

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

September 27, 2012

RHO BUILDING at 7:00 P.M

Present:

Thomas McMenamin, Member
Peter Muller, Member - absent
Michael Puccio, Member - recused
Gene Kraese, Member
Gladys Callaghan, Member
Gerry Rogers, Member
Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner
By: Mr. Turner

Kevin Maher, Town Engineer

PLANNING BOARD AGENDA

September 27, 2012

Pending Applications:

1. Hudson Bay Complex Building E – SBL 20.04-11-2.3 LI District, Amended Site Plan and Lot Line Change, located on the north side of Holt Drive 1,200 feet east of Route 9W.
2. Hudson River View Industrial Park Building D – SBL 20.02-11-25 LI District, Site Plan located on the east end of Holt Drive, 1800 feet east of South Liberty Drive/Route 9W
 - New application

OTHER BUSINESS:

November/December Meeting Dates
Deadline: November 8, 2012
Tac Meeting: November 15, 2012
Planning Board Meeting: December 13, 2012

Accept minutes of August 23, 2012

Chairman: First on the agenda is Hudson Bay Complex Building E, Mr. Zigler could you give us and update on the project.

Mr. Zigler: Dave Zigler from Atzl, Scatassa and Zigler and we are here for a revision of an approved Site Plan this is the Hudson Bay Storage facility you did field walk on this as you know in the front of the facility was a proposed storage office warehouse building the was the approved Site Plan. The building since the approval has had no interest so the owner of the property would like to modify that building into something that is working on the property and that is the storage facilities. So the proposal in front of you shows that foot print of the original building area now shows three separate storage facilities. We have the labeled E1, E2, E3. E1 the closest one to back of Shop Rite is two stories as you know the grade in there at the parking

lot and the grade of the ground to the west of it we are going to use that grade difference and create a two story building. On the back of Shop Rite the west side you will have an entrance and on the back facing the east side you will have a lower entrance. So you will have an entrance from high side and an entrance from the low side. The E2 and E3 are labeled and are one story high and they have doors on both sides the east and the west side. This is the same kind of layout we have 30 foot between the buildings we have a circular driveway around it and it is a reflection of what is in the back working today. The fencing and the security system that is out there now would be extend around to this site and it would be enclosed and it will all become one facility it is not two different facilities. The drainage and the improvements that we required for the original site plan is finished so it is just a modification of the original building with these three new buildings we labeled E1 to E3. The only thing that this brings up is variances the buildings that you see cross the front yard so we are asking for variances to the front right a way. The front right a way is equal to what was on Shop Rite so if you were went up to Shop Rite and looked straight across it is not that these buildings are going to be sitting closer to the road it will be equal to that. So that is not going to be different than anything else on that side of the road the other variance we need is the side yard the side yard is on the east side towards the river we are to close it and we need a variance for that. That property line that is combined between Bay View and Hudson is going to be part of a subdivision so when we ask for a Public Hearing and come back we will be having a Public Hearing on the Site Plan if the Site Plan is approved then we would want to process the subdivision. The subdivision of changing the property line is of no value if it doesn't include the Site Plan so we are going hand in hand the property line allows the building layout as we see now. It takes nothing from the other property it happens to be a strip of land on the west side of Bay View that is between the existing property line and the right a way. It is actually were the grass is now and you see the street lights there is nothing physically that will be removed changing the property line. The only difference is that it allows these buildings E1 to E3 to sit on the property better. The benefit to Bay View if you down on the bottom left corner is we would be able to make that into a better T intersection you will be able to make a better radius right now the pavement is beyond the easement. If we straighten out the property line we will be able to keep everything on the bay view side but yet improve the radius. That's the application at the workshop Bill brought up a pretty good question about parking and the red line map shows where we are looking at parking. Now since this was drawn and submitted this red line we emailed it in so you would have it there is actually additional parking spaces that are on site that actually work a little bit better so the 10 spaces that I now have on the west side of Cheer Mania we are going to change that into curbside parking and we are going to pick up so more spaces in the major isle between the existing facility and the proposed facility. That is that isle that runs north and south so we are going to end up with a little bit different parking layout but just as many spaces near the Cheer Mania. That is what Bill was concerned that we would show parking on one side of the site and Cheer Mania which really needs the parking is on the other side. There is two usage on this site that requires parking the office for the facility the Hudson Bay facility and Cheer Mania so we have enough parking for the office that is the three just to the left of Cheer Mania and then we are going to have additional parking for Cheer Mania at the door and then down at the bottom you will see 13 spaces which will probably be used for what you see there now for some old storage of RV vehicles. So that is the proposal there is a slight change in the parking the red line you have we are going to change that for the next submission you have a grading plan the drainage has been submitted so we would ask the Board to now send us to the Zoning Board of Appeals, Bill is going to draft a letter for the variances and we would also ask the Board set a Public Hearing for next month. If you set a Public Hearing that would allow the first meeting the first Public Hearing to be with the Planning Board and not at the Zoning Board of Appeals which we consider a benefit.

Chairman: Before we go over the Part II does the Board have any questions or do you want to go over the Part II all right. I see we have a copy of the Part II we will just go over that.

Mr. Turner: You all have the Part II which is a section of the short form EAF which covers the impacts and the first question...do you normally go over these questions?

Chairman: Yes we briefly go through them.

Mr. Turner: Given that there is no significant construction and the regulations permit any no residential construction less than 4,000 square feet not a type one action. So it does not exceed that so there is a no there. I believe you had a review earlier that says no. Then the next series of question of course have to do with whether there is any adverse affect associated with the change

in the use to self storage is unlikely to be any impact in terms of noise air and so on. The buildings wouldn't change so there is no ascetic issue no changes to the disturbance at the site the vegetation no change. In the industrial area it is consistent with the Towns planning goals and objectives, zoning. This is not likely to induce further growth in the Town that is a question that is always asked, no site impact not like to be impacts are less that those approved originally and the impacts any other impacts on energy use likely to be less as well. There is no critical environmental area there so impact on that is there likely to be controversy, no. So once you have done that and you agree with those response than you go on to a Part III which explains why those answers were suggested then you would go on to a negative declaration.

Chairman: So if everyone is all right with the Part II we can adopt the Part II and then go over the Part III. So is everyone good with the Part II right now, Tom?

Mr. McMenamain: Is this just for the Lot Line change or is this for the Site Plan?

Mr. Turner: I believe it is the Lot Line Change and the Site Plan.

Mr. McMenamain: You said there is no major construction we are building three big building here.

Mr. Zigler: I think what he meant was the increase in square footage of what was approved not as per say new construction it is revised construction.

Mr. Turner: It was through the environmental review when it was originally approved.

Mr. McMenamain: So when we approved the existing buildings the approval that we gave at that time covers these three buildings?

Mr. Zigler: It included one big building out front. It was a big building there that was two stories and had offices in it and it required off hand close to 70 parking spaces so instead of having the offices and two floors we are changing to this. So that the difference in square footage this has more per say square footage than that plan did but not by much. There is a reduction in traffic.

Mr. McMenamain: That's why you said there is a reduction in traffic because the use is less intense as an office building so the traffic that would have been generated is less, well the drainage is not less.

Mr. Zigler: It is about the same because the area that the parking requires now being proposed is covered by a building so the actual impervious surface is the same a little bit increased but not by much.

Mr. McMenamain: When we built the other part the infrastructure for the drainage was built at the same time.

Mr. Maher: Yes, that is correct they built an underground detention system as part of the improvements.

Mr. McMenamain: So the difference in impervious isn't going to..

Mr. Maher: It is an increase of one-two percent which is really no impact.

Mr. Zigler: And I think that system was oversized by over 10 percent.

Chairman: Are you good with the Part II for now? If everyone is good with the Part II I need a motion to adopt the Part II.

MOTION: Adopt Part II
Made by Gerry Rogers and seconded by Gene Kraese
All in favor

Chairman: Now we are going over the Part III.

Mr. Turner: Let me just answer that first question I think we should clarify for the record. The amount of construction does not meet the criteria for a Type I action but it isn't much from the original. I think that Dave didn't cover a couple of points here that (inaudible) the set back and the front yard but they are similar to the Shop Rite it is consistent with the character of the area. The coverage issue is similar to the percentage of coverage of what was approved the other reason was the Town is going through a Compressive Plan right now this area right now is zoned developed industrial and that explains the matter of consistency with the character and the consistency with the Town goals. So the final point there was that there is really because of the proposed change in use it is a less intense use that was originally and for those reasons we explained why there is not likely to be an impact. That leads you into the question of the Negative Declaration.

Chairman: Anyone have questions on the Part III?

Mr. McMenemy: I have one more question. All the new buildings are going to be lower than the existing buildings in building height. You are doing the SEQRA so you can go to the Zoning Board and get your variances? So the building height is one of the variances you are looking for.

Mr. Zigler: No building height was granted on the back building because it was built too high. So the sight already has a building height but we do not need that variance for these buildings we meet the code.

Mr. McMenemy: You show variance received for Building D so D was the tall one that was built higher than it was supposed to then it was given a variance. So the elevation is higher than any of the new buildings.

Mr. Zigler: These buildings will mimic the front building. These buildings will be much lower.

Mr. McMenemy: OK, thank you.

Chairman: We good on the Part III, I need a motion to adopt Part III.

MOTION: Adopt Part III

Made by Gene Kraese and seconded by Gerry Rogers

All in favor

Chairman: We need is a Negative Declaration. I will read it then we will make a motion.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: Hudson Bay Complex Site Plan

TOWN OF STONY POINT, NEW YORK

DATE: September 27, 2012

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

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

Name of Action: Hudson Bay Complex Site Plan

SEQR Status: Unlisted

Condition Negative Declaration: No

Description of Action: Site Plan amendment for a previously approved site plan for 22,000 square feet of warehouse use, 9,500 square feet of office use, and 44,250 square feet of self-storage use and 5,750 square feet of indoor recreation (81,500 square feet total) to 94,419 square feet of self-storage use, and 5,750 square feet of indoor recreation use (100,169 square feet total).

Location: North Side of Hold Drive, approximately 1200 feet from east of Route 9W.

Reasons Supporting This Determination:

The proposed action is not anticipated to result in any adverse environmental

impacts based on the following:

1. The Town Engineer has reviewed the plan and a workable plan for mitigation of stormwater and erosion impacts has been developed;
2. The proposal, although greater in square footage, will generate significantly less intensity of use. For example, the proposed site will generate approximately 32 peak pm traffic trips versus approximately 68 for the originally approved plan. Other attendant traffic and population based impacts of the previously approved plan such as water use and sewer use and will similarly be reduced.
3. Although the application proposes development coverage and floor area ratios beyond that currently allowed in the LI district, these coverages are not out of character with the recently constructed adjacent Shop-Rite. Additionally, smaller than permitted front and side setbacks will not have significant impacts to the character of the area.
4. No other impacts were identified.

MOTION: Adopt Negative Declaration
Made by Gerry Rogers and seconded by Gene Kraese
Roll call vote all in favor

Chairman: What are you going to need on the parking?

Mr. Zigler: No we are going to meet the parking criteria it was discussed. When you do your final resolution you address the parking criteria that were discussed for the use. Remember how it is a little gray.

Chairman: You just need to go to the ZBA we need a motion.

MOTION: Refer to Zoning Board of Appeals
Made by Gene Kraese and seconded by Gerry Rogers
All in favor

Chairman: Now you want to set up a Public Hearing?

Mr. Zigler: Yes and we do have ARB approval already.

Chairman: Alright so we set the Public Hearing for next available meeting which is October 25, 2012.

MOTION: Set Public Hearing for October 25, 2012
Made by Gene Kraese seconded by Gerry Rogers
All in favor

Chairman: Next on the agenda is Hudson River View Industrial Park Building D.

Hudson River View Industrial Park Building D – SBL 20.02-11-25 LI District, Site Plan located on the east end of Holt Drive, 1800 feet east of South Liberty Drive/Route 9W

Mr. Zigler: Dave Zigler from Atzl, Scatassa & Zigler for the Hudson River View industrial Park which you are familiar with as improved Site Plan for the south end Good Luck Auto and now we are talking about Building D which is actually the large Insul-X Building and that was never built so that is the building we are talking about. The one that we looked at and the office was in it and the warehouse was on the north side so we are here for a Site Plan on that building. Everything is going to stay the same on the foot print we are not looking to do an addition or any revisions to the foot print of the building and we are not looking to do any paving for parking. The use is going to change it will meet the code but the Site Plan itself is just the site and not specifically the use inside. We discussed this at the work shop we were talking about the parking because if you remember Good Luck Auto in their Phase 2 took that lower parking area which is down in the back of the site on the east side. I had proposed parking along the office on top which I didn't realize that it was a Fire Zone so I modify the parking. What we have done is I removed that parking and we still have the parking along the Building D and the parking at the office I changed that to curb side parking and we also have parking at the north side. If you cross

the railroad tracks the building that we are discussing is on your right and on the left side which use to be all wood pallets during that original site plan that is going to be additional vehicle parking. So the Site Plan itself shows no indication of additions or modification of the foot print and not additions to the parking areas. No additional imperious coverage there is a request by this applicant for a 25% reduction in parking that is in the hands of the Planning Board if there is proof that the facility doesn't require the amount of parking by the code. So we are going to provide that information by the next meeting so that you can make a judgment on that 25% request of the reduction of parking. The other background noise is the story of course that you read in the papers about this being a possible use of gasification for this site Building D in the case of the use inside the building it is not discussed with the Planning Board but unfortunately we didn't know if the Planning Board would want to know about the use inside or just would like to know about how the operation works itself. Now we discussed that at the Planning Workshop about the operation and what I am talking about is the outside operation. The trucks that come to deliver and how many trucks because this is a little bit different than normal where you take the square footage of the building and you come up and that is the parking and whatever the use is inside the building if it meets the code, Unfortunately we had a story in the papers and this is the first time the Board is seeing it we have a person here, John Cruikshank who would be able speak about the operation of the facility I know there was a question from the Board an thoughts about how many trucks might come in how the truck operation might work and how many people might be there and how many hours a day. So if the Board would wish we would be able to just give you a quick review of that as part of this first submission.

Mr. Rogers: Just a question the narrative says primarily that the traffic and the material would be coming in via rail is that correct?

Mr. Zigler: Well that's been revised and the rail should not be in the narrative because the operation of the building will be hopefully on for one or two years before you get a rail approval, the wish is that but the truth of it is if this gets approved that is into the future.

Chairman: Just so the public knows is that we will let them give their explanation just a brief description we are not a Public Hearing tonight so I apologize I can't take questions but this is just the first part of the process. They are going to give a brief overview and once they do they have to come back in front of us and when they do that they will have Public Hearings and you can comment. This is for them to give a little bit of information and then when they come back and have Public Hearings we will open it to questions. I do want to apologize I can't take questions on this tonight and let them give a little discussion about it.

Mr. Kraese: Maybe you should just advise the audience that are here that have concerns to take notes for when we do have the Public Hearing so they know exactly what they are looking for and what kind of answers they really want. So if you see something you like or don't now is the time to jot down.

Chairman: So when we have our Public Hearing you are more than welcome to come and ask questions.

John Cruikshank, Vice President – Project Development

Mr. Cruikshank: My name is John Cruikshank I am co-founder of New Planet Energy a renewal able energy company specifically our process is we process municipal solid waste and convert it into ethanol and electricity. We have been looking in New York for nearly the past year at various sites and find this area very attractive we have met a number of the people it's not our intention to come into the Town and say this is what we are going to do it is our approach to say this is what we would like to do. We would like to work with community leadership in the public to both educate we are and what we are not and come to a conclusion if this is a community which we can work together and develop these types of projects. Specifically the project we have in mind would process three thousand tons a day of municipal solid waste produce 50 million gallons a year of ethanol and generate roughly forty three mega watts of power electricity. We would require no outside power to power our system we effectively knick start the system with natural gas and there after it is self perpetuating utilizing about two thirds of what we generate to operate the facility. From the standpoint of the way we tend to approach communities we can anticipate your concerns we have a project in Vero Beach Florida that we have completed and we have been through the process meeting the communities understanding

the concerns from everything from air emissions to the transportation of garbage to using the proper sealed containers to how we process the waste how we do not store waste for days at a time. All the processing is done indoors in a climate controlled environments so we seek to as community friendly as possible and welcome any questions you may have about the process or the operation of the plant. I do have an advisor Dr. James Cervino who when I am finished who could very briefly explain the benefits on safety and operation of the gasification fermentation system we use and if there are any questions you may have now I will be glad to discuss those.

Chairman: Thank you Mr. Cruikshank does the Board have any questions at this point?

Dr. James Cervino: Good evening members of the Board my name is Dr. James Cervino I am a visiting scientist at the Woods Hole Oceanographic Institute my primary research focuses on Climate Change and solid waste. I also was a ten year track professor at Pace University I taught at the Bobby Kennedy School for Law on Climate Change and Environment Science at Pace University and I am also the President of the Marine Transfer Station for the Department of Sanitation in New York City so I basically advise on solid waste on the environmental concerns that communities and state DEC or EPA might have. With that said this facility is one of the state of the art facilities this is a no pollution production facility they are going to be taking in our waste stream separating it using the organic waste and other parts of the waste stream to convert into ethanol and eventually into electricity. It is going to reduce sulfur emissions it is going to produce zero carbon dioxide emissions and basically this facility is something the direction the future environmentally is going in. The impact on wildlife the impact on water bodies surrounding the area is very, very minimal the only impact is that might be discussed is John and others talked about is the trucks traffic however we are going to be dealing with our own waste not only putting it back to the grid. If there are any questions feel free to ask me.

Chairman: Any questions think we are good right now until we get into the process.

Dr. Cervino: I am putting together the presentation for Town Hall meetings and for yourself I can put together a CD Rom and make it available to you. This is also going to have collaboration with the Oceanographic Institute in Cape Cod, Massachusetts and Pace University so there will be a local connection and collaboration.

Chairman: Thank you Doctor.

Mr. Kraese: So I assume you two gentleman when you come back as we progress this is not your first time doing this so you know what questions the public is going to ask and what the Planning Board going to ask and the ZBA if need be.

Chairman: So what do you need?

Mr. Zigler: Usually the Planning Board would like to do a site visit.

Chairman: First I would like to get a motion to be lead agency.

MOTION: Planning Board will be Lead Agency
Made by Gene Kraese and seconded by Gerry Rogers
All in favor

MOTION: Unlisted Action
Made by Gladys Callaghan and seconded by Gene Kraese
All in favor

MOTION: Site Visit October 6, 2012

Mr. Rogers: To go for a site visit we have been down there a number of times since most is going to be inside what are we going to see?

Mr. Zigler: I don't know what you will see but you might be looking at it a little differently than you did before because of the truck traffic and maybe the parking areas and that might bring some questions you wanted to ask at the work shop so we will be glad that you did go.

Mr. McMEnamin: Did you say you are proposing no construction?

Mr. Zigler: No additional impervious coverage no addition to the buildings or parking, no.

Mr. McMEnamin: So that drawings that you show the trucks that's going across the grade crossing and leave across the grade crossing?

Mr. Zigler: Yes, sir most likely unless the trucks are small enough to fit under the tunnel. They are going to be so just like Insul-X did with their tractor trailer trucks.

Mr. McMEnamin: No construction and the footprint stay the same any track work is future.

Mr. Zigler: Yes a long ways in the future.

Mr. McMEnamin: You are going to use the grade crossing.

Mr. Zigler: Yes.

Mr. McMEnamin: So what are we going to see we have been there millions of times?

Mr. Zigler: My shinny gates.

Chairman: If you want you go down if you don't want to...

Mr. Zigler: You might have some questions, the purpose of this is the map here showing the site is nothing your total interest is the inside and to that fact.

Mr. Rogers: Someone must have a vision of what it is going to look like not detailed but..

Mr. Zigler: Yes that will be in the presentation of the CD.

Chairman: We will leave it open for the 6th between 9 and 10 am.

Mr. Zigler: What I would like to suggest is this is rather early but I would like to get into it is set a Public Hearing for the next meeting and see what kind of questions you do get. Until we have a Public Hearing or until we find out if there is any interest outside that we don't know of we are just spinning our wheels. There is nothing going on on this piece of paper. So it might be in the best interest of the Board to open a Public Hearing we are not asking to close it or anything just open a Public Hearing and see what kind of questions so the Doctor could answer these kind of questions. Maybe there are no questions

Mr. McMEnamin: I look at the description we are doing the Site Plan this is Site Plan approval we are looking at a Site Plan do you have any operations description of how the work is going to..

Mr. Zigler: That was the CD the Doctor was going to provide a CD with the inner workings that would go on inside the building.

Mr. McMEnamin: From that we can figure what will happen on the site.

Mr. Zigler: There is nothing happening on the outside of the site really everything is going to happen on the inside is just giving you knowledge of what the operation is as of right now it is not required to get site plan approval. It is no different that baking bread the operation is just for your knowledge. If this was going to be a bake shop and make bread there is no way on God's green earth that you would even care about it but that is not what the story is so you know it is a situation where the Board has never seen or heard of. So I think the operation would be part of your review but in real life it has nothing to do with the Site Plan that was submitted

Mr. Turner: On the Site Plan itself it is the plan that shows the truck stacking area at the gate there.

Mr. Zigler: Yes there is a gate there that is the train crossing correct.

Mr. Turner: That is existing.

Mr. Zigler: Yes that is all existing.

Mr. Turner: Ok so that doesn't affect the property at the other end.

Mr. Zigler: No. Would Mr. Turner like to go on a field trip too?

Mr. McMenamain: What I am thinking about is there is no construction , no environmental impact no change to the Site Plan maybe we have to plan a Public Hearing maybe we see the disc and get more information then we start thinking about how it is going to flow around the site then the site visit might make sense.

Chairman: We are going to set a Public Hearing for next month I need a motion.

MOTION: Set Public Hearing for October 25, 2012
Made by Gerry Rogers and seconded by Gladys Callaghan
All in favor

Chairman: Set dates for November/December meetings:
Deadline: November 8, 2012
Tac Meeting: November 15, 2012
Planning Board Meeting: December 13, 2012

MOTION: Set dates for November/December meetings.
Made by Gerry Rogers and seconded by Gene Kraese
All in favor

MOTION: Accept Minutes of August 23, 2012
Made by Gerry Rogers and seconded by Gene Kraese
All in favor

MOTION: Adjourn meeting.
Made by Gerry Rogers and seconded by Gene Kraese
All in favor

Thank You

Respectfully Submitted,
Mary Pagano, Clerk to the Board