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

4

----- X

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In the Matter of the Application

6

RE:

7

HUDSON BAY COMPLEX - CHEER MANIA

8

ALLSTARS,

9

Applicants.

----- X

10

7 o'clock p.m.

11                   September 22nd, 2011  
                      RHO Building  
12                   Five Patriot Drive  
                      Stony Point, New York 10980

13  
                      HELD BEFORE THE PLANNING BOARD OF THE  
14                   TOWN OF STONY POINT:

15  
                      B E F O R E : Thomas Gubitosa,  
16                   Chairman

17  
                      A p p e a r a n c e s :

18  
  
19                   THOMAS MC MENAMIN, Member (Not Present)

                      GLADYS CALLAGHAN, Member

20                   EUGENE KREASE, Member

                      GERRY ROGERS, Member

21                   KARL JAVENES, Member

                      PETER MULLER, Member

22  
                      MARY PAGANO,

23                   Secretary to the Board

24

Reported by:

25

Patricia A. Puleo,

NYS Certified Court Reporter and Notary Public

1

2

Appearances continued: 3

3

Patrick Magee

4

FERRICK, LYNCH & MAC CARTNEY, Esqs,

5

96 South Broadway

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq.,Special Counsel

7

WILLIAM SHEEHAN, Town Building Inspector

Not Present

8

KEVIN P. MAHER, P.E, Town Engineer

9

10

ROBERT GENESLAW COMPANY,

Planning Consultants

11 Two Executive Boulevard - Suite 401  
Suffern, New York 10901

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

13 (Not Present)

14 ATZL, SCATASSA AND ZIGLER  
Surveyors/Architects for Applicant

15 234 North Main Street  
New City, New York 10956

16 BY: DAVID M. ZIGLER, P.E.

17 And the Public.

18 PULEO REPORTING & TRANSCRIPTION SERVICES

19 61 Crickettown Road

20 Stony Point, New York 10980

21 (845) 429-8986 FAX and Phone

22

23



24

25

1           - Proceedings -

2           THE CHAIRMAN: Can we all stand

3           for the Pledge.

4           (At this time the Pledge of

5           Allegiance was recited).

6           THE CHAIRMAN: Mary, please call

7           the roll.

8           MS. PAGANO: Mr. Muller.

9           MR. MULLER: Here.

10          MS. PAGANO: Mr. Javenes?

11 MR. JAVENES: Here. Mr. Krease?

12 MR. KREASE: Here.

13 MS. PAGANO: Mrs. Callaghan.

14 MRS. CALLAGHAN: Here.

15 MS. PAGANO: Mr. Rogers?

16 MR. ROGERS: Here.

17 MS. PAGANO: Chairman Gubitosa?

18 THE CHAIRMAN Here.

19 MS. PAGANO: Mr. Mc Menamin is

20 not present.

21 THE CHAIRMAN: Right. First on

22 the agenda tonight --- well, we are

23 just going to move Hudson Bay Complex

24 to number one in the order. The

25 cheerleading application. This is a

1           - Proceedings -

2           new application.

3           MR. ZIGLER: Good evening. Dave

4           Zigler, Atzl, Scatassa and Zigler for

5           the applicant, with Mr. Patrick Magee.

6           We submitted a site plan for

7           Hudson Bay and if you remember, there's

8           four buildings in Hudson Bay, along the

9           whole drive.

10          This building that we are trying

11 to change the use on, is a portion of  
12 the two-story building. So, it's not  
13 the north one. It is the two smaller  
14 buildings which are in the front; it's  
15 the two story building, the site plan  
16 use change is for it, well, it's for a  
17 group called Cheer Mania All Stars;  
18 they're cheerleaders, young ladies.  
19 And they would enter off the second  
20 story.

21 Now, there's two stories in the  
22 back of the building. The north side  
23 is high. The south side is the lower.

24            So, the Cheer Mania will be on

25            the left side of that wing and it would

1           - Proceedings -

2           be facing the back end of Shoprite.

3           There's an opportunity, because

4           of a problem in West Haverstraw to have

5           this move in, so we submitted a site

6           plan real quick.

7           It is just a use change because

8           of the building in the front was never

9           constructed and Pat actually put a

10          majority of the parking on the one



11 side.

12 We have no parking problem there

13 and the building, has a C. Of O., so,

14 it's just a change of use within the

15 building.

16 We are here for the first time

17 and it's the first time you are seeing

18 it. So, if there are any questions,

19 maybe we can answer them, but we

20 believe that the building would work

21 because the mini warehouses and the

22 warehouses themselves really have no

23 traffic.

24            If you've ever been there, and I

25            think you've been there long enough

1           - Proceedings -

2           with the Shoprite field trips and

3           everything else, maybe on a Saturday

4           you will see one or two people in and

5           you out there.

6           This use will be for in the

7           afternoon. The kids get off from

8           school and the parents come in after

9           school and drop them off.

10          My thought was to have them bring

11 them in through that gate, through the

12 main gate, they bear right and go

13 around the back of the building, drop

14 off the kids.

15 If you want to park, you are

16 going to have to go out on the hill

17 where the parking spaces for that front

18 building.

19 If you are handicapped, there

20 will be two spaces at the door, which

21 meets the code.

22 Now, even if the front building

23 was constructed, we still have enough

24 parking.

25 The original design, the original

1           - Proceedings -

2           site plan that you approved had more

3           parking than required for the uses we

4           were projecting, so we're not breaking

5           anything.

6           We are still in compliance with

7           the original, but it is really just a

8           use change.

9           So, we ask the Board to set a

10          field trip to do that and we also ask

11 the Board, unless there's something

12 that's really glaring, red flag, to set

13 a Public Hearing for the site plan

14 approval for the first meeting, if

15 possible.

16 THE CHAIRMAN: The first available

17 is ---

18 MR. STACH: I would recommend you

19 do lead agency and classify the action

20 as a Type II.

21 THE CHAIRMAN: All right. Before

22 we do the Public Hearing, I just need a

23 motion.

24 MR. MULLER: I will make that

25 motion to declare us lead agency.



1           - Proceedings -

2           THE CHAIRMAN: I need a second?

3           MR. ROGERS: I will second it,

4           Mr. Chairman, to be lead agency.

5           THE CHAIRMAN: Just need a motion

6           to make it a Type II action, then?

7           MR. ROGERS: I will make that

8           motion, Mr. Chairman to declare it a

9           Type II.

10          THE CHAIRMAN: I need a second?

11 MR. KREASE: I will second it.

12 THE CHAIRMAN: All in favor?

13 (Unanimous affirmative response.)

14 THE CHAIRMAN: Opposed?

15 (No responses heard.)

16 THE CHAIRMAN: Okay.

17 MR. ZIGLER: I don't want to stick

18 words in your mouth, or something in

19 your brain, but if you believe this

20 project doesn't need a public hearing,

21 that wouldn't hurt the Applicant's

22 feelings.

23 I know that you have been out

24       there a lot to see this. That was,

25       this was a special building, we had

1           - Proceedings -

2           issues with and -- --

3           MR. MULLER: Mr. Chairman, we

4           spent quite a bit of time on this.

5           Really, the time when the cheerleaders

6           will be coming into there, this is ---

7           it's late afternoon when most of the

8           public stores are used earlier in the

9           day, I really don't see a problem.

10          I don't believe we need a Public

11 Hearing. I make the motion to not need

12 a Public Hearing.

13 MR. STACH: No. Even if

14 everything is met, by law, you have to

15 have a public hearing. There is no

16 way to get around it.

17 THE CHAIRMAN: I need a motion to

18 set the Public Hearing.

19 MR. STACH: The reason being,

20 there is the conditional use under the

21 Zoning Code.

22 MR. MULLER: I will make a motion

23 to set a Public Hearing for the next

24 available meeting.

25 THE CHAIRMAN: Second?

1           - Proceedings -

2           MR. ROGERS: Second.

3           THE CHAIRMAN: All in favor?

4           (Unanimous affirmative vote

5           heard.)

6           THE CHAIRMAN: That will be

7           October 27th.

8           MR. MAC CARTHY: Off the record.

9           (OFF-THE-RECORD DISCUSSION.)

10          MR. MAC CARTHY: If there are any

11       sooner, because I will be in Florida.

12       Off the record.

13       (OFF-THE-RECORD DISCUSSION.)

14       THE CHAIRMAN: No. Then you can

15       send someone.

16       MR. MAC CARTHY: All right. I

17       will send someone else.

18       THE CHAIRMAN: It should be the

19       twenty-seventh of October. That's the

20       next meeting. We will have a tech

21       meeting, too.

22       MR. MC GEE: If I may, Mr.

23       Chairman?



24 THE CHAIRMAN: Yes, Mr. Magee?

25 MR. ZIGLER: Wait. You were going

1           - Proceedings -

2           to set the site visit?

3           THE CHAIRMAN: Yes. You think we

4           need a site visit?

5           MR. MULLER: It's really pretty

6           cut and dry.

7           THE CHAIRMAN: It is. If anyone

8           wants to go, we can always go down, but

9           we have been down, most of us have been

10          down there thousands of times. We

11 know what it's like, you know.

12 MR. MULLER: Plus, we understand

13 through the tech meeting that there's a

14 great urgency with these girls because

15 they don't have a place to try out.

16 In looking at it in depth, with

17 not cutting corners, we would like to

18 expedite this.

19 MR. MC GEE: I would greatly

20 appreciate it. I don't want to lose a

21 tenant.

22 MR. MULLER: We would like it to

23 go smoothly and quickly.

24 MR. MAGEE: If Max can figure out

25 a way to avoid this public hearing, we

1           - Proceedings -

2           can do the work asap, I mean, if the

3           Board can recommend something to

4           Mr. Sheehan to expedite this. You

5           know, we need to do thirty-five or

6           forty days worth of solid work in there

7           before the tenants come in.

8           We don't want to lose the time.

9           If we do, the tenant goes out and

10          finds somewhere else. This is

11 happening constantly in Stony Point.

12 MR. MULLER: It's really rare that

13 a Public Hearing is objected to.

14 No one is objecting to allowing

15 ratables and businesses into Stony

16 Point. Is there any way to get this

17 started?

18 MR. MAC CARTNEY: Off-the-record.

19 THE CHAIRMAN: We will make a

20 recommendation to the Building

21 Inspector to expedite it, to get it

22 started.

23 MR. MC GEE: I appreciate it.

24 THE CHAIRMAN: It's something that

25 needs --- I don't see any major

1           - Proceedings -

2           hurdles.

3           MR. MC GEE: It will help the

4           visibility down there.

5           THE CHAIRMAN: All right, then.

6           MR. MC GEE: We got thirty-five,

7           forty days worth of work down there.

8           If we work Saturdays, it may be

9           faster. We ain't ---

10          THE CHAIRMAN: We will recommend



11 that they expedite that.

12 MR. MC GEE: Thank you.

13 THE CHAIRMAN: I need a motion to

14 send something to the Building

15 Inspector, telling him that they can

16 start work on it or do some preliminary

17 work until next month and that the

18 Planning Board has no objections or any

19 major issues or obstacles.

20 MR. ROGERS: I will make that

21 motion.

22 THE CHAIRMAN: I need a second.

23 MRS. CALLAGHAN: I will second

24 it.

25 THE CHAIRMAN: All in favor?

1           - Proceedings -

2           (Unanimous affirmative vote

3           heard.)

4           THE CHAIRMAN: Opposed.

5           (No responses heard.

6           THE CHAIRMAN: We will make that

7           motion and send something to the

8           Building Inspector.

9           MR. ZIGLER: Can I have an

10          endorsement from the attorney?

11 MR. MAC CARTHY: I counseled that,

12 actually.

13 MR. ZIGLER: I heard it. He

14 didn't hear it. He's old.

15 MR. MC GEE: Ha, ha.

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1 - Proceedings -

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1

2 STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

3

----- X

4

In the Matter of the Application

5

RE:

6

VIRGIN MARY & SAINT PACHOMIOUS

7

COPTIC ORTHODOX CHURCH,

8

Applicants.

----- X

9

7:30 o'clock p.m.

10

September 22nd, 2011

RHO Building

11            Five Patriot Drive  
                 Stony Point, New York

12            10980

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

14

15            B E F O R E : Thomas Gubitosa,  
                 Chairman

16

17            A p p e a r a n c e s :

18

THOMAS MC MENAMIN, Member (Not Present)

19            GLADYS CALLAGHAN, Member

EUGENE KREASE, Member

20            GERRY ROGERS, Member

KARL JAVENES, Member

21            PETER MULLER, Member

22            MARY PAGANO,  
Secretary to the Board

23

24      Reported by:

Patricia A. Puleo,

25      NYS Certified Court Reporter

and Notary Public

1

2

3      Appearances continued:      18

4      IRA EMANUEL, ESQ, Attorney for  
Applicant

5          One Laurel Drive  
New City, New York 10956

6

FERRICK, LYNCH & MAC CARTNEY, Esqs,

7          96 South Broadway  
South Nyack, New York 10960

8          BY: DAVID RESNICK, Esq.,Special  
Counsel

9

WILLIAM SHEEHAN, Town Building

10      Inspector

Not Present

11

KEVIN P. MAHER, P.E, Town Engineer

12

13

ROBERT GENESLAW COMPANY,

Planning Consultants

14

Two Executive Boulevard - Suite 401

Suffern, New York 10901

15

BY: MAXIMILIAN STACH, Town Planner

ROBERT GENESLAW, Town Planner

16

(Not Present)

17

ATZL, SCATASSA AND ZIGLER

Surveyors/Architects for Applicant

18

234 North Main Street

New City, New York 10956

19

BY: DAVID M. ZIGLER, P.E.

20

And the Public.

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PULEO REPORTING & TRANSCRIPTION

SERVICES

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61 Crickettown Road

23

Stony Point, New York 10980

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(845) 429-8986 FAX and Phone

25

1           - Proceedings -       19

2           THE CHAIRMAN: Next on the agenda

3           is Virgin Mary and Saint Pachomious

4           Coptic Orthodox Church.

5           MR. STACH: Off-the-record.

6           (Off the record discussion.)

7           THE CHAIRMAN: Before we do

8           Babcock, we will go to the Church, and

9           make that item two on the Agenda.

10          Dave Zigler and Ira Emanuel are

11 both here for the Applicant.

12 MR. ZIGLER: Yes.

13 THE CHAIRMAN: Go ahead, Mr.

14 Emanuel.

15 MR. EMANUEL: Thank you. Good

16 evening, Ira Emanuel, One Laurel Drive,

17 New City, attorney for the Applicant,

18 and Dave Zigler is also here.

19 The Board is very familiar with

20 this application. You have already

21 granted two approvals on it.

22 One of the issues that had come

23 up during the review process was the



24 fact that a small corner of the parking

25 lot, was within the jurisdiction line

1           - Proceedings -       20

2           of the Rockland County Drainage Agency,

3           and the Drainage Agency was concerned

4           about how that parking lot got to

5           where it was, and it was causing

6           difficulty getting whatever permits

7           were needed and a permit was required

8           as part of the negative declaration

9           that you folks granted, even though we

10          weren't planning on doing anything with

11 the parking lot.

12 Well, sometimes if you wait long

13 enough, your problems get solved for

14 you and that is kind of what happened

15 here, in the form of the Hurricane

16 Irene.

17 That little portion of the

18 parking lot was washed away, including

19 the portion within the jurisdiction of

20 the Drainage Agency, so we are going to

21 re-build the parking lot, but avoid

22 that little corner, which really wasn't

23 being used anyway.

24            So, without changing, really the

25            configuration of the parking lot,

1           - Proceedings -       21

2           changing the location of the spacing,

3           without changing the drive islands,

4           without changing anything other than the

5           little strange intrusion that crossed

6           over the jurisdiction line, we are able

7           to redo the parking lot in the same

8           spot, but keep it out of their

9           jurisdiction line.

10          Okay? We have had some

11       conversations, back and forth with

12       Mr. Resnick and Mr. Stach and

13       Mr. Sheehan and everyone agrees this is

14       not a problem, except that we have the

15       little provision in the neg dec that

16       was granted way back when, so we are

17       asking for an amendment to that neg

18       dec, so that instead of requiring a

19       permit from the County Drainage Agency,

20       under any circumstance, we are

21       requiring that they indicate what

22       permits, if any, are needed and they

23       would have to be obtained.

24           That's what we are asking for

25           tonight.

1 - Proceedings - 22

2 THE CHAIRMAN: All right.

3 MR. STACH: In response and what

4 we discussed with Bill and Dave and

5 with Ira and based on our discussions,

6 we have taken the original amended

7 negative dec, which has already been

8 changed once, when we changed two

9 items; the first being, the date, and

10 the second, there's the phrasing of



11 item eight.

12 Item eight, on this neg dec, it

13 originally read that on the negative

14 dec that the Applicant will file for a

15 Rockland County Drainage Agency permit

16 and adhere to its requirements.

17 The change reads that, "...if

18 subject to a Rockland County Drainage

19 Agency jurisdiction, the Applicant will

20 file for a Rockland County Drainage

21 Agency permit and adhere to its

22 requirements..." , so in terms of your

23 requirement protection, you know,

24 appropriate to the environment wherein

25 within the jurisdiction of the

1           - Proceedings -       23

2           Rockland County Drainage Agency, that

3           recommendation didn't change.

4           However as Ira is changing it,

5           this property is outside their

6           jurisdiction. With this amendment they

7           wouldn't need to seek those permits.

8           That is clearly appropriate.

9           MR. MULLER: I'd like to make a

10          motion to adopt the two changes; the

11 date and the item eight as it was read

12 into the record.

13 THE CHAIRMAN: I will state, or

14 I'll read it into the record.

15 "State Environmental Neg Dec,

16 Notice of Detrmination of

17 Non-Significance ----"

18 MR. STACH: Mr. Chairman, I would

19 suggest that you really don't have to

20 read it all into the record.

21 I would just say, "as moved into

22 the record with the changes."

23 MR. MULLER: Yes. I'd like to make

24 a motion that we adopt the two changes,

25 one being the date of September 22,

1           - Proceedings -       24

2           2011 and item eight; If subject to the

3           Rockland County Drainage Agency's

4           jurisdiction, the Applicant will file

5           for Rockland County Drainage Agency

6           permits and adhere to all of its

7           requirements.

8           THE CHAIRMAN: All right. I have

9           a motion to amend.

10          I need a second?

11 MR. KREASE: I will second it.

12 THE CHAIRMAN: All in favor?

13 (Unanimous affirmative vote

14 heard.)

15 THE CHAIRMAN: Opposed?

16 (No responses heard.)

17 THE CHAIRMAN: Okay.

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25 STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

1

2

----- X

3

In the Matter of the Application

4

RE:

5

KENNETH A. BABCOCK SUBDIVISION,

6

Applicants.

7

----- X

8

8 o'clock p.m.

September 22nd, 2011

9

RHO Building

Five Patriot Drive

10

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10980

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HELD BEFORE THE PLANNING BOARD OF THE

12

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Secretary to the Board

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Patricia A. Puleo,

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24 and Notary Public

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1           - Proceedings -       27

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Not Present

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Stony Point, New York 10980

21  
(845) 429-8986 FAX and Phone

22

23



24

25 THE CHAIRMAN: The last item on

1           - Proceedings -       28

2           the agenda is the Babcock subdivision,

3           located on the north side of Frank

4           Road, on the right side.

5           MR. ZIGLER: Hi, Dave Zigler,

6           Atzl, Scatassa and Zigler, with Ira

7           Emanuel for the Applicants; both of us.

8           Mr. Babcock is in the back; maybe

9           in the parking lot.

10          In any event, we started this

11 project and kind of got into a glitch

12 with this well situation and between

13 discussions going back and forth, I

14 don't know if you have seen any of the

15 e-mails, but, I have them here

16 (indicating).

17 Your code actually states that it

18 doesn't matter if it is a minor or a

19 major subdivision, but it has to have

20 an approved septic.

21 So, when you said something to

22 the Health Department, they don't look

23 at your code, they look at the site.

24           They looked at the well, as you

25           well know. We got stuck with this well

1           - Proceedings -       29

2           separation thing.

3           We went back-and-forth and then

4           Mr. Miller got involved and he's the

5           top man with the Health Department with

6           wells, and he talked to Bill.

7           Basically, the Health Department

8           couldn't write a letter saying it was

9           grandfathered in or anything because

10          they just don't do that it.

11 It either meets the codes or it

12 don't.

13 So, with further conversations

14 with Bill, back-and-forth and then with

15 Mr. Miller, I penned this e-mail that

16 you see on the front page.

17 Basically it states, the

18 Applicant will put a covenant on the

19 map.

20 It says to notify whoever

21 purchases the lot, whenever, and file

22 it. That covenant on the map will be

23 the date of the filing, information of

24 the filing, and it's going to be filed

25 by an attorney for the lot.

1           - Proceedings -       30

2           So, it will be there in bold

3           letters so tht if someone purchases it,

4           they know that that well does not meet

5           the code.

6           If something happens and it has

7           to be replaced, it has to meet the code

8           and it has to have a separation.

9           Mr. Miller, he asked me to write

10          that on the letter. That is what we



11 did. The first page is basically the  
12 phone conversations between me and Bill  
13 and Bill and Mr. Miller and Mr. Miller  
14 and I.

15 The second page has to do with  
16 your portion of the code in the  
17 subdivision section, and it really says  
18 that you looked at the septics and we  
19 have no problem with the septics, so we  
20 kind of slide in under that code,  
21 except I can't get the map stamped by  
22 the Health Department.

23 So, the third page is just the

24 regulations which we are planning for,

25 in certain instances where the

1           - Proceedings -       31

2           circumstances are, unusual or have to

3           do with the physical shape of the

4           property, or whatever, to allow the

5           bending of these hard ends, hard rules

6           these rules that you have for the

7           subdivision, so basically, we are

8           asking you --- we are going to notify,

9           by covenant Deed filed, the information

10          on the filed map that, that that well

11 on lot 2, does not meet the criteria

12 for separation.

13 Now, it has been tested and

14 approved by the Health Department, so

15 if something happens and somebody

16 purchases the lot, the well will be

17 tested again, prior and after, meaning

18 that the seller, Mr. Babcock, has to

19 have it tested before he can sell it

20 and then of course, the banks will

21 require it.

22 If at any time ten or fifteen

23 years from now they change the code and

24 that well doesn't have a seperation,

25 they have to do that.

1           - Proceedings -       32

2           Mr. Miller is hopeful that that

3           Band-Aid of the covenant being filed,

4           will be good enough for you to approve

5           this subdivision.

6           We are before the ZBA and they

7           will vote at the next meeting and we

8           would ask the Board if you have any

9           questions to fire away or open it up

10          for the public.

11 THE CHAIRMAN: We have to open the

12 Public Hearing and see --- what Max?

13 (Off-the-record discussion.)

14 MR. STACH: I have a question.

15 What are you asking the Planning

16 Board to make an adjustment to?

17 MR. ZIGLER: Well, usually what

18 happens is, I will have the map stamped

19 by the Health Department and then the

20 Chairman will sign it.

21 The minor subdivision stamp is

22 only required by the Town of Stony

23 Point. No other agency in the state, or

24        anybody else in any other Town.

25        And so we are asking just this



1           - Proceedings -       33

2           time, with this map, for this

3           application, that the Chairman be

4           allowed to sign it without the stamp

5           from the Health Department, but covered

6           by the covenant on the map.

7           (Off-the-record discusiion.)

8           MR. MULLER: Is that done with the

9           Planning Board motions.

10          MR. EMANUEL: Yes. It is

11 basically a motion to waive that

12 portion of the subdivision regulations.

13 THE CHAIRMAN: I don't ---

14 MR. JAVENES: Dave, are there

15 other houses like this around Rockland

16 County?

17 MR. ZIGLER: Yes, but this is an

18 unusual circumstance. You have two

19 homes and two separate systems.

20 Usually, you run into it up at

21 the Colony, the Lake, and they would

22 never --- if there was a subdivision to

23 go up there, they would run into the

24 same problems.

25 MR. MULLER: At the tech meeting,

1           - Proceedings -       34

2           this well has steep slopes and the  
3           problem with this well, getting  
4           building equipment back there will be  
5           hard. It will be quite tricky.

6           MR. ZIGLER: Yes. And Besides  
7           that, as Mr. Miller said, when you go  
8           back there and drill a well and it  
9           could be a dry well, and not pass,  
10          while this well passes and is approved.

11 MR. STACH: Did we discuss the  
12 signature before the Health Department?

13 THE CHAIRMAN: I don't remember  
14 that.

15 MR. ZIGLER: No, but that's the  
16 outstanding --- the whole outstanding  
17 issue, that the Town Code requires the  
18 approval and the approval is the stamp  
19 of the Health Department.

20 We didn't discuss the stamp,  
21 per se, that's the only way the Health  
22 Department will approve it and that  
23 won't happen.

24 MR. STACH: Will you be amenable

25 to a map note that will state that

1           - Proceedings -       35

2           should any agency, where approval is

3           required prior to construction of the

4           approved lots, make changes or

5           required changes to the map, that it

6           come back in here?

7           MR. MULLER: Doesn't that open the

8           door to the Health Department saying

9           they can't sign the map?

10          MR. STACH: The requirement you

11 have is that the Health Department sign

12 the map prior to the Chairman of the

13 Planning Board signing the map.

14 It's because this Board wants to

15 be the last person to see the map in

16 its final form.

17 If the Rockland County Planning

18 Department requires changes to the

19 subdivision, that you have no idea

20 about, you are essentially approving

21 something that you never seen before,

22 essentially.

23 MR. ZIGLER: In that e-mail you



24 will see that we're going to provide

25 the covenant to the Health Department

1           - Proceedings -       36

2           and they will sign off on it.

3           That covenant will be filed

4           before we ask for the Chairman's

5           signature.

6           So, you will have a sort of

7           approval from the Health Department

8           just by their approval of the covenant

9           that going to be filed. It is filed

10          first, prior to the signature of the

11 Chairman.

12 MR. EMANUEL: If there are changes

13 in regulations that are applicable,

14 then they are applicable, whether it

15 says it on the subdivision or not.

16 That's like saying if there's a

17 change to the building codes, you have

18 to make sure you meet the building

19 codes with a building permit.

20 MR. STACH: I'm saying we don't

21 know until the Health Department signs

22 the map, maybe we don't know if this

23 subdivision complies ---

24 MR. EMANUAL: Well, as Dave said

25 --- let's back up a second. This is a

1           - Proceedings -       37

2           Stony Point regulation, as Dave said.

3           Okay, if this is a Stony Point

4           regulation, to have the Health

5           Department, signature on the minor

6           subdivision, if this were Haverstraw or

7           Ramapo or any of the other Towns,

8           there wouldn't be the requirement for

9           Health Department signature.

10          MR. JAVENES: If you go back to

11 the property and the well fails, it

12 can't build anyway.

13 MR. EMANUEL: Exactly and there

14 will have to be a test of the well

15 before it is sold.

16 THE CHAIRMAN: All right.

17 We will open the Public Hearing

18 for Ken Babcock subdivision.

19 If you wish to speak, state your

20 name and address for the Board.

21 Anyone?

22 (No responses).

23 MR. MULLER: I will make the

24 motion to close the public hearing.

25 THE CHAIRMAN: I need a second?

1           - Proceedings -       38

2           MR. ROGERS: Second.

3           MR. MULLER: I will make a motion

4           to accept a covenant. I'll make that

5           make motion.

6           MR. RESNICK: What the covenant,

7           again?

8           MR. ZIGLER: It is not drawn up

9           yet. After we have the ZBA vote, and

10          that's next week, once that's done, the



11 attorney will draw up the covenant and

12 we will give it to the Health

13 Department and the Stony Point advisers

14 to look at.

15 If and when that is approved,

16 that will be filed and part of that

17 document filing will be on the filed

18 map.

19 MR. EMANUEL: We are coming back

20 here, right? So, if you want ---

21 MR. RESNICK: One second.

22 Previously, the Health Department was

23 required or required you to do certain

24 things. We discussed it, informally at

25 tech. The Health Department does not

1           - Proceedings -       39

2           require those things and had given you

3           an approval to use the existing wells

4           on the site?

5           MR. ZIGLER: No. They will not

6           give the approval.

7           MR. RESNICK: But they won't

8           require you to ---

9           MR. ZIGLER: They want a covenant,

10          a filed covenant on the filed map so

11 that if anybody buys the lot, if  
12 something happens with the well, it  
13 will meet the codes of that time or at  
14 the time.

15 MR. RESNICK: So, they're  
16 basically accepting that they look at  
17 the existing septic and wells and they  
18 are grandfathered in and does not  
19 require you to reinstall or move it,  
20 but a just covenant to cover  
21 themselves?

22 MR. ZIGLER: Right.

23 MR. RESNICK: Do we have in a

24 letter?

25 MR. ZIGLER: Not yet. Once we

1           - Proceedings -       40

2       receive a variance, then we will do

3       that and we have to come back here to

4       vote. That will be our next step.

5           MR. RESNICK: Will the Health

6       Department give us some sort of a

7       written ---

8           MR. ZIGLER: No. We are providing

9       the covenant to them.

10       MR. RESNICK: Is the anything

11 from the Health Department now saying

12 that this is what they're looking for?

13 MR. ZIGLER: No. Mr. Miller said,

14 "You write the e-mail and I will say if

15 it's okay or if you have to change it."

16 MR. EMANUEL: That's not unusual

17 by regulatory bodies.

18 MR. RESNICK: The e-mail has been

19 circulated through the Board? Has the

20 Board seen it?

21 MR. KREASE: Yes. You have the

22 record.

23 MR. RESNICK: You can't vote on

24 something that's not drafted yet.

25 THE CHAIRMAN: Right.



1           - Proceedings -       41

2           MR. RESNICK: No reason to put the

3           horse before the cart.

4           MR. EMANUEL: Mr. Chairman -- --

5           MR. ROGERS: Dave, when did you

6           originally bring this before the Board?

7           MR. ZIGLER: April. Early summer.

8           MR. EMANUEL: First meeting was in

9           May. Beginning of May.

10          MR. KREASE: It's been here a

11 while.

12 MR. EMANUEL: Mr. Chairman, if

13 the Board is uncomfortable in voting on

14 the waiver now, we have to come back

15 anyway, so it makes more sense to come

16 back.

17 This way, you will have the

18 covenant. You will see what we are

19 talking about and we can also have your

20 input from your Counsel and your

21 consultants with respect to the wording

22 of the covenant and the ---

23 MR. ZIGLER: Mr. Miller will be

24      able to look at this covenant.

25      THE CHAIRMAN: Very good.

1           - Proceedings -       42

2           MR. MULLER: If you are granted a

3           variance.

4           MR. ZIGLER: No. There are just a

5           lot of wild areas.

6           MR. EMANUEL: We are comfortable

7           making you comfortable.

8           THE CHAIRMAN: All right. We will

9           see you next month.

10          MR. ZIGLER: Hopefully we will

11 have the variances and all that good

12 stuff.

13 THE CHAIRMAN: Off the record.

14 (OFF-THE RECORD DISCUSSION.)

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1        - Proceedings -        43

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2 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

OTHER BUSINESS/CARLTON MEADOWS,

7

Applicants.

8

----- X

9

8:30 o'clock p.m.

September 22nd, 2011

10

RHO Building

Five Patriot Drive

11           Stony Point, New York  
              10980

12

HELD BEFORE THE PLANNING BOARD OF THE

13           TOWN OF STONY POINT:

14

B E F O R E : Thomas Gubitosa,  
                  Chairman

16

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

17

18           THOMAS MC MENAMIN, Member (Not Present)

              GLADYS CALLAGHAN, Member

19           EUGENE KREASE, Member

              GERRY ROGERS, Member

20           KARL JAVENES, Member

              PETER MULLER, Member

21

              MARY PAGANO,

22           Secretary to the Board

23

Reported by:

24 Patricia A. Puleo,

NYS Certified Court Reporter

25 and Notary Public

1

2

Appearances continued: 45

3

PATRICK MAGEE

4

FERRICK, LYNCH & MAC CARTNEY, Esqs,

5

96 South Broadway

South Nyack, New York 10960

6

BY: DAVID RESNICK, Esq., Special

Counsel

7

WILLIAM SHEEHAN, Town Building

8

Inspector

Not Present

9

KEVIN P. MAHER, P.E, Town Engineer

10

11      ROBERT GENESLAW COMPANY,  
          Planning Consultants

12      Two Executive Boulevard - Suite 401  
          Suffern, New York 10901

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

14      (Not Present)

  

15      ATZL, SCATASSA AND ZIGLER  
          Surveyors/Architects for Applicant

16      234 North Main Street  
          New City, New York 10956

17      BY: DAVID M. ZIGLER, P.E.

  

18      And the Public.

  

19      PULEO REPORTING & TRANSCRIPTION  
          SERVICES

20

          61 Crickettown Road

21

          Stony Point, New York 10980

22

          (845) 429-8986 FAX and Phone

23

24

25

1           - Proceedings -       46

2           THE CHAIRMAN: Next is other

3           business.

4           Now, we are on the reduction of

5           the Letter of Credit on Carlton

6           Meadows.

7           (At this time, Mr. Stach and Mr.

8           Resnick left the podium.)

9           THE CHAIRMAN: Off the record.

10          (OFF-THE RECORD DISCUSSION.)



11 THE CHAIRMAN: Okay. On the  
12 Letter of Credit, for Mr. Magee. Step  
13 forward.

14 Unfortunately, no one gave us  
15 any updated information, so where do we  
16 stand?

17 MR. MC GEE: I met with the Town  
18 Engineer and gave him the documentation  
19 on the bids that we had.

20 What we are asking is that we  
21 take the existing \$138 thousand, as we  
22 agreed last time, and reduce it to  
23 forty.

24 We can do the job for \$28

25 thousand dollars with the clean up.

1           - Proceedings -       47

2           We asked to have it reduced to

3           \$32 thousand. We met with the Town

4           Engineer and the asphalt was forty.

5           I believe it was acceptable with

6           him and Larry Brissing was fine with

7           it, as we advised the Board.

8           The gentleman owns, under

9           contact, owns the ten lots that the

10          road services. It is a big house.

11 They're on Sergeant Swartz' Drive.

12 He wants to keep it, with the

13 possibility of keeping it simple. He

14 started to get a lot of legalize. He

15 wants to keep it a Town road.

16 There was a big question at the

17 last meeting about the shade trees.

18 The shade trees were planted, thank

19 you. They were all planted.

20 We submitted a letter to the Town

21 Engineer, who we have to do business

22 with with reference to the homeowner

23 where he cut the 2 shade trees in front

24 of his house because he didn't want

25 them. The stumps are still there.

1           - Proceedings -       48

2           So, everything is in compliance

3           with it and the forty thousand is more

4           than ample to pave the road and there

5           is no other body on the lots. There

6           are no services.

7           MR. KREASE: Right.

8           THE CHAIRMAN: I am happy with

9           forty. I need a motion for that, if

10          the Board doesn't have any objection,

11 to reduce the letter of Credit to 34

12 thousand dollars.

13 MR. ROGERS: I will make that

14 motion.

15 THE CHAIRMAN: I need a second.

16 MR. KREASE: Second.

17 THE CHAIRMAN: All in favor?

18 (Unanimous affirmative vote).

19 THE CHAIRMAN: Opposed?

20 (No responses heard.)

21 MR. MAGEE: That's all. I ain't

22 going to ---

23 THE CHAIRMAN: I need a motion to

24 close.

25 Well, we have to go over the



1           - Proceedings -       49

2           dates.

3           MR. ROGERS: I will make the

4           motion to close.

5           MR. MULLER: I will second it.

6           THE CHAIRMAN: For the

7           November/December 2011, November 10th

8           will be the deadline for that and

9           November 17th is the tech meeting.

10          December eighth will be the

11 Planning Board meeting and the combined

12 November/December meeting.

13 October is still the same; the

14 twenty-seventh. We just have a

15 November tech and dead line. That's

16 it. I need a motion to close.

17 MS. PAGANO: It was made by Mr.

18 Rogers and Pete seconded it.

19 THE CHAIRMAN: Okay. Good night.

20 \* \* \*