

# *Town of Stony Point*

## Department of Planning

74 EAST MAIN STREET  
STONY POINT, NEW YORK 10980

Tel: (845) 786-2716 x 113

[planning@townofstonypoint.org](mailto:planning@townofstonypoint.org)

Fax: (845) 786-5138

### **PLANNING BOARD MINUTES**

**September 26, 2013,**

**RHO BUILDING at 7:00 P.M.**

**Present:**

Thomas McMenamin, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member

Gladys Callaghan, Member

Gerry Rogers, Member - absent

Thomas Gubitosa, Chairman

**Also Present:**

Turner Miller Group, Principle Planner

By: Max Stach

Steven Honan, Esq.

Special Counsel

### **PLANNING BOARD AGENDA**

**September 26, 2013**

**RHO BUILDING at 7:00 P.M.**

**Pending Application:**

1. Jessup Ridge West – SBL 19.01-2-45.1,45.5,45.7,45.8,45.9 RR District – Amended Subdivision, located on the west side of Jessup Lane and west side of Margarite Drive, 800 feet north of Willow Grove Road

- Final Approval

OTHER BUSINESS:

Informal Discussion: Hudson River View Building B – Good Luck Auto SBL 20.02-11-25

Proposed Local Law No. 1 of 2013

Amendment to Flood Damage Prevention Law

Town Board is requesting comments for their October 8<sup>th</sup>, 2013 meeting.

\*\*\*\*DATES FOR NOVEMBER/DECEMBER PLANNING BOARD MEETING

Deadline: November 7, 2013

TAC Meeting: November 14, 2013

Planning Board Meeting: December 12, 2013

Accept minutes of August 29, 2013

Chairman: First item on the agenda is Jessup Ridge West Mr. Zigler.

Mr. Zigler: Since our last meeting we just revised the plans changes in the map as far as easements and conservation buffer and a draft SWPPP for the site. County Planning has so comments and we have no problem with these comments so with that we hope the Board would vote for final subject to the SWPP to the satisfaction of Kevin. This retention pond is basically (inaudible). The last pond we have to get permission from our neighbor to go onto the property to grade down. We have another swale in the back here each home will have its own rain garden that would be sized during building permit applications depending on how big the house is and what kind of driveway so that is something each lot would be reviewed at building permit and additionally we have extended the (inaudible) which ended here would roll into the detention ponds which were eliminated so we are extending that down and we are going to connect that into the stream. That is going to be riffraff the outlet like we discussed. The curbs are going to be stone all the way down to the intersection probably right to the catch basin and it will drop down and this will be berm. The improvements that we are proposing here are with the inspection fees are a little over \$200,000.00 and that does not include the previous work. So there is work to go in here the homes will sit up here on the top road and of course one on the left when you come in. This is going to be a municipal easement going all the way up to the sewer line it is a little bit different than what we had before because we are going to have a swale in here to intercept the water coming down. This is the conservation buffer and through the conservation buffer is going to be just one easement for sewer for service to AD9. Mr. Goldberger was saying we really don't want to do that so we might eliminate that we might just come in off the road. Number 10 is going to be serviced off the road so that will not have any intrusion through the conservation buffer. It is quite a bit of conservation buffer especially along the stream and the reason it works is the lots are smaller now the homes are smaller. Before when we were doing this 15 years ago the lots had to be bigger because the homes were bigger now as you see driving around Town the homes are smaller so this will end up having a smaller lot but it will be the same distance between homes as almost the original plan. So that is the proposal we all worked on it pretty hard and the applicant and the owner would like to thank the Board for taking as many field trips as you did.

Mr. Muller: The pipe that is being extending down instead of going to that retention pond you said is going right into the stream you said it is going on the other side of the damn.

Mr. Zigler: Yes the down side.

Mr. Muller: So it is going to feed right into that area were the damn is that pit area.

Mr. Zigler: Right.

Mr. Muller: My question to Kevin is what happens if torrential rains will that over burden that small area it is not a very big holding area where the damn goes into and releases into the stream. We are taking everything from the Cull de Sac and the entire road that goes up everything is going into that catch basin into that area can that area handle a large amount of water and then feed it into the stream? The whole idea of having the retention pond or feeding into the pond is that it absorbs that influx of water and gradually feeds it into the stream.

Mr. Zigler: Before we get to far with this - this is a 24 inch pipe the two pipes that we are removing were 36 inches underneath the bridge so the point is all this is collection right here that will put it into the system and it will be down past the Haverstraw garage before anything else comes through the system the other drainage that goes into this system is being captured in the back by the swales and being held up so really the only thing that is going in is about this much of the road very little in the Cull de Sac.

Mr. Maher: What is going to be done is they are going to discharge that portion of the roadway directly into the stream they have to look at the overall watershed itself now they are allowed to only discharge X now that part of X leaving the site so what they are going to do basically by over sizing some so of the grade infrastructure and also putting that detention area behind the first four lots on Margarita Drive they are going to compensate for the automatic release of the water from the roadway down to that 24 inch pipe next to the stream so the net result is the amount of water leaving the site is going to be the same.

Mr. Muller: The reason that I am concerned is that on one of our many site visits they said that that stream tends... once it is past that damn going pass everyone's homes it has overflowed and caused big problems I was wondering if it needed to go into retention ponds but you are saying I that the calculations have been addressed.

Mr. Maher: They are working on it now. The SWPPP is being presented right now. All the water leaving the site has to be the same amount after construction as it was before construction.

Mr. Muller: My concern was during a flash storm a flash amount of water whether it is calculated or not if it is going into a retention pond or going into the stream I want to make sure that the road water doesn't create an issue of that stream overflowing.

Mr. Maher: They have to look at that in their storm water management report and account for that.

Mr. Muller: As long as it is being looked at.

Chairman: Dave on the County I saw your response to some of their comments. I looked through it and didn't see anything major.

Mr. Zigler: We do not need permits form County Health Department we are not extending any mains whether water or sewer we don't need permits form the County Drainage agency they made comments they are addressing their comments we are answering to everything we have to and that would cover the comments from both of those agencies.

Mr. McMEnamin: Could you point to Annunziata over there?

Mr. Zigler: Right here and the retention pond right now is right here you can see it on this plan so it is not on their property but it is on the property line and the grading from the pond is on their property line so we are going to have to get permission from her to come in off her property and this is going to be graded out and into her lawn. We are moving the retention area.

Mr. McMEnamin: Right to the left of that what is that?

Mr. Zigler: This here.

Mr. McMEnamin: That whole lot is that an existing lot?

Mr. Zigler: Yes. See the pipe stops here and then there is this big long swale into this whole lot.

Mr. McMEnamin: Does that belong to somebody else?

Mr. Zigler: No it actually belongs to the owners but it was not part of the subdivision we added it because we are putting the easement over the pipe.

Mr. McMEnamin: So who owns that property?

Mr. Zigler: The developer the same one who owns here.

Mr. McMEnamin: It is a vacant lot.

Mr. Zigler: The only house up there is this one right now.

Mr. McMEnamin: What could be done with that lot in the future?

Mr. Zigler: Sell it to you and you can build a house on it.

Mr. McMEnamin: So that did not change from the original subdivision.

Mr. Zigler: Correct.

Mr. McMenamin: So that still exists today but with meets and bounds form the original subdivision.

Mr. Zigler: Correct.

Mr. McMenamin: So there will be a house there too?

Mr. Zigler: Yes.

Mr. Sheehan: Just to put it on record again this is an average density subdivision so even if it has twice the acreage it cannot be subdivided again because it is an average density.

Mr. McMenamin: I get that we talked about green infrastructure here were we require rain gardens to be sized to the house and the driveway all those wonderful things but that does not apply to that lot.

Mr. Sheehan: Basically you are picking up the water on the high side.

Mr. Zigler: It does apply to that house because Kevin requires any house today whether when it was approved we have to do it for any plot plan or house permit so that house when it goes in it would have to qualify for rain gardens also.

Mr. McMenamin: It will be treated like all the others even though it is a much bigger lot and it has more potential. Kevin we have addressed the quantity what about the quality?

Mr. Maher: The quality is required they have hold the water quality has to be held on site with the green infrastructure all the impervious areas driveway and house on each lot what we have in the report right now an generic design for each lot. Again that each site is going to have to be looked at and soil tested before building construction starts.

Mr. McMenamin: Everything except for the Cull de Sac which can go directly into the stream.

Mr. Maher: Right the Cull de Sac and 50 -60 feet to the north will drain directly out into the stream and again to compensate for that not being in control the other green infrastructure and that detention basin being remolded are being enlarged right now to compensate for that. We also need to look at the two existing one down on Jessup itself to make sure that they will function as intended using the storm runoff numbers.

Mr. McMenamin: You are able to allow that water to go directly into the stream because you are over detaining something else and that is acceptable.

Mr. Maher: Yes, there is no increase in the peak rate after construction.

Mr. McMenamin: But you also have to do quality – quality you say is ok but the quantity is a trade off.

Mr. Maher: They are going to have a riffraff channel which can be designed as an environmental quality swale it is going to have to be fitted very carefully because you have to watch it because you have your heavy storms 25, 50, 100 year storms you don't want that blowing out of that channel and going into the Crispino back yard. So there is going to be a trade off and we are going to have to balance it somehow.

Mr. McMenemy: OK let's go to your September 26 letter everything that is missing everything that you are worried about but in the end at your last paragraph you say (Inaudible). So we are giving conditional final approval conditional on your approval of the complete drainage study and that is a lot of responsibility for you to insure if I was the Town engineer I would probably handle this a little differently than you are doing it but you have a pretty big responsibility to insure that what is finally settled upon is what we are talking about right now and if it is not no means of allowable design can affect the outcome that we're discussing as far as water quality and quantity that you are going to bring that back to us and tell us about that before this plot is signed right.

Mr. Maher: Correct.

Mr. McMenemy: That's it that is all I need.

Mr. Zigler: I just want to straighten out a statement there if you were the Town Engineer you followed the same path that Kevin is because if you read your code the code requires it to be submitted it does not say to be approved it can't be approved until after final because if you change something on this we have to change it. Every Town is the same they require a draft they require a report but after final whether it is a site plan or whatever then that is when you really prepare a SWAPP and he has to approve it every Town has an MS4 and that is Kevin in this case and whether it is in the resolution or not that is part of your code that he has to approve it. We are following the path that is designed by your code.

Mr. McMenemy: I am standing by my statement and throwing my considerable weight around and I would insure that this was done prior to ask a Planning Board to make a vote.

Mr. Zigler: That's fine.

Chairman: Any other questions Ok what I am going to do is read a resolution for a final and then I will ask for a motion.

**GRANTING FINAL APPROVAL  
OF A THIRTEEN LOT SUBDIVISION**

**For The Project**

**JESSUP RIDGE WEST**

**BY APPLICATION OF: Alex Goldberger**

WHEREAS, an application has been made to the Planning Board for final approval of an average density thirteen (13) lot subdivision, designated JESSUP RIDGE WEST, affecting premises designated as Section 19.01, Block 2, Lots 45.1 - 45.5, 45.7, 45.8, 45.9 and 45.11 on the Tax Map of the Town of Stony Point, located in an RR Zoning District and upon a plat titled "Average Density of Tax Lots" dated March 7, 2013, and last revised September 24, 2013, prepared by Atzl, Scatassa & Zigler, P.C., consisting of six (6) sheets; and

WHEREAS, this application is a further or re-subdivision of a previously approved nine (9) lot subdivision, which is the subject of a map entitled "Final Subdivision for Jessup Valley" and filed in the office of the Rockland County Clerk on April 9, 2003 as map number 7574, Book 123, Page 6; and

WHEREAS, the Planning Board declared itself Lead Agency, classified this action as Unlisted and on May 25, 2013 this Board reviewed and adopted the EAF Part II. Pursuant to the New York State Environmental Quality Review Act, the Board determined the significance of the action and a negative declaration was issued by this Board on July 25, 2013; and

WHEREAS, by letters dated February 5, 2013, March 18, 2013 and April 4, 2013, the NYS Department of Environmental Conservation indicated the DEC permits that may be required for this project and submitted comments and identified environmental concerns in connection with this project; and

WHEREAS, by letters dated January 9, 2013, March 14, 2013, April 9, 2013 and August 22, 2013, the Rockland County Department of Health made certain comments applicable to the project, including the amendment of the plan to include those lots to be offered to the Town for municipal purposes and that the applicant's storm water management system must comply with the County Mosquito Code; and

WHEREAS, by letters dated February 4, 2013 and March 25, 2013, the Rockland County Drainage Agency indicated that the proposed activity is outside the jurisdiction of the RCDA, but due to the proximity of the project site to the Minisceongo Creek, the RCDA offered a number of comments concerning the project; and

WHEREAS, by letters dated January 30, 2013, April 18, 2013, July 13, 2013 and September 9, 2013, the Rockland County Department of Planning made certain comments applicable to the project, including the requirement that the proposed surface disposal system for all lots must be reviewed and approved by the Rockland County Department of Health. The applicant addressed these comments in the letters of Atzl, Scatassa & Zigler, P.C., dated April 5, 2013 and September 20, 2013; and

WHEREAS, the public was invited to an informational meeting before the Planning Board on April 25, 2013, concerning this project. A public hearing was held on July 25, 2013 and held open and continued at a subsequent planning board meeting on August 29, 2013, at which date the public hearing was concluded and closed.

NOW, THEREFORE, be it

RESOLVED that the application submitted for final approval of a thirteen (13) lot average density subdivision, designated JESSUP RIDGE WEST, affecting premises designated Section 19.01, Block 2, Lots 45.1 - 45.5, 45.7, 45.8, 45.9, and 45.11 on the Tax Map of the Town of Stony Point, located in an RR Zoning District and upon a plat titled "Average Density of Tax Lots" dated March 7, 2013, and last revised September 24, 2013, prepared by Atzl, Scatassa & Zigler, P.C., consisting of six (6) sheets, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point, subject to and conditioned upon the following:

1. This Board finds that there is a need for additional parkland to accommodate future residents. However, there is insufficient land available in the premises to be subdivided to warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Town in lieu of land in the amount set forth in the Town's Schedule of Fees.

2. The Applicant shall submit to the Town Attorney for approval proposed deeds, and/or other documents as required by the Town, necessary to establish a "Conservation Buffer" upon those lots designated in the subdivision plans, with the appropriate metes and bounds descriptions delineating the extent of the Conservation Buffer, for the purpose of limiting the extent of development and use of the particular lots, said Conservation Buffer to run with the land. The deeds shall also contain language requiring the lot owner to maintain the rain gardens and storm water control and drainage structures/devices upon the lots.

3. A final Stormwater Pollution Prevention Plan (SWPPP) must be submitted for approval. A draft SWPPP was submitted to the Town Engineer by the applicant on September 25, 2013. The final SWPPP must be accepted and approved by the Town Engineer before work of any nature is commenced on the site.

4. The signature of the Chairman of the Rockland County Drainage Agency is required upon the subdivision plat pursuant to the requirements of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended).

5. The applicant shall comply in all respects with items numbered 1 through 9 in the Town Engineer's Memorandum to the applicant dated September 26, 2013. The applicant's compliance with the provisions of same shall be to the satisfaction of the Town Engineer.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:



There being six (6) votes in favor of the motion, and no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA, Chairman  
Town of Stony Point Planning Board

Filed in the Office of the Clerk of the Town of Stony Point on this 30<sup>th</sup> day of September 2013.

Hon. Joan Skinner, Town Clerk  
Town of Stony Point

End.

Mr. McMenemy: I thought of a question that I was going to ask before but I forgot. Annunziata and that other lot are there conservation easements on those two other lots?

Mr. Zigler: No.

Mr. Sheehan: There was no conservation easement on the original subdivision map it was not an average density map. Annunziata was not part of this subdivision it was an existing separate ownership.

Mr. McMenemy: I am talking about the original subdivision that created Annunziata lot.

Mr. Sheehan: There was no conservation easements.

Mr. McMenemy: Was there steep slopes?

Mr. Sheehan: Yes the property hasn't changed.

Mr. McMenemy: So the work that is going to be done is all on that property line between those two steep slopes?

Mr. Sheehan: That line was...

Mr. Zigler: It is a retention pond. We are just filling the retention pond.

Mr. Sheehan: That was approved on the original subdivision.

Chairman: Are you good? Alright we have one additional item on page 2 item 1 we are going to say: "This Board finds that there is a need for additional parkland to accommodate future residents. However, there is insufficient land available in the premises to be subdivided to

warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Town in lieu of land in the amount set forth in the Town's Schedule of Fees."

**MOTION: ACCEPT FINAL RESOLUTION**

Made by Gene Kraese and seconded by Gladys Callaghan  
Roll call vote all in favor

Chairman: Next is the Cost Estimate Kevin you saw the Cost Estimate are you all right with them?

Mr. Maher: I made the adjustments that I felt were necessary to reflect current costs and some items that were left off the estimate.

Chairman: Bill do you have any comments on the Cost Estimate.

Mr. Sheehan: I just collect 6% of the bottom line.

Chairman: So I just need a motion to accept the Cost Estimate.

**MOTION: ACCEPT COST ESTIMATE**

Made by Gene Kraese and seconded by Tom Gubitosa  
All in favor

**BOND ESTIMATE JESSUP RIDGE WEST  
SEPTEMBER 18, 2013**

**FORMER JESSUP VALLEY ESTATES ESTIMATE**

| ITEM          | DESCRIPTION             | UNITS      | UNIT PRICE | TOTAL PRICE         |
|---------------|-------------------------|------------|------------|---------------------|
| 1             | Top wearing course - 2" | 1,450 TONS | \$95/TON   | \$146,300.00        |
| 2             | Street Lights           | 8          | \$2,800/EA | \$22,400.00         |
| 3             | Monuments               | 41         | \$250/EA   | \$10,250.00         |
| 4             | Street Signs            | 8          | \$200/EA   | \$1,600.00          |
| 5             | Shade Trees             | 120        | \$275/EA   | <u>\$33,000.00</u>  |
| <b>Total:</b> |                         |            |            | <b>\$213,550.00</b> |
| <b>Say:</b>   |                         |            |            | <b>\$214,000.00</b> |

**JESSUP RIDGE WEST ADDITIONAL ITEMS**

| ITEM | DESCRIPTION                                   | UNITS   | UNIT PRICE | TOTAL PRICE |
|------|---|---------|------------|-------------|
| 1    | Silt Fencing                                  | 1400 LF | \$3/LF     | \$4,200.00  |
| 2    | Stabilized Construction Entrance for Each Lot | 13      | \$750/EA   | \$9,750.00  |

|                                 |  |           |            |                            |
|---------------------------------|--|-----------|------------|----------------------------|
| 3                               | Belgian Block Curb                               | 2,500 LF  | \$15/LF    | \$37,500.00                |
| 4                               | Standard Catch Basin                             | 1         | \$3,000/EA | \$3,000.00                 |
| 5                               | Standard Manhole                                 | 3         | \$3,000/EA | \$9,000.00                 |
| 6                               | Drainage Outlet Structures                       | 2         | \$4,000/EA | \$8,000.00                 |
| 7                               | 15" HDPE Pipe                                    | 231 LF    | \$35/LF    | \$8,085.00                 |
| 8                               | 24" HDPE Pipe                                    | 140 LF    | \$45/LF    | \$6,300.00                 |
| 9                               | Rip-Rap  | 115 SY    | \$150/SY   | \$17,250.00                |
| 10                              | Detention Basin - Dry (Modified)                 | 21,000 CF | \$1/CF     | \$21,000.00                |
| 11                              | Repairs to Pond Spillway                         | N/A       | LS         | \$2,000.00                 |
| 12                              | By-Pass Pumping for Pond During Spillway Repairs | N/A       | LS         | \$4,000.00                 |
| 13                              | New House Sanitary Sewer Connections             | 3         | \$1,750/EA | <u>\$5,250.00</u>          |
| <b>Sub-Total:</b>               |  |           |            | <b>\$135,335.00</b>        |
| <b>15% FOR CONTINGENCIES:</b>   |  |           |            | <b>\$20,300.25</b>         |
| <b>Total:</b>                   |  |           |            | <b><u>\$155,635.25</u></b> |
| <b>Say:</b>                     |  |           |            | <b>\$156,000.00</b>        |
| <b>Grand Total for Project:</b> |  |           |            | <b><u>\$370,000.00</u></b> |

Chairman: Next on the Agenda is the Local Law.

Proposed Local Law No. 1 of 2013  
 Amendment to Flood Damage Prevention Law  
 Town Board is requesting comments for their October 8<sup>th</sup>, 2013 meeting.

Mr. Stach: The Planning Board should have received a Local Law on referral from the Town Board to amend the existing Flood Damage Prevention Law I believe that you should have been in receipt of the LWRP consistency review prepared by my office along with that. So essentially what the Town is doing is FEMA has released new adversary based flood elevations for the Hudson River which are on average about two feet higher than previous flood elevations and the current flood damage prevention law establishes how you can construct structures within areas with potential flood damage all this amendment does is it requires the advisory base flood elevations to be taken in account as if they were the real adopted flood elevations which they will be in a couple of years and sets forth so relief. Which is essentially Stony Point is uniquely doing which is to provide a path for homeowners whose structures have been damaged in hurricanes are severe weather to go and get relief to build back their structures while meeting the requirements for FEMA for elevation but otherwise (inaudible) the existing stricter without going to the Zoning Board or Planning Board they will be able to get that relief from the building

department directly. That is an unique element that was inserted into Stony Points law so that is essentially what is the before you I reviewed it in light of the Towns adopted LWRP as you realize from previous CSX applications this Board does sit as the waterfront adversary committee as well so you need to make your own finding or recommendation to the Town Board about whether it is consistent with the LWRP that is why I provided you with a letter going through the provisions and policies of the LWRP and addressing how it is consistent. I do believe it is consistent with every policy or it does not have an effect on every policy of the LWRP. So that is my brief synapse if you want to go into any other details.

Chairman: Does the Board have comments or are you ok with Max's comments.  
We basically just have to respond back to the Town that we are OK with the amendments.

Mr. Kraese: Bill you are in charge with overseeing this you are the administrator so basically you are just changing number of the height in some areas so they can go ahead without going crazy and coming before us.

Mr. Sheehan: Basically what we have been asked to do by FEMA and Homeland Security is eventually these elevations are going to be on the firm maps those are maps that grade the food insurance and as the Federal Government operates in March of 2014 they will be adopted. This elevation they told of we can adopt locally right now and the insurance rates will not affected at this point because the insurance rates can only be taken off of the FEMA maps it cannot be taken off the local laws. What it does do we get the homes elevated to what FEMA is going to require down the road because what would happen if we didn't required the elevation to the elevation it is going to be two years down the road when FEMA passes the elevations they will all be back in the flood zone and subject to high insurance premiums. What we are trying to do is copy or get it done now so all that have to rebuild conform to future flood elevations. If we don't do it now it is going to be done regardless except if somebody doesn't elevate to the right elevations two years down the road their first floor is going to below the DMP and they are going to have higher food insurance. The Town just wants to avoid that.

Mr. Kraese: So actually we are a step ahead of FEMA.

Mr. Sheehan: Actually it is their request as far as the appendage that we add to it as most people know that the homes down at the river are nonconforming to zoning because they are ninety years old they are too close to the property lines it was my idea to ask the Town Board instead of sending everybody who has to rebuild their homes to go to the Zoning Board because they can't meet the Zoning requirements to issue a blanket variance. So we check it out New York City has done it municipalities around have issued a blanket variance for those areas. However the variances cannot be any closer to the homes as it already is, they are allowed to go higher because of the elevations, if they had a one family they have to stay a one family they can't go from a one to a two it is just a relief for them otherwise we would have to send them to the Zoning Board we didn't feel that it was necessary.

Chairman: I'm good with that.

Mr. Sheehan: The Town Board is doing the SEQRA.

Mr. Stach: We have already adopted a Negative Declaration so it is done.

Mr. Muller: I think it is a common sense law and you could have an owner right now that just wants to rebuild and sell and get out if this law is not in place he can rebuild it as is.

Mr. Sheehan: Actually we have a situation right now where we have 40 in Ba Mar Mobile Park and they want to build at base elevation and I have certain amount of time to process their application and I don't know what is going to come first the law or my time limit so they might be built at elevation 10 most of the homes should be elevation 14 and two years down the road they will be subject to flood insurance.

Mr. McMenamain: So if this law is approved the person can't rebuild his house where it was.

Mr. Sheehan: Actually they can without meeting today's zoning requirements as long as they don't encroach on property lines closer than the existing home already is. There are a lot of homes down there that are boarded up because if any home that is 50% or higher damaged has to elevate their homes they can elevate their existing home or they can take it down and elevate it either way it has to be elevated. Today's elevation down there is elevation 10 what we are asking to do is go 12 foot plus the 2 foot which is 14.

Mr. McMenamain: So if this law is passed they cannot build their home where it was at 10 or even lower.

Mr. Stach: They have to increase the height but they would have to build it in the same spot they would just have to build it up on pylons.

Mr. Sheehan: A lot of them down there are not at elevation 10 now so they would have to raise them anyway the ones that were 50% or more damaged.

Mr. McMenamain: So we are at 10 because the 10 feet is deficient.

Mr. Sheehan: This law will not make anybody elevate their home that doesn't have to elevate their home under the present law.

Mr. McMenamain: But if it is damaged and they have to reconstruct it at a height higher than it is and they could not go back where it was.

Mr. Sheehan: They can take that home right now and jack it up say the house is elevation 8 right now they have to go to elevation 10 they are going to raise that house we don't want to raise it 2 feet to 10 we want to raise it 6 feet from 8 to fourteen. This law will not require anybody that does not have to elevate their home today to go any higher.

Mr. McMenamain: And the new homes will all going to the new zoning anyway.

Mr. Sheehan: What I am saying is for example there is a home right now - there is 2 homes that have been taken down one is under construction right now. They did not have conform to

elevation 14 but they did there is another home that is taken down in the middle of the block that is going to put up a new home that home is going to go right where it was.

Mr. Stach: One of the things that this also does is there is a provision that says if you are an existing nonconforming lot so you don't need the rear set back you don't need the front set back whatever it is you can continue to exist until it is 75% damage in value which a lot of these homes were during the storm so if that happens you now have to meet all the standards even if you are preexisting. It is like if your house burns down and you are nonconforming you have to build it back conforming. What this does it also provides relief there that if in a storm if the house is damaged beyond that 75% that they still get to come back as an existing nonconforming. They are going to build a new house but they can't go any bigger than it was before.

Mr. McMenamain: But they will have to go to the new elevations.

Mr. Stach: They have to go to the new elevations. I think that is going to be a State Law too. The State requires 2 feet above.

Mr. Sheehan: What I am saying is if you are at elevation 8 and you are 50% damaged or greater your house has to go to 10 feet right now under today's law. What we are saying is the Federal Government is going to change it to 14 feet down the road in March or May of next year.

Mr. McMenamain: What happens if they don't do that?

Mr. Stach: Whatever the reasons one of things that they say FEMA says them map amendments were supposed to happen in 2008. So three to four years ago they did the County except for the Hudson River all the streams all the lakes in the County and they had set out advisories for all those to all the communities. Then Irene came and they started looking at the Hudson and they started mapping the Hudson and they said these are going up in the Hudson. So they had the question should they do the County except for the Hudson or do we hold them up for the Hudson and I think when they last met they are going to hold everything up until they are ready to adopt the Hudson River elevations which they also had to increase for Sandy now. So I think the new Hudson River elevations are based on the Sandy storm elevations so in Stony Point it is 11 right for the D Zone?

Mr. Sheehan: Besides the elevations along the river right now is in Zone A on the FEMA maps Ba Mar is in Zone A and Zone B the back part near the railroad tracks is Zone B. What that means is Zone A has higher elevations than Zone B. What these maps will do is they are changing everything on the coast line from I think the Tappan Zee Bridge all the way up to Peekskill as a V Zone. What the V Zone means is two things is that the elevation is going to 14 feet and the foundation construction under the Building Code has to be constructed to withstand wave action. When you get to Ba Mar the first from the river in say the first 50 feet or the A Zone that exists today is going to the V Zone and the V Zone is going to a moderate wave action. So basically what means is they have to build to elevation 13 but the foundations have to withstand the same as the river 14 wave action the back of Ba Mar 13 moderate wave action. The ones in back can go to 13 and they don't have to conform to the foundation issues but the

front of Ba Mar does they have to be a foot higher and the river everything has to be at 14 with the foundation withstanding the wave action. If you look at the home that is going up right now that conforms to the elevation in the V Zone, which they didn't have to because the law is not created yet but they did the right thing and the smart thing and constructed it the way they are. Those are the two changes. They don't want anyone constructing homes today under today's law and six months down the road they are all nonconforming. That is what all this means.

Mr. McMenamin: I am OK with that it makes sense I would hate to tell somebody to have to do something.

Mr. Stach: The Town Board is just safeguarding people because untimely FEMA is going to require it. Once FEMA requires it the State is going to require it under the Building Code the Town is going to have to require the 14 then so what we are doing is that we are keeping people from spending a lot of money raising it to 10 now and spending a lot of money later raising it to 14.

Mr. Sheehan: Building Code doesn't spell out elevations what they say if we want 2 feet higher than what FEMA says.

Mr. McMenamin: Let me ask you all these houses are going to be at 14 wave action foundations and the road is not going to change?

Mr. Stach: The Town is looking into that. The Town got a very large grant to...

Chairman: I will make a motion to send a letter to the Town.

**MOTION: SEND LETTER TO TOWN BOARD PLANNING BOARD HAS NO OBJECTIONS TO LOCAL LAW.**

Made by Tom Gubitosa and seconded by Peter Muller  
All in favor

Chairman: Next on the agenda we are going to do the minutes because Michael Puccio will recuses himself from next application.

**MOTION: ACCEPT MINUTES OF AUGUST 29, 2013**  
Made by Gene Kraese and seconded by Gladys Callaghan  
All in favor

Chairman: Next on the agenda is Hudson River View Building B – Good Luck Auto.

Informal Discussion: Hudson River View Building B – Good Luck Auto SBL 20.02-11-25

Michael Puccio recused himself from this application.

Mr. Zigler: This is an informal discussion about one of your previous Site Plan approved on the Insl-X site that is the site adjacent to the railroad we had Good Luck Auto that was approved a

year ago or a little longer and basically at that time we were not doing anything to the buildings we were just demarking parking areas for Good Luck Auto at this time the applicant would like to put an addition to those buildings. The building we are talking about is all the way to the south end of the property delineated A on the map and we would like to triple the size of it basically you will see that there is a 5,000 square foot addition on the east that would be towards the river and then another 5,000 square foot addition towards the railroad track so that would increase that building. The second additional part is to increase building B and then again that is smaller than the original it is about 6,000 square foot it is only on the east side and into the parking lot now if these additions were approved they would require no variances it would just be a straight Site Plan approval. There is a question of the process of approving it and that's why that was attached with the letter the applicant would like to ask the Board if there was a possibility of during this Site Plan review without a Public Hearing to give a quick step on it and allow it to move a little bit faster. It is the end of the year between November/December we only have one meeting so it was a request by the applicant seeing that we are just dealing with these two buildings on site both being utilized as warehouses does not tax the Site Plan for parking and it is a possibility we just wanted to get it into you to look at it maybe if you wanted to set a field trip to go see it. We are going to submit an application and SEQRA process form for the next meeting.

Chairman: That is the empty building all the way on the left.

Mr. Zigler: This is the building which was actually closed and had steel behind it. Looked more like a barn it didn't have any doors on it but it is a studier building the one with the stone in the front.

Mr. Kraese: What is going to be the total square footage of the Building A and Building B?

Mr. Zigler: That would be down at the bottom 14, 800 for A and B would be 17, 350 that is the total. They are just one story some of the other buildings are two stories.

Mr. McMEnamin: What is the use?

Mr. Zigler: Warehousing it is a possibility that he has someone who would like to do trucking not a truck depot something like Good Luck Auto.

Mr. McMEnamin: Good Luck Auto was where they chopped up the cars for parts.

Mr. Zigler: Yes, there is not a user right now but we are saying we would fall under what is allowable in the zone we are not asking for a special permit or anything. No variances would be required we are within the 50 foot envelope there.

Mr. McMEnamin: So you don't know the parking needs and circulation?

Mr. Zigler: The parking needs are down at the bottom we used warehouse we used 4 for each building you can see that even using 4 we totaled 36 required we have 81 spaces on site so it



wouldn't be used for an office or I would have to designate that. So it has to be used for something in the zone that says small parking criteria.

Mr. McMenamain: Without Max here what makes you think we can (inaudible) without a Public Hearing?

Mr. Zigler: I am not saying anything I am requesting it.

Mr. McMenamain: You are allowed to waive a Public Hearing?

Mr. Zigler: At certain points yes don't know if we have done it for anything else down there but we have had quite a few Public Hearings on any project down there and I yet to remember anyone coming in and saying anything negative about them. Usually the Tracy piece and Insl-X nobody shows up. The only person that showed up the last time was the Attorney from Haverstraw.

Mr. Muller: And the Public Hearings we had there has been nobody from the Public but Haverstraw.

Mr. Zigler: Right just the Attorney that was it.

Mr. Sheehan: The Planning Board can waive pretty much any requirement under the subdivision and Site Plan application what I would suggest you do is just set a Public Hearing tonight for the next meeting.

Chairman: Why don't we set a Public Hearing for next month?

Mr. Zigler: That is fine with us you will have the application and the map in the office and I titled this as an amendment to Building B.

Chairman: We will set up a Public Hearing for next month.

Mr. Zigler: And I titled it as an amendment to Building B.

Chairman: We will just do it that way we are not wasting any time they are coming next month if anyone comes.

Mr. Sheehan: I just want to let you know this is our October meeting and we have a meeting in December and will not have one till January building wise essentially a nonexistent building primarily what he wants to do is park his vehicles there that are getting destroyed down there by the kids. Don't forget you have the Insl-X building down there that if you read the map note from the last approval basically that (inaudible) they really have to come back if they really want to do anything so I would not get to concerned about parking and all that stuff because we have a 17,000 square foot building sitting there.

Chairman: We will just set it for next month so that we have it there.

Mr. Sheehan: Just to let the applicant know somewhere along the line we have to start the SEQRA process which is a thirty day turn around. Short form unlisted action I don't think we are going to get to a Part III there is no drainage issues because it is and impervious surface right now so you are not adding any more quantity of water so you still have to go through the SEQRA process it is not going to be a Type I because it is too much space the building is too big so it is going to be an unlisted action most likely on the short form and any thresholds so probably if you want declarer yourself Lead Agency and start the SEQRA process.

Chairman: We will just have to declare ourselves Lead Agency.

Mr. McMennamin: Unlisted Action.

Chairman: I need a motion to be Lead Agency.

**MOTION: DECLEAR PLANNING BOARD LEAD AGENCY**  
Made by Peter Muller and seconded by Gladys Callaghan  
All in favor

**MOTION: UNLISTED ACTION**  
Made by Tom Gubitosa and seconded by Gene Kraese  
All in favor

**MOTION: CLOSE PLANNING BOARD MEETING**  
Made by Peter Muller and seconded by Gladys Callaghan

Respectfully submitted,  
Mary Pagano, Clerk to the Board