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

----- X

In the Matter of the Application

RE:

STONY POINT AMBULANCE CORPS,

Applicants.

----- X

7 o'clock p.m.
September 23rd, 2010
RHO Building
Five Patriot Drive
Stony Point, New York 10980

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

B E F O R E : THOMAS GUBITOSA,
Chairman

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

- THOMAS MC MENAMIN, Member
- GLADYS CALLAGHAN, Member (Not present)
- EUGENE KREASE, Member
- GERRY ROGERS, Member
- KARL JAVENES, Member
- PETER MULLER, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by: Randi Vecchione, Reporter,
 -for-

24 Patricia A. Puleo,
NYS Certified Court Reporter

25 and Notary Public

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Appearances continued:

MR. MARTIN SENDLEWSKI, Architect for Applicant

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)

And the Public.

PULEO REPORTING & TRANSCRIPTION SERVICES

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

1 - Proceedings -

2 CHAIRMAN GUBITOSA: Mary, just

3 call the roll, please.

4 MS. PAGANO: Mr. McMenamin?

5 MR. MCMENAMIN: Here.

6 MS. PAGANO: Mr. Muller?

7 MR. MULLER: Here.

8 MS. PAGANO: Mr. Krease?

9 MR. KRAESE: Here.

10 MS. PAGANO: Mr. Javenes?

11 MR. JAVENES: Here.

12 MS. PAGANO: Mr. Rogers?

13 MR. ROGERS: Here.

14 MS. PAGANO: Chairman Gubitosa?

15 CHAIRMAN GUBITOSA: Here. Thank

16 you.

17 If everyone could just put their

18 cell phones on vibrate, thanks.

19 First on the agenda, Stony Point

20 Ambulance Corps.

21 MR. SENDLEWSKI: Good evening,
22 Mr. Chairman, Members of the Planning
23 Board. Martin Sendlewski, architect
24 for Stony Point Ambulance Corps.
25 What I had passed up to you, and

1 - Proceedings -

2 Mary also has a copy, is a reduced copy
3 of a plan I have here, which is a
4 little easier for you to look at.

5 I just want to give you a quick
6 rundown of the final revisions we've
7 made.

8 The changes that we have on the
9 plan from the previous submission are
10 very limited.

11 What we did was, in this one
12 corner of the site here (indicating on
13 a diagram), we were actually within 30
14 feet of the property line, and the
15 minimum buffer to residential use is 30
16 feet, so we basically clipped the
17 corner of the parking lot to maintain
18 the 30 foot buffer to the rear
19 residential properties.

20 That's the extent of the changes

21 that we made since our last submission.

22 You have a full copy of that in

23 front of you.

24 I do have the plans here and the

25 elevations, which I don't know if you

1

- Proceedings -

2

need to look at. They're in the

3

packet.

4

They haven't really changed too

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much, other than the fact that we did

6

eliminate the residential apartment

7

units on the upper level. Those have

8

been eliminated.

9

Also, we have received the

10

Architectural Review Board, their

11

recommendation is for approval, and

12

we're sort of at a crossroads right

13

now, and that really leads me to the

14

gist of the most important part of your

15

discussion tonight.

16

And that is, as you're aware when

17

we started this, we're going through

18

the process hoping that we were going

19

to get an exemption from the Town Board

20

with regard to the zoning.

21 There was an ambulance district;
22 however, the Ambulance Corps is
23 separate from the district, so unlike
24 the fire district, they don't have that
25 same status in terms of being a special

1 - Proceedings -
2 governmental agency, so they don't get
3 -- are not able to get that same
4 exemption.

5 So, with that, we've started the
6 process and gone through a standard
7 site plan process.

8 As you know, we've run into a
9 couple of glitches in the code that I
10 think are unintentional.

11 When this code was originally
12 written, the Ambulance Corps. only
13 existed in a residential zone.

14 So, when the zoning was written,
15 it was written in that it was permitted
16 in a residential zone, and it was
17 silent in all of the zoning.

18 With that being said, when
19 we reviewed the application, we hoped
20 to have gone through with one section

21 of the code that says that the Planning
22 Board could designate certain uses for
23 local business, which is permitted in
24 this zone.

25 The Ambulance Corps is a

1 - Proceedings -
2 non-profit business and we sort of took
3 that approach.

4 We met with the building
5 inspector, thought that was the
6 approach.

7 However, in the definition of a
8 local business, even though the
9 Planning Board can deem something a
10 local business, the last sentence says,
11 "other uses of any kind elsewhere
12 specified and established are deemed a
13 local office."

14 Since ambulance use is noted in
15 residential, and it's specified
16 elsewhere, we don't have the luxury of
17 saying, okay, this is a local business,
18 non-profit business, the Ambulance
19 Corps is designated permitted and then
20 moving on.

21 So, with that said, what we
22 really need now is, we're at the point
23 where the site plan is to the engineers
24 and they feel we're very well off as
25 far as the site plan.

1 - Proceedings -

2 Based on all of your input, input
3 from the engineering office, input from
4 the ARB, and the Town Board with our
5 previous Town Board meeting, everybody
6 is very happy with the site plan.

7 The two things that we need to
8 move forward:

9 One, would be a referral to the
10 Zoning Board.

11 One of the things I've also
12 handed up is this -- the bulk schedule.
13 And there are two items that we don't
14 comply with on the bulk schedule.

15 If you look on the second page it
16 shows what the yards are. The yard
17 would be an unoccupied area, a
18 landscaped area.

19 It requires a 15 foot yard in the
20 front yard. We do have it on the two

21 sides of the driveway, so we would not
22 accommodate that in the middle because
23 that would impede the maneuverability
24 of the ambulances, so we're going to
25 ask the Zoning Board to waive this

1 - Proceedings -

2 small area of landscaping here.

3 (Indicating on a diagram.)

4 The other thing we're going to

5 ask the Zoning Board to waive is the

6 side yard.

7 The side yard requirement is a

8 little confusing because it says it

9 requires a ten foot side yard, but yet

10 your building setback is zero.

11 I really don't understand that,

12 but in either case, this site is

13 currently totally paved, property line

14 to property line.

15 So, as a housekeeping matter, we

16 would go to the Zoning Board to request

17 relief from the two side yard

18 requirements adjacent to the commercial

19 properties that are both north and

20 south of the property.

21 We would definitely maintain the
22 required buffer, which exceeds the rear
23 yard setback in the rear property area.

24 So, you would have more than an
25 adequate buffer to the residential

1 - Proceedings -

2 zone.

3 MR. MULLER: You have two
4 problems that are being brought to the
5 attention of the Zoning Board.

6 MR. SENDLEWSKI: That's
7 correct.

8 MR. MULLER: That's all you
9 really need at this point, is just to
10 go to the Zoning Board, then.

11 MR. SENDLEWSKI: That's one
12 thing that we need. It's a
13 housekeeping issue.

14 The second thing we need is the
15 most important thing that we need, and
16 that is due to the fact that we don't
17 fall into the permitted use in a zone,
18 other than the Ambulance Corps.
19 building and a new building in a
20 residential zone, we're not permitted.

21 There's no way we can designate
22 them as a local business. We've gone
23 through that. And everybody's been
24 very helpful throughout the Town.
25 It's just a glitch the way the

1 - Proceedings -

2 zoning was originally written.

3 They did not anticipate the
4 future in terms of where -- what would
5 be the ideal location for an ambulance
6 facility.

7 9W, where this site is, based on
8 the initial discussions between the
9 Ambulance Corps and the Town prior to
10 them purchasing the site, determined
11 that this as an ideal spot, both in
12 terms of response for ambulance
13 members, as well as responding
14 ambulances having the main thoroughfare
15 north, south, and direct access to all
16 the east/west roadways.

17 It's an absolute ideal spot.

18 When the zoning was written and
19 they included it as a residential zone,
20 because that's where it existed, I

21 think if there was a little -- if they
22 looked ahead and said, "Gee, if they
23 ever replaced us, they really don't
24 want to put it where it makes more
25 sense", and would have been included.

1 - Proceedings -

2 So, with that, we're at a point
3 where the only way we're going to be
4 able to move forward is if the code --
5 that -- the Use schedule of the code is
6 amended to include the ambulance in the
7 B zone. With that, under article 29 or
8 19 -- I'm not too good at Roman
9 numerals, section 215.130, which I gave
10 you a copy of also, says that this
11 chapter or any part thereof may be
12 amended, supplemented, or repealed from
13 time to time by the Town Board on its
14 own motion or upon recommendation by
15 the Planning Board.

16 The reason we would ask the
17 Planning Board to make a recommendation
18 is that if the Town Board made it on
19 their own motion, their first set would
20 be to refer to you.

21 We've already worked with you now
22 on this project well over two or three
23 months. You're very well aware of it.
24 So, what we really need to do --
25 I made a copy of the bulk schedule --

1 - Proceedings -

2 it's really --- column B would be add

3 to number seven, "ambulance facilities

4 as permitted."

5 Then under column F add -- just

6 to clarify parking, add a number ten

7 for ambulance facilities.

8 And what we had estimated, based

9 on our interface with the Planning

10 Board and the engineering staff, was

11 that we would utilize two cars per

12 ambulance if there are two responders

13 on site -- there probably would be two.

14 It would allow two per ambulance

15 for people who are on duty, and 250

16 square feet, which is the standard

17 business usage for the net area of the

18 office and training rooms.

19 And the reason we use the net is

20 because -- if you look at the plan, for

21 example, this whole core area here
22 (indicating) is lockers and bathrooms
23 and showers for the responders who are
24 on site in the Ambulance Corps., so
25 that area is really not an occupied

1 - Proceedings -

2 area. It's more of an ancillary area.

3 They have bunk rooms for the

4 staff and that would be the eight

5 people that would be on staff, you

6 know, for the four ambulances.

7 And then they have ancillary

8 storage areas for meds and circulation

9 area, so we felt if we take the

10 administrative areas and made those a

11 typical office use, a business use that

12 would accommodate the parking needs of

13 the district.

14 So, we sort of put this together

15 as a draft of what we feel, based on

16 all the interface we had from

17 everybody, would suffice in terms of

18 allowing this to proceed and that's

19 really where we are right now.

20 We're sort of at a point where at

21 this point we won't be able to go
22 further unless we get some -- it's
23 really about that amendment because we
24 tried every angle to try to get around
25 it.

1 - Proceedings -

2 MR. MULLER: Well, before we
3 restructure any parking, we have to see
4 if we can get you into that location.

5 MR. SENDLEWSKI: That is correct.

6 If you have any questions, I
7 think a member of the Ambulance Corps.
8 also would just like to briefly address
9 the Board. If you want to ask
10 questions first and then have him
11 address the Board after that.

12 CHAIRMAN GUBITOSA: The Board had
13 some questions.

14 MR. MULLER: I have a question of
15 counsel. Can this be done on a
16 case-by-case basis, changing of the
17 zoning? If we change it for them is it
18 open to everybody?

19 MR. RESNICK: It has to be
20 referred to the Town Board to make that

21 determination. It could be done on a
22 case-by-case basis. It's really up to
23 the Town Board.

24 MR. MULLER: Could our
25 recommendation state we would like this

1 - Proceedings -
2 to go through, but further do it on a
3 case-by-case; can we make that part of
4 our recommendation?

5 MR. RESNICK: If you're
6 going to change it -- I think the
7 applicant is talking about getting the
8 entire zone and allowing ambulances, so
9 it would be --

10 MR. MULLER: It wouldn't be
11 a case-by-case.

12 MR. RESNICK: Any ambulance
13 that wanted to come in, that would be
14 allowed in the zone.

15 MR. KRAESE: Let me ask this
16 question; What we're doing here now is
17 they're in front of us today, they're
18 looking for our recommendation to the
19 Town Board rather than going to the
20 Town Board and coming back to us.

21 MR. SENDLEWSKI: Exactly. If we
22 ask this of them, they'll refer us to
23 you and we've been working with you for
24 three months.

25 We've had field visits and ARB,

1 - Proceedings -
2 all of our meetings and Tech meetings.
3 We're pretty much there. We know
4 what we have to do.
5 We're know we're not allowed to
6 do it right now based on that glitch in
7 the zoning.
8 MR. RESNICK: The process is, the
9 Planning Board would refer the
10 applicant to the Town Board for zoning.
11 And then if we want to, at the
12 time of the referral, also provide a
13 recommendation at that time they could
14 or they could wait until they're
15 requested by the Town Board.
16 Of course, there are time limits
17 involved. And you might want to use
18 the time that's granted by the Town
19 Board to give a recommendation.
20 It's 60 days to give a

21 recommendation after the Town Board

22 asks for it.

23 You could certainly give the

24 recommendation at the same time as the

25 referral.

1 - Proceedings -

2 I think the applicant is asking
3 to move things along quicker.

4 MR. SENDLEWSKI: We would like to
5 expedite the process, and I think
6 Mr. Engelman would also like to just
7 briefly address the Board and emphasize
8 the urgency.

9 MR. ENGELMAN: Ladies and
10 Gentlemen of the Planning Board, for
11 those of you who don't know me, my name
12 is Mark Engelman. I'm not as eloquent
13 or as educated in the manners that are
14 going on as Mr. Sendlewski are, but
15 I've been a member of the Ambulance
16 Corps. for 27 years. We've attempted
17 to serve the Town as best we can.

18 We've watched the need rise from
19 the time when I first started when we
20 were doing 700 calls or so a year, up

21 through 1200 calls a year.

22 Now, we're over 1500 calls a

23 year. We had the need to put a third

24 vehicle into service, which now is no

25 -- no longer able to be housed in the

1 - Proceedings -
2 building regardless of whether it sits
3 outside and is exposed to the elements
4 as I'm sure you know.
5 First and foremost before I
6 go any further, I would like to thank
7 you so much.
8 I've been here from the
9 beginning, so I've seen as you walked
10 through all of the plans with us and I
11 appreciate so very, very much all of
12 the help you've been able to give us in
13 trying to bring this plan to fruition.
14 It is imperative that we get the
15 new building because we can't continue
16 to serve the Town and the surrounding
17 areas where we are.
18 We are also in a very time
19 sensitive situation because I'm sure
20 you've heard we've managed to secure a

21 number of grants, which have end dates
22 which means that those monies are not
23 -- are monies that do not create a
24 burden on the taxpayers.
25 We're trying to fund this only

1 - Proceedings -
2 through the basic billing that was
3 approved a couple of years ago so that
4 there is no billing -- excuse me, no
5 tax burden to the Townspeople.

6 As Mr. Sendlewski said, the
7 location is excellent because as the
8 Town has grown we've, A, outgrown the
9 facilities we're in, and B, we're north
10 of the bridge where so many more people
11 are living south of the bridge and
12 every minute counts.

13 I'm still a riding member. I
14 still take a lot of calls a year and I
15 know how my heart races when I know an
16 emergency call goes out and we have to
17 get to the scene because we never know
18 just what we're going to find when we
19 get to the scene and every second does
20 count.

21 So the location is critical.
22 Timing is critical, and we
23 wouldn't be coming to you and asking
24 you if you would be willing to give us
25 the referral to try to speed up the

1 - Proceedings -

2 process. We're shovelling the ground
3 already. We need to move forward at
4 least, and I do believe that everyone
5 who's concerned about emergency
6 response will feel the same way.

7 We would like to continue serving
8 the Town as long as we can and as well
9 as we can.

10 MR. MULLER: We've known each
11 other for the past 25 years. I think
12 you know and your representatives know
13 in the past three months we've been
14 very receptive --

15 MR. ENGELMAN: Absolutely.

16 MR. MULLER: -- and most willing
17 to work with you, and we still will
18 continue to do that.

19 However, the predicament you're
20 in is a very tricky one. We're talking

21 about changing zoning. It would be

22 opening zoning for everybody else.

23 That zoning is one of the most

24 single things we have. It's very

25 tricky. This has to be done right to

1 - Proceedings -

2 make sure that we don't have -- not
3 just for you, but what we're going to
4 do for you could have possible impacts
5 on an entire town in other areas too.

6 So, it's not about you,
7 personally, or this project.

8 We want to see that go through as
9 quickly, while doing it properly, but
10 we have this issue at hand that has to
11 be looked at very closely and carefully
12 because it will change zoning all
13 through Stony Point.

14 MR. ENGELMAN: Understood.

15 MR. MULLER: You have my word
16 that we're going to work as diligently
17 as we can to move this project along
18 for you.

19 MR. ENGELMAN: We truly
20 appreciate that and we're aware of

21 that.

22 All we can do again is implore

23 you to continue moving forward with us,

24 not for us, with us because we all work

25 for the Town.

1 - Proceedings -

2 I thank you so very much,
3 Gentlemen, for allowing me to speak and
4 to be heard tonight.

5 CHAIRMAN GUBITOSA: Thank you.

6 MR. STACH: Are you anticipating
7 actually drafting an amendment?

8 MR. SENDLEWSKI: Actually, what I
9 put together on the bulk schedule and
10 read on the bottom, I think that if
11 that was added to the bulk schedule,
12 which is really just the minimal, you
13 know, addition to the bulk schedule
14 that would do it. It's really a very
15 limited revision to the draft of the
16 code.

17 And one of the thoughts that had
18 come up at the Tech meeting, and Bill
19 Sheehan has also been very helpful was
20 he said you may want to -- the Town

21 Board may want to get a special permit
22 so that they can then evaluate if
23 another ambulance came in on a
24 case-by-case basis.
25 That makes senses. It does add

1 - Proceedings -

2 another review step to our process, so

3 I was trying to plug it in the quickest

4 way we can to get from point A to point

5 B.

6 Also, it's a specially permitted

7 use. It increases our rear yard buffer

8 from 30 to 50.

9 MR. MULLER: It could be waived.

10 That may be a way for you address some

11 of the concerns --

12 MR. SENDLEWSKI: Exactly.

13 MR. MULLER: -- without changing

14 zoning for everybody. If it was a

15 special permit --

16 MR. SENDLEWSKI: It gives

17 discretion to the Town Board in the

18 future and the Planning Board for

19 future --

20 MR. MULLER: That's what I would

21 like to see. We have discretion.

22 MR. SENDLEWSKI: I mean, that

23 would make complete sense. As long as

24 we can get a referral and the Town

25 Board can add it, then the special --

1 - Proceedings -
2 the hearings right away and move us
3 through because I think once we're done
4 with the public hearings -- I know that
5 this Board has really been very helpful
6 and we've responded to get you all of
7 the revisions, so I think we're ready
8 to go. It's just a matter of
9 getting --

10 MR. MULLER: Are you willing to
11 go to the Town Board and request a
12 special permit for these reasons?

13 MR. SENDLEWSKI: Sure.

14 I mean, right now we can't
15 request a special permit because it's
16 not permitted as a special permit.

17 MR. MULLER: A referral from us
18 in that direction we can move to go to
19 the Town Board for a special permit.

20 MR. RESNICK: Yes.

21 MR. SENDLEWSKI: It's a lot
22 cleaner in the Town -- your concerns
23 about the zoning and exactly what we
24 said, it's permitted. It's a little
25 scary.

1 - Proceedings -

2 If it's a special permit, they
3 can deny the special permit and tell
4 you we already have the Ambulance
5 Corps., we don't need another. That
6 makes complete sense.

7 MR. RESNICK: If the use is not
8 permitted in the district, they can't
9 go for a special permit.

10 Again, this would be changing the
11 zoning. The Town Board might make a
12 special permit use --

13 MR. MULLER: How do we move
14 along?

15 MR. RESNICK: To move that for
16 the Town Board --

17 MR. MULLER: Move them to the
18 Town Board requesting a special permit.

19 Is it going to require us --

20 MR. RESNICK: It's not variances.

21 It's a special permit. It's already

22 allowed -- it's --

23 MR. MULLER: This is not allowed

24 because they're going to need a change

25 to the zoning --

1 - Proceedings -

2 MR. RESNICK: If ambulance
3 facilities could get a special permit
4 use then they could go for a special
5 permit, but it's not allowed as a
6 special permit use.

7 MR. KRAESE: They still need a
8 zoning change?

9 MR. RESNICK: If they do get the
10 zoning change they can decide --

11 MR. MULLER: So, we send them off
12 to ZBA and give them a
13 recommendation --

14 MR. RESNICK: You can send them
15 to the ZBA --

16 MR. STACH: Can I ask a couple
17 more questions?

18 Why are you not doing a
19 conditional use instead of a special
20 permit use? What is the legislative --

21 THE WITNESS: I'm just -- it
22 really wouldn't matter to us. It's a
23 matter of whether -- whatever avenue
24 you think we should take --
25 MR. STACH: The reason why I ask

1 - Proceedings -
2 is because we're going through a master
3 plan process and the master plan
4 process is talking about -- is reducing
5 the number of special permit uses
6 intentionally and trying to make more
7 special permit uses conditional uses,
8 more conditional uses permitted uses.

9 So, I would imagine that this
10 would normally be a use that we would
11 require Town Board approval on, which
12 is essentially a public service
13 institution.

14 So, what I am suggesting is that
15 you draft the amendment to make it a
16 conditional use that way you don't need
17 anything other than Planning Board
18 approval.

19 I would also -- you were going to
20 go back to the Zoning Board for

21 variance.

22 When you're writing zoning, you

23 don't typically write it anticipating a

24 need to vary it in the future. You

25 write it for what you need it for.

1 - Proceedings -

2 So, in other words, if
3 there's a rear yard requirement
4 associated with the use that you
5 believe works on the plan, the Planning
6 Board believes works on the plan then
7 there is no reason to put a different
8 use through on there and then require
9 you to go to another step.

10 Just make it reflective of what's
11 on the plan.

12 And then my last question is, I
13 think the big one here is, are you
14 going to attempt to get residential use
15 at this time or are you going to wait
16 to come back later and get residential
17 use?

18 MR. SENDLEWSKI: We would like to
19 come back later based on the master
20 plan. That's what we would do at this

21 point.

22 Now, realistically what's most

23 important to the Ambulance Corps is

24 exactly what Mr. Engelman said, is

25 serving the community and being able to

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- Proceedings -

do that effectively to save lives.

That ambulance building and the support ancillary facilities to the ambulances is paramount --

MR. STACH: Understood, but what I would recommend there is you may want to draft an amendment that includes the residential possibility and one that doesn't.

MR. SENDLEWSKI: Okay.

MR. STACH: And then send them both to the Town Board.

The Planning Board will make the recommendation as to which they believe is appropriate, and the Town Board will decide if at this time they're going to consider your request for residential or whether you have to create a master plan.

21 MR. SENDLEWSKI: That's fine.

22 That works.

23 MR. STACH: I think that

24 would be much more comprehensive. I

25 don't think you need to get Zoning

1 - Proceedings -
2 Board involved, and I don't think it
3 makes sense to go to the Town Board to
4 request zoning, but that requires you
5 to go back to the Town Board to get a
6 special permit.
7 MR. SENDLEWSKI: Right. The only
8 reason we thought the Zoning Board for
9 the side yards is -- I don't know why
10 it exists in the code that way.
11 That there's a zero building
12 setback and a ten foot side yard in
13 that zone.
14 It doesn't still make sense to
15 me, but that's a little more of a
16 slippery slope. If it was the intent
17 of the zoning to even have some green
18 areas in the future development, if
19 that bulk schedule changed, then that
20 sort of opens up more to anybody whose

21 business is going to need to be paved
22 right to the side line, which I don't
23 think is the intent.
24 We're really looking for
25 your advice and the Town Board's advice

1 - Proceedings -

2 on that.

3 Whatever you think works for you,
4 works for us as long as we can get on
5 the ground with this.

6 We're basically -- we were
7 originally going to bid this project in
8 the end of August.

9 Our documents right now are about
10 75 percent complete. We sort of slowed
11 down a little bit because we've been
12 involved with this process.

13 We were hoping to go out to bid
14 within the next six weeks. That would
15 be about a four-week process. Then you
16 have to review the bids and awards it,
17 so we're probably looking at a ten to
18 12-week time period where we would look
19 to award contracts.

20 It's pretty ambitious, but it's

21 imperative because of the grants.

22 We're really asking what help you

23 can give us, whatever direction,

24 whatever we can put down on paper to

25 get to yourselves and the Town Board

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- Proceedings -

we'd be more than happy to do.

MR. MULLER: I think the question actually goes to Max first.

Are you saying that they can go rewrite this proposal and bring it back and we can decide setbacks for the property then, without going to zoning?

MR. STACH: I'm saying what you can do is, he can propose setbacks as part of the zoning that wouldn't require Zoning Board approval in the future.

MR. MULLER: We wouldn't decide it here.

MR. STACH: The Town Board would still decide it, but you can recommend to the Town Board that they approve the setbacks.

MR. MULLER: Okay.

21 CHAIRMAN GUBITOSA: As a
22 condition --

23 MR. RESNICK: They're going to
24 look for a recommendation on both
25 requirements.

1 - Proceedings -

2 MR. STACH: I think the most
3 important thing for this Planning Board
4 to discuss at this point is if they
5 believe the plan is adequate or if it
6 believes that additional setbacks would
7 be appropriate or additional buffers
8 would be appropriate.

9 If you're happy with the plan and
10 you believe that ambulance squad
11 buildings would be acceptable in the BU
12 as shown on the plan then the zoning
13 can be written for that without having
14 to require any further approvals.

15 MR. SENDLEWSKI: Actually, that's
16 under the column G, under the
17 additional use requirements, that's
18 where they talk about the buffers to
19 the residential.

20 We wouldn't want to mess with

21 that 30 foot buffer. I think the
22 residents deserve that.

23 In that supplemental there's a
24 provision that if there's existing
25 areas that are paved, you know,

1 - Proceedings -
2 surfaces that work -- that don't meet
3 the bulk schedule -- I'm just thinking
4 out loud here, but we'll definitely put
5 our heads together and get back to you
6 with it.

7 MR. STACH: You're trying to fit
8 this plan into an existing usage --

9 MR. SENDLEWSKI: Correct.

10 MR. STACH: What I'm saying is
11 you can have a new line of use
12 groupings that have the standards that
13 you --

14 MR. SENDLEWSKI: Okay.

15 MR. STACH: So, you won't need to
16 go to the Zoning Board.

17 MR. MULLER: Mr. Chairman, we
18 went to the property and walked this
19 and saw the building, saw the setbacks,
20 saw this parcel of land as it's being

21 used now.
22 I'm satisfied with the buffer
23 that exists in the back for the
24 homeowners, whereas, they're required
25 buffers in the front, there's none that

1 - Proceedings -
2 exist now on the sides that are not
3 being used now, so I would be
4 comfortable with the site plan that's
5 proposed as it is right now because
6 this a -- this property and building is
7 already in this position and it's set
8 up like this.

9 So, I am satisfied with the plan
10 that is proposed.

11 Certainly, the other areas have
12 to be addressed, so maybe we should
13 move them out to the Town Board.

14 MR. SENDLEWSKI: Would it be
15 possible -- we're going to -- I believe
16 we're probably going back to the Tech
17 meeting.

18 Would it be possible in the
19 beginning of the week for myself to
20 meet with possibly your attorney to sit

21 down and sort of hash some of these

22 ideas out to get to that point the

23 quickest --

24 MR. MULLER: I think Max can help

25 you.

1 - Proceedings -

2 MR. SENDLEWSKI: Max, will you
3 be able to possibly meet on Monday if I
4 came in the afternoon and we sat down
5 and --

6 MR. STACH: I can meet on
7 Wednesday. I'm going to a planning
8 federation --

9 MR. SENDLEWSKI: Wednesday is
10 fine.

11 MR. MCMENAMIN: I just want to
12 say that the job of the Planning Board
13 is to review the site plan and approve
14 the site plan.

15 We're looking at a piece of
16 property and a use on that property.

17 We don't have the right to change
18 the zoning code.

19 I mean, these things and
20 variances they're not our purview.

21 The site plan is all that we get
22 to really look at. I think we should
23 move them along to wherever they have
24 to go to get the changes that they need
25 to make this site work for them as fast

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- Proceedings -

as we can. We're not allowed to do that.

And I don't think we should lead them along and make them think our input is important.

I think the Town Board, if they're going to have to change the zoning code, should get to work on it.

MR. STACH: What are you not allowed to do?

MR. MULLER: We're told that -- we were just told now that we can do it this way and we do have the right to make these decisions.

MR. STACH: The applicant has requested that you make a recommendation to the Town Board.

MR. MCMENAMIN: I think it's a great idea. I think we should refer

21 them and say we feel it's a great use
22 for this site and let them make
23 whatever changes, you know, they deem
24 are appropriate to allow this to
25 proceed.

1 - Proceedings -

2 MR. STACH: Sure.

3 MR. MCMENAMIN: Getting into the
4 setbacks, you know, that's not what we
5 do. Variances from the zoning code are
6 done by the Zoning Board.

7 MR. STACH: Yeah, but there is no
8 zoning --

9 MR. MCMENAMIN: Let them address
10 that issue. I think we should just
11 move them to the place where they need
12 to be, which is not here. This is not
13 a site plan issue.

14 MR. SENDLEWSKI: I think we're
15 all saying the same thing. If you just
16 show them the 215.130, and say, yeah,
17 we agree with this and revert to the
18 Town Board and said we really are
19 recommending you guys make the changes
20 in order for it to happen that's what

21 we're asking.

22 MR. MULLER: I would like to make

23 a motion that we send them to the Town

24 Board.

25 MR. ROGERS: I'll second that.

1 - Proceedings -

2 CHAIRMAN GUBITOSA: Mary, poll
3 the Board on a recommendation to send
4 them to the Town Board.

5 MR. MCMENAMIN: Well, can we have
6 a discussion before?

7 CHAIRMAN GUBITOSA: Yes.

8 MR. MCMENAMIN: With a positive
9 recommendation to -- that we feel that
10 this is a good use for this area
11 because that's the real crux of the
12 matter.

13 Ambulances are supposed to be in
14 the residential zone according to our
15 code.

16 Open the code, move ahead. It's
17 not a residential zone. So, let's give
18 -- I think it's a great for all the
19 things that's said.

20 The location, it's a great

21 location. It works for the needs of
22 this user, so I think we should give
23 them a positive recommendation to the
24 Town Board.

25 And the plan so far is a good

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- Proceedings -

2

plan, and they should try to -- so it

3

should go with a positive

4

recommendation of some sort.

5

MR. SENDLEWSKI: Thank you.

6

MR. MULLER: Can I make that

7

recommendation to say that we will give

8

a positive recommendation to the Town

9

Board and send them to the Town Board

10

--

11

MR. KRAESE: Before you vote,

12

Kevin, do you have any questions or

13

concerns?

14

MR. MAHER: No. I worked with

15

the architect on the draining. I'm

16

satisfied.

17

MR. SENDLEWSKI: He was very

18

helpful.

19

MR. MULLER: I assume you'll be

20

speaking with Max to work out the

21 questions --

22 MR. SENDLEWSKI: I'm going to

23 give Max a call.

24 MR. MULLER: He can make --

25 MR. SENDLEWSKI: Absolutely.

1 - Proceedings -

2 We'll go through it and we'll
3 plan to be at the next Town Board
4 meeting to start moving the ball along,
5 but, again, thank you so much.

6 CHAIRMAN GUBITOSA: I have a
7 motion, and a second to refer them to
8 the Town Board with a positive
9 recommendation that this use -- this
10 site is perfect for this use.

11 Mary, poll the Board.

12 MS. PAGANO: Mr. McMenamin?

13 MR. MCMENAMIN: Yes.

14 MS. PAGANO: Mr. Muller?

15 MR. MULLER: Yes.

16 MS. PAGANO: Mr. Krease?

17 MR. KRAESE: Yes.

18 MS. PAGANO: Mr. Javenes?

19 MR. JAVENES: Yes.

20 MS. PAGANO: Mr. Rogers?

21 MR. ROGERS: Yes.

22 MS. PAGANO: Chairman Gubitosa?

23 CHAIRMAN GUBITOSA: Yes.

24 MR. STACH: Is this Board

25 comfortable, at this time, discussing

1 - Proceedings -
2 the possibility of accepting the plan
3 set forth, making a recommendation for
4 that?

5 MR. MULLER: I like the plan I
6 saw. I like the concept of what they
7 were doing and the idea of what it was
8 for.

9 MR. SENDLEWSKI: We would be all
10 for that.

11 We were just trying to -- we
12 didn't want to bite off too much at one
13 time.

14 I know the master plan, if that
15 were the case, we're still going to
16 design the building to allow for that
17 in the future, and if the future is now
18 that's even better for the Ambulance
19 Corps. because it helps for membership
20 and also helps them in terms of

21 funding.

22 Thank you.

23 MR. KRAESE: Before you leave,
24 the first thing you brought up when you
25 started your presentation, you said

1 - Proceedings -

2 something about a 30-foot setback.

3 What are you referring to?

4 MR. SENDLEWSKI: That's in the

5 rear under the column F. It's for --

6 MR. KRAESE: For residential.

7 Okay, I just missed that.

8 MR. MCMENAMIN: Back to the site

9 plan, which is where I want to be. I

10 should have picked this up before.

11 Maybe it's already talked about.

12 Up in the northeast corner

13 there's a tiny little piece that

14 appears to be on someone else's

15 property and you've got improvements

16 there.

17 What's that about?

18 MR. SENDLEWSKI: That's the -- on

19 the -- actually, that exists that way.

20 It's actually an easement.

21 If you look on the site plan and
22 on the survey, that's a deeded easement
23 between the two properties. And we
24 were going to cut that -- we're still
25 maintaining the parking, but we're

1 - Proceedings -
2 going to cut back the pavings because
3 it's a little bit larger than it needs
4 to be and provide additional
5 landscaping there, but it is actually
6 an easement common to both properties.

7 It's a deeded easement --

8 MR. MCMENAMIN: For either
9 property?

10 MR. SENDLEWSKI: That's correct.

11 MR. MCMENAMIN: So, you're making
12 those improvements --

13 MR. SENDLEWSKI: That's right.

14 MR. MCMENAMIN: -- you have the
15 right to make improvements on their
16 property.

17 MR. SENDLEWSKI: Yes. And what
18 we're going to do is, we're just going
19 to cut back and put small landscaping.

20 MR. MCMENAMIN: I was just

21 wondering why you had to do it.

22 MR. MULLER: You may want to also

23 get some direction with regard to the

24 parking at Max's meeting --

25 MR. SENDLEWSKI: Oh, yeah. I

1 - Proceedings -
2 think what we'll do is if the Board
3 would include that as part of the
4 recommendation we would -- that would
5 be terrific.

6 I think what will happen is
7 between now and the Town Board meeting
8 the recommendation will go from this
9 Board and will be -- we'll draft some
10 language to get to the Town Board and
11 also you'll get copies too to say we
12 reviewed -- because they're going to
13 rely on your expertise and hopefully we
14 can get this done.

15 CHAIRMAN GUBITOSA: Let's have
16 some discussion of the Board as to how
17 we feel with the residential codes.

18 MR. MCMENAMIN: I think that --
19 especially with the parking I think --
20 I don't know if it shows in the

21 residential part of the zoning code

22 what is the necessary parking for

23 ambulance with residential --

24 MR. SENDLEWSKI: I have to check

25 that.

1 - Proceedings -

2 MR. MCMENAMIN: I think when
3 you go to the Town Board and you're
4 dealing with this issue of the use in
5 the zone I think you should bring up
6 the residential --

7 MR. SENDLEWSKI: Right.

8 MR. MCMENAMIN: -- and there --
9 and solidify the parking question
10 because to tell you the truth that
11 whole -- that thing you're doing there

12 I don't think that's a good idea.

13 I think there should be some
14 parking called for in the zoning code
15 specifically for the needs -- so if you
16 have to rewrite the table so do it and
17 get the parking nailed down, two per
18 apartment two, per apartment, the rest
19 of the -- whatever it is and spell it
20 out --

21 MR. SENDLEWSKI: Sure.

22 MR. MCMENAMIN: -- so you don't

23 have to go --

24 MR. SENDLEWSKI: Again, with our

25 discussion with Max and the meeting and

1 - Proceedings -
2 this Board we're relying just as much
3 on your expertise in that fashion.

4 It's a joint effort, and any
5 input that you have, and Max and I talk
6 about what we really think it is, input
7 from the Ambulance Corps, and, you
8 know, based on their experience at the
9 current facility and, you know, what
10 the amount hopefully will be with
11 membership, we'll be able to come up
12 with a solution that will work for
13 everybody.

14 MR. MCMENAMIN: The other thing
15 is the separation, the two entrances.

16 The entrance for the residential
17 on one side and the entrance for the
18 business part on the other side --

19 MR. SENDLEWSKI: The way it's
20 designed right now, we have a common

21 vestibule in the back of the building.

22 As you come into the vestibule

23 straight ahead would be a door with a

24 glass side, which is the Ambulance

25 Corps., and then there would be an

1 - Proceedings -
2 elevator and a stair going up to the
3 second floor lobby.

4 The lobby for the residential is
5 actually on the second floor. You go
6 up there and there's another door
7 entering in the corridor and units.

8 MR. MCMENAMIN: Yeah, I looked at
9 that. I think that's perfect, that
10 keeping that away from the garage
11 doors.

12 Keeping the two occupancies
13 separate is really the crux of the
14 matter.

15 I don't mind having the
16 residential -- I absolutely agree, but
17 my concern was, and the first day I
18 told you about it, was the separation
19 of the uses so that the residential
20 doesn't mix with the business and

21 becomes, you know, dangerous in any
22 way.

23 I think you've done that with the
24 back entrance, so I think that's good.

25 MR. SENDLEWSKI: Again, thank you

1 - Proceedings -

2 so much for your help.

3 MR. MULLER: We didn't vote yet.

4 CHAIRMAN GUBITOSA: So, the

5 recommendation, I guess, to the Town

6 Board for this use probably --

7 MR. MULLER: I'll make the motion

8 that the recommendation we're going to

9 send to the Town Board is a positive

10 one, but will also include a

11 residential aspect as our motion --

12 CHAIRMAN GUBITOSA: We'll revise

13 the first one.

14 MR. MULLER: Correct.

15 MR. ROGERS: I'll second that.

16 CHAIRMAN GUBITOSA: So we have

17 that motion on the floor.

18 Mary, just poll us on this one.

19 MS. PAGANO: Mr. McMenamin?

20 MR. MCMENAMIN: Yes.

21 MS. PAGANO: Mr. Muller?

22 MR. MULLER: Yes.

23 MS. PAGANO: Mr. Krase?

24 MR. KRAESE: Yes.

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MS. PAGANO: Mr. Javenes?

MR. JAVENES: Yes.

MS. PAGANO: Mr. Rogers?

MR. ROGERS: Yes.

MS. PAGANO: Chairman Gubitosa?

CHAIRMAN GUBITOSA: Yes.

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- Proceedings -

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

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In the Matter of the Application

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RE:

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K.B.T. PROPERTIES,

7

Applicants.

8

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9

7:30 o'clock p.m.

10

September 23rd, 2010

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 (Not present)

19

EUGENE KREASE, Member

GERRY ROGERS, Member

20

KARL JAVENES, Member

PETER MULLER, Member

21

MARY PAGANO,
22 Secretary to the Board

23

Reported by: Randi Vecchione, Reporter,
24 -for-

24

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

1

2

Appearances continued: 55

3

4

FERRICK, LYNCH & MAC CARTNEY, Esqs,

5

96 South Broadway

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq., Special
Counsel

7

WILLIAM SHEEHAN, Town Building

8

Inspector

(Not Present)

9

LIZ VERRIER, Deputy Town Attorney

10

(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

15

(Not Present)

16

17

And the Public.

18

PULEO REPORTING & TRANSCRIPTION
SERVICES

19

61 Crickettown Road

20

Stony Point, New York 10980

21

(845) 429-8986 FAX and Phone

22

23

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25

1 - Proceedings - 56

2 THE CHAIRMAN: We're just going
3 to move one item on the agenda.

4 We're going to move KBT up to
5 number two, and then do the Fire
6 District third.

7 For the KBT application, if I can
8 read it, we just got a letter from the
9 applicant.

10 This is for the special permit
11 and it's addressed to the Chairman.

12 "In view of our inability, to
13 date, to obtain satisfaction of the
14 requirements for approvals from various
15 outside agencies such as the NYS DEC
16 and the Rockland County Drainage
17 Agency, and in view of the fact that it
18 appears that reports and analysis will
19 not be forthcoming in the near future,
20 it is deemed expedient at this time to

21 withdraw the application of KBT
22 Properties, Ltd. for a Special Permit
23 and Contractor's Storage Yard.
24 Therefore, please consider the
25 application withdrawn. KBT

1 - Proceedings - 57

2 Properties."

3 So, we will put that on the
4 record that KBT is withdrawing their
5 application.

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

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----- X

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In the Matter of the Application

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RE:

6

STONY POINT FIRE DISTRICT SUBSTATION,

7

Applicants.

8

----- X

9

7:40 o'clock p.m.
September 23rd, 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 (Not present)
EUGENE KREASE, Member
GERRY ROGERS, Member
KARL JAVENES, Member
PETER MULLER, Member

19

20

21

MARY PAGANO,
Secretary to the Board

22

23

Reported by: Randi Vecchione, Reporter,
-for-

24

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

25

1

2

Appearances continued: 55

3

4

FERRICK, LYNCH & MAC CARTNEY, Esqs,

5

96 South Broadway

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq., Special
Counsel

7

WILLIAM SHEEHAN, Town Building

8

Inspector

(Not Present)

9

LIZ VERRIER, Deputy Town Attorney

10

(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

15

(Not Present)

16

ATZL, SCATASSA & ZIGLER
Surveyors/Architects for Applicant

17

234 North Main Street
New City, New York 10956

18

BY: DAVID ZIGLER, P.E.

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 - 61

2 THE CHAIRMAN: Item number
3 three, Stony Point Fire District.

4 MR. DOW: Good evening, Chairman,
5 Members of the Board. Scott Dow from
6 the law firm Kornfeld, Reu, Newman &
7 Simeone for the Stony Point Fire
8 District.

9 If the Board members would
10 recall, we last appeared before you on
11 August 26th.

12 At that point, there was a
13 recommendation that was going to be
14 sent to the Town Board in essence
15 indicating that the site plan was
16 conceptually adequate and recognizing
17 the Town zoning in favor of the site
18 plan.

19 Currently, now, there's an issue
20 regarding the R-1 Zone where the

21 proposed new fire substation is being
22 located. And that issue was resolved
23 by resolution of the Town Board at
24 their September 14, 2010, meeting.

25 So now we're before this Board

1 - Proceedings - 62

2 hoping that we get final site plan
3 approval.

4 MR. MULLER: I guess we had one
5 question for you.

6 Apparently, there was a newer map
7 that was out there that we haven't
8 received.

9 MR. ZIGLER: That's the map you
10 have. We just didn't put a revision
11 date on it.

12 MR. MULLER: Is that the only
13 change?

14 MR. ZIGLER: There was some minor
15 stuff after we talked to Sonny Lin
16 (phonetically written) on the drainage.

17 MR. MULLER: Okay, Can you just
18 briefly --

19 MR. ZIGLER: Basically, we
20 discussed with Sonny Lin (phonetically

21 written) about the splitting of the
22 drainage.

23 And there was some question about
24 where we could run drains, roof drains
25 and footing drains. And there's some

1 - Proceedings - 63

2 minor changes on that. That's it.

3 MR. MULLER: The structure is all
4 the same?

5 MR. ZIGLER: The grading was the
6 same. The structure is the same. That
7 was --

8 MR. MULLER: You are aware that
9 resolution refers to it, but we didn't
10 have it in our possession --

11 MR. ZIGLER: We just forgot to
12 put a revision date.

13 CHAIRMAN GUBITOSA: And Sonny Lin
14 is the County architect?

15 MR. ZIGLER: Yeah, he's doing the
16 revision for the road access.

17 MR. RESNICK: Dave, the map that
18 we have tonight prepared by your
19 office, was that the map that's in
20 front of the Town Board also when they

21 determined --

22 MR. ZIGLER: Yes, without the
23 changes, I just said about the minor
24 drainage changes, but basically the
25 plan has been the same.

1 - Proceedings - 64

2 The grading, the access, the
3 widths, the parking, that hasn't
4 changing. We're just talking about
5 moving around footing drains and floor
6 drains was a big discussion.

7 MR. MULLER: Max, you have a
8 question?

9 MR. STACH: Yeah. I think we
10 discussed that when the Planning Board
11 recommended this to the Town Board.

12 They recommended incorporation of
13 traffic consultants requested revisions
14 regarding the alignment of the ingress
15 and egress the parking lot in two
16 locations.

17 You gave sort of a scenario A and
18 B, one to reduce the parking spots, and
19 one of them did not reduce the parking
20 spots.

21 And then there was another area

22 off of, I believe, it was Central Drive

23 -- these maps --

24 CHAIRMAN GUBITOSA: Alternate one

25 and two.

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2 MR. STACH: Alternate one and
3 two, and then there's a second request
4 made.

5 So, the Planning Board
6 recommended that. Has that been done
7 on the Planning --

8 MR. ZIGLER: No. No. For one,
9 this is what we discussed at the
10 workshop.

11 We didn't believe that reducing
12 the parking was a good plan.

13 You know, you had a discussion
14 about how much parking we had, now you
15 want us to reduce it.

16 The second thing was he was
17 actually making changes that the fire
18 truck was going to clip that one curb
19 as it entered coming northbound.

20 So, the map that Sonny Lin, the

21 County engineer, is reviewing is the
22 map that is in front of you and does
23 not incorporate that.

24 And those two changes -- you
25 know, the County is the jurisdiction on

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2 all three fronts, so we just left it
3 the way we had discussed it with Sonny
4 Lin and the County, and we did not do
5 those revisions.

6 MR. STACH: Now, one of the
7 alternatives doesn't compute in the
8 reduction of any parking.

9 MR. ZIGLER: No, but I believe he
10 narrowed the throw quite a bit.

11 That was one of the things -- we
12 actually met on site to open that up
13 because the truck is coming from the
14 police station and has to make the
15 right. There's no way he could do it
16 without having that width.

17 And if the truck is coming
18 northbound, he would actually have to,
19 you know, S-turn into it.

20 So -- and besides that, we're

21 including drop curbs on the little
22 islands for the trucks to ramp over.
23 So, we have a little problem
24 getting in that one spot and we just
25 left it the way we previously had laid

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2 it out.

3 And to be very truthful, Adler
4 said they had to make some kind of
5 revision and that was the only revision
6 they could find, so we made that one
7 also.

8 MR. MULLER: I'll make a motion
9 to accept --

10 CHAIRMAN GUBITOSA: What we're
11 looking at is the site plan.

12 MR. MCMENAMIN: Just one
13 question, Dave.

14 Your little piece of property, is
15 that little triangle?

16 MR. ZIGLER: Excuse me?

17 MR. MCMENAMIN: Your piece of
18 property is the little triangle --

19 MR. ZIGLER: Yes.

20 MR. MCMENAMIN: Who owns all the

21 property all around it?
22 MR. ZIGLER: See, the county
23 believes that they had given the old
24 road to Stony Point, but the surveyors
25 of the Town found there's no document

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2 to that fact.

3 So, Sonny Lin (phonetically
4 writtten) is actually reviewing the
5 entire perimeter of the parcel.
6 It's his jurisdiction, the County's.

7 MR. MCMENAMIN: So, they own all
8 the property outside of your little
9 triangle.

10 MR. ZIGLER: Yes.

11 MR. MCMENAMIN: Including Central
12 Highway?

13 MR. ZIGLER: Yes.

14 MR. MCMENAMIN: It's their
15 jurisdiction.

16 MR. ZIGLER: That's true.

17 MR. MCMENAMIN: But with regard
18 to your drainage study the County is
19 looking at that also.

20 MR. ZIGLER: Yes. Really, that's

21 the only outstanding issue right now.

22 The roads are the same. Sonny

23 and Ray had met several times.

24 Unfortunately, he's had this

25 since -- for almost seven weeks, but,

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2 you know, they're in a lawsuit I guess
3 with some other fire company down
4 south, so he said he's going to get to
5 it, but he didn't get to it before the
6 meeting.

7 MR. MCMENAMIN: Let me ask you
8 this.

9 You have a big outfall there,
10 that it's very close to Route 210. Is
11 he looking at it?

12 MR. ZIGLER: Yeah, he's looking
13 at it. And, basically, whatever we do,
14 it's better than the condition now.

15 Understand that we're actually
16 controlling waters that are not ours.

17 Once it enters the road, we don't
18 have to control it, but we also
19 understand our driveway is longer and
20 wider than most driveways.

21 So, if you look very carefully in
22 front of the garage doors, we have put
23 slotted drains to separate the waters,
24 but that is one system that he's
25 looking at.

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2 The other system is how do you
3 get it off the property.

4 His first thought was to enter
5 into the gutter line of 210 going down
6 to the culvert.

7 And then after they looked at
8 that, they didn't think that was a good
9 idea, so this is the second idea, but
10 I'm not so sure it's going to be
11 approved.

12 One way or the other, it's going
13 to be approved, but the outfall
14 structure might change.

15 MR. MCMENAMIN: I was just asking
16 if the County is looking at that.

17 MR. ZIGLER: Oh, definitely.

18 That's really the issue because
19 understand that we are taking all curb
20 and sidewalk out and replacing the

21 frontage with new curbing and now
22 there's sidewalk all the way to the
23 traffic light and down to the street
24 past our ramp.

25 And on the other side, we're

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2 replacing all that curb.

3 So, although it's a small piece

4 it's a lot of review for the county.

5 It's a small piece of property, but

6 it's a large review.

7 MR. MCMENAMIN: I don't have any

8 problems with the dry wells or the

9 drain.

10 The only thing I could see that

11 would concern me is they have an

12 outfall of about ten feet away from

13 Route 210.

14 It doesn't seem like it's a smart

15 idea.

16 It could be either extended down

17 to drainage, you know, in the road or

18 to the water -- as long as they're

19 looking at that, we're not looking at

20 it.

21 He's looking at it and I'm sure
22 he sees the need to do something. The
23 rest of it on the site, the dry wells I
24 think is fine.
25 MR. ZIGLER: I think once he

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2 finishes his review I think Sonny and
3 Kevin are going to sit down and review
4 it to make sure everybody is happy.

5 CHAIRMAN GUBITOSA: Any
6 discussions on the rest of the site
7 plan approval if we do a resolution?
8 Make a motion.

9 MR. MULLER: Gene made it and
10 Jerry seconded it, and we'll vote on
11 it.

12 "A meeting of the Town of Stony
13 Point Planning Board (the "Planning
14 Board") was held at the RHO Building,
15 Stony Point, New York on September 23,
16 2010, at 7 p.m.

17 "The following resolution was
18 duly offered and seconded, to wit:

19 "Resolution granting site plan
20 approval with respect to the

21 application of Stony Point Fire
22 District for reconstruction of its
23 substation located at the northwest
24 corner of the intersection of New York
25 State Route 210 and Central Highway,

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2 Town of Stony Point, New York.

3 "The Chairman advised that the
4 hearing before the Board concerned site
5 plan approval for the application of
6 the Stony Point Fire District (the
7 "Applicant") pursuant to the Town of
8 Stony Point's site plan rules and
9 regulations.

10 "The Chairman opened the meeting,
11 explained the purpose of the hearing
12 and the history of the applicant's
13 proposal before the Planning Board.
14 Scott A. Dow, Esq. and David M.
15 Zigler, PLS were present on behalf of
16 the applicant. Kevin Maher was present
17 as the Town Engineer, Special Counsel
18 to the Planning Board by Ferrick, Lynch
19 and MacCartney by Dave J. Resnick,
20 Esq., Robert Geneslaw Co., Planning

21 Consultant to the Planning Board was

22 present by Max Stach.

23 "The Planning Board previously

24 heard from the Town's Planning

25 Consultant, Robert Geneslaw Co. and

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2 Kevin Maher, Town Engineer with respect
3 to the applicant's proposal.

4 "Whereas, the applicant has
5 made an application to the Planning
6 Board for Site Plan approval for the
7 re-construction of a substation of
8 approximately 7,500 square feet to
9 replace the existing outdated building
10 located in an R-1 zoning district at
11 the northwest corner of the
12 intersection of New York State Route
13 210 and Central Highway, Town of Stony
14 Point, State of New York (the
15 "Premises") Said Premises being
16 designated on the Board's Fire
17 Substation Concept Plan consisting of
18 eight sheets. On the Stony Point Tax
19 Map as Lot 26.06, Block 1, Lot 41 as
20 prepared by Atzl, Scatassa & Zigler,

21 dated 8/27/09, last revised 9/2 of 10.
22 "Whereas, the applicant
23 proposed to be lead agency by the
24 letter to the Town of Stony Point
25 Planning Board from Scott A. Dow, Esq.,

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2 dated May 3, 2010 with the Planning
3 Board objecting at its meeting of May
4 27, 2010 to the applicant's designation
5 as lead agency and noticing the
6 Planning Board's intent to be lead
7 agency and determining that the
8 proposed project constituted a Type II
9 action under the New York State
10 Environmental Quality Review Act
11 ("SEQRA");

12 "Whereas, following
13 extensive consultation with the
14 applicant and the Town's consultants,
15 the Planning Board at its meeting of
16 June 24, 2010 rescinded its intent to
17 be lead agency and it's objection to
18 the applicant's status as lead agency;

19 "Whereas, the project
20 application and all documentation in

21 support of the application was
22 distributed to and reviewed by the
23 involved Town and County agencies and
24 necessary consultants; and
25 "Whereas, the Planning Board

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2 opened a duly noticed joint public
3 hearing with the applicant as lead
4 agency with respect to the site plan
5 application on July 22, 2010;

6 "Whereas, said public
7 hearing was thereafter duly closed by
8 motion of the Planning Board on July
9 22, 2010, during which public hearings,
10 members of the public and the applicant
11 and consultants were heard by the
12 Planning Board and their comments duly
13 taken into consideration; and

14 "Whereas, the Planning Board
15 duly considered the requests, comments,
16 and recommendations of the public,
17 reviewing agencies, and consultants
18 including the County of Rockland
19 Department of Planning by letter dated
20 June 15, 2010; the State of New York

21 Department of Transportation by letter
22 dated May 21, 2010; the Rockland County
23 Department of Highways by letters dated
24 April 9, 2010 and June 18, 2010, Adler
25 Consulting by letter dated August 2,

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2 2010; Scott A. Dow, by letters May 3,
3 2010, and August 27, 2010; the Town of
4 Stony Point Fire Department by letter
5 dated August 3, 2010; as well as a
6 Traffic Signal Plan dated August 5,
7 2010, and a Preliminary Striping Plan
8 dated July 7, 2010; and

9 "Whereas, pursuant to the
10 requirements of SEQRA, the Applicant
11 acting as Lead Agency on July 29, 2010,
12 determined that the Project is a Type
13 II action and in tandem with the
14 Planning Board has taken all necessary
15 review and analysis of the Project as
16 such; and

17 "Whereas, on June 5, 2010,
18 the Planning Board conducted a site
19 visit to the Premises; and

20 "Whereas, at its meeting on

21 August 26, 2010, the Planning Board
22 referred the Applicant to the Town of
23 Stony Point Town Board for a
24 determination with respect to the
25 Applicant's request for the waiving of

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2 bulk regulations applicable to the
3 Project with the Town Board thereafter
4 adopting a Resolution at its meeting on
5 September 14, 2010, waiving any
6 applicable bulk requirements of the R-1
7 Zone in favor of the Applicant's site
8 plan as currently configured and
9 presented to the Planning Board; and

10 "Whereas, it appears that
11 the best interests of the Town of Stony
12 Point will be served if the application
13 of the Stony Point Fire District is
14 approved, subject to certain
15 conditions.

16 "Now, therefore, be it
17 resolved by the members of the Town of
18 Stony Point Planning Board as follow:

19 "Section one, the site plan
20 entitled "Board of Fire Commissioners

21 Fire Station Concept Plan" as prepared
22 by Atzl, Scatassa & Zigler dated
23 8/27/09, last revised 9/2 of 10, and
24 consisting of eight pages submitted to
25 the Planning Board for approval and

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2 affecting premise designated on the tax
3 map of Stony Point as above referenced,
4 be and hereby is approved, upon payment
5 of any and all outstanding fees and
6 expressly after compliance with and
7 subject to the following conditions;
8 and

9 "A. The applicant shall
10 comply with all pertinent and
11 applicable conditions set forth in the
12 letters of the Rockland County
13 Department of Planning and other
14 reviewing agencies as referred to
15 herein, to the satisfaction of the Town
16 of Stone Point and shall obtain all
17 necessary permits, if any;

18 "B. Upon payment of all
19 required fees to the Town and its
20 consultants and submission and approval

21 of any legal documents and the Site
22 Plan with such additions as may be
23 required, the Site Plan may be approved
24 and signed by the Chairman of the
25 Planning Board and duly filed in the

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2 Office of the Clerk of the Town of
3 Stony Point."

4 CHAIRMAN GUBITOSA: Thank you.

5 Just one correction on the second
6 page; the letter dated August 3rd was
7 from the police department. You had
8 said "fire".

9 MR. MULLER: I'm sorry.

10 CHAIRMAN GUBITOSA: That's all
11 right.

12 So, we have a motion to second on
13 the resolution.

14 Mary, just poll the Board.

15 MS. PAGANO: Mr. McMenamin?

16 MR. MCMENAMIN: Yes.

17 MS. PAGANO: Mr. Muller?

18 MR. MULLER: Yes.

19 MS. PAGANO: Mr. Krease?

20 MR. KRAESE: Yes.

21 MS. PAGANO: Mr. Javenes?
22 MR. JAVENES: Yes.
23 MS. PAGANO: Mr. Rogers?
24 MR. ROGERS: Yes.
25 MS. PAGANO: Chairman Gubitosa?

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2 CHAIRMAN GUBITOSA: Yes.

3 All right. Thank you.

4 MR. DOW: Thank you very
5 much on behalf of the Board of Fire
6 Commissioners and personally.

7 It was certainly a pleasure
8 working with the Planning Board and I
9 appreciate all of the efforts.

10 MR. MULLER: Thank you.

11 CHAIRMAN GUBITOSA: Just make
12 a motion to accept the minutes of July
13 22nd.

14 MR. ROGERS: I'll make that
15 motion.

16 MR. KRAESE: I'll second.

17 CHAIRMAN GUBITOSA: All in
18 favor?

19 MR. MCMENAMIN: Aye.

20 MR. MULLER: Aye.

21 MR. KRAESE: Aye.

22 MR. JAVENES: Aye.

23 MR. ROGERS: Aye.

24 CHAIRMAN GUBITOSA: And just

25 remember, November 4, 2010, is the

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2 deadline for the November December
3 meeting. November 18th is the Tech
4 meeting, and December 9th would be the
5 regular Planning Board meeting. Make a
6 motion to close?

7 MR. KRAESE: So be it.

8 MR. ROGERS: I'll second it.

9 CHAIRMAN GUBITOSA: All in favor?

10 MR. MCMENAMIN: Aye.

11 MR. MULLER: Aye.

12 MR. KRAESE: Aye.

13 MR. JAVENES: Aye.

14 MR. ROGERS: Aye.

15 CHAIRMAN GUBITOSA: Thank you.

16 * * *

17

18

19 (Time noted: 8:07 p.m.)

20

21

22

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