Parkway, you can look to the
12 right, to the right of that, and you
13 will see nothing but leaves.

14 We did profiles in the section by
15 --- which we will include in our Part
16 III and we also did some interesting
17 field work.

18 These are some of the churches
19 around the Town.

20 (Indicating documents.)

21 MR. ZIGLER: --- some are in
22 Haverstraw, so I will say the North
23 Rockland area, that probably you didn't
24 realize how high they were, the
25 steeples.

1 - Proceedings - 17

2 So, we just want to bring that
3 into the fact. We just wanted to
4 bring that into prospective with what
5 we are talking about is the church
6 itself.

7 Okay. This is the church, this
8 is the roof, at the tip, being
9 forty-five (45) feet and then the cross
10 being, the total to the top is
11 sixty-five (65), so if you look at this
12 (indicating a photograph) this is the
13 one up on Buckberg there. It's right
14 up above the deli.

15 Okay? That one is fifty-nine
16 (59) foot to the top.

17 Then this is the Presbyterian
18 Church. That is the second one. That
19 is on West Main Street.

20 And that is, this next one, is

21 fifty-eight (58) foot to the top of the
22 bell tower.

23 The Trinity Church that is right
24 down on East Main, that one is
25 fifty-nine (59) foot, not including the

1 - Proceedings - 18

2 cross up on top. It was too small for
3 the transom to pick up. The transom
4 will pick up certain things, but that
5 cross was way too small.

6 Saint Mary's Church, on Conklin,
7 across from the old high school, that's
8 a serious one. That is one hundred
9 seventeen (117) foot high to the cross.
10 That's a serious one. That far higher
11 than ---

12 I mean, these are things you just
13 don't realize when we talk about
14 height, unless it has floors. It's one
15 hundred seventeen foot, the steeple.
16 With floors, you would see the height,
17 but when you start talking about
18 churches, and peaks, they are a little
19 bit different.

20 Next is Saint Peter's in

21 Haverstraw. That is one hundred twenty
22 (120) foot and then we have Saint
23 Gregg's down on Cinder Road, that's the
24 new addition to it (indicating a
25 photograph) the top of the cross there

1 - Proceedings - 19

2 is fifty-one (51) foot and the last
3 one, is on Central Highway by the post
4 office; that's forty-two (42) foot to
5 the top of the cross.

6 So, these are some churches in
7 the surrounding neighborhood.

8 We thought that would be good for
9 you to look at, maybe, and if you can
10 set a hard date on the field visual, we
11 would be glad to have you do that.

12 MR. MC MENAMIN: Are you doing a
13 balloon test, Dave?

14 MR. ZIGLER: There's two things.

15 We are trying to do so, the
16 balloon test may be, or we're replacing
17 it with the crane, so that we would
18 have --- unfortunately we can't ---
19 well, if there's too much wind with the
20 balloon, you don't get the true height,

21 so, we are trying to find us someone

22 who will help us out with a crane.

23 And then the third thing is the

24 sewer. With the sewer we met with

25 Kevin on the sewer, which requires a

1 - Proceedings - 20

2 Town extension for a sewer district.

3 The original sewer was pumped from our
4 site up to 210.

5 Kevin made the recommendation
6 that if the price is the same, install
7 some gravity sewers and then to offset
8 that line, that pumps with the gravity
9 sewer and extends the sewer service to
10 other areas, so we are doing two plans.

11 We are doing one with what we
12 have now and a hard plan with the
13 gravity sewer extension and do a cross
14 analysis, cost analysis and then we
15 will probably meet with Kevin at his
16 convenience, some time next week.

17 So, that is what we are doing.

18 What we would like the Board to
19 do, is to just adopt the Part II and we
20 will come back next month with

21 basically, finished plans and finish up
22 the drainage. We submitted a concept
23 drainage report also of the site.
24 MR. MULLER: With the sewer
25 extension, how many additional homes

1 - Proceedings - 21

2 are you looking to add?

3 MR. ZIGLER: Probably it would be
4 the one on the corner and then two on
5 Sherwood; probably two, maybe five
6 houses would hit it, but it does bring
7 it closer to other areas across the
8 street, which are having problems on
9 Cedar Flats.

10 MR. MC MENAMIN: The pump station
11 will still be on your property?

12 MR. ZIGLER: Yes, the poump
13 station would be private, on the
14 property and just serving the two units
15 on the property.

16 MR. MC MENAMIN: You willl still
17 keep the responsibility of having to
18 maintain ---

19 MR. ZIGLER: Yes. We would have
20 to maintain the pump station, a pump

21 station forced plan and the gravity
22 will be offered to the Town of Stony
23 Point for dedication.
24 THE CHAIRMAN: Okay.
25 MR. STACH: At this point, I

1 - Proceedings - 22

2 recommend that you assume lead agency
3 status.

4 You may want to note that also in
5 review, that this is a Type I action.

6 It is actually a Type II action,
7 which actually doesn't mean anything in
8 Stony Point. We made it so that you
9 can make them do a full EAF, even if
10 they aren't. The reason being, because
11 in there, they are adjacent to a park
12 and they are expanding by more than
13 twenty-five thousand square foot per
14 total floor area.

15 That puts them over the threshold
16 of being next to a park.

17 So, I would also classify the
18 action as a Type II and we can go
19 through the Part II.

20 THE CHAIRMAN: So, I need a motion

21 to classify it as a Type II action.

22 Type I.

23 MR. MC MENAMIN: I will make that

24 motion to declare it a Type I action.

25 (Off-the-record discussion)

1 - Proceedings - 23

2 THE CHAIRMAN: I need a second?

3 MR. MULLER: Second.

4 THE CHAIRMAN: Poll the Board,

5 Mary?

6 MS. PAGANO: Mr. McMenamin?

7 MR. MC MENAMIN: Yes.

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mrs. Callaghan?

11 MS. CALLAGHAN: Yes.

12 MS. PAGANO: Mr. Rogers?

13 MR. ROGERS: Yes.

14 MS. PAGANO: Chairman Gubitosa?

15 THE CHAIRMAN: Yes. Now that we

16 have established it as a type one, we

17 can review the Part II -- --

18 MR. STACH: I sent you a new copy

19 of the Part II.

20 Essentially, the changes being

21 that I removed traffic as an identified
22 impact; the reason being, is because
23 the Applicant had said that at the
24 previous meeting that this site is
25 already being used by the congregation

1 - Proceedings - 24

2 for the services, so then there isn't
3 any change in use.

4 Just, I guess it is an extension
5 of time. Possibly, if we can --
6 there's education there now, seen as
7 another activity, so I have removed
8 that from the list. But, I still have
9 it identified as a potential impact on
10 waters, as the Tiorati Brook erosion
11 control, visual impact from the
12 Palisades Interstate Parkway, and still
13 there remains a potential for
14 controversy, even though traffic isn't
15 listed, some people want to know
16 exactly how that will be handled.

17 THE CHAIRMAN: All right.

18 MR. MC MENAMIN: You are deleting
19 item twenty?

20 MR. STACH: Delete item fifteen

21 and leave twenty is my recommendation.

22 MR. MC MENAMIN: Okay.

23 MR. STACH: Yes.

24 MR. MC MENAMIN: Twenty, talking

25 about traffic impact. So, we are

1 - Proceedings - 25

2 leaving that.

3 MR. STACH: My thought is that the
4 public may still have interest and come
5 out on that issue. There may be some
6 controversy on that.

7 If you read item twenty, it just
8 says, it simply says, "Is there likely
9 to be controversy?"

10 So ----

11 (The record is reflecting that
12 Mr. Karl Javenes is here present now.)

13 THE CHAIRMAN: Does anyone have
14 any questions about the Part II right
15 now?

16 (No responses heard at this
17 time.)

18 THE CHAIRMAN: If no one has any
19 comments or objections to the Part II,
20 we will accept the Part II as prepared

21 by our consultants, if that is all

22 right.

23 I need a motion to accept the

24 Part II.

25 MR. MULLER: I will make that

1 - Proceedings - 26

2 motion at this time.

3 THE CHAIRMAN: I need a second.

4 MR. ROGERS: I will second it.

5 THE CHAIRMAN: Mary, just poll
6 the Board, please?

7 MS. PAGANO: Mr. McMenamin?

8 MR. MC MENAMIN: Yes.

9 MS. PAGANO: Mr. Muller?

10 MR. MULLER: Yes.

11 MS. PAGANO: Mr. Javenes?

12 MR. JAVENES: Yes.

13 MS. PAGANO: Mrs. Callaghan?

14 MS. CALLAGHAN: Yes.

15 MS. PAGANO: Mr. Rogers?

16 MR. ROGERS: Yes.

17 MS. PAGANO: Chairman Gubitosa?

18 THE CHAIRMAN: Yes. All right.

19 MR. ZIGLER: I have just two more
20 questions, we had asked for a referral

21 to the Zoning Board of Appeals, so
22 once you set a hard date for this
23 visual site visit, so maybe we can kill
24 two birds with one stone.

25 I wouldn't say that but -- -- I

1 - Proceedings - 27

2 can, we can do it the weekend of July

3 Fourth, which will be the best for me?

4 THE CHAIRMAN: So, if we set it

5 for July 10th, we will just have to

6 make a motion to send you to the Zoning

7 Board.

8 MR. ZIGLER: Yes, please.

9 (Off-the-record discussion.)

10 THE CHAIRMAN: Now we are sending

11 you to the ZBA so that you can go over

12 the building height?

13 MR. ZIGLER: Yes.

14 MR. STACH: Are they meeting

15 before that?

16 MR. ZIGLER: Yes.

17 THE CHAIRMAN: We need a motion to

18 send the Applicant to the ZBA?

19 MR. ROGERS: I will make the

20 motion to send them to the Zoning

21 Board.

22 THE CHAIRMAN: I need a second?

23 MS. CALLAGHAN: I will second it.

24 THE CHAIRMAN: Mary, poll the

25 Board, please?

1 - Proceedings - 28

2 MS. PAGANO: Mr. McMenamin?

3 MR. MC MENAMIN: Yes.

4 MS. PAGANO: Mr. Muller?

5 MR. MULLER: Yes.

6 MS. PAGANO: Mr. Javenes?

7 MR. JAVENES: Yes.

8 MS. PAGANO: Mrs. Callaghan?

9 MS. CALLAGHAN: Yes.

10 MS. PAGANO: Mr. Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Chairman Gubitosa?

13 THE CHAIRMAN: Yes. All right, so

14 July tenth you will either have the

15 balloon or the crane or something to

16 show the height up there?

17 MR. ZIGLER: Yes.

18 I have one other question.

19 I am milking this baby for all

20 it's worth; will the Board be, at this

21 time, able to set a public hearing and
22 possibly look at the impact on number
23 twenty?
24 We will be able to respond to the
25 Part II prior to the workshop, even

1 - Proceedings - 29

2 though it is early this time, so the
3 Part II will be in your hands; the Part
4 II slash Part III, I should say.

5 MR. MC MENAMIN: Are you going to
6 notice the balloon test?

7 MR. ZIGLER: No.

8 MR. MC MENAMIN: Didn't we do it
9 before so that the public will have a
10 chance to see the balloon, too?

11 (Off-the-record discussion.)

12 MR. MC MENAMIN: The only reason
13 I'm asking is because they're asking
14 for a public hearing, so and I'm sure
15 they would want to hear what the public
16 would have to say about that.

17 MR. ZIGLER: We will be glad to
18 notify the public by common mail of our
19 intent to show the height on that on
20 July 10th date; to the neighbors. We

21 will do that, yes.

22 Just like we would do it for a

23 public hearing but, we will do it by

24 common mail, which would save us five

25 bucks in envelopes.

1 - Proceedings - 30

2 MR. STACH: Dave, will you also
3 notice the Palisades Park Commission?

4 MR. ZIGLER: Absolutely. Yes.

5 MR. MULLER: So, that they can't
6 say in the future that they didn't have
7 any idea of it?

8 MR. ZIGLER: Very good idea.

9 Thank you very much. I appreciate
10 that.

11 MS. PAGANO: One more question;
12 what time is the balloon test?

13 MR. ZIGLER: We would --- if it's
14 easy, we would say ten-to-two, or
15 something that wouldn't be a problem.

16 I will prepare a letter with the
17 time on it and so forth and forward it
18 to you and then we will go from there.

19 Probably for like ten-to-two or
20 something.

21 THE CHAIRMAN: Okay, thank you.

22 MR. MC MENAMIN: When --- well, if

23 you do the balloon test and you set a

24 second date because it was windy, is

25 that a consideration?

1 - Proceedings - 31

2 MR. ZIGLER: Sure.

3 MR. MC MENAMIN: If it is a
4 balloon test, I'm saying?

5 MR. ZIGLER: Good idea. I will
6 put that in the letter. We will do it
7 the following Saturday if it is too
8 windy. I will send it over to Mary.
9 Mary will have it.

10 MR. POTANOVIC: If it's a
11 possibility that the representative can
12 use a microphone, because it is hard
13 to hear what is being said in the
14 audience. Perhaps, also, you can turn
15 the volume up a little bit. The
16 microphone is sitting there, the mic
17 that is sitting over here?

18 MR. ZIGLER: Sure.

19 MR. POTANOVIC: Thank you.

20 (Mr. Zigler repositioned the

21 microphone at this time.)

22 THE CHAIRMAN: The acoustics in
23 this room is not the greatest.

24 Okay, then, just a quick summary;

25 July 10th ---

1 - Proceedings - 32

2 MR. ZIGLER: July 10th we are
3 going to set up a balloon test or a
4 crane test to show the height of the
5 peaks.

6 That will be sixty-five (65) feet
7 to the top of the cross. The building
8 is twenty-five (25) foot lower.

9 We will put an alternate for the
10 next Saturday and our intentions are to
11 provide this height review from ten
12 o'clock to two o'clock.

13 We will notify the neighbors with
14 common mailings and registered mail to
15 the Palisades Interstate Parkway.

16 If you want to go up on the
17 Palisades Interstate Parkway and look,
18 you can at any time because you really
19 can't see.

20 But if you can, you get on it by

21 210 on the curve there, there is a 55
22 speed limit sign. That is where the
23 property starts. You really can't see
24 anything at all right now, but when the
25 leaves are down, you can definitely

1 - Proceedings - 33

2 see.

3 We will have cross sections
4 available. We will provide it with the
5 Part III with the other items, but the
6 balloon test will be on July 10th.

7 THE CHAIRMAN: Is that clear?

8 Were you able to hear that,
9 George?

10 MR. POTANOVIC: Well, the air
11 conditioner is on, and it's still
12 hard, but it's on June 10th? Right.

13 THE CHAIRMAN: Right. No, July
14 10th.

15 Just for the public who is here,
16 the church is proposed at the old
17 Marvello County Club site.

18 All right?

19 MR. ZIGLER: Thank you.

20 THE CHAIRMAN: Thank you.

21

* * *

22

23

24

25

1 - Proceedings - 34

2

3

4

5

6

7

8

9 certification

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

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

3

----- X

4

In the Matter of the Application

5

RE:

6

INGAGLIO,

7

Applicants.

8

----- X

9

8:30 o'clock p.m.

June 24th, 2010

10

RHO Building

Five Patriot Drive

11

Stony Point, New York

10980

12

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

13

14

B E F O R E : THOMAS GUBITOSA,

15

Chairman

16

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

17

18

THOMAS MC MENAMIN, Member

GLADYS CALLAGHAN, Member

19

EUGENE KREASE, Member (Not present)

GERRY ROGERS, Member

20

KARL JAVENES, Member

PETER MULLER, Member

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by:

24

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

25

1

2

Appearances continued: 36

3

4

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

12

KEVIN P. MAHER, P.E, Town Engineer

13

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)

17

18

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

19

20

And the Public.

21

PULEO REPORTING & TRANSCRIPTION
SERVICES

22

23

61 Crickettown Road

24

Stony Point, New York 10980

25

(845) 429-8986 FAX and Phone

1 - Proceedings - 37

2

3 THE CHAIRMAN: Okay, next, let's
4 do Ingaglio. Dave?

5 MR. ZIGLER: We had submitted
6 notes 13 and 14 to address the
7 discussion tht we had, we had, on the
8 parking area and I know that now it is
9 in the Board's hands, hopefully for a
10 vote.

11 THE CHAIRMAN: This was just for
12 the two lot line minor subdivision that
13 went in a while ago. We would be just
14 amending that?

15 MR. ZIGLER: Basically, what it
16 says is that if the driveway stays
17 gravel, the drainage, as proposed, the
18 paving, does not have to be installed.

19 If it is some day paved, the
20 drainage has to be installed. It is

21 both noted on the subdivision map and
22 on the site plan.

23 THE CHAIRMAN: All right. I just
24 need someone to re-define the
25 resolution, or read the resolution.

1 - Proceedings - 38

2 MR. ROGERS: I will read the
3 final resolution.

4 "Final Resolution: A meeting of
5 the Town of Stony Point Planning Board
6 (the Planning Board) was convened on
7 June 24th, 2010 at 7:00 p.m.

8 "The following resolution was
9 duly offered and seconded, to wit:

10 "Resolution - Ingaglio:
11 Resolution granting preliminary and
12 final approval with respect to the
13 application of Ingaglio for a two-lot
14 minor subdivision plat in the R-1
15 zoning district, located at the north
16 side of East Main Street, 375 feet east
17 of Wood Court, Town of Stony Point, New
18 York.

19 "Whereas, an application has been
20 made to the Planning Board for approval

21 of the minor subdivision of one (1)
22 developed lot currently occupied by two
23 (2) multi-family residences and one
24 single family residence into two (2)
25 lots, with proposed Lot 1 to contain

1 - Proceedings - 39

2 the currently existing four (4) family

3 residence and proposed Lot 2, to

4 contain the currently existing single

5 family residence and three (3) family

6 residence (the Project), such

7 application entitled, 'Minor

8 Subdivision of Ingaglio', first dated

9 May 28th, 2009, last revised June 9th,

10 2010, with attached Site Plan dated May

11 28th, 2009, last revised June 9th, 2010

12 (the Plan) affecting property located

13 at 11 East Main Street, approximately

14 375 feet of east of Wood Street in the

15 Town of Stony Point, State of New York,

16 currently designated on the Town of

17 Stony Point Tax Map as Lot 20.08-1-13

18 (the Premises), and:

19 "The Chairman opened the meeting,

20 explained the purpose of the hearing

21 and the history of the Applicant's
22 proposal before the Planning Board.
23 David M. Zigler, P.L.S, was present on
24 behalf of the Applicant. Kevin Maher
25 was present as Town Engineer, Robert

1 - Proceedings - 40

2 Geneslaw Company, Planning Consultant
3 to the Planning Board was present by
4 Max Stach and Special Counsel to the
5 Planning Board, Feerick, Lynch,
6 MacCartney, was present by David J.
7 Resnick, Esq.

8 "Whereas, pursuant to the New
9 York State Environmental Quality Review
10 Act (SEQRA) the Town of Stony Point
11 Planning Board declared its intent to
12 be designated as Lead Agency on July
13 23, 2009 and the Project was designated
14 as an Unlisted Action and thereafter
15 the Planning Board, acting as lead
16 agency, undertook all appropriate
17 action and adopted a Negative
18 Declaration for the Project on April
19 22, 2010, following preparation and
20 thorough review of a Long Form EAF Part

21 I and consideration of all agency and
22 consultant comments, and;
23 "Whereas, by letters dated June
24 26th, 2009 and April 23, 2010, the
25 Rockland County Department of Planning

1 - Proceedings - 41

2 reviewed and recommended approval of
3 the Project with certain modifications,
4 and;

5 "Whereas, by letter dated June
6 18th, 2009, the Rockland County
7 Department of Highways made various
8 comments with respect to the proposed
9 Project those related to curb cuts and
10 the requirement to obtain a Rockland
11 County Highway Department Work Permit
12 for construction along East Main
13 Street, and;

14 "Whereas, by letter to the
15 Planning Board dated March 26th, 2009,
16 Ira M. Emanuel, Esq., on behalf of the
17 Applicant, set forth the Applicant's
18 position that the Project would not be
19 an expansion of a non-conforming use,
20 and;

21 "Whereas, on July 23rd, 2009, the
22 Planning Board referred the Applicant
23 to the Town of Stony Point Zoning Board
24 of Appeals (ZBA) for consideration of
25 necessary variances from the

1 - Proceedings - 42

2 requirements of the Town of Stony Point
3 Code, Chapter 215, Article III, Section
4 9-C and Chapter 215, Article XIV,
5 Section 93, with regard to the
6 expansion of a non-conforming use,
7 among other things, and;

8 "Whereas, by Resolution dated
9 March 4th, 2010, the ZBA approved the
10 Applicant's application for a variance
11 from the Town Code provisions set forth
12 above for the Project's proposed Lots 1
13 and 2, finding that the proposed
14 subdivision is not an expansion of a
15 prior non-conforming use and granting
16 necessary bulk variances, and;

17 "Whereas, the Planning Board, on
18 April 22nd, 2010, adopted a Negative
19 Declaration for the Project, noting
20 that the proposed action will not have

21 a significant effect on the environment
22 and is not anticipated to result in any
23 adverse environmental impact, and;
24 "Whereas, a duly noticed public
25 hearing was opened by the Planning

1 - Proceedings - 43

2 Board on May 27th, 2010, which public
3 hearing was subsequently continued and
4 thereafter closed on May 27th, 2010 by
5 the Motion of the Planning Board,
6 during which public hearing the
7 comments of the public were heard and
8 duly considered by the Planning Board,
9 and;

10 "Whereas, at its meeting of May
11 27th, 2010, the Board approved the
12 Applicant's request that the Board
13 permit the Applicant to leave an
14 existing gravel area on proposed Lot 1,
15 unpaved, with the Applicant amending
16 the Plan to include map notes
17 addressing any potential future paving
18 of said gravel area and necessary
19 drainage improvements at that time,
20 and;

21 "Whereas, the Applicant revised
22 the subdivision plat to address the
23 suggestions and concerns of the
24 Planning Board, its consultants,
25 concerned agencies and the public,

1 - Proceedings - 44

2 including reducing the proposal from a
3 three (3) lot subdivision to a two (2)
4 lot minor subdivision, among other
5 things, and;

6 "Whereas, the Planning Board duly
7 considered the requests, comments and
8 recommendations of the public, the
9 aforementioned reviewing agencies, and
10 the Town's Engineer and consultants,
11 and;

12 "Whereas, pursuant to the
13 requirements of SEQRA, the Planning
14 Board has undertaken all appropriate
15 review and analysis of the proposed
16 application of Ingaglio and has taken a
17 hard look at the proposal and
18 determined that there are no potential
19 large impacts identified as a result of
20 the Project, and;

21 "Whereas, it appears that the
22 best interests of the Town of Stony
23 Point will be served if the application
24 of Ingaglio is approved, subject to
25 certain conditions;

1 - Proceedings - 45

2 "Now, therefore, be it resolved
3 by the Members of the Town of Stony
4 Point Planning Board as follows:

5 "That the plat entitled, 'Minor
6 Subdivision of Ingaglio', dated May
7 28th, 2009, last revised May 29th,
8 2010, with attached Site Plan dated May
9 28th, 2009, last revised June 9th,
10 2010, affecting property located at 11
11 East Main Street, approximately 375
12 feet east of Wood Street in the Town of
13 Stony Point, State of New York,
14 currently designated on the Town of
15 Stony Point Tax Map as Lot 20.08-1-13,
16 be and is hereby approved with the
17 Chairman hereby authorized to sign the
18 subdivision plat and to permit same to
19 be filed in the office of the Rockland
20 County Clerk, upon payment of any and

21 all outstanding fees to the Town of
22 Stony Point and after compliance with
23 and subject to the following:
24 "A. The Applicant's
25 compliance with any necessary

1 - Proceedings - 46

2 requirements set forth in the comments
3 of the aforementioned reviewing
4 agencies, including, but not limited to
5 the Rockland County Department of
6 Planning and Rockland County Department
7 of Highways, and;

8 "B. The Applicant's
9 compliance with each and every
10 requirement and condition set forth in
11 the March 4th, 2010 ZBA Resolution,
12 and;

13 "C. Upon payment of all
14 required fees to the Town and its
15 consultants and submission and approval
16 of any legal documents as may be
17 required, the plat may be approved and
18 signed by the Chairman of the Planning
19 Board and duly filed in the Office of
20 the Clerk of the Town of Stony Point.

21 "The Resolution was thereupon
22 duly adopted on June 24th, 2010."

23 * * *

24 THE CHAIRMAN: Thank you. I need
25 a motion to accept the final

1 - Proceedings - 47

2 resolution.

3 MR. MULLER: I will make it.

4 THE CHAIRMAN: I need a second?

5 MS. CALLAGHAN: Second.

6 THE CHAIRMAN: Mary, just poll
7 the Board, please?

8 MS. PAGANO: Mr. McMenamin?

9 MR. MC MENAMIN: Yes.

10 MS. PAGANO: Mr. Muller?

11 MR. MULLER: Yes.

12 MS. PAGANO: Mr. Javenes?

13 MR. JAVENES: Yes.

14 MS. PAGANO: Mrs. Callaghan?

15 MS. CALLAGHAN: Yes.

16 MS. PAGANO: Mr. Rogers?

17 MR. ROGERS: Yes.

18 MS. PAGANO: Chairman Gubitosa?

19 THE CHAIRMAN: Yes.

20 MR. ZIGLER: Thank you.

21 THE CHAIRMAN: Thank you. All

22 right.

23 * * *

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15 certification

16

17

18

19

20

21

22

23

24

25

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

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

----- X

In the Matter of the Application

RE:

THE STONY POINT AMBULANCE CORPS,

Applicants.

----- X

8:50 o'clock p.m.
June 24th, 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 (Not present)
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member
MARY PAGANO,

21 Secretary to the Board

22

Reported by:

23

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

24

25

Appearances continued: 50

1 - Proceedings - 50

2

BRIAN HOROWITZ, Ambulance Corps
3 President

4

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

5

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq., Special
Counsel

7

WILLIAM SHEEHAN, Town Building
8 Inspector
(Not Present)

9

10 LIZ VERRIER, Deputy Town Attorney
(Not Present)

11

KEVIN P. MAHER, P.E, Town Engineer

12

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

18 And the Public.

19

PULEO REPORTING & TRANSCRIPTION
SERVICES

20

61 Crickettown Road

21

Stony Point, New York 10980

22

(845) 429-8986 FAX and Phone

23

24

25

1 - Proceedings - 51

2 THE CHAIRMAN: All right, next we
3 are just going to do the ambulance
4 corps, since we have the architect, and
5 then the fire right after that.

6 So, this is the Stony Point
7 Ambulance Corps, for site plan, located
8 on the westside of South Liberty Drive.
9 This is anew application. It is in
10 the old Don's Neighborhood Grille.

11 MR. SENDLEWSKI: Good evening,
12 Mr. Chairman and Members of the
13 Planning Board.

14 My name is Martin Sendlewski and
15 I am here representing the STony Point
16 Ambulance Corps.

17 When we were attending the tech
18 meeting, we went over this project
19 previously briefly at that meeting. I
20 brought an additional copy of the site

21 plan with renderings of the building
22 and the floor plans and I just want to
23 give you a quick run down as to what we
24 have here on the site plan.

25 For the benefit of the public ---

1 - Proceedings - 52

2 that is the current site here
3 (indicating on a document) which is
4 where the restaurant is located on the
5 west side of South Liberty Drive.

6 The project is one that will
7 basically re-use an existing site by
8 erasing the existing restaurant and
9 providing in its place, an ambulance
10 facility of approximately 96 hundred
11 square foot building, with four
12 ambulance bays and ancillary uses.

13 There will also be a partial
14 second floor which will be built on the
15 roof for the future accessory
16 apartments for use of the ambulance
17 corps members.

18 The site plan consists of the
19 footprint generally contained where the
20 existing restaurant is. The parking

21 also is very similar to the existing
22 restaurant. We've extended it slightly
23 to the west, as additional parking is
24 required by the ambulance corps.
25 The back area will be developed

1 - Proceedings - 53

2 as a small picnic area and a retaining
3 wall to act as a buffer to the adjacent
4 residential properties. Along 9W, we
5 will use the existing curb cuts along
6 9W. We do not plan to do any work
7 along Route 9W. We will use what is
8 there currently.

9 We had sent in a request to the
10 Town Board. The one issue that we do
11 have facing us is the fact that the
12 ambulance facility is not a permitted
13 use in the business zone, that it's
14 located there, as well as the
15 apartments.

16 But, I think what set this apart
17 from the ambulance facility is
18 certainly a very adequate location for
19 them and quite ideally situated for
20 their response, being right on 9W, for

21 the betterment of the community, to

22 protect the community.

23 So, we don't feel that the

24 ambulance use of the site shouldn't

25 pose any problems.

1 - Proceedings - 54

2 However, it is not permitted, so
3 we request that the Town Board meet
4 that requirement; the issue of the
5 residential use, which typically will
6 not be permitted in this zone.

7 To clarify what that is, that
8 will strictly be residential apartments
9 for the ambulance corps members to
10 allow them to enhance their membership.

11 A lot of people are not able to
12 stay in the area and it has been
13 difficult for them to maintain
14 membership.

15 That will be a plus for them with
16 that.

17 The residential unit will go
18 strictly for that purpose and they, as
19 agreed to previously, would agree to
20 restrict that it remain strictly for

21 the ambulance members. That also was
22 not a permitted use and was in that
23 same request to the Town Board to
24 request a waiver or variance from those
25 provisions.

1 - Proceedings - 55

2 It is strictly for only the
3 members of the ambulance corps. Some
4 members are here if the Board may have
5 any question.

6 I don't know if they want to add
7 anything or I would certainly be able
8 to answer any questions you or the
9 public may have.

10 THE CHAIRMAN: Does the Board have
11 any questions before we go any further?

12 MR. MC MENAMIN: Can you expand a
13 little bit on the apartment concept?

14 MR. SENDLEWSKI: Sure. This
15 (indicating on a diagram) is
16 representing the plans of the building.

17 The plans to the left is the
18 first floor plan.

19 Here (indicating on a diagram)
20 are the four ambulance bays.

21 And this is a hallway, the
22 lockers are in the middle and the
23 storage ancillary, other bays,
24 including training rooms, and that's
25 the offices and bunk rooms.

1 - Proceedings - 56

2 So, this would be (indicating on
3 a diagram) facility that would replace
4 the main ambulance facility that is
5 there now, being used now; what they're
6 using now.

7 Plus on the upper level, if you
8 look in the rendering here, we've
9 retained the building as a one story;
10 we've retained it as a one-story
11 building, but we have utilized dormers
12 in the roof, to accommodate additional
13 space. The geometry of the facility,
14 is to allow, when the roof pitch runs
15 up, there is a fair amount of space for
16 storage; adequate storage.

17 With the dormers, it allows us to
18 use some occupied space. The thought
19 was to, in that area to the right,
20 (indicating) to incorporate through a

21 rear entrance with an elevator and an
22 emergency egress here (indicating)
23 incorporate four apartment units. Two,
24 one bedroom units, with a kitchen and a
25 single bathroom, living space and

1 - Proceedings - 57

2 bedroom.

3 And the two towards the front
4 will be similar units, however, they
5 will have an additional bedroom pushed
6 out toward the front of the building.

7 The layout works, well, as you
8 see some dotted lines in here
9 (indicating on a diagram) they are
10 fairly decent sized apartments.

11 However, the pitch of the roof in
12 many of the areas, including the
13 bedrooms, mthe pitch of the roof in
14 many areas are sloped roofs, starting
15 with the five foot wall and sloped up.
16 There is not a full height all the way
17 through. They're pushed into the
18 structure and again, utilized only for
19 the ambulance corps.

20 If you want to expand on the use

21 or ---

22 THE CHAIRMAN: I can --- after
23 this meeting, can you make sure we get
24 copies of the floor plans?

25 MR. SENDLEWSKI: Sure.

1 - Proceedings - 58

2 MR. MC MENAMIN: Mr. Sendlewski.

3 MR. SENDLEWSKI: Yes?

4 MR. MC MENAMIN: You are also the
5 architect for the fire department, so
6 you have extensive experience?

7 MR. SENDLEWSKI: That is correct.

8 MR. MC MENAMIN: So, I imagine
9 you have extensive experience in this
10 area?

11 MR. SENDLEWSKI: I've been doing
12 EMS's and fire houses for twenty-six
13 years.

14 MR. MC MENAMIN: Is this a common
15 practice to have apartments or
16 residential occupancies in an
17 ambulance structure?

18 MR. SENDLEWSKI: Yes, it is
19 typically, especially with a lot of the
20 fire issues we have. We have a lot of

21 paid fire fighters.

22 Typically, we will have in many
23 of the fire houses, we would have them
24 in bunk rooms. (Inaudible)

25 There is a living environment,

1 - Proceedings - 59

2 not residences, however, in many of the
3 agencies, we are dealing with in the
4 volunteer circles, we are getting to a
5 point where they're having issues with
6 the membership, so, many of them have
7 been expanding and providing this
8 opportunity to, again, keep this
9 membership, allow them to recruit
10 members because there will be an
11 opportunity for some younger members to
12 have affordable housing, so it helps in
13 that regard.

14 Brian?

15 MR. HOROWITZ: Good evening. I
16 am Brian Horowitz, President of the
17 ambulance corps.

18 Just so you are aware that there
19 are several other corps in the County
20 that do the same thing.

21 The biggest one is in Nyack.
22 Nyack Ambulance Corps is the biggest
23 one. They went so far as to have
24 apartments on their second floor. And
25 they wanted to buy the next door

1 - Proceedings - 60

2 multi-family lot next to them, so they
3 can have apartments for their
4 volunteers.

5 The Congers Ambulance Corps also
6 does it, as well.

7 As Mr. Sendlewski said, it is a
8 way for us to keep young people in Town
9 and a way to keep ambulances on the
10 road and provide better service.

11 THE CHAIRMAN: As the tech meeting
12 you said that there would be no
13 children. That was the thing that
14 concerned is us.

15 MR. HOROWITZ: If that is a
16 condition?

17 THE CHAIRMAN: That might be one
18 of the concerns, since you have active
19 ambulance corps with trucks in-and-out
20 of there.

21 MR. HOROWITZ: Yes.

22 MR. MULLER: And the understanding

23 is that it will be just for Corps

24 members only.

25 MR. SENDLEWSKI: Yes.

1 - Proceedings - 61

2 MR. MC MENAMIN: Is that what
3 happened in Nyack? Only ambulance
4 corps members allowed?

5 MR. HOROWITZ: Correct.

6 MR. MC MENAMIN: In that an
7 apartment? (Indicating)

8 MR. HOROWITZ: Yes.

9 MR. SENDLEWSKI: If it is
10 possible, I'd like to ask if we can get
11 a referral to the Architectural Review
12 Board?

13 THE CHAIRMAN: First thing we gpt
14 to do is we have to make a motion to be
15 lead agency.

16 MR. STACH: No; of intent of lead
17 agency.

18 MS. CALLAGHAN: I will make that
19 motion.

20 THE CHAIRMAN: A second?

21 MR. ROGERS: Second.

22 THE CHAIRMAN: All in favor?

23 (Unanimous affirmative vote

24 heard.)

25 THE CHAIRMAN: Next I just need

1 - Proceedings - 62

2 to list this, list it as an unlisted

3 action?

4 MR. MULLER: I will make a motion

5 to deem this an unlisted action.

6 THE CHAIRMAN: I need a second?

7 MR. ROGERS: I will second that.

8 THE CHAIRMAN: Next, I need a

9 motion to refer to the ARB?

10 MR. ROGERS: I will make that

11 motion to send them to the ARB.

12 THE CHAIRMAN: Second?

13 MS. CALLAGHAN: I will second

14 that, referring to ARB.

15 THE CHAIRMAN: All in favor?

16 (Unanimous affirmative vote.)

17 THE CHAIRMAN: Opposed?

18 (No responses heard.)

19 THE CHAIRMAN: All right. Next

20 we will set up a site visit. Off the

21 record.

22 (Off-the-record discussion.)

23 THE CHAIRMAN: We will set a

24 site visit for nine o'clock, July

25 tenth.

1 - Proceedings - 63

2 We will meet at the site at
3 Don's.

4 MR. HOROWITZ: What time is
5 that, Mr. Chairman?

6 THE CHAIRMAN: Nine o'clock. We
7 will meet you there.

8 MR. HOROWITZ: Very good.

9 THE CHAIRMAN: All right. I think
10 that's it. We will see you at the site
11 visit.

12 MR. SENDLEWSKI: Thank you.

13 * * *

14 THE CHAIRMAN: Next we need to go
15 into Executive Session for few moments.

16 MR. MULLER: Yes. I will make
17 that motion.

18 MR. ROGERS: Second.

19 THE CHAIRMAN: All in favor?

20 (Unanimous affirmative vote) five

21 minutes.)

22 (Time noted 7:50 p.m.)

23

24

25

1 - Proceedings - 64

2

3

4 certification

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

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

3

----- X

4

In the Matter of the Application

5

RE:

6

Stony POINT FIRE DISTRICT SUBSTATION,

7

Applicants.

8

----- X

9

9 o'clock p.m.
June 24th, 2010
RHO Building
Five Patriot Drive
Stony Point, New York
10980

10

11

12

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

13

14

B E F O R E : THOMAS GUBITOSA,

15

Chairman

16

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

17

18

THOMAS MC MENAMIN, Member

GLADYS CALLAGHAN, Member

19

EUGENE KREASE, Member (Not present)

GERRY ROGERS, Member

20

KARL JAVENES, Member

PETER MULLER, Member

21

MARY PAGANO,
22 Secretary to the Board

23

Reported by:

24

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

25

Appearances continued:

1

2

66

3

KORNFELD, REU, NEWMAN & SIMEONE

Attys. For Applicants

4

Suffern, New York 10901

BY: SCOTT DOW, Esq., Of Counsel

5

MR. SENDLEWSKI, Architect for Applicant

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

10

(Not Present)

11

LIZ VERRIER, Deputy Town Attorney

12

(Not Present)

13

KEVIN P. MAHER, P.E, Town Engineer

14

ROBERT GENESLAW COMPANY,
Planning Consultants

15

Two Executive Boulevard - Suite 401

Suffern, New York 10901

16

BY: MAXIMILIAN STACH, Town Planner

ROBERT GENESLAW, Town Planner

17

(Not Present)

18

ATZL, SCATASSA & ZIGLER

Surveyors/Planner for Applicant

19

234 North Main Street

New City, New York 10956

20

BY: DAVID ZIGLER, P.E.

21 And the Public.

22 PULEO REPORTING & TRANSCRIPTION
23 SERVICES

24 61 Crickettown Road

25 Stony Point, New York 10980

(845) 429-8986 FAX and Phone

1 - Proceedings - 67

2 (After Executive Session,
3 resuming at 8:20 p.m.)

4 THE CHAIRMAN: Next item on the
5 agenda is the Stony Point Fire District
6 Substation, located on the northwest
7 corner of New York State Route 210, and
8 Central Highway.

9 MR. DOW: Good evening, Mr.
10 Chairman and Members of the BOard.

11 I am Scott Dow from the law firm
12 of Kornfeld, Reu, Newman and Simeone in
13 Suffern for the Stony Point Fire
14 District.

15 As a preliminary, I would like to
16 state that I would like to say on
17 behalf of the Board of Fire
18 Commissioners of the Fire District that
19 we wish to continue our process with
20 the Planning Board just as we have done

21 in the past.

22 I know, initially, there was a

23 letter that came from my office with

24 respect to the lead agency and a Site

25 Plan oversight in zoning.

1 - Proceedings - 68

2 And I think that perhaps that
3 might have been interpreted that the
4 District wishes to proceed with this
5 project without any involvement or the
6 oversight by the Planning Board.

7 I think in our tech meetings I've
8 made it clear that that is the last
9 thing that the Board of Fire
10 Commissioners intended to do.

11 In fact, we have, we submitted
12 our site plan. We have attended
13 meetings and have done site inspections
14 with members of your Board.

15 We continue to be open and wish
16 to have the participation, the
17 experience and knowledge of this
18 Planning Board with respect to this
19 particular project.

20 I hope the Board wishes to

21 continue its cooperation with this
22 Board, so that this need for a new
23 firehouse on Central Highway can be
24 built so that the public would be
25 better protected.

1 - Proceedings - 69

2 I am requesting, based upon
3 conversations that were had at the tech
4 meetings with respect to some of the
5 issues, and I believe that the Planning
6 Board is concerned about, my
7 understanding is that some of the
8 issues had to do with traffic impacts,
9 with respect to the traffic signal
10 that was proposed.

11 I'm not sure, initially, if the
12 Planning Board was aware, but I believe
13 that the Planning Board is aware now
14 that we did, early in the planning of
15 the project, did hire reputable
16 traffic consultants; the Collins firm,
17 who is well known in the County,
18 Rockland County, and specifically, a
19 traffic consultant, Mr. Greeley, who
20 is here and has prepared a report.

21 It is my understanding that the
22 Town Board has authorized the Planning
23 Board to retain a consultant to review
24 the results of that and, again, we have
25 not objected to that, to any degree,

1 - Proceedings - 70

2 despite the fact that there's the
3 initial cost.

4 We are hoping to keep the costs
5 to the taxpayers at a minimum with
6 respect to this project. Both in the
7 planning end and in the implementation
8 of the construction of the firehouse.

9 But again, I just want to go on
10 record as saying that, to the extent
11 that the Planning Board felt that the
12 Board of Fire Commissioners in the
13 District did not wish to have the
14 expertise of this Planning Board, to be
15 heard with respect to this project, is
16 not accurate.

17 I just want to say that on the
18 record.

19 With that in mind, and with an
20 understanding that we would continue to

21 work with the Planning Board, I would
22 request, on behalf of the Fire
23 District, that this Planning Board move
24 to rescind their objection to the Fire
25 District being lead agency, based upon

1 - Proceedings - 71

2 their review of the DEC's regulations,
3 with respect to the lead agency and
4 the funding agency being the
5 inappropriate agency because of the
6 funding aspect of the project, and,
7 also because it is a coordinated review
8 and the Fire District is considering
9 this as part of that process, the SEQRA
10 process.

11 All responses that will come from
12 all interested agencies, we have
13 conducted public hearings.

14 We kept that public hearing open
15 so that the public would continue to be
16 heard with respect, with respect to the
17 project.

18 So, if the Board is not adverse
19 to allow the Public Hearing or the
20 Planning Board conducting a public

21 hearing at this building, if there was
22 something that they we would want to
23 do.

24 Also, with respect to amending
25 the EAF Part II, I know there were some

1 - Proceedings - 72

2 issues regarding the EAF Part II.

3 In particular, in part -- well,
4 Number fifteen that relates to the
5 alteration of the present patterns of
6 the people, and/or goods.

7 I know there was a concern
8 registered with respect to that being
9 marked as a "No", based upon the input
10 from this Planning Board.

11 The Board of Fire Commissioners
12 will be willing, as lead agency, if
13 this Board would allow the process to
14 continue, whereby the District would
15 continue to be lead agency, and we will
16 change that to a potential large impact
17 and would address it in number three,
18 as being mitigated by the report
19 received from our traffic consultants,
20 and so, those are items that were

21 addressed.

22 If the Board stands willing to

23 work with the Planning Board to move

24 this project forward so that we can get

25 this needed substation firehouse to

1 - Proceedings - 73

2 protect the public and the people of
3 the Town of Stony Point and the Board
4 of Fire Commissioners and the elected
5 officials are attempting and working
6 very hard in that respect to try to get
7 that firehouse built.

8 THE CHAIRMAN: Thank you, Mr. Dow.

9 Does anyone on the Board have any
10 questions?

11 MR. MC MENAMIN: I have a
12 question; Mr. Dow, with regard to the
13 site plan approval for this project,
14 are you now saying that you would
15 submit to our jurisdiction as being the
16 agency to approve this with regard to
17 zoning in the Town of Stony Point?

18 MR. DOW: I would not go on record
19 in saying that.

20 However ---- I --- um, because

21 there has not been a balancing of the
22 interest test, which I believe the
23 Court of Appeals has set forth in
24 County of Monroe cases, the criteria by
25 which a governmental entity such as a

1 - Proceedings - 74

2 Fire District would be subject to
3 information oversight, however, that
4 being said, I think that the Fire
5 District has shown by its actions, that
6 it is open to any of the
7 recommendations, the reasonable
8 recommendations of this Board with
9 respect to this project.

10 The only issues that we have
11 heard at this point, were with respect
12 to traffic and the public being heard,
13 and the Board is open to both of those
14 issues.

15 THE CHAIRMAN: And the
16 consultants?

17 MR. DOW: And the consultants,
18 yes.

19 MR. MC MENAMIN: So, can I
20 summarize that response as being a

21 "no"?

22 MR. DOW: I think it is a no, with

23 a reason.

24 MR. MC MENAMIN: Okay.

25 THE CHAIRMAN: Anybody else have

1 - Proceedings - 75

2 any questions?

3 MR. MULLER: Mr. Chairman, I
4 would like to make a motion that we
5 rescind our vote to be lead agency,
6 contingent upon the fact of the items
7 we have discussed tonight with regard
8 to the joint Public Hearing here at
9 Rho, as offered and agreed to at the
10 tech meeting; also contingent on the
11 fact that we have the town consultant,
12 the the traffic consultant hired by the
13 firehouse, and on behalf of the Town, I
14 believe, Max, what is the name?

15 MR. STACH: John Canning
16 (phonetically written) is the name of
17 the individual who was discussed.

18 MR. MULLER: John Canning.

19 And thirdly, there is a question
20 on traffic that we changed ---

21 C-A-N-N-I-N-G---- contingent on those
22 three items that we have discussed
23 tonight, as discussed and those three
24 items, I make a motion to rescind our
25 motion to be lead agency.

1 - Proceedings - 76

2 THE CHAIRMAN: I need a second.

3 MR. ROGERS: Second it.

4 THE CHAIRMAN: Mary, just poll
5 the Board, please?

6 MS. PAGANO: Mr. McMenamin?

7 MR. MC MENAMIN: Yes.

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mr. Javenes?

11 MR. JAVENES: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MS. CALLAGHAN: Yes.

14 MS. PAGANO: Mr. Rogers?

15 MR. ROGERS: Yes.

16 MS. PAGANO: Chairman Gubitosa?

17 THE CHAIRMAN: Yes.

18 And I just need one more motion

19 to approve the hiring of John Canning

20 as traffic consultants, as traffic

21 study consultants as approved by the

22 Town Board?

23 MR. ROGERS: I will make that

24 motion.

25 THE CHAIRMAN: Second?

1 - Proceedings - 77

2 MS. CALLAGHAN: Second.

3 THE CHAIRMAN: Just poll the

4 Board, Maria, please?

5 MS. PAGANO: Yes. Mr. McMenamin?

6 MR. MC MENAMIN: Yes.

7 MS. PAGANO: Mr. Muller?

8 MR. MULLER: Yes.

9 MS. PAGANO: Mr. Javenes?

10 MR. JAVENES: Yes.

11 MS. PAGANO: Mrs. Callaghan?

12 MS. CALLAGHAN: Yes.

13 MS. PAGANO: Mr. Rogers?

14 MR. ROGERS: Yes.

15 MS. PAGANO: Chairman Gubitosa?

16 THE CHAIRMAN: Yes. All right.

17 That's it.

18 MR. DOW: Thank you.

19 THE CHAIRMAN: So, what's next?

20 MR. MULLER: We set a joint Public

21 Hearing.

22 THE CHAIRMAN: We will set this

23 for our next available meeting.

24 Check with the Fire Commissioners

25 to make sure that is acceptable since

1 - Proceedings - 78

2 we have to do it together.

3 MR. DOW: When?

4 MR. MULLER: We went on the ---

5 well, when is the next ---

6 MS. PAGANO: July 22nd.

7 THE CHAIRMAN: Is that a good

8 date?

9 MR. DOW: They say yes.

10 THE CHAIRMAN: Okay, what we will

11 do is, --- off the record.

12 (Off-the-record discussion.)

13 THE CHAIRMAN: It is new for us.

14 I need a motion to set the public

15 hearing for July 22nd; for a joint

16 public hearing with the Fire District,

17 to involve both agencies.

18 MR. ROGERS: I will make that

19 motion to set a joint public hearing

20 for July 22nd, with the Fire District.

21 THE CHAIRMAN: I need a second?

22 MR. MULLER: I will second it.

23 THE CHAIRMAN: Mary, just poll

24 the Board, please?

25 MS. PAGANO: Mr. McMEnamin?

1 - Proceedings - 79

2 MR. MC MENAMIN: Yes.

3 MS. PAGANO: Mr. Muller?

4 MR. MULLER: Yes.

5 MS. PAGANO: Mr. Javenes?

6 MR. JAVENES: Yes.

7 MS. PAGANO: Mrs. Callaghan?

8 MS. CALLAGHAN: Yes.

9 MS. PAGANO: Mr. Rogers?

10 MR. ROGERS: Yes.

11 MS. PAGANO: Chairman Gubitosa?

12 THE CHAIRMAN: Yes. All right.

13 So, just re-notice for the public

14 hearing; the joint public hearing.

15 MR. DOW: Very good.

16 Can we go off-the-record?

17 (Off-the-record discussion).

18 THE CHAIRMAN: Well, we will both

19 do it, even though --- we will both do

20 it, so July 22nd we will set it for

21 public hearing here. We will both send

22 notice.

23 Anything else you need or that

24 you want to go over?

25 MR. DOW: Our traffic consultant

1 - Proceedings - 80

2 is here if you would like him to
3 present to you what work he's done with
4 respect to the traffic study?

5 And I know there has been a
6 presentation with respect to the site
7 plan already.

8 THE CHAIRMAN: If he is here and
9 if he wants to give you us a quick
10 overview, that is fine.

11 MR. DOW: Mr. Greeley, please?

12 (Mr. Zigler and Mr. Greeley are
13 taking the podium).

14 MR. GREELEY: Good evening,
15 folks. Phil Greeley, Collins
16 Engineers.

17 We have prepared a traffic
18 analysis for the firehouse and
19 specifically, looking at the section of
20 Central Highway.

21 Okay, we looked at the existing
22 conditions, in terms of the traffic
23 control operations and as part of that,
24 we have collected data on both the
25 Central Highway and County Route 106,

1 - Proceedings - 81

2 Route 210, back last fall.

3 As a result of looking at those
4 traffic volumes, we compared those with
5 the New York State D.O.T.'s signal
6 criteria and essentially, what it boils
7 down to is that the intersection today
8 including the driveway to the police
9 station, meets warrants for
10 signalization.

11 So, based on that, we met with
12 the County -- because the County
13 controls the roadways --- to present
14 that data.

15 I believe a copy of our letter
16 and all of the back up was submitted to
17 the Board and, based upon our
18 discussions with the County, we then
19 proceeded to come up with a design that
20 would handle the existing condition,

21 but also handle the needs of the

22 firehouse.

23 And the plan development that we

24 ended up with, involved a couple

25 things. I will start with the aerial

1 - Proceedings - 82

2 of the intersection today, basically,
3 has two westbound lanes, and it has a
4 through-lane and a lane drop on to
5 Central Highway.

6 This is, basically, the existing
7 striping on the Central Highway
8 approach here (indicating on a
9 document).

10 Then you have the police station
11 access, (indicating on a document).

12 Based upon the volumes and based
13 upon our discussions with the County,
14 it makes sense to create a left turn
15 lane there, so that people turning into
16 the police station, or turning on to
17 Central Highway, are now protected from
18 through traffic.

19 There were some accidents, some
20 rear-end accidents; people not paying

21 attention, et cetera, so there is more
22 than enough capacity to handle the
23 remaining true volumes on the single
24 lane.
25 So, this plan represents striping

2 modifications to accommodate the
3 current turning movement and also the
4 future conditions.

5 The second part of our design was
6 to look at the access to the firehouse,
7 and in the context of the proposed
8 modifications, the plan calls for the
9 main access to be off of 210, Route 106
10 and the signalisation that is warranted
11 today is shown here (indicating).

12 That would be needed, regardless
13 of anything to do with the firehouse.

14 When we have a situation like
15 this at the intersection, we need to
16 deal with supplemental traffic signals,
17 so there will be an additional series
18 of signals to stop traffic when there
19 was an emergency and the equipment had
20 to leave the firehouse.

21 This is the driveway (indicating
22 on a document). There's a slight
23 modification, that the County asked for,
24 just changing the radius right here
25 (indicating) slightly.

1 - Proceedings - 84

2 In essence, under normal
3 circumstances, the traffic signal
4 controls the intersection's movement.

5 There are turning lanes and there
6 are actuation loops on each approach,
7 so that any vehicle coming here, in the
8 area will turn at the signal and it
9 will function like any other signal.

10 They're worked into this plan as
11 preempted, so that if there is a call
12 from the house and the equipment has to
13 come out, there is a preemption that
14 overrides the signal, controlling not
15 only the main signal but stops any
16 eastbound traffic and the supplemental
17 signal.

18 It is a typical design that's
19 used at other locations; some
20 locations, they are actually more

21 complicated locations, when you have a

22 firehouse further away from the signal.

23 Here, though, it being close,

24 helps that control.

25 As part of it, there is also the

1 - Proceedings - 85

2 Police Department access would be
3 actuated and also the traffic control
4 plans.

5 We submitted this plan, to the
6 County. We met with them. They had
7 some comments; being the clean-up type
8 of comments before we get their
9 approval, but pretty straight forward,
10 in terms of the design requirements,
11 and conditions during the construction
12 and how the maintenance, until the
13 signal is actually turned over.

14 So, that's pretty much the extent
15 of what our analysis focused on.

16 We have gone through the design,
17 and here's a case if the fire company
18 wasn't doing anything here, this
19 intersection would have to be
20 signalized shortly, if not right now.

21 Here we have a case, if we can
22 get that approval done, work to get the
23 firehouse, create an access that works,
24 and the equipment will work here and do
25 it now. That's pretty much it.

1 - Proceedings - 86

2 I will be happy to answer any
3 questions.

4 THE CHAIRMAN: Thank you. Does
5 the Board have any questions right now?

6 MR. MC MENAMIN: Mr. Greeley, do
7 you have to obtain approval of this
8 plan from the County of Rockland?

9 MR. GREELEY: No. We haven't
10 gotten approval. We submitted the
11 plant. They reviewed it. There are a
12 couple of things we have to re-submit
13 related to the site plan changes.

14 I have the letter that outlines
15 --- they are in agreement with the
16 plan, and they gave us some comments.

17 Most of these are already
18 incorporated here. You can see the
19 revision date on the plans.

20 That is in response to the

21 County's comments, clean-up comments.

22 They're relative and updated to

23 the site plan, so ---

24 MR. MC MENAMIN: Do you expect to

25 get approval of this project from the

1 - Proceedings - 87

2 County of Rockland on this project?

3 MR. GREELEY: Absolutely; yes.

4 THE CHAIRMAN: The State is no

5 longer involved with Route 210? It is

6 no longer a state road?

7 MR. GREELEY: Correct.

8 THE CHAIRMAN: No other questions?

9 (No responses heard at this

10 time.)

11 THE CHAIRMAN: Okay, thank you

12 very much.

13 See you next month.

14 Okay, the last thing is to accept

15 the minutes of April twenty-two. I

16 need a motion.

17 MR. ROGERS: I will make a motion

18 to accept the minutes of April 22,

19 2010.

20 THE CHAIRMAN: Second?

21 MR. MULLER: Second.

22 THE CHAIRMAN: All in favor?

23 (Unanimous affirmative vote).

24 THE CHAIRMAN: All right. I need

25 a motion to close?

