

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

4 OF

TD BANK AND SRISHIVAA LLC

5 - - - - - X

Town of Stony Point

6 RHO Building

5 Clubhouse Lane

7 Stony Point, New York

June 28, 2018

8 7:19 p.m.

9 BEFORE:

10

EUGENE KRAESE, ACTING CHAIRMAN

11 MICHAEL FERGUSON, BOARD MEMBER

PAUL JOACHIM, BOARD MEMBER

12 JERRY ROGERS, BOARD MEMBER

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16 ROCKLAND & ORANGE REPORTING

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1 Proceedings

2 CHAIRMAN KRAESE: Next on the agenda,
3 TD Bank.

4 MR. ZIGLER: Last month, we had the
5 TD Bank on. It's an amendment of the
6 property line, and we were fairly finished
7 with it, except that the County had commented
8 about the zone line on the map being not
9 correct.

10 So what we did was we submitted the map
11 with two zone lines on it. At the workshop,
12 we discussed it with Bill. Bill looked at
13 it, and even the County questioned which one
14 was right. They left it in the hands of the
15 Town.

16 We considered the previous final map on
17 the same site as the monumentation of the
18 zone line, and that reflected what we thought
19 was the original map. So the discussion
20 ended up that we went back to the file map
21 zone line, which is shown up there. So that
22 was the only obstruction we had last month.
23 If there's any other questions, we'd be glad
24 to ask them, answer them.

25 CHAIRMAN KRAESE: Any questions from the

1 Proceedings

2 Board? Steve, any questions?

3 MR. HONAN: No, I have no questions.

4 MR. O'ROURKE: No, they addressed our
5 comments from the last workshop, essentially
6 updated the plans with the drainage
7 easements, so we're satisfied with the plans
8 as presented.

9 CHAIRMAN KRAESE: So I guess now we need
10 a motion for a final resolution.

11 BOARD MEMBER ROGERS: I'll make that
12 motion.

13 BOARD MEMBER FERGUSON: I'll second.

14 CHAIRMAN KRAESE: Made and seconded.
15 Just hold a second. We made the motion.
16 We'll read the motion, we'll read the
17 resolution first.

18 BOARD MEMBER ROGERS: Bear with me, this
19 is a pretty extensive resolution.

20 Resolution granting amendment of
21 property line for the project 90 South
22 Liberty, TD Bank and Srishivaa LLC by
23 application of Srishivaa LLC and TD Bank.

24 Whereas, an application has been
25 submitted to the Planning Board of the Town

1 Proceedings

2 of Stony Point seeking approval of an
3 Application, dated April 26, 2018, together
4 with a Short EAF Part I, dated March 22 of
5 '18, for a lot line amendment between two
6 existing adjoining lots, on a total of
7 7.284 acres, located at and commonly known as
8 82 and 90 South Liberty Drive, Route 9W,
9 Stony Point, New York, 10980, and upon a
10 submitted plan entitled, "Amendment of
11 Property Line" consisting of one sheet,
12 prepared by Atzl, Nasher and Zigler, P.C.,
13 dated March 21, 2018, revised April 28, 2018,
14 and May 28, 2018, and last revised June 18,
15 2018, Subject Application and affecting
16 premises designated as Section 20.02,
17 Block 11, Lots 32 and 34 on the Tax Map of
18 the Town of Stony Point, County of Rockland,
19 which parcels are located in the BU and R-1
20 Zoning Districts, Subject Premises; and

21 Whereas, pursuant to the New York State
22 Environmental Quality Review Act, this is a
23 Type II action and -- this is a Type II
24 action and no further environmental review is
25 required; and

1 Proceedings

2 Whereas, a duly noticed public hearing
3 was not required pursuant to Town of Stony
4 Point Code Section 191-7; and

5 Whereas, the lots created by this
6 application will be in compliance with the
7 bulk provisions of the Town of Stony Point
8 Zoning Code; and

9 Whereas, a Project Review Sheet, dated
10 May 11, 2018, was prepared by John O'Rourke,
11 P.E., of Lanc and Tully, P.C., the consulting
12 engineers to the Town of Stony Point, and
13 upon his review of the subject application
14 and plan, made the following recommendations
15 and comments:

16 One, the vicinity map shall be revised
17 to show only existing conditions;

18 Two, the plan should be revised to
19 eliminate any reference to a proposed zone
20 line change;

21 Three, the plan shall indicate a net lot
22 calculation for Lot 2 consistent with Town
23 Code Section 215-16A to subtract land under
24 water and any other applicable deductions;

25 Four, unless waived by the Planning

1 Proceedings

2 Board, the plan shall indicate the locations
3 of existing water and sewer mains and
4 existing topography should be added to the
5 plans;

6 Stormwater for the TD Bank -- Number 5,
7 stormwater for the TD Bank Lot currently
8 drains to the east and rear of the existing
9 property, which area is proposed to be
10 conveyed to and become a part of the adjacent
11 lot owned by Srishivaa -- I'm sorry if I
12 don't pronounce this correctly -- Srishivaa
13 LLC, and an agreement shall be made between
14 these applicants, or other actions taken, in
15 order to continue the existing drainage
16 pattern; and

17 Whereas, by letter dated, May 10, 2018,
18 the Rockland County Drainage Agency indicated
19 the site is within its jurisdiction and since
20 no development is proposed no permit will be
21 needed from the RCDA, and that the plan must
22 be signed by the Chairman of the
23 Rockland County Drainage Agency pursuant to
24 the Rockland County Stream Control Act; and

25 Whereas, by letter dated May 8, 2018,

1 Proceedings

2 the Rockland County Department of Health made
3 no comment on the application and indicated
4 that no approvals are needed from the
5 Rockland County Department of Health for this
6 project; and

7 Whereas, by letter dated May 8, 2018,
8 the Rockland County Department of Highways
9 indicated that a review was conducted of the
10 subject application and a determination was
11 made that the lot line amendment will have no
12 adverse effect upon the County highway system
13 and the Department has no objection to the
14 application; and

15 Whereas, by letter, dated May 24th,
16 2018, the Rockland County Department of
17 Planning made certain comments applicable to
18 the project, and recommended the following
19 modifications:

20 One, the plan must be signed by the
21 Chairman of the Rockland County Drainage
22 Agency pursuant to the Rockland County Stream
23 Control Act;

24 Two, a review must be completed by the
25 Rockland County Department of Highways and

1 Proceedings

2 any permits obtained;

3 Three, a review must be completed by the
4 New York State Department of Transportation
5 and any required permits obtained;

6 And four, there is a question whether
7 the zoning boundary lines drawn on the plan
8 relative to the two tax parcels is accurate
9 and the Town is directed to review the zoning
10 boundary with respect to the two subject
11 parcels and confirm the correct zoning
12 boundary line; and

13 Whereas, a Memorandum, dated May 23,
14 2015, was prepared by Max Stach, AICP, of
15 Nelson, Pope and Voorhis, LLC, the consulting
16 planners for the Town, and upon his review of
17 the subject application and plan, made the
18 following recommendations and comments:

19 One, the applicant should indicate the
20 area to be conveyed;

21 Two, any pipes, swales or ditches
22 conveying water to the retention area should
23 be detailed and the applicant must verify
24 that this is a retention as opposed to a
25 detention area;

1 Proceedings

2 Three, the proposed relocated zoning
3 line depicted on the map should be removed;

4 Four, topographical lines at five foot
5 intervals is required by Town Code
6 Section 191-31;

7 Five, it appears that only portions of
8 the existing parking, retaining walls and
9 other development is shown on the map and
10 amendments to the map should be made to show
11 all existing conditions or provide a map note
12 indicating that all development is not shown;
13 and

14 Whereas, by letter dated May 25, 2018,
15 David Zigler of Atzl, Nasher and Zigler,
16 P.C., the engineers for the applicant,
17 responded to the designated comment letters
18 and memos, in the following manner:

19 Responding to the Rockland County
20 Department of Planning letter, dated May 24,
21 2018, the applicant will obtain the signature
22 of the Chairman of the Rockland County
23 Drainage Agency prior to filing the map;

24 All comments by the Rockland County
25 Department of Highways will be addressed;

1 Proceedings

2 All comments and requirements of the
3 New York State Department of Transportation
4 will be addressed;

5 The plan will be amended to portray the
6 zoning district boundary line as depicted on
7 the current Rockland County GIS map, with a
8 note to that effect; and

9 Responding to the Memo, dated April 28th
10 of John O'Rourke, P.E., of Lanc and Tully,
11 P.E., the applicant will amend the vicinity
12 map to show only existing conditions;

13 The map will be amended to eliminate any
14 reference to a proposed zoning district
15 boundary line change;

16 The applicant will request a waiver from
17 the Planning Board concerning compliance with
18 Town Code Section 215-16A and to dispense
19 with the calculations for Lot 2 of land under
20 water and any other applicable deductions;

21 The applicant will likewise request from
22 the Planning Board a waiver of those
23 subdivision regulations which require maps
24 for a Lot-Line Change to contain the same
25 information as a Sketch Plat, Town Code

1 Proceedings

2 Section 191-31, and dispensing with the
3 requirement that the plan depict the
4 locations of the existing water and sewer
5 mains and the existing topography;

6 Map Note 4 on the drawing will be
7 amended to ensure continuation in the future
8 of the existing drainage pattern from the
9 TD Bank Lot over the adjacent lot; and

10 Responding to the Memo, dated May 23 of
11 '15, of Max Stach, AICP, of Nelson, Pope and
12 Voorhis, LLC, the consulting planners for the
13 Town, the applicant shall amend the map and
14 area table to depict the area to be conveyed;

15 The applicant shall amend the map to
16 depict the pipes, swales and ditches
17 conveying water to the retention area;

18 The applicant has amended the map to
19 eliminate the proposed relocation of the
20 zoning district boundary line;

21 The applicant will request from the
22 Planning Board a waiver of the provisions of
23 Town Code Section 191-31 and the requirement
24 of showing on the plan the topography at five
25 foot intervals;

1 Proceedings

2 The applicant has added a map note
3 indicating that all of the former development
4 on the site is depicted on approved
5 construction plans and site grading plans on
6 file with the Town of Stony Point; and

7 Whereas, a Project Review Sheet, dated
8 June 22, 2018, was prepared by John O'Rourke,
9 P.E., of Lanc and Tully, P.C., the consulting
10 engineers to the Town of Stony Point, and
11 upon his review of the subject application
12 and the amended plan, dated June 18th of '18,
13 he made the following comments:

14 One, according to Town Code
15 Section 215-16A a net lot calculation is
16 required for Lot 2, to subtract land under
17 water and any other applicable deductions,
18 and a waiver from this requirement has been
19 requested by the applicant. In the event
20 that the Planning Board grants this waiver,
21 such a calculation would be required for any
22 development of the site in the future;

23 Two, the Town's subdivision regulations
24 require maps for a Lot Line Change to contain
25 the same information as a Sketch Plan. Based

1 Proceedings

2 on these requirements, locations of existing
3 water and sewer mains and existing topography
4 should be added to the plans, unless waived
5 by the Planning Board. The applicant has
6 requested a waiver to not provide these plan
7 elements. Given there is no development
8 proposed on the site, we have no objection to
9 the granting of this waiver;

10 Stormwater for the TD Bank Lot currently
11 drains east to the rear of the existing
12 property, and Note Number 4 has been added to
13 the plan to ensure Lot 2 will continue to
14 accept stormwater flow from Lot 1;

15 Four, this office has reviewed all
16 relevant agency comments received and it does
17 not appear any plan amendments are required
18 based on these comments; and

19 Whereas, a regular meeting before this
20 Board was conducted on June 28, 2018, at
21 7:00 p.m. at which date and time the
22 applicant appeared by their representative,
23 Atzl, Nasher and Zigler, P.C.; and

24 Whereas, the Board heard comments in
25 favor of the project and there was no

1 Proceedings

2 opposition to the application.

3 Now, therefore, be it resolved that the
4 plat submitted for approval on the Subject
5 Application for a lot line change, and
6 affecting the Subject Premises, be and hereby
7 is approved, and the Chairman is hereby
8 authorized to sign same and to permit same to
9 be filed in the Office of the Rockland County
10 Clerk as a subdivision plat pursuant to the
11 requirements of the Town of Stony Point Code
12 Section 191-15, upon compliance with all
13 provisions of the Town Code and payment of
14 any and all outstanding fees to the Town,
15 subject and conditioned upon the following:

16 One, all "whereas" paragraphs are
17 incorporated herein by reference as though
18 set forth in full herein.

19 Two, this Board notes that the Applicant
20 seeks only a Lot-Line Change and no
21 development or redevelopment is proposed at
22 this time.

23 Three, pursuant to the discretion vested
24 in the Planning Board pursuant to Town Code
25 Section 191-30, this Board hereby waives

1 Proceedings

2 Applicant's compliance with that portion of
3 Town Code Section 215-16A in order to
4 dispense with the calculations for Lot 2
5 concerning the land under water and other
6 applicable deductions. However, these
7 calculations will be required at such time as
8 development of the property is proposed.

9 Four, pursuant to the discretion vested
10 in the Planning Board pursuant to Town Code
11 Section 191-30, this Board hereby waives
12 Applicant's compliance with that portion of
13 the Town's subdivision regulations which
14 require maps for a Lot-Line Change to contain
15 the same information as a Sketch Plan, Town
16 Code Section 191-31, and dispenses with the
17 requirement that the plan depict the
18 locations of the existing water and sewer
19 mains and the existing topography at five
20 foot intervals. However, the depictions and
21 locations of the existing water and sewer
22 mains and the existing topography at five
23 foot intervals on plans will be required at
24 such time as development of the property is
25 proposed. Additionally, the applicant has

1 Proceedings

2 represented that all of the former
3 development on the site is depicted on
4 approved construction plans and site grading
5 plans presently on file with the Town of
6 Stony Point.

7 The question of the adoption of the
8 forgoing Resolution was duly put to a vote on
9 roll call on June 28, 2018, which results as
10 follows.

11 CHAIRMAN KRAESE: Thank you. We have a
12 second now, Mike?

13 BOARD MEMBER FERGUSON: Yes.

14 CHAIRMAN KRAESE: Seconded by Mike. All
15 in favor?

16 (Response of aye was given.)

17 CHAIRMAN KRAESE: We need a roll call on
18 that?

19 THE CLERK: Mr. Joachim?

20 BOARD MEMBER JOACHIM: Yes.

21 THE CLERK: Mr. Ferguson?

22 BOARD MEMBER FERGUSON: Yes.

23 THE CLERK: Mr. Rogers?

24 BOARD MEMBER ROGERS: Yes.

25 THE CLERK: Chairman Kraese?

Proceedings

CHAIRMAN KRAESE: Yes.

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Proceedings

THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.

Jennifer L. Johnson