

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

SPM, INCORPORATED/TOWN LINE,

7

Applicants.

8

----- X

9

March 2nd, 2010

7:05 o'clock p.m.

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

PETER MULLER, Member

19

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20

GERRY ROGERS, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by: Ashley Principe,
Reporter, for;

24

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

1

2 Appearances continued: 3

3

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

7

8 WILLIAM SHEEHAN, Town Building
9 Inspector

9

10 LIZ VERRIER, Deputy Town Attorney

10

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

11

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

16 ATZL, SCATASSA & ZIGLER, P.C.
17 Planners/Surveyors for Applicant
18 BY: DAVID ZIGLER

18 MR.BOYLE, for Applicant

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 -

2 CHAIRMAN GUBITOSA: Can
3 we stand for the Pledge?

4 * * *

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

7 CHAIRMAN GUBITOSA: Mary,
8 just call the roll, please.

9 MS. PAGANO: Okay. One second.

10 CHAIRMAN GUBITOSA: Okay. Thank
11 you.

12 MS. PAGANO: Mr. McMenamin?

13 MR. MCMENAMIN: Here.

14 MS. PAGANO: Mr Muller?

15 MR. MULLER: Here.

16 MS. PAGANO: Mr. Rogers?

17 MR. ROGERS: Here.

18 MS. PAGANO: Mrs. Callaghan?

19 MS. CALLAGHAN: Here.

20 MS. PAGANO: Chairman Gubitosa?

21 CHAIRMAN GUBITOSA: Here.
22 All right. This is a rescheduled
23 regular Planning Board meeting from
24 February 25th; it was rescheduled for
25 tonight.

1 - Proceedings -

2 On our agenda, there's one item
3 we really don't -- we don't have on
4 there yet; it came in today with the
5 Town Line.

6 We just have to look for, I
7 think, look for a substantial date.

8 Give us a little -- give us an
9 update of what we need to do with Town
10 Line.

11 MR. BOYLE: We're asking for an
12 extension of the building permit.

13 Steven Bricker wrote a letter for
14 it. We're working with the Town with
15 the drainage on the adjoining property.

16 MS. VERRIER: If I may address
17 the Board, the situation is, is that we
18 do have a storm water drainage pipe on
19 the adjacent property.

20 The Town is working with the

21 property owner to have it moved, and
22 we've been held up with the DEC on that
23 matter.

24 And in speaking with counsel for
25 SPM, he indicated that they really

1 - Proceedings -
2 can't proceed with development under
3 the final site plan approval in the
4 current status with the drainage pipe
5 being what it is and having this issue
6 pending before the DEC.

7 So, they are seeking an extension
8 for six months with final site plan
9 approval.

10 However, I did have an
11 opportunity to speak with the building
12 inspector and also counsel for SPM.

13 We feel this is actually in the
14 jurisdiction of the Zoning Board, so I
15 would recommend that this Board refer
16 to the Zoning Board for their decision
17 making authority on this matter to
18 grant that extension.

19 CHAIRMAN GUBITOSA: All right.
20 Thank you, Liz.

21 I think you have a motion to send
22 it to the Zoning Board.

23 MR. MULLER: I'd like to make a
24 motion to send them to the Zoning
25 Board.

1 - Proceedings -

2 CHAIRMAN GUBITOSA: Can I get a
3 second?

4 MR. ROGERS: I'll second.

5 CHAIRMAN GUBITOSA: Any
6 discussion? Mary, poll the Board.

7 MS. PAGANO: You need to read the
8 resolution. It's right in the back.

9 CHAIRMAN GUBITOSA: Okay.

10 "The resolution: A meeting of
11 the Planning Board of the Town of Stony
12 Point was convened on March 2, 2010 at
13 7:00 p.m. The following resolution was
14 duly offered and seconded to wit:

15 "Whereas, SPM Tech, Inc. (The
16 "Applicant), the owner of a certain
17 parcel of real property identified on
18 the tax map of the Town of Stony Point,
19 New York ("Town") as Town Line Park,
20 Section 20.04, Block 11, Lot 5.2 (the

21 "Premises"); and.
22 "Whereas, the on or about
23 October 23rd, 2008, the Planning Board
24 for the Town of Stony Point granted
25 final site plan approval in connection

1 - Proceedings -
2 with the development of the Premises
3 ("Final Site Plan Approval"); and.
4 "Whereas, the Zoning Ordinance
5 for the Town of Stony Point provides in
6 section 215.64(B) that final site plan
7 approval "shall expire 18 months from
8 the date the Planning Board actually
9 votes to grant approval unless a
10 building permit has been issued"; and.
11 "Whereas, the Applicant, by
12 letter dated February 26, 2010,
13 requested the Planning Board of the
14 Town of Stony Point to grant a six (6)
15 month extension of the Final Site Plan
16 approval due to the Applicant's
17 inability to apply for a building
18 permit and proceed to develop the
19 Premises while the Town's application
20 is pending before the New York State

21 Department of the Environmental
22 Conservation related to the Town's
23 relocation of the drainage pipe review
24 near the Premises; and
25 "Whereas, the Planning Board,

1 - Proceedings -
2 after reviewing the Applicant's request
3 for a six (6) month extension of Final
4 Site Plan Approval, submits this
5 request is within the jurisdiction of
6 the Zoning Board of Appeals of the Town
7 of Stony Point, not the Planning
8 Board."

9 So, that's the resolution. So --
10 okay.

11 So, I have a motion, and I have a
12 second for this resolution.

13 Mary, just poll the Board.

14 MS. PAGANO: Mr. McMEnamin?

15 MR. MCMENAMIN: Yes.

16 MS. PAGANO: Mr. Muller?

17 MR. MULLER: Yes.

18 MS. PAGANO: Mr. Rogers?

19 MR. ROGERS: Yes.

20 MS. PAGANO: Mrs. Callaghan?

21 MS. CALLAGHAN: Yes.

22 MS. PAGANO: Chairman Gubitosa?

23 CHAIRMAN GUBITOSA: Yes.

24 MR. BOYLE: Okay. Thank you very

25 much.

1 - Proceedings -

2 cert

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

SUPER VALUE SHELL STATION,

7

Applicants.

8

----- X

9

March 2nd, 2010

7:30 o'clock p.m.

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

PETER MULLER, Member

19

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20

GERRY ROGERS, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by: Ashley Principe,
Reporter, for;

24

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

1

2 Appearances continued: 12

3

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

7

8 WILLIAM SHEEHAN, Town Building
9 Inspector

9

10 LIZ VERRIER, Deputy Town Attorney

10

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

11

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

16 ATZL, SCATASSA & ZIGLER, P.C.
17 Planners/Surveyors for Applicant

17 BY: DAVID ZIGLER

18 MR.BOYLE, for Applicant

19 And the Public.

20 PULEO REPORTING & TRANSCRIPTION
21 SERVICES

21

61 Crickettown Road

22

Stony Point, New York 10980

23

(845) 429-8986 FAX and Phone

24

25

1 - Proceedings - 13

2 CHAIRMAN GUBITOSA: Next on the
3 agenda is the Super Value Shell
4 Station. It's for Site Plan sketch
5 approval, located on the southwest
6 corner of Liberty Drive/Route 9W and
7 Main Street.

8 This is a recommendation to the
9 Town Board for special permit.
10 Mr. Zigler?

11 MR. ZIGLER: Dave Zigler from
12 Atzl, Scatazza and Zigler.

13 I think you have a new plan in
14 front of you showing that we revised
15 the site, moved the building back
16 against the property line. It's a
17 little bit like the original plan that
18 we had in.

19 Part of the reason for that new
20 plan in front of you is that the

21 applicant was trying to get a drive-in

22 window, but that does not work.

23 So, he eliminated that idea and

24 we went back to more of a standard

25 layout. It shows the building on the

1 - Proceedings - 14

2 back property line. That would be the
3 western property line, parking in front
4 of the building, and we're just showing
5 the access as it exists today on 9W.

6 We're showing no access to West
7 Main Street; that's the first time that
8 we've drawn a map with no access to
9 West Main Street.

10 We have -- as you know -- you
11 know, two or three of these problems on
12 West Main Street; and one of them was a
13 drainage problem, and the other one is
14 a sight distance problem to the left.

15 We just can't solve it until the
16 State decides on what they are going to
17 do with the intersection.

18 So, this is a little bit of an
19 aggravating matter, I would call it.

20 And we're going to forward this

21 to the State. We did not yet, but we
22 thought we would get it out last week,
23 but it will be going out this week.

24 And -- and Phil Greely
25 (phonetically written) from College

1 - Proceedings - 15

2 Traffic and I, will go up and meet with
3 the State and try to solve this problem
4 with the access to 9W.

5 When they installed 9W as it is
6 today, they lowered it two and a half
7 foot in front of the site. So that
8 aggravates the elevation between West
9 Main Street and 9W.

10 It doesn't allow us to build what
11 he'd really like to build. You know,
12 gas pumps and gas tank slabs have to be
13 flat. You can't have them at four,
14 five or 6 percent of the site plan.

15 So, unless the State's going to
16 lower West Main Street or do something
17 else, or -- you know, we're going there
18 and see what the story is.

19 Right now they are no farther
20 ahead on their concept plan than they

21 were three months ago, so this is a
22 little bit of an adventure on our part
23 to go see them.

24 And I bring it up to the Board
25 that this situation we're in is the

1 - Proceedings - 16

2 same situation everybody else on that
3 corner has, but they don't realize it.

4 Our entrance is now, on site, is
5 as close as everybody else's, so it's a
6 little bit -- I think for the Town --
7 something the Town can look into
8 because, although when the bridge went
9 down, it did display some businesses
10 for that period of time, but what they
11 are doing to the intersection with the
12 traffic movements in and out of 9W will
13 be for the next 70 years, so I would
14 think that maybe through the Planning
15 Board to the Town Board it would be
16 time to get the Town Board involved
17 again with reviewing the intersection
18 with just as much as initiative they
19 took when reviewing the bridge designs.

20 So, we're going to go see the

21 State and see what the story is.

22 But, if you take the design that

23 you had in your plans from three months

24 ago and start looking at it, you'll see

25 that it's a mirror image, and everybody

1 - Proceedings - 17

2 on that intersection has the same
3 problem. And even though they left a
4 remnant piece of Malloy's to the
5 original owner, he's going to be in the
6 same predicament, that he'll only have
7 slight movement one way or the other in
8 and out of the site.

9 And that's pretty hard to have
10 only an access to 9W and have one
11 movement. So, I would just like to ask
12 the Board if they want us to stake the
13 building out, do another field trip, or
14 just wait until I come back from seeing
15 the DOT?

16 MR. MULLER: Well, you had stated
17 in the Tech meeting regarding the map,
18 that based on what they do on 9W the
19 plans may change again; correct?

20 MR. ZIGLER: Yes, that's it. I

21 thought they had moved ahead and when
22 contacted, learned they hadn't moved
23 yet.

24 MR. MULLER: I don't see this --
25 and they may be changing it again.

1 - Proceedings - 18

2 We understand your predicament,
3 but it doesn't --

4 MR. ZIGLER: I thought maybe
5 you'd like the fresh air on a Saturday.

6 MR. MULLER: I think maybe we'll
7 just wait for you to --

8 MR. ZIGLER: I think, you know,
9 I'm going to take, you know, Phil
10 Greely up and go see what the story is.

11 You know, originally they said
12 whatever we do, they're going to
13 incorporate it into their plans, and
14 you have comments there from Mary Joe
15 Russo from DOT and Rich, you have
16 comments from the County.

17 But really, you can just throw it
18 in the garbage because if the State is
19 happy with our plan, they are going to
20 incorporate the improvements of 9W and

21 our plan into it.

22 So, right now we're not at that

23 point. So, I'd like to flesh it out a

24 little more.

25 CHAIRMAN GUBITOSA: Do you need

1 - Proceedings - 19

2 anything for us to the Town Board or --

3 MR. ZIGLER: Winning lotto

4 numbers or something.

5 No, not really. I think they are

6 going to, hopefully, vote on the

7 special permit and we'll be back to

8 you.

9 CHAIRMAN GUBITOSA: Okay.

10 MR. ZIGLER: Thank you.

11 CHAIRMAN GUBITOSA: Thank you.

12 Dave -- nevermind.

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 - Proceedings - 20

2

3 cert

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

GALT/LUCREZIA,

7

Applicants.

8

----- X

9

March 2nd, 2010

7:40 o'clock p.m.

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

PETER MULLER, Member

19

GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20

GERRY ROGERS, Member

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by: Ashley Principe,
Reporter, for;

24

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

1

2

3 Appearances continued:

4

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

10

11 WILLIAM SHEEHAN, Town Building
12 Inspector

13

14 LIZ VERRIER, Deputy Town Attorney

15

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

17

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

25

26 ATZL, SCATASSA & ZIGLER, P.C.
27 Planners/Surveyors for Applicant
28 BY: DAVID ZIGLER

29

30 And the Public.

31

32 PULEO REPORTING & TRANSCRIPTION

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

1 - Proceedings - 23

2 THE CHAIRMAN: Next on the
3 agenda, item number two, Galt/Lucrezia.

4 This is a minor subdivision.

5 Okay. Give us one second.

6 MR. ZIGLER: All right. Just
7 waiting for you to vote.

8 We finally are lined up, and I
9 believe we have negative dec variances,
10 so, it's just a matter of the Planning
11 Board's decision.

12 CHAIRMAN GUBITOSA: All right.
13 In the last month you were at the ZBA;
14 right?

15 MR. ZIGLER: Yes.

16 CHAIRMAN GUBITOSA: And you've
17 got your variances?

18 MR. ZIGLER: Correct.

19 CHAIRMAN GUBITOSA: Does the
20 Board have any questions?

21 (No responses heard.)

22 CHAIRMAN GUBITOSA: All right.

23 So, right now we just need a

24 motion on the final resolution for

25 the -- all right.

1 - Proceedings - 24

2 "Final resolution: A meeting of
3 the Town of Stony Point Planning Board
4 was convened on March 2, 2010, at
5 7:00 p.m.

6 "The following resolution was
7 duly offered and seconded, to wit.

8 Resolution - Galt/Lucrezia.

9 "Resolution granting preliminary
10 and final approval with respect to the
11 application of Galt/Lucrezia for a two
12 lot minor subdivision plat and
13 conditional use permit for existing
14 dwelling in the R1 zoning district
15 located at the north side of Washburn's
16 Lane, 100 feet west of Rochelle Court,
17 Town of Stony Point, New York.

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

21 existing two-family residence and minor
22 subdivision of one (1) developed lot
23 currently occupied by said two-family
24 residence and several sheds and
25 accessory buildings into two (2) lots

1 - Proceedings - 25

2 with the existing two-family residence

3 to remain on the subdivided northern

4 lot and the subdivided southern lot to

5 be developed with a new residence, such

6 application entitled "Subdivision Plat

7 for Galt/Lucrezia" first dated February

8 27, 1009, last revised December 15,

9 2009, (the Project) affecting property

10 located at the north side of Washburn's

11 Lane approximated 100 feet west of

12 Rochelle Court in the Town of Stony

13 Point, State of New York, currently

14 designated on the Town of Stony Point

15 Tax Map as Lot 20.11-2-4 (the

16 Premises); and

17 "The Chairman opened the

18 meeting, explained the purpose of the

19 hearing and the history of the

20 Applicant's proposal before the

21 Planning Board. David M. Zigler,
22 P.L.S. was present on behalf of the
23 Applicant. Special Counsel to the
24 Planning Board, Feerick, Lynch,
25 McCartney, was present by David J.

1 - Proceedings - 26

2 Resnick, Esq.; Robert Geneslaw Co.,
3 Planning Consultant to the Planning
4 Board was present by Max Stach and
5 Kevin Maher was present as Town
6 Engineer.

7 "Whereas, pursuant to the
8 New York State Environmental Quality
9 Review Act ("SEQRA") the Town of Stony
10 Point Planning Board was designated as
11 Lead Agency on April 23, 2009 and the
12 Project designated as an Unlisted
13 Action, and thereafter, the Planning
14 Board, acting as Lead Agency undertook
15 all appropriate action and adopted a
16 Negative Declaration for the Project on
17 January 28, 2010 following preparation
18 and thorough review of an EAF Parts I,
19 II and III; and

20 "Whereas, by letters dated

21 May 6, 2009, July 31, 2009, August 13,
22 2009, October 5, 2009, December 2, 2009
23 and January 8, 2010 from the Rockland
24 County Department of Planning reviewed
25 and recommended approval of the Project

1 - Proceedings - 27

2 with certain modifications; and

3 "Whereas, by letters dated

4 July 27, 2009, August 27, 2009, October

5 5, 2009 and December 11, 2009, the

6 Rockland County Department of Highways

7 made various comments with respect to

8 the proposed Project including drainage

9 at and access to the premises; and

10 "Whereas, by letter dated

11 August 4, 2009, the Rockland County

12 Department of Health addressed the

13 applicant's compliance with the

14 Rockland County Mosquito Code; and

15 "Whereas, by letters dated

16 August 14, 2009 and November 13, 2009,

17 the State of New York Department of

18 Transportation offered comments

19 regarding the Project's impact on the

20 New York State transportation system

21 and drainage at the Premises; and
22 "Whereas, by letter dated
23 August 14, 2009, the Rockland County
24 Drainage Agency (the "RCDA") indicated
25 that the Premises is not within the

1 - Proceedings - 28

2 jurisdiction of the RCDA for permitting
3 purposes; and

4 "Whereas, by Memorandum
5 dated July 27, 2009, August 27, 2009,
6 and January 21, 2010, Town of Stony
7 Pont Town Engineer Kevin P. Maher
8 commented on the drainage designs
9 presented by the Applicant and made
10 recommendations regarding the same as
11 well as responded to the comments of
12 the New York State Department of
13 Transportation; and.

14 "Whereas, by letter dated
15 October 21, 2009, David M. Zigler,
16 P.L.S. on behalf of the Applicant,
17 responded to the October 5, 2009
18 comments of the Rockland County
19 Department of Highways; and.

20 "Whereas, a duly noticed

21 public hearing was opened by the
22 Planning Board on August 27, 2009,
23 which public hearing was subsequently
24 continued and thereafter closed on
25 September 24, 2009 by the motion of the

1 - Proceedings - 29

2 Planning Board, during which public
3 hearing the comments of the public were
4 heard and duly considered by the
5 Planning Board; and.

6 "Whereas, the Planning Board
7 referred the Applicant to the Town of
8 Stony Point Zoning Board of Appeals
9 ("ZBA") for consideration of necessary
10 variances, including those for lot
11 width and lot frontage; and.

12 "Whereas, the Planning Board
13 on January 28, 2010 adopted a Negative
14 Declaration for the Project, noting
15 that the proposed action is not
16 anticipated to result in any adverse
17 environmental impact and that any
18 potential impacts have been mitigated
19 by the applicant; and.

20 "Whereas, by Resolution

21 dated February 4, 2010, the ZBA
22 approved necessary lot width variances
23 for the project's proposed Lots 1 and 2
24 and a street frontage variance for
25 proposed Lot 2; and.

1 - Proceedings - 30

2 "Whereas, the Applicant
3 during has revised the subdivision plat
4 to address the suggestions and concerns
5 of the Planning Board, its consultants
6 and concerned agencies with regard to
7 access to the Premises and drainage
8 facilities thereupon, among other
9 things; and

10 "Whereas, the Planning Board
11 duly considered the requests, comments
12 and recommendations of the public,
13 aforementioned reviewed agencies, and
14 the Town's Engineer and consultants;
15 and,

16 "Whereas, the Applicant made
17 various substantive modifications to
18 the Project to mitigate any impacts,
19 upon the recommendations of the
20 Planning Board, various involved

21 agencies and the public.
22 "Whereas, pursuant to the
23 requirements of SEQRA, the Planning
24 Board has undertaken all appropriate
25 review and analysis of the proposed

2 application of Galt/Lucrezia and has
3 taken a hard look at the proposal and
4 determined that there are no potential
5 large impacts identified as a result of
6 the Project; and.

7 "Whereas, it appears that
8 the best interests of the Town of Stony
9 Point will be served if the application
10 of Galt/Lucrezia New York Joint Venture
11 is approved, subject to certain
12 conditions;

13 "Now, therefore, be it
14 resolved by the members of the Town of
15 Stony Point Planning Board as follows:

16 That the plat entitled
17 "Galt/Lucrezia", dated February 27,
18 2009, last revised December 15, 2009
19 affecting property located at the north
20 side of Washburn's Lane approximated

21 100 feet west of Rochelle Court in the
22 Town of Stony Point, State of New York,
23 currently designated on the Town of
24 Stony Point, State of New York,
25 currently designated on the Town of

1 - Proceedings - 32

2 Stony Point Tax Map as Lot 20.11-2-4 be

3 and is hereby approved with the

4 Chairman hereby authorized to sign the

5 subdivision plat and to permit same to

6 be filed in the office of the Rockland

7 County Clerk, upon payment of any and

8 all outstanding fees to the Town of

9 Stony Point, and after compliance with

10 and subject to the following:

11 "A. The Applicant's

12 compliance with any necessary

13 requirements set forth in the comments

14 of the aforementioned reviewing

15 agencies, including, but not limited to

16 the Rockland County Department of

17 Highways; and

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 as may be
22 required, the plat may be approved and
23 signed by the Chairman of the Planning
24 Board and duly filed in the Office of
25 the Clerk of the Town of Stony Point."

1 - Proceedings - 33

2 So, I have a final
3 resolution.

4 I just need a motion to approve
5 the final resolution?

6 MR. MULLER: I will Make a motion
7 to approve the resolution.

8 MS. CALLAGHAN: Second.

9 CHAIRMAN GUBITOSA: It's approved
10 with the modifications.

11 So, I have a motion and a second.

12 Mary, just poll the Board.

13 MS. PAGANO: Mr. McMenamin?

14 MR. MCMENAMIN: Yes.

15 MS. PAGANO: Mr. Muller?

16 MR. MULLER: Yes.

17 MS. PAGANO: Mr. Rogers?

18 MR. ROGERS: Yes.

19 MS. PAGANO: Mrs. Callaghan?

20 MS. CALLAGHAN: Yes.

21 MS. PAGANO: Chairman Gubitosa?

22 CHAIRMAN GUBITOSA: Yes.

23 Thank you.

24 * * *

25

1 - Proceedings - 34

2

3 cert

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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

----- X

In the Matter of the Application

RE:

KBT PROPERTIES, LTD.,

Applicants.

----- X

March 2nd, 2010
8:15 o'clock p.m.
RHO Building
Five Patriot Drive
Stony Point, New York
10980

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

B E F O R E : Thomas Gubitosa,
Chairman

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

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

21 MARY PAGANO,
Secretary to the Board

22

23 Reported by:

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

1

2

Appearances continued: 36

3

JOHN LOCKE, Engineer for Applicant

4

5

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

6

South Nyack, New York 10960

7

BY: DAVID RESNICK, Esq., Special
Counsel

8

WILLIAM SHEEHAN, Town Building
Inspector

9

10

LIZ VERRIER, Deputy Town Attorney

11

KEVIN P. MAHER, P.E, Town Engineer

12

KATHERINE ZALANTIS, Esq.

13

ROBERT GENESLAW COMPANY,
Planning Consultants

14

Two Executive Boulevard - Suite 401

15

Suffern, New York 10901

16

BY: MAXIMILIAN STACH, Town Planner

17

ROBERT GENESLAW, Town Planner
(Not Present)

18

19

And the Public.

20

PULEO REPORTING & TRANSCRIPTION

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

1 - Proceedings - 37

2 CHAIRMAN GUBITOSA: Next on the
3 Agenda is KBT Properties.

4 This is in the LI District, for
5 site plan/sketch approval located at
6 300 feet east of Holt Drive.

7 All right, Mr. Locke state your
8 name for the record.

9 MR. LOCKE: Good evening. My
10 name is a John Locke. I'm the engineer
11 and surveyor of the applicant.

12 CHAIRMAN GUBITOSA: All right.
13 We can go over the -- the
14 applicant has submitted comments on
15 their proposed draft Part II EAF, and I
16 have responded to those, as well.

17 So, I don't know how you would
18 like to proceed in that view.

19 MR. MCMENAMIN: Has the applicant
20 seen the responses from the consultant?

21 MR. LOCKE: Yes, I have.

22 MR. MCMENAMIN: It seems like

23 there are new questions with the --

24 with Max's review of the responses.

25 Have you looked at those?

1 - Proceedings - 38

2 Can you address them for us?

3 MR. LOCKE: I haven't really
4 looked at them in depth.

5 In general, looking through this,
6 for the most part, you're looking for a
7 Part III response.

8 I don't really have a problem
9 with a Part III response for most of
10 these items.

11 I, actually, would like to see if
12 we can go through them on a
13 point-by-point basis to find out since
14 this is really -- well, it's reviewed
15 both by Max, this is -- a document.

16 And I'd like to find out your
17 opinions on it.

18 Also, there are some questions,
19 of course, that can best be addressed
20 by the Town Engineer having some input

21 on it.

22 We think some of the items could
23 come off the table based on some of the
24 inspections of the site.

25 So, yes, I did put together a

1 - Proceedings - 39

2 rather lengthy narrative, responding to
3 your previous document.

4 I don't really see the point in
5 going through it point-by-point on each
6 one of those.

7 But if you'd like, I'd be happy
8 to go through a point-by-point basis on
9 the most recent review from your
10 planner, if ---

11 CHAIRMAN GUBITOSA: That's not --
12 is that the -- which letter is that?
13 Your February 4th?

14 MR. STACH: February 19th.

15 CHAIRMAN GUBITOSA: Oh, that's --
16 that's your --

17 MR. MCMENAMIN: Why don't we just
18 take it from the top and go through
19 Part II, three.

20 MR. LOCKE: Okay.

21 Essentially, I've read the
22 comments with respect to the EAF item
23 one.
24 We've been out to the site.
25 There's been excavation done out on the

1 - Proceedings - 40

2 site. There is a substantial amount of
3 fill that has been placed on the site.

4 We have fill that, in some areas,
5 exceeds 10 feet; at the smaller areas
6 it's closer to about 3 feet.

7 It does taper down to practically
8 nothing at the most eastern boundary.

9 What I would suggest there and as
10 your planner's suggested if the Town
11 Engineer is comfortable commenting on
12 what was observed, we don't believe we
13 have any type of ground water issue
14 within a reasonable distance to the
15 surface, and as what's recommended
16 previously when you had another
17 applicant before this Board, we have
18 essentially, kept the site.

19 MR. MCMENAMIN: And that's the
20 question I have. The DEC required

21 having two to three feet of clean fill
22 before anything went on at the site; is
23 that correct.

24 MR. LOCKE: It is my
25 understanding that when you were

1 - Proceedings - 41

2 reviewing it for use for athletic
3 fields, they were recommending a
4 minimum of three foot of material.

5 MR. MCMENAMIN: And your position
6 is what you -- what was put on prior
7 was what -- you're saying is that what
8 was put on the site prior, fulfilled
9 the requirements of what the DEC was
10 asking, and what's what you're asking?

11 MR. LOCKE: My understanding is
12 that the DEC recommendation with
13 respect to the prior application, was
14 that they were recommending a certain
15 amount of material over the site as it
16 existed, when it was operated as part
17 of the Kay Fries chemical plant.

18 And what I'm stating is that we
19 have, in most cases, significantly
20 exceeded that amount, and we are

21 certainly meeting the minimum for that
22 amount except at the very, very edge,
23 where we've tapered things down
24 slightly.

25 MR. SHEEHAN: When I was out

1 - Proceedings - 42

2 there with Mr. Tracy when he was with
3 his excavating machine, the holes that
4 were excavated on the site did yield a
5 minimum of about
6 three-to-three-and-a-half feet of cover
7 of material placed above.

8 The material consisted of mixed
9 soils, some construction debris such as
10 brick, crushed concrete, trace amounts
11 slightly of asphalt; all very -- down
12 fairly deep of course.

13 Ground water that I observed,
14 again, was about almost four feet down,
15 three-and-a-half-to-four feet down.

16 The one hole that was dug nearest
17 the large pile of, I believe, item four
18 on the site, where you now see the
19 excavating machine station, I think we
20 dug down about --- if I remember

21 correctly --- about 8 feet.
22 We didn't see any ground water
23 there; I believe that's due the fact
24 that the material in the area is
25 compressed soil and forced the water

1 - Proceedings - 43

2 out of the area.

3 The material was very dense to
4 dig through. The machine did -- it was
5 much harder for the machine to dig
6 through.

7 The other two areas, the soil was
8 still relatively soft; it hadn't
9 settled enough, hadn't impacted itself
10 well enough.

11 But as to my opinion, what it
12 looked like to me, the material was
13 naturally laid and allowed to settle on
14 its own.

15 If you were to put some
16 structures on top, obviously some
17 compaction tests will need to be done
18 on the soil for varying capacity, and
19 maybe some deeper holes may need to be
20 dug, just to determine the exact

21 effects by some form of computer
22 modeling of placement of foundation
23 there, whether it's going to displace
24 any of the groundwater or where it
25 would go to.

1 - Proceedings - 44

2 CHAIRMAN GUBITOSA: So how many
3 holes did you --

4 MR. SHEEHAN: Three. There were
5 three holes dug on the site.

6 CHAIRMAN GUBITOSA: Three.

7 MR. MULLER: What time of the
8 year was it done?

9 MR. SHEEHAN: It was January;
10 right Bruce?

11 BRUCE: I think so.

12 MR. SHEEHAN: Yeah, it was like
13 January 13th or 14th. Middle of
14 January. I don't remember the exact
15 date.

16 MR. ROGERS: Is that the seasonal
17 high water time or more or less?

18 MR. SHEEHAN: Not necessarily.

19 Actually, if you really want to
20 get seasonal high ground water, the

21 best time to actually dig a test hole
22 is late March to early April. By then
23 you've had your natural freeze thaw
24 action take effect, any frozen
25 materials will have melted, your

1 - Proceedings - 45

2 natural tendency for the ground water
3 to rise at that time of the year.

4 The soil that was encountered out
5 there was granular in nature. I would
6 say it's like a sandy loamy silt.

7 The material on top was very
8 gritty. I didn't do any -- I wasn't
9 able to do any sort of lab test, but
10 just a simple hand test of the soil:

11 Feeling it, trying to shape it
12 into rudimentary shapes. It appeared
13 to be very granular in nature, which
14 meant it's very free grain, at least
15 the top layer of the material that was
16 placed.

17 We didn't advance -- I made sure
18 we stopped, once we hit water. We
19 didn't go any deeper than any fill
20 material.

21 So, I can't say what the soil is
22 like below the material that's been
23 placed on site. But that which is on
24 top probably has a very good
25 percolation rate.

1 - Proceedings - 46

2 So, I don't believe that it would
3 trap any ground water at that layer.

4 It may rise into it due to
5 capillary action, and also where you
6 get some heavy rains or heavy snow
7 melts you will get a rapid rise, but it
8 will dissipate itself fairly quickly
9 because the soil will allow the water
10 to travel not only in a vertical
11 fashion, but horizontal fashion towards
12 the rive.

13 MR. MULLER: You had recommended
14 a couple for test holes?

15 MR. SHEEHAN: Yes.

16 MR. MULLER: And as we approach
17 March and April, maybe we can
18 coordinate it so those holes will be
19 done at that time.

20 MR. STACH: I think that would be

21 advisable.

22 MR. MCMENAMIN: And just to

23 clarify one other thing that you asked

24 before; these tests holes were not in

25 the areas where the two ponds were

1 - Proceedings - 47

2 filled in?

3 MR. SHEEHAN: I can't say for
4 sure. I'd have to be able to look at
5 the current map, versus the old map
6 overlaid.

7 I have a very good idea of where
8 we dug the holes. I think one may have
9 been dug where one of the pits were --
10 one of the ponds.

11 MR. MCMENAMIN: I think that --
12 so you're going to do more test pits?

13 MR. SHEEHAN: I would recommend
14 that some -- if not test pits, maybe
15 some borings could be taken.

16 MR. MCMENAMIN: Borings which
17 will also show you water level.

18 MR. SHEEHAN: That will
19 definitely give you water level,
20 especially if done during March or

21 April.

22 MR. MCMENAMIN: So, before that's

23 done, could you research the location

24 of the ponds, or maybe do those borings

25 or test pits there because I think the

1 - Proceedings - 48

2 fill is much -- the fill that was
3 brought in is much thicker there in
4 that filling ponds in.

5 MR. SHEEHAN: Well, it would be,
6 yes, because the fact that the ground
7 level is lower below the water.

8 MR. MCMENAMIN: And if you were
9 changing the voracity (phonetically
10 written) or density of the soils, that
11 may be creating lenses of wet areas
12 underneath that three feet.

13 They might show up in the area
14 where the ponds were, and I think that
15 was one of Mr. Major's (phonetically
16 written), Mr. Grusoe's (phonetically
17 written) comments compared to the
18 position ---

19 CHAIRMAN GUBITOSA: So, you can
20 do that?

21 MR. SHEEHAN: I would think
22 that's a good recommendation.

23 CHAIRMAN GUBITOSA: All right.

24 So we got -- that's with the item
25 one. So, we're going to -- Kevin,

1 - Proceedings - 49

2 you're going to recommend some more
3 spots to do the testing?

4 MR. MAHER: At least one where
5 one of the major ponds was.

6 When I was out there, we didn't
7 advance deep into the site because the
8 ground was very soft.

9 It was not a case of, you know,
10 having a good hard area for the machine
11 to sit on. I didn't want to go out
12 that far either, because I began to
13 notice the ground was soft enough that
14 my feet were starting to sink into the
15 soil.

16 So, that's why I stayed out of
17 the very deep section of the property.

18 CHAIRMAN GUBITOSA: All right.

19 MR. SHEEHAN: Mr. Chairman?

20 CHAIRMAN GUBITOSA: Yeah, Bill?

21 MR. SHEEHAN: You know, obviously
22 I reviewed John's answers or
23 explanations to the questions that the
24 Board gave him. I don't know if it was
25 at the last meeting or the meeting

1 - Proceedings - 50

2 before, and as you are aware, we're
3 getting a lot of correspondence from
4 Haverstraw through both their
5 consultants -- planning consultants and
6 their attorneys.

7 CHAIRMAN GUBITOSA: Right.

8 MR. SHEEHAN: And as I spoke at
9 the tech meeting, that what we're doing
10 here, to me, is a little unorthodox.

11 I think we're spinning our
12 wheels. My honest opinion, John's
13 answers to the questions we gave him --
14 or the Planning Board gave him really
15 don't say anything.

16 And I actually think a couple of
17 them, the one example that the under --
18 or the overpass doesn't flood is
19 absolutely incorrect.

20 But anyway, I feel that the

21 Planning Board should adopt a Part II
22 and not go try to amend the Part II by
23 what we're doing now because, obviously
24 we need correspondence to send to
25 Haverstraw.

1 - Proceedings - 51

2 By talking about this here, we do
3 not have any documentation to send to
4 Haverstraw, unless you want to send
5 them the minutes.

6 I think we should adopt the Part
7 II, which this Board agreed to, on the
8 large impacts, but you haven't adopted
9 and have a Part III that we can
10 actually go through and see if it
11 actually, adequately answers the
12 questions or mitigates the Part II's
13 large impact. Then, at least then we
14 have -- for example, if we adopted a
15 Part II at this meeting or the next
16 meeting, we would be able to send that
17 Part II to Haverstraw's consultants and
18 they can comment on those large impacts
19 then when we do a Part III.

20 We have documentation -- written

21 documentation to send them on how these
22 are going to be mitigated. Same as the
23 County Planning Board.

24 I feel, myself, and Kevin should
25 put our request or responses in writing

1 - Proceedings - 52

2 to the Planning Board, I mean, we can
3 sit here and say dig more test holes.

4 I went out there. It was spongy.
5 I don't really feel that that builds a
6 record.

7 Obviously, Haverstraw has a lot
8 to say about this project.

9 Normally, Haverstraw doesn't
10 chime in at all, but for whatever
11 reason, they've had a lot of input in
12 this application.

13 So, I figure if we go through it
14 item-by-item tonight, I don't think
15 we're going to solve anything.

16 And, definitely, it's not going
17 to be in writing.

18 CHAIRMAN GUBITOSA: No, you're
19 right.

20 MR. SHEEHAN: For whatever reason

21 from the correspondence I received from
22 Haverstraw, and I believe the Town
23 Board has received and then, obviously
24 the Planning Board, they are still
25 under the impression, and correctly,

1 - Proceedings - 53

2 that this is a contractor storage yard.

3 Part of it is a contractor
4 storage yard, but also part of it is
5 wholesale retail.

6 And for whatever reason,
7 Haverstraw hasn't -- I don't know why
8 they don't understand it or they
9 haven't gotten the proper
10 documentation.

11 I know the Planning Board has
12 sent everything that we received to
13 them. I don't know if the Town Board
14 has or the Town Clerk's office, but
15 they are in a -- they are right,
16 because they actually want a response
17 from me if this use is allowed down
18 there.

19 For example, one of the
20 applicants says they are going to store

21 boats and RV's. There is no zoning for

22 that use down there.

23 There's zoning down there for

24 sale of boats and RV's is allowed in

25 the special permit, and they have to

1 - Proceedings - 54

2 follow the Chapter 87; you know,
3 screening back, you know, bulk setbacks
4 and things like that.

5 So, I mean, I don't mind going
6 through it tonight, but I don't think
7 we're helping the applicant or the
8 Planning Board, to be honest with you.

9 CHAIRMAN GUBITOSA: I agree with
10 you. I mean, that's -- we were going
11 through some of the points.

12 MR. SHEEHAN: But normally what
13 the Planning Board does is, we get --
14 the applicant does the Part I.

15 The Part II is the Town's
16 document. Max usually does the Board
17 reviews, the changes, what they feel
18 might be the large-to-moderate or
19 moderate-to-large. We adopt that.

20 Then it's up to the applicant to

21 satisfy the Board that these items can
22 be mitigated.

23 MR. STACH: I'd like to just add
24 and respond to that, which is I pretty
25 much agree with what Bill is saying.

1 - Proceedings - 55

2 My conclusion in going through
3 these point-by-point, at the end, I
4 essentially say that regardless of the
5 responses, the applicant should address
6 everything that's been in a part --
7 identified in the Part II and the Part
8 III, and with the, with the one
9 exception in that I believe that the
10 issue regarding Insul-X, and their
11 potential future use of that facility
12 would be appropriate to address outside
13 of the SEQRA.

14 MR. SHEEHAN: I read that and I
15 agree.

16 MR. STACH: But ultimately, yes,
17 the point here was that everything
18 needs to be addressed in the Part II.

19 I think, you know, the suggestion
20 to go through this point-by-point was

21 simply because that as of the last
22 meeting, the applicant had not provided
23 a lot of information that he had
24 provided in his most recent letter, and
25 so, I didn't know if the Board wanted

1 - Proceedings - 56

2 to go through, sort of, that
3 information here tonight, or if they
4 are happy just having that letter in
5 the file and going through it
6 individually.

7 MR. SHEEHAN: Well, my feeling on
8 that would be, obviously you do the
9 Part II for us, but, you know, it's a
10 Planning Board document and they review
11 it.

12 I believe the applicant should
13 sit down with our consultants and hash
14 all that out and then the consultants
15 hand us a Part II and review that and
16 make the Planning Board make the
17 necessary changes they feel are
18 necessary.

19 MR. STACH: In the Part III,
20 right?

21 MR. SHEEHAN: No, in the Part II
22 before they adopt it. You might come
23 back and say -- which we've done a
24 thousand times -- you know, I think our
25 consultant feels that drainage is a

1 - Proceedings - 57

2 small impact, and this Planning Board
3 has changed that on the Part II many
4 times and made it a large and a Part
5 III mitigated it.

6 MR. STACH: That's essentially
7 what we've already done. I think we're
8 at the at the phase where this Board
9 should be comfortable adopting a Part
10 II.

11 Again, with that one change that
12 I'm suggesting which is --

13 MR. SHEEHAN: That's the SEQRA
14 part with the Insul-X?

15 MR. STACH: With the Insul-X
16 which will still have to be addressed,
17 but outside of the SEQRA process
18 because it's a private --

19 MR. SHEEHAN: Yeah, because once
20 you adopt a Part II and the applicant

21 does a Part III, then it gives Kevin a
22 chance you know, for example, one of
23 the large impacts and what we were just
24 talking about, fill and so forth, then
25 Kevin can go out there with the

1 - Proceedings - 58

2 applicant and do these -- whatever he
3 needs to do to be satisfied: Write a
4 report to the Planning Board. I went
5 out there, we tested six bores in this
6 area, we dug holes here and there.

7 My end would be, you know,
8 whatever deals with the Building
9 Department end, and then we would have
10 actual written documentation, and
11 especially, I think it's important in
12 this case because, again, we have an
13 adjoining municipality very interested
14 in this project.

15 MR. MCMENAMIN: So, the reason I
16 thought we should go through it point
17 by point, and I agree with you, what
18 you said about the Part II is our
19 document.

20 We did a Part II at our last

21 meeting without the applicant present.
22 And, normally, when we do the Part II,
23 we go through it point-by-point, and
24 then the applicant is there while we're
25 discussing it, to bring out any --

1 - Proceedings - 59

2 anything we might be missing.

3 Since John wasn't there at the
4 last one, I felt a little funny about
5 doing a Part II, and I expressed it at
6 that time that we shouldn't maybe do it
7 without the applicant there, but we did
8 it. And we have a document.

9 And then after last month we had
10 a flurry of correspondences going back
11 and forth and, you know, I felt bad
12 about that.

13 But I -- again, we did number one
14 on the Part II just now and everything
15 he said didn't change my mind. It's
16 still the ground water being within
17 three foot of the surface, is still a
18 major question in my mind, and it still
19 needs to be answered on the Part III,
20 which John will prepare.

21 So, John came in and started.
22 Maybe -- he said maybe some of
23 the points that we discussed without
24 him could be clarified within here. So
25 we started them.

1 - Proceedings - 60

2 And that's the reason I did that,
3 but I feel very comfortable in agreeing
4 with the Part II the way we have talked
5 about it, because they weren't there,
6 and we did what we thought was
7 important, and let them do the Part III
8 is fine with me.

9 Either way is fine with me.

10 MR. SHEEHAN: I agree. And I
11 don't think this Board should be in
12 the -- in the business of changing a
13 Part II that you're happy with before
14 you adopt it because of something that
15 was mentioned in the minutes.

16 I think that's what a Part III is
17 for.

18 MR. MCMENAMIN: It's just that we
19 did this without them present.

20 MR. SHEEHAN: And I think you

21 should because, obviously, the
22 applicant's not -- all the time is
23 going to have the same idea.
24 I mean, obviously you can
25 adopt -- you know, every applicant and

1 - Proceedings - 61

2 consultant for the applicant or design
3 professional, is going to try to steer
4 everything to a moderate-to-small;
5 small is their job.

6 MR. MCMENAMIN: It's just that
7 reading what Haverstraw came up -- I
8 mean, I never envisioned the dump
9 becoming a park.

10 When I went through the Part II
11 last month, the dump becoming a park
12 never crossed my mind. I was buying
13 into what John was saying, it was
14 40 feet higher, visually I was more
15 concerned with the aspect of the view
16 from the -- you can see the pond, brook
17 rather than the dump, but now that this
18 is was brought to my attention, you
19 know, I'm very concerned now about
20 that.

21 MR. LOCKE: Could the applicant

22 become part of this process?

23 CHAIRMAN GUBITOSA: In a minute,

24 John.

25 MR. SHEEHAN: Yeah, you know,

1 - Proceedings - 62

2 obviously, the adjoining municipality
3 doesn't have any permits tasks, so they
4 don't -- they can't override -- they
5 can't override like, you know, the
6 super majority or a vote or anything,
7 obviously they have nowhere to
8 segregate.

9 But I think you still have to
10 address their concerns, just as you
11 would any property owner in the area,
12 you know, before the Board.

13 MR. MCMENAMIN: I don't think I
14 would have made any changes to the Part
15 II if I had known that.

16 MR. SHEEHAN: I mean --

17 MR. MCMENAMIN: Things that we
18 did in the Part II were important to
19 me. The visions were important to me.

20 But now the visions are important

21 to me for two reasons.

22 MR. SHEEHAN: That's why I

23 figured -- I think it helps the

24 applicant because my personal opinion,

25 and I don't know if Max agrees with me,

1 - Proceedings - 63

2 I don't think the answers would be
3 sufficient enough to mitigate in a Part
4 III, what we've been provided so far.

5 Not all of them; maybe there are
6 some that are fine.

7 MR. STACH: I think that's what's
8 missing is sort of the back up to the
9 responses.

10 MR. SHEEHAN: Exactly.

11 MR. STACH: Because we've been
12 told, yes, there's clean fill, but we
13 haven't seen the back up, so I think
14 that's where you're getting the Part
15 III, and perhaps, you know, it is -- it
16 makes a lot more sense just to do it,
17 address all the points, make sure
18 everything is above board, on the
19 record.

20 MR. RESNICK: If I can suggest,

21 can we ask the applicant if they are
22 comfortable adopting a Part II as it
23 currently stands, or are there any
24 specific points that you'd like to
25 discuss before the Board acts on them

1 - Proceedings - 64

2 in the Part II?

3 MR. LOCKE: Yeah, actually, I'd
4 like to agree with Mr. Sheehan's first
5 statement which was that some things
6 are being done in a very unorthodox
7 fashion.

8 Now, when we've had -- the last
9 time we were in front of the Board, we
10 were asked a number of questions.

11 We realized that we were not
12 going to have those answers in January.

13 We did not resubmit in January.

14 As an example, we knew that we
15 would not have test holes dug and an
16 opportunity for the Town engineer to
17 look at them prior to January.

18 Frankly, we did not expect this
19 to be on the January agenda, which is
20 why the applicant wasn't here.

21 CHAIRMAN GUBITOSA: Did you call

22 the Town?

23 MR. LOCKE: No, we didn't call

24 the Town.

25 Normally, things get processed

1 - Proceedings - 65

2 when you make submission. We didn't
3 bring anything in in January.

4 We had brought, provided no new
5 materials since the previous meeting.

6 We really didn't expect anything
7 to be done at that point.

8 CHAIRMAN GUBITOSA: Move on.

9 MR. LOCKE: So, we did receive
10 your comments with respect to what was
11 looked at for a draft from EAF.

12 Frankly, at that point, we were
13 intending to meet at the February
14 meeting. I took what I had already
15 written as a narrative and changed it
16 around a little bit to match up with
17 the way the comments had come in, so
18 that they would correspond with, you
19 know, EAF question one, two, three et
20 cetera, and various items.

21 And what I was hoping to do is
22 discuss them, somewhat because, from my
23 perspective, many of the items are
24 getting a little blown out of
25 proportion.

1 - Proceedings - 66

2 Now, I understand that the
3 Town engineer would like to see some
4 additional test holes. I wasn't aware
5 of that prior to this meeting. I
6 thought he was satisfied with what had
7 been dug there.

8 We have no problem. We will be
9 happy to do more test holes.

10 I have no real issue with
11 addressing any of these things through
12 EAF Part III. But as a good example,
13 right now I've had Mr. McMenemy, the
14 planner, Mr. Sheehan all referring to
15 correspondence from Haverstraw that I
16 haven't seen.

17 We haven't received any of that.

18 MR. SHEEHAN: I think we got it
19 just prior to the scheduled meeting
20 last week. I didn't honestly look and

21 see if it was CC'd to you or not.

22 MR. LOCKE: We haven't seen it

23 and I checked my mail as of this

24 afternoon.

25 So, you have a lot of comments

1 - Proceedings - 67

2 from Haverstraw that I really don't
3 know exactly how to address. We will
4 obviously have to see what we can do to
5 meet with Haverstraw.

6 I'm a little surprised because
7 there have been some discussions with
8 Haverstraw with respect to things like
9 access and things.

10 But, you know, obviously I have
11 to find out what Haverstraw's comments
12 are.

13 If you'd like to adopt this, I
14 don't really see too much in the way of
15 a significant issue. But again, as I
16 said, I usually like to find out if
17 these are, indeed, the opinions of the
18 Board or your recommendations of your
19 consultant.

20 CHAIRMAN GUBITOSA: We talked

21 about this last month.

22 MR. LOCKE: I'm sorry I didn't

23 have the opportunity to --

24 CHAIRMAN GUBITOSA: But we did

25 talk about.

1 - Proceedings - 68

2 MR. LOCKE: -- address it at that
3 point.

4 CHAIRMAN GUBITOSA: These were
5 some of our concerns, so these were our
6 concerns that got put into Max's
7 response. So, you don't have to worry
8 about that.

9 MR. LOCKE: Let me briefly go
10 through and I'll see if there's
11 anything in particular that I see
12 there's an issue.

13 One, three; no problem.

14 Four, I have no problem with
15 doing that in the Part III.

16 No problem with five in Part III,
17 six in Part III.

18 Item eight, we are looking how to
19 address that with DEC. It's very
20 interesting; we're actually in the same

21 zone that covers a large portion of
22 Stony point, including places extending
23 as far as the shopping center that's
24 currently under construction.
25 So, we'll find out exactly what

1 - Proceedings - 69

2 their mapping means with respect to
3 that. It doesn't have any specifics.

4 If you look, we have to contact
5 them. You are told to contact them to
6 find out what their concerns are with
7 respect to that item.

8 Item 11, from the comments I've
9 heard, obviously we'd have to see what
10 we can do to address that more with the
11 Town of Haverstraw with respect to
12 their side.

13 I did bring some pictures that I
14 think that give you an idea of what we
15 were looking at in terms of towards the
16 other side.

17 This is a condition of the site,
18 you want to just pass that one down?

19 That machine, we actually moved
20 it up on top of the pile. And at the

21 same time, I went and took pictures
22 from the north looking at it.
23 Essentially, you can't see the
24 machine. And I'll show you -- I got a
25 couple of pictures here. This is what

1 - Proceedings - 70

2 you see if you're up on top of the pile
3 looking towards the marsh. You know,
4 this is one of the reasons why we're
5 not really looking to see any -- you
6 know, we don't really see any need for
7 more screening to the north.

8 These (indicating) are all
9 similar pictures; you're welcome to
10 them if you'd like.

11 CHAIRMAN GUBITOSA: When were
12 these taken?

13 MR. LOCKE: I don't remember the
14 exact date. I believe it was probably
15 end of December or maybe the first or
16 second week of January.

17 CHAIRMAN GUBITOSA: Of?

18 MR. LOCKE: I can check the date.

19 CHAIRMAN GUBITOSA: Of this year
20 last year?

21 MR. LOCKE: This year.

22 MR. SHEEHAN: Well, if it was

23 January of this year --

24 CHAIRMAN GUBITOSA: This fill,

25 where did that come from?

1 - Proceedings - 71

2 MR. LOCKE: That is an item ---
3 material that's on the site right now.

4 CHAIRMAN GUBITOSA: It wasn't
5 there when we were there; right?

6 MR. SHEEHAN: It's been there a
7 while, I think. I think -- and again,
8 I think that there's some items in the
9 Planning Board's list that they sent to
10 the applicants.

11 I guess they were written at the
12 last Planning Board meeting in
13 January. I wasn't there. I was out of
14 town.

15 Some have to do with SEQRA and
16 some don't. So, I think the applicant
17 should -- you know, obviously he's
18 going to answer the Part II and the
19 Part III, but again, I think he's going
20 to have to give additional information

21 on the items that aren't covered under
22 the SEQRA process.

23 For example, the flooding or the
24 tent or the alleged flood in underneath
25 the overpass or the rain crossing over

1 - Proceedings - 72

2 the tracks.

3 I mean, those are questions that
4 need to be answered or satisfied. That
5 doesn't really come into the SEQRA
6 process.

7 So, that list that the Board gave
8 the applicant is a mix of both, you
9 know, SEQRA information that some will
10 be or can be answered in the SEQRA
11 process, and some that will have to be
12 separated.

13 MS. CALLAGHAN: I have concerns
14 about the fill or odor, the fire, the
15 fragrance whatever. I don't think
16 anything's getting resolved on any of
17 that.

18 MR. SHEEHAN: Well, the odors and
19 stuff will be answered in the Part III
20 because I'm sure that's a large impact

21 that's been on Part II.
22 But again, some of the
23 information that we normally do on site
24 plans is like access and, you know,
25 street lights and things like that

1 - Proceedings - 73

2 normally don't fall under the SEQRA
3 process.

4 So, that's why when I came back
5 from vacation I went to the tech
6 meeting. I was kind of confused at why
7 we did it the way we did it in January,
8 instead of just saying okay, adopt a
9 Part II, these -- answer in the Part
10 III.

11 There's other questions that
12 don't have to do with that. We need
13 answers along the process.

14 MR. LOCKE: We knew we had things
15 to get --

16 MR. SHEEHAN: I'm not saying you.
17 I'm saying --- I'm talking --

18 MR. LOCKE: We were a little
19 surprised at that. I mean, for that
20 matter, you know, I don't see a big

21 problem with addressing these through

22 an EAF Part III.

23 I have just heard comments that

24 you're still concerned about fill odor

25 and access, which again are some of the

1 - Proceedings - 74

2 items listed in here.

3 I'm not entirely sure the

4 specifics of what your concerns are.

5 For example, what is your concern

6 with the fill?

7 MS. CALLAGHAN: Fire of the mulch

8 would be a concern to residents and

9 what have you.

10 MR. LOCKE: You generally don't

11 have a fire issue with mulch that's

12 being stored after it has been cured.

13 We're not proposing at this time

14 to do processing of mulch on the site.

15 MS. CALLAGHAN: Well, are there

16 assurances about that? I mean, I

17 haven't seen any assurances about that.

18 MR. LOCKE: What type of

19 assurances would you like? We haven't

20 applied to process mulch on the site.

21 MS. CALLAGHAN: Something to say
22 that it's not going to be on fire
23 because it's been -- not being
24 processed.
25 MR. LOCKE: Okay.

1 - Proceedings - 75

2 CHAIRMAN GUBITOSA: Something
3 saying that if you store the mulch,
4 it's not going to heat up.

5 MR. LOCKE: Mulch, once it's been
6 processed and aged, doesn't have an
7 issue with --

8 CHAIRMAN GUBITOSA: It doesn't
9 heat up. So what you're saying is it
10 doesn't heat up?

11 MR. LOCKE: It does not pose a
12 fire hazard after it's been
13 appropriately aged.

14 MS. CALLAGHAN: Who can assure us
15 of that?

16 MR. LOCKE: I can discuss that --
17 I guess you're not relying on my word,
18 apparently.

19 I guess I can discuss that with
20 your professionals, if you'd like.

21 CHAIRMAN GUBITOSA: I know I
22 talked to people that run the one in
23 Clarkstown.
24 MR. LOCKE: Which ones?
25 CHAIRMAN GUBITOSA: The one in

1 - Proceedings - 76

2 Clarkstown.

3 MR. LOCKE: Which one in

4 Clarkstown? There's several.

5 CHAIRMAN GUBITOSA: The one down

6 at the landfill. They stored mulch.

7 MR. LOCKE: They also process

8 mulch. They have cooling issues on the

9 stuff to process.

10 CHAIRMAN GUBITOSA: And those

11 stuffs are stored.

12 MR. LOCKE: Then they are not

13 doing proper storage.

14 There is also a facility in

15 Nanuet that has stock piles and stores

16 mulch and doesn't have any fire issues.

17 There is another facility that

18 does processing and storage.

19 CHAIRMAN GUBITOSA: Well, you're

20 going to answer that in the Part III;

21 right?

22 MR. LOCKE: Certainly.

23 CHAIRMAN GUBITOSA: All right.

24 And the water to the site. If there is

25 a fire, the water source?

1 - Proceedings - 77

2 MR. LOCKE: Well, among other
3 things, we have the pond. What is it
4 you'd like to see: Extension of the
5 hydrant system?

6 CHAIRMAN GUBITOSA: You've got to
7 bring some kind of water into the site.

8 MR. LOCKE: Okay. That's a good
9 point. I will evaluate it.

10 There are hydrants, I believe,
11 available, but I will check exactly
12 where they are located relative to the
13 site.

14 MR. SHEEHAN: I think they might
15 be putting one or two in for Shoprite
16 too. That's a distance, but there's
17 going to be --

18 MR. LOCKE: Oh, no, I know that
19 there's actually all the way down
20 brought in onto Insul-X's site.

21 MR. SHEEHAN: Public, private?

22 MR. LOCKE: I will check the
23 status of them. I'm not entirely sure.

24 I believe they were set up to be
25 public and that they -- at least one of

1 - Proceedings - 78

2 them is located in the right-of-way
3 coming into the site.

4 MR. SHEEHAN: That's why I think
5 you adopt the Part II and you get --
6 whatever, say there's ten large
7 impacts, you can probably get rid of
8 six or seven of them right away and
9 then you can concentrate on the three
10 that, you know, maybe it's the fire
11 might be one of them or the access
12 might be one of them.

13 This way, you narrow it down to
14 something we can deal with. You know,

15 I'm sure John can, you know -- I
16 haven't sign a Part II, and by adopting
17 he's going to get the Part II. I think
18 a Part II is easier to follow than a
19 letter like that.

20 You know, that's going to spell

21 it right out.

22 MR. LOCKE: I'm so used to seeing

23 the forms. These will fit right in.

24 MR. SHEEHAN: That's just my

25 opinion.

1 - Proceedings - 79

2 CHAIRMAN GUBITOSA: All right.

3 MR. LOCKE: Okay. You mention
4 that you do have correspondence from
5 Haverstraw. Can we obtain copies of
6 that?

7 MR. SHEEHAN: Yeah, sure. They
8 only gave it on the 25th, Mary's
9 telling me; The day the meeting was
10 canceled.

11 MR. MCMENAMIN: Are you
12 progressing on a traffic study or
13 drainage studies, as well?

14 MR. LOCKE: We realize that we're
15 going to have to answer any traffic
16 issue with respect to the EAF Part III.

17 We don't believe we're going to
18 need any further development in terms
19 of the study, but we will expand upon
20 that and address the traffic issue.

21 MR. MCMENAMIN: You're saying

22 traffic and drainage studies will be

23 part of the Part III?

24 MR. LOCKE: No, we believe we

25 will address the traffic issues with

1 - Proceedings - 80

2 respect to it. I don't really think
3 there is going to be much of a need for
4 a study in terms of -- what is it
5 you're concerned with? The volume?

6 MR. MCMENAMIN: Yes.

7 MR. LOCKE: Okay.

8 MR. MCMENAMIN: On the traffic,
9 yes.

10 MR. LOCKE: Okay. Now, with
11 respect to the drainage, essentially
12 we've made some changes on the plan.

13 We've indicated what the storm
14 drainage facilities we're proposing
15 them are.

16 I -- we assume that at some point
17 in time, it's going to be reviewed by
18 the Town engineer.

19 I don't know if there's any need
20 for any more computations or details to

21 it, but I'd be happy to go over that

22 with your engineer if you'd like.

23 CHAIRMAN GUBITOSA: I think

24 that -- so you haven't even read the

25 Haverstraw?

1 - Proceedings - 81

2 MR. LOCKE: No, this is the first
3 time I've gotten it handed to me.

4 MR. MCMENAMIN: Did you hear what
5 I asked him?

6 MR. MAHER: I was just talking to
7 Bill about the ---

8 MR. MCMENAMIN: I asked him if
9 he's progressing on the drainage and
10 traffic items in your conclusion of the
11 Part III. He said he didn't see much
12 need for them, but if you want to talk
13 about it, he will.

14 That's what he said.

15 MR. LOCKE: I said if we have to
16 review that with the Town engineer with
17 respect to the drainage ---

18 MR. SHEEHAN: Drainage, not
19 traffic.

20 MR. MAHER: I have nothing to do

21 with that.

22 MR. MCMENAMIN: Who is doing

23 that?

24 MR. SHEEHAN: Well, I'm assuming,

25 again, that the Part II, the traffic is

1 - Proceedings - 82

2 a large impact. That he's going to
3 have to mitigate it.

4 If he tries to mitigate it and
5 it's not to the satisfaction -- if he
6 tries to mitigate it without a
7 consultant and it's not to the
8 satisfaction of the Planning Board,
9 well, obviously he's not going to --
10 you're not going to adopt the Part III
11 until he does.

12 How he -- how he gets to mitigate
13 that, is really up to them as long as
14 you agree with it.

15 You know, once you get the
16 information, if it's -- if it's
17 satisfactory to you them, it's fine.

18 If it's not, then you'll have to
19 do more labor work to satisfy you.

20 MR. MCMENAMIN: I guess that's

21 why I'm bringing it up because I think
22 those are two very important items that
23 should be fleshed out and neither one
24 of them have been.

25 MR. SHEEHAN: Well, I believe the

1 - Proceedings - 83

2 applicant's probably pretty aware that
3 the Planning Board's going to want a
4 traffic study from a traffic guy. I'm
5 assuming that.

6 MR. MCMENAMIN: It shouldn't be a
7 surprise to anyone.

8 MR. SHEEHAN: Correct, correct.
9 And as we spoke, I don't know if they
10 were at the meeting, the tech meeting,
11 it's kind of -- it's going to be a
12 tough --

13 MR. LOCKE: It's going to be an
14 interesting thing to quantify.

15 MR. SHEEHAN: Exactly, because of
16 the type of use.

17 MR. MCMENAMIN: Well, you know,
18 you've got to start with something.

19 As you say, you've get to start
20 with something, make some assumptions.

21 You have to decide -- you have to flesh
22 out what the parameters are going to
23 be, and then you tell us that and then
24 you go from there.

25 I mean, I don't know. I'd like

1 - Proceedings - 84

2 to see some numbers on the trips.

3 MR. SHEEHAN: I don't think it's
4 going to be tough for the Planning
5 Board.

6 What I'm suggesting is it's going
7 to be tough for the traffic study guy
8 to come up with these numbers.

9 MR. MCMENAMIN: I don't doubt
10 that. But I'd like to see some hard
11 facts; numbers of trips per hour, all
12 the stuff you'd normally see in a
13 traffic study.

14 Drainage calculations; I want to
15 see that.

16 I think maybe John's kind of like
17 saying maybe they are not going to be
18 as tough to do and suggesting
19 minimizing it, and I'm saying that I'm
20 not minimizing it.

21 I want to see a real study where
22 the issues are fleshed out with data
23 that's representative, because these
24 are questions that need to be answered.
25 MR. SHEEHAN: Just to make sure

1 - Proceedings - 85

2 you're aware, at this point, the permit
3 has been issued for the traffic signal
4 for the intersection.

5 MR. MCMENAMIN: I wasn't aware of
6 that.

7 MR. SHEEHAN: It has been issued.
8 There is a permit so the light's
9 definitely going up.

10 And they actually applied --
11 Shoprite has applied for their building
12 permit.

13 So, my question of the traffic
14 light at the one of the meetings is it
15 going to -- that is definitely going,
16 so, that takes some of the heat off of
17 that, as far now they can do the
18 traffic study with the traffic
19 consultant, because it's definitely
20 going in.

21 MR. STACH: I just wanted to
22 address one other thing, which is the
23 claim of this being unorthodox in our
24 methods.

25 MR. SHEEHAN: That was my

1 - Proceedings - 86

2 comment.

3 CHAIRMAN GUBITOSA: He agreed.

4 MR. STACH: The reason why this

5 was done in this fashion in your

6 absence is because, since the

7 submission of this application, the

8 Planning Board has been struggling with

9 what is this application?

10 What are you going to be storing?

11 Where are you going to be

12 storing?

13 And what kind of improvements are

14 there going to be?

15 There's sort of this ominous

16 question that the Planning Board has

17 had and has raised all their concerns

18 and all their issues.

19 They have no idea, sort of, what

20 they are looking at.

21 And so, by going through the Part
22 II and by identifying all the concerns
23 that they've raised to this date, I
24 think the purpose or the underlying
25 reason for doing that at the last

1 - Proceedings - 87

2 meeting was to get that into your hands
3 so that you can better define the
4 project in reference to their concerns,
5 and you have done that.

6 MR. LOCKE: And I do appreciate
7 it. I appreciate it, having gotten the
8 comments.

9 I'm finding some of Haverstraw's
10 comments interesting. Their concern
11 about a sub road, yet the Town is the
12 one that's requested that.

13 I think they have to get a little
14 meeting among themselves over there.

15 MR. SHEEHAN: Well, I think, as
16 Max pointed out, you know, this
17 Planning Board's been struggling with
18 exactly that, because it went from
19 contractor storage yard to contractor
20 storage yard with wholesale retail

21 stockpiling material, and I think
22 Haverstraw is also having a tough time
23 putting their hands on exactly what is
24 the proposal.
25 MR. MCMENAMIN: So, what is

1 - Proceedings - 88

2 your -- have you thought bout that
3 thing Haverstraw said about the zoning
4 code, about for contractors use only?

5 MR. SHEEHAN: Under the
6 definition is why -- is the reason why
7 I had the applicant amend their special
8 permit application to include wholesale
9 retail.

10 Our impression, or at least my
11 impression when the application first
12 came in, was that it was going to be
13 contracts to storage yard.

14 They were going to rent these
15 blocks of property to landscapers,
16 contractors and so forth. That's
17 contractor storage.

18 But under the definition of
19 "contractor storage yard", that has to
20 be used for their own business.

21 In other words, if it was a
22 landscaper and he was stockpiling
23 mulch, he couldn't sell that mulch off
24 the property.
25 That would be, he fills up his

1 - Proceedings - 89

2 dump truck and goes to landscape
3 someone's property for his own use.

4 MR. MCMENAMIN: Can so that
5 indicates --

6 MR. SHEEHAN: That's the
7 contractor storage yard, correct.

8 As this process went forward, we
9 learned or maybe more understood or
10 understood more that they are also
11 going to stockpile concrete, stones,
12 salt and sell it to the general public
13 and contractors.

14 So, in other words, even if you
15 didn't rent a piece of property from
16 this applicant, on -- I can go down in
17 my little pickup truck and buy mulch.

18 So, that's where it got into the
19 wholesale retail.

20 MR. LOCKE: It's not the

21 applicant's intention to engage in

22 retail.

23 MR. SHEEHAN: Well, wholesale

24 retail you're still selling off the

25 property.

1 - Proceedings - 90

2 MR. STACH: It's neighborhood
3 commercial really, right?

4 MR. SHEEHAN: So that's why you
5 would need --

6 MR. LOCKE: I'm just correcting
7 --- you are indicating retail; it's
8 not our intention to have homeowners
9 come down and say, "fill up my pickup."

10 MR. SHEEHAN: So again, if I
11 have -- if I'm a local landscaper, can
12 I come down there and buy mulch?

13 CHAIRMAN GUBITOSA: John, they
14 said that in December that you were
15 going to do retail.

16 MR. SHEEHAN: How would we
17 control -- first of all, I think we
18 have a definition different from
19 wholesale retail; if you're selling,
20 you're selling.

21 But how would you -- how would
22 you distinguish from -- I mean, my
23 thing is, if I'm a landscaper go down
24 there -- if the landscaper that doesn't
25 rent property from you, goes down there

1 - Proceedings - 91

2 and buys mulch, that's retail. He's
3 not buying mulch wholesale.

4 You're buying wholesale and
5 putting it on the property and then
6 selling retail.

7 How would you distinguish that
8 from a homeowner going down with a
9 truck or landscaper going down with a
10 truck?

11 Maybe you can; I don't know.

12 MR. LOCKE: I don't know.

13 MR. SHEEHAN: My feeling is if
14 you are selling off the property and
15 delivering it out and landscapers can
16 come down and pick it up, that's
17 retail.

18 MR. LOCKE: I think I would defer
19 to counsel on that. I disagree with
20 your opinion.

21 MR. SHEEHAN: I think I could
22 probably defer to the Zoning Board for
23 an interpretation and override my
24 interpretation.

25 MR. STACH: There was another

1 - Proceedings - 92

2 issue and, you know, not to sort, of
3 belabor this issue or prematurely raise
4 it, but I was looking accessory
5 storage, outdoor storage accessory to a
6 retail; is that permitted to be
7 outdoors?

8 MR. SHEEHAN: Actually, it's one
9 of the Town of Haverstraw's comments.

10 MR. STACH: Is that what they
11 raised in the last --

12 MR. SHEEHAN: They actually site
13 one of the sections in our code, and I
14 forget what sections of the zoning
15 code that has to be -- it's got to be
16 fenced in, not seen and things like
17 that.

18 MR. MCMENAMIN: Under a roof.
19 Doesn't it say, "under a roof".

20 MR. STACH: I think it said under

21 a roof.

22 MR. SHEEHAN: I don't remember.

23 I went through it today -- your

24 attorneys now raised the question --

25 but it's in that documentation I just

1 - Proceedings - 93

2 gave to John.

3 MR. MCMENAMIN: That's kind of
4 critical, isn't it?

5 I mean, if the contractor's going
6 to store stuff for his use, it's for
7 his use only.

8 MR. SHEEHAN: Well, don't get me
9 wrong. The contractor storage yard is
10 still going to exist there because they
11 are still going to rent space to
12 contractors.

13 But they are also are going to
14 have a big business of selling material
15 to the outside people that do not rent
16 there.

17 So, that cannot be considered a
18 contractor storage yard because they
19 don't rent property from the applicant.

20 MR. MCMENAMIN: But on the A

21 side, isn't a contractor storage yard
22 for a contractor for storing his stuff
23 for his use only?

24 MR. SHEEHAN: Yes, yes.

25 MR. MCMENAMIN: One person only.

1 - Proceedings - 94

2 MR. SHEEHAN: One company.

3 MR. MCMENAMIN: Right.

4 MR. SHEEHAN: Correct.

5 MR. STACH: But you can have more
6 than one.

7 MR. SHEEHAN: Well, they're
8 having a mixed use there, and that's
9 the problem I think Haverstraw is
10 having and they're not understanding
11 that.

12 And, actually they added another
13 use of store recreation vehicles and
14 boats, which is not even allowed under
15 the zoning down there.

16 MR. MCMENAMIN: So, is this
17 zoning issue going to be determined
18 before we go forward?

19 MR. SHEEHAN: Haverstraw's asking
20 to answer -- to send them some

21 interpretations of my opinion.

22 It's in that letter.

23 MR. MCMENAMIN: They did. I

24 agree. Is this going to be resolved

25 before we go forward?

1 - Proceedings - 95

2 MR. SHEEHAN: Well, again, it's
3 under a special permit.

4 The Town Board is going to have a
5 lot to say about this and, you know,
6 they are going to have to judge that
7 under the special permit are some of
8 these uses allowed.

9 And, again, under the special
10 permit, the Town Board can put
11 conditions on their special permit.

12 They can also put a timeframe on
13 how long a special permit is good for.

14 They can actually tell the
15 applicant, "We're going to grant you a
16 special permit for 18 months."

17 If they don't set a time on the
18 Town law, it's forever or until they
19 abandon, you know, cease the access of
20 use. But, they have the right to put a

21 time limit on that.

22 So, a lot has to do with the Town

23 Board, who, I'm sure, is going to rely

24 on a lot of the recommendations from

25 the Planning Board whenever that comes

1 - Proceedings - 96

2 because I think we're still pretty far
3 away from that. You know --

4 CHAIRMAN GUBITOSA: All right.

5 MR. ROGERS: John, not to
6 belabor, but just your letter of
7 February 3rd, you talk about composted
8 materials.

9 Could you give me an example of
10 what -- what is that?

11 Is that like grass clippings?

12 That's what I think of when I
13 think of composted material.

14 MR. LOCKE: I would doubt -- it
15 doesn't usually get grass. Some of the
16 facilities that are operating in a
17 similar fashion here have certain
18 things like composted leaves.

19 Frequently, you have certain like
20 wood that is composted.

21 You may have stuff that is mixed
22 with topsoil.

23 Generally grass clippings are not
24 something that is commonly done.

25 MR. ROGERS: Okay. Thanks.

1 - Proceedings - 97

2 MR. SHEEHAN: Are you getting
3 that processed or are you processing?

4 MR. LOCKE: It's not our
5 intention to process on site.

6 MR. SHEEHAN: So nobody can drop
7 off their leaves in the fall? It's
8 already composted when you get it?

9 MR. LOCKE: Yeah.

10 CHAIRMAN GUBITOSA: All right.

11 MR. ROGERS: Thank you.

12 MR. MCMENAMIN: Mr. Chairman, I'd
13 like to make a motion.

14 CHAIRMAN GUBITOSA: Go ahead.

15 MR. MCMENAMIN: That we adopt the
16 Part II, as previously discussed by
17 this Board.

18 CHAIRMAN GUBITOSA: All right.

19 MR. MULLER: I'd like to second
20 that motion.

21 CHAIRMAN GUBITOSA: Any

22 discussion before we vote on it? So

23 this is the Part II then --

24 MR. STACH: It's the Part II

25 that's attached to the January 29th,

1 - Proceedings - 98

2 2010 memorandum.

3 CHAIRMAN GUBITOSA: All right. I

4 have a motion. I have a second.

5 Mary, just call the Board.

6 MS. PAGANO: Mr. McMenamin?

7 MR. MCMENAMIN: Yes.

8 MS. PAGANO: Mr. Muller?

9 MR. MULLER: Yes.

10 MS. PAGANO: Mr Rogers?

11 MR. ROGERS: Yes.

12 MS. PAGANO: Mrs. Callaghan?

13 MS. CALLAGHAN: Yes.

14 MS. PAGANO: Chairman Gubitosa?

15 CHAIRMAN GUBITOSA: Yes.

16 So, Part II is adopted.

17 MR. SHEEHAN: Now, just so we

18 don't go through the January again, are

19 you going to -- I think the Board,

20 because we had a delay, are we going to

21 change the deadline for the submittal?

22 Which would be next --

23 CHAIRMAN GUBITOSA: Three weeks.

24 MR. SHEEHAN: Which would be two

25 days from now.

1 - Proceedings - 99

2 MS. PAGANO: Thursday. Thursday
3 is the deadline.

4 MR. SHEEHAN: Or does it matter?
5 Are you going to be ready, regardless?

6 MR. RESNICK: Which Thursday?
7 This Thursday?

8 MR. SHEEHAN: Two days.

9 MR. STACH: Can they be ready in
10 two weeks, versus one week?

11 MR. SHEEHAN: Well, I was
12 asking -- it might be moot to even --

13 MR. LOCKE: I wouldn't anticipate
14 that it would make sense for us to be
15 on in March because I think we'd like
16 to see what we can work out with the
17 Town engineer with respect to the
18 testing on site.

19 And, obviously, we have to see if
20 we can arrange some type of a meeting

21 with Haverstraw because different
22 elements within Haverstraw are
23 contradicting themselves.

24 One request I would make is if
25 you receive any additional

1 - Proceedings - 100

2 correspondence, particularly since I
3 noticed this doesn't indicate that it
4 was sent to me, if it can be forwarded
5 to me.

6 MR. SHEEHAN: Well -- and I have
7 to actually talk to counsel too, not
8 about that. We have no problem giving
9 you that stuff. But Haverstraw's
10 attorney --- we've been sending
11 materials to Haverstraw and they've
12 been forwarding it to their attorney.

13 Their attorneys have a little
14 problem with that. I feel comfortable
15 sending it to Haverstraw and let them
16 forward it because, under General
17 Municipal Law, that's what we should be
18 sending it to.

19 But Dave might want to let me
20 know what he thinks.

21 MR. LOCKE: Whether he would like
22 it shipped directly to him?

23 MR. SHEEHAN: Yeah.

24 MR. RESNICK: I don't see what
25 the problem is. You're shipping --

1 - Proceedings - 101

2 you're --

3 MR. SHEEHAN: I know he's --

4 MR. RESNICK: -- our materials to

5 involved agencies. I think if the law

6 firm isn't involved with agencies so

7 your client can give materials to them,

8 I don't see any problem with giving it

9 directly to the agency.

10 MR. SHEEHAN: We sometimes have

11 problems with attorneys saying they

12 never received anything. At least, the

13 Town will be able to say they received

14 it in.

15 MR. LOCKE: Maybe you should send

16 it to --

17 MR. SHEEHAN: To?

18 MR. LOCKE: Send it to the Town

19 and indicate you're CC'ing.

20 MR. SHEEHAN: Yeah, we can do

21 that. That's a good idea.

22 CHAIRMAN GUBITOSA: So, that

23 means in March you won't be at the tech

24 meeting. You'll be at the April tech

25 meeting?

1 - Proceedings - 102

2 MR. LOCKE: Most likely. I think
3 we really should do a little bit more
4 testing on site, which I say, with the
5 weather conditions, are not likely to
6 happen within the next week.

7 CHAIRMAN GUBITOSA: And we'll
8 make --

9 MR. LOCKE: And we will see what
10 we can do with meeting with Haverstraw?

11 MR. STACH: And make sure you
12 contact, I guess, the lawyers in
13 Haverstraw to make sure that they get
14 all the documentation.

15 MS. PAGANO: No, that's our job.

16 MR. SHEEHAN: Our end will take
17 care of that. We'll send it to the
18 attorney or send it to the Town and CC
19 you or vice versa.

20 MR. LOCKE: You don't want us

21 sending things directly?

22 MR. MCMENAMIN: No, but I do

23 think you should address and answer

24 their concerns in a separate document

25 from the Part III.

1 - Proceedings - 103

2 MR. LOCKE: We're going to see if
3 we can meet with them to discuss more
4 directly what their concerns are.

5 Some of their concerns don't make
6 sense. Some of them directly
7 contradict requests we've had from
8 Haverstraw, so I think there's a couple
9 people in Haverstraw who have to get
10 their own ducks in a row.

11 MR. STACH: John, whatever
12 discussions you have with them, can you
13 make sure that you have them if you
14 come to any sort of agreement that
15 something is not an issue anymore, that
16 you have them write the Planning Board?

17 MR. LOCKE: We will certainly
18 discuss that with them in terms of how
19 they go forward with reviewing things.

20 MR. SHEEHAN: Yeah, but I --

21 MR. LOCKE: It wouldn't be us
22 representing them.
23 It would, obviously, be more of a
24 conversation seeing if we can clarify
25 issues with respect to their concerns.

1 - Proceedings - 104

2 MR. SHEEHAN: And I agree with
3 Max and I also and -- you know, always
4 supported that, you know, just like the
5 County Planning Board, the applicant
6 usually goes down there and tries to
7 schmooze them out and get all that
8 stuff out of the way.

9 But I think at the end -- at the
10 end of the day that the Town -- our
11 Town Planning Board has to make sure
12 that what was submitted to Haverstraw
13 is actually for the promises or site
14 plans or whatever that it was submitted
15 to Haverstraw is the same that are
16 submitted to us; that we're both
17 looking at the same documents because
18 they can sign off on something that may
19 not be --

20 MR. LOCKE: We will not be making

21 any submissions that wouldn't be

22 through the Town.

23 MR. SHEEHAN: You know what I'm

24 saying? We just have to make sure that

25 they are receiving the same documents

1 - Proceedings - 105

2 that we're receiving.

3 MR. LOCKE: We will make sure any
4 submissions comes from the Town.

5 MR. SHEEHAN: And that's why the
6 County Planning Board won't take maps
7 and stuff from the applicant; it has to
8 go through the Town.

9 MR. LOCKE: Actually, while we're
10 checking agencies, we did copy the
11 Planning Board on our letter to the
12 County Drainage Agency.

13 We've received no response. I
14 don't know if the Town has gotten
15 anything new from them.

16 MR. SHEEHAN: I haven't seen
17 anything.

18 MR. LOCKE: Okay.

19 CHAIRMAN GUBITOSA: All right.
20 Bill, any other questions?

21 MS. ZALANTIS: Mr. Chairman, may
22 I briefly address the Board? We
23 represent the Town of Haverstraw. Good
24 evening.
25 Katherine Zalantis from

1 - Proceedings - 106

2 Silverberg Zalantis. We represent the
3 Town of Haverstraw.

4 As we noted, we submitted letters
5 and memorandum from the Town of
6 Haverstraw planner and engineer, and
7 the Town just wanted me to convey to
8 you that it's very concerned, and these
9 letters outline the Town's concerns
10 about the potential impacts this
11 proposed use has on the Town's
12 property.

13 And we're also concerned about
14 the applicant's responses to some of --
15 both the inquiries of this Board, and
16 the County.

17 For example, the applicant's
18 still not providing any screening. And
19 even though this is something that the
20 Town of Haverstraw has raised, that the

21 County has raised and this Town's code
22 specifically requires, quote, "...any
23 such use be heavily screened and
24 landscaped."
25 Again, the Town's very concerned

1 - Proceedings - 107

2 about dust, noise, fumes, and the Town
3 just wants to respectfully request this
4 Board require of the applicant to
5 address these issues before this
6 project moves forward.

7 Thank you.

8 CHAIRMAN GUBITOSA: Okay. Your
9 concerns are the same as we have, so
10 you heard us tonight. So, we'll make
11 sure.

12 MS. ZALANTIS: Thank you.

13 CHAIRMAN GUBITOSA: Thank you.

14 All right. So that's it. We'll see
15 you in April.

16 MR. LOCKE: Thank you for your
17 time this evening.

18 CHAIRMAN GUBITOSA: All right.

19 Next item, item five, Tomkevich. This
20 is a --

21 MS. PAGANO: No, he's not on.

22 CHAIRMAN GUBITOSA: Oh, I'm

23 sorry. All right.

24 Other business. Accept the

25 minutes of December 10th, 2010.

1 - Proceedings - 108

2 Motion?

3 MR. ROGERS: I'll make a motion.

4 CHAIRMAN GUBITOSA: Second?

5 MS. CALLAGHAN: What? I didn't

6 ---

7 MS. PAGANO: The minutes. The
8 minutes, Gladys.

9 MS. CALLAGHAN: I know, but I
10 didn't read them.

11 MR. MULLER: I'll make a second.

12 CHAIRMAN GUBITOSA: All in favor?

13 (Board responds unanimously.)

14 CHAIRMAN GUBITOSA: All right.

15 Motion to close?

16 MR. MULLER: I'll make the
17 motion.

18 MR. ROGERS: I second.

19 CHAIRMAN GUBITOSA: All in favor?

20 (Board responds.)

21 CHAIRMAN GUBITOSA: Closed.

22 Thank you.

23 * * *

24 (Time noted: 8:55 p.m.)

25

2 C E R T I F I C A T I O N

3 STATE OF NEW YORK)

4 COUNTY OF ROCKLAND)

5 I, ASHLEY L. PRINCIPE, Court

6 Reporter and Notary Public within and

7 for the County of Rockland, State of

8 New York, do hereby certify:

9 That I reported the

10 proceedings that are hereinbefore set

11 forth, and that such transcript is a

12 true and accurate record of said

13 proceedings.

14 AND, I further certify that

15 I am not related to any of the parties

16 to this action by blood or marriage,

17 and that I am in no way interested in

18 the outcome of this matter.

19 IN WITNESS

20 WHEREOF, I have hereunto

21 set my hand.

22

23

24 ASHLEY L. PRINCIPE

25

1 - Proceedings - 110

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25