

STATE OF NEW YORK : COUNTY OF ROCKLAND.

TOWN OF STONY POINT: PLANNING BOARD

-----X

IN THE MATTER

OF

WOODRUM RIDGE SUBDIVISION

-----X

Town of Stony Point
Senior and Community Center at
Patriot Hills
19 Clubhouse Lane
Stony Point, New York
Thursday
January 25, 2024
7:11 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN
MICHAEL FERGUSON, BOARD MEMBER
KERRI ALESSI, BOARD MEMBER
GERRY ROGERS, BOARD MEMBER
ROLAND BIEHLE, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
JAMES PURCELL, BOARD MEMBER

APPEARANCES:

STEPHEN M. HONAN, ESQ., Special Counsel
MAX STACH, Town Planner
JOHN O'ROURKE, P.L.S, Town Engineer
JOHN HAGER, Building Inspector

ROCKLAND & ORANGE REPORTING.

2 Congers Road, Suite 2

New City, New York 10956

(845)634-4200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

CHAIRMAN JOHNSON: First thing, only thing, on the agenda this evening is Woodrum Ridge. Vahid, you want to come up give us a brief rundown?

MR. RASTAMI: Good evening, Vahid Rastami, Aztl, Nasher & Zigler. So the project Woodrum Ridge is four lot subdivision, total acreage will be 6.18 acres in the RR zone. So it's got four lots, three of them in the cul-de-sac and Woodrum Drive seeks the water municipal water and sewer and one of the lots off Wayne Avenue is gonna have public and onsite sewer system. So this project has received sketch approval for standard layout and we are here with average density plot with four lots. The project has received approval for a sewer extension, no effect letter from (inaudible) and the GML review, no override from the County Planning is required and we have requested a couple of waivers, and tonight we are looking for continuation of the public hearing and we are looking for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

getting the neg dec and the resolution.

Thank you.

CHAIRMAN JOHNSON: John, I saw your review of this. I mean seemed pretty straightforward.

MR. O'ROURKE: It's pretty straightforward. The review comments are minor little, you know, coordinating with Steve so I have no objections at this time. We may of the /#34E8 /ORB the at the present are /TPHAOEU cat things three outstanding things is letter from the fire company which again I know if my the /STAOEF is there so /WUF condition we just need to certify or say they're okay with the hydrant which is little strange but you need that to be done.

A letter from the Highway Superintendant discussing they have an agreement between the owner and the Town on the road repairs. My understanding is that has been done, but before you sign the map I just want to confirm that that had been done. We reviewed a construction cost estimate that was provided and we gave a letter on that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

that we're satisfied with that so that's something as this moved forward you would have to adopt and recommend to the Town Board that you're okay with that number. So engineering wise, we're pretty well set.

Not a real issue, the three on Woodrum with one common driveway, and there's one off Wayne Avenue would has onsite septic system. The three on Woodrum will have sanitary sewer system to tie to the Town system. Again, if a permit is needed from the Town and then we'll have everything we need so pretty straightforward.

We did have one other condition, and Steve also put it in his draft resolution review, is the one house on the end of the cul-de-sac we've pulled that forward and kinda locked it into place so we didn't want a house back to the front of his house looking at the back of the neighbor's house in the cul-de-sac.

CHAIRMAN JOHNSON: Didn't we want to ask him to move it?

MR. O'ROURKE: They did, they moved it.

1 Proceedings

2 So it's part of the conditions want it lock
3 it to that which is unusual for you but this
4 way I think it protects the neighbors that
5 someone isn't looking into his backyard. So
6 I think that's pretty -- other than that I'm
7 satisfied with the plan so far.

8 CHAIRMAN JOHNSON: All right. Do we
9 have an idea of when we'll get a letter back
10 from the fire department?

11 MS. RASTAMI: There is tonight actually
12 a meeting so I'll get the letter.

13 A VOICE: The meeting's tonight
14 actually.

15 CHAIRMAN JOHNSON: That's what --

16 MR. O'ROURKE: It's always hard to get
17 letters from volunteer departments. It
18 would just be a recommendation to write a
19 letter, give it to him, have him sign it,
20 then you're done. If you wait, it'll even
21 take longer. Say if you agree with this
22 sign it. I mean, it's a fire hydrant, I
23 don't think anybody's gonna say, no, we
24 don't want it.

25 CHAIRMAN JOHNSON: That's on Woodrum?

1 Proceedings

2 MR. O'ROURKE: Correct.

3 CHAIRMAN JOHNSON: The don't see a need
4 for the access from Rheajack?

5 MR. O'ROURKE: We couldn't get an answer
6 on that. I didn't see any communications
7 that they wanted that.

8 CHAIRMAN JOHNSON: Is there a hydrant on
9 Rheajack?

10 MR. O'ROURKE: To Rheajack, that's a
11 pretty narrow, private, gravelly road, I
12 don't know how great the access would be. I
13 thought it was gonna that they didn't have
14 it, they didn't seem to pursue it and I
15 checked with the fire inspector, he checked
16 with them and he couldn't get an answer from
17 them either.

18 CHAIRMAN JOHNSON: Okay. All right.
19 Thanks, John. Max, do you have --

20 MR. STACH: Yeah, I don't think anything
21 new has come up except that we're reviewing
22 the County responses which we concur with.
23 There was one County comment, number seven,
24 that talked about conditional use approval
25 being required for the lots that have water

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

and sewer. That was a very very strict construction reading of our code, and I discussed it with Steve and we both agree that that's really intended if you were going to build 45,000-square foot lots. We did go back to the standard plan and the standard plan does show the D3 which corresponds with conditional use permits, but all of those lots do conform with the D2 table. So I think Vahid probably put the table on because there's water and sewer and it's the standard plan. So when talking with Steve we think the solution to this is just a condition of approval that you require them to resubmit the standard plan showing all four lots adhering to D2 instead of D3.

CHAIRMAN JOHNSON: Thank you.

MR. STACH: You're welcome.

CHAIRMAN JOHNSON: John, any comments?

MR. HAGER: I agree with Max's interpretation. As far as the fire letter, what I've heard from the applicant is I guess tonight is the fire commissioner's

1 Proceedings

2 meeting, they will certify from the minutes
3 that he made a decision at so in lieu of the
4 letter the applicant would like to submit
5 those minutes once their certified, does
6 that sound reasonable?

7 CHAIRMAN JOHNSON: I think that's okay.
8 Steve?

9 MR. HONAN: Yeah, nothing further. I
10 think --

11 CHAIRMAN JOHNSON: Are you okay with
12 having just certified meeting minutes?

13 MR. HONAN: As long as the minutes are
14 adopted by them and Vahid can take those
15 minutes and create a letter from them it and
16 just go signed, whatever, verifying it was
17 produced by the fire commission and other we
18 should be covered.

19 CHAIRMAN JOHNSON: All right, cool.

20 MR. HAGER: As far as Rheajack, the fire
21 inspector he has extensive fire fighting
22 experience so, although it directly come
23 from the fire inspector, it was his opinion
24 it was not a necessary item for
25 firefighting.

1 Proceedings

2 CHAIRMAN JOHNSON: Okay. Thank you.
3 Any of the Board Members have any questions
4 or comments? All right. Can I get a motion
5 to open the public hearing?

6 MR. BIEHLE: I will make the motion.

7 MS. ALESSI: Second.

8 CHAIRMAN JOHNSON: Motion and seconded.
9 All in favor?

10 (Response of aye was given).

11 CHAIRMAN JOHNSON: Any opposed? The
12 public hearing is open. Is there anyone
13 from the public who would like to speak on
14 this? Okay. Can I get a motion to close
15 the public hearing?

16 MR. BIEHLE: I'll make the motion.

17 CHAIRMAN JOHNSON: Can I get a --

18 MR. ROGERS: Second.

19 CHAIRMAN JOHNSON: I got a motion and
20 second. All in favor?

21 (Response of aye was given).

22 Any opposed? Public hearing is closed.

23 CHAIRMAN JOHNSON: We've got the -- Max,
24 you have a neg dec?

25 MR. STACH: Yes, with your memo that at

1 Proceedings

2 this submitted the other day. Technically
3 we are supposed to adopt that before we
4 close the public hearing. I think we can
5 just maybe note on the minutes.

6 CHAIRMAN JOHNSON: And I will read this
7 in, all right. State Environmental Quality
8 Review Negative Declaration notice
9 determines a nonsignificant --

10 MR. STACH: I don't think you have to
11 read it. You can just adopt it as prepared.

12 CHAIRMAN JOHNSON: Okay. Can I get
13 motion to adopt the neg dec?

14 MR. BIEHLE: I'll make the motion.

15 MR. FERGUSON: Second.

16 CHAIRMAN JOHNSON: Motion and second.
17 Any opposed? The public hearing is now
18 closed, sorry. The resolution, I guess I
19 should read this in?

20 MR. HONAN: If you wish, I can read it
21 cause I did draft it and I might be able to
22 get through it quicker.

23 CHAIRMAN JOHNSON: Okay.

24 MR. HONAN: Resolution, Granting
25 Approval of a Four Lot Subdivision for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

Project Woodrum Ridge Subdivision By
Application of: Junior Castro of 153
Samsondale Avenue, Haverstraw, New York.

WHEREAS, an Application for preliminary
and final subdivision approval, dated May
10, 2023 and a Full EAF, dated July 31,
2023, and a project Narrative Summary dated
May 30, 2023, have been submitted to the
Planning Board for a four lot average
density (cluster) residential subdivision of
a project designated "Woodrum Ridge
Subdivision" and seeking to subdivide an
existing undeveloped parcel and create four
residential lots (lots 1,2, 3 and 4) to be
improved with a single family home in each
newly created, lot and lot 4 will have
access off of Wayne Avenue, and Lots 1, 2
and 3 will have access off of the existing
cul-de-sac on Woodrum Drive, and upon a
submitted plat designated, "Woodrum Ridge",
dated May 18, 2023 (and last revised
December 28, 2023), prepared by Atzl, Nasher
& Zigler, P.C., consisting of seven sheets
(hereinafter, the subject application) and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

affecting the premises commonly known as 11
Rheajack Drive, Stony Point, New York and
designated as Section 15.01, Block 3, Lot
39.1 on the Tax Map of the Town of Stony
Point, consisting of 6.18 acres, located in
the RR Zoning District (hereinafter, Subject
Premises); and

WHEREAS, pursuant to the New York State
Environmental Quality Review Act, the
Planning Board designated this as a Type I
Action, circulated a Notice of Intent to
become lead agency and thereafter this Board
assumed Lead Agency status, and after
considerable review it was determined that
the proposed action will not result in any
significant adverse environmental and a
negative declaration was issued by this
Board on January 25, 2024; and

WHEREAS, by letter to this Board, dated
October 24, 2023, the Rockland County
Highway Department, pursuant to its GML
Review obligations, indicated that the
proposed action would have no significant
impact on the nearest County Road; and

1 Proceedings

2 WHEREAS, by letter to this Board, dated
3 December 1, 2023, the Rockland County
4 Department of Planning, pursuant to its GML
5 review obligations, recommended
6 modifications to the project which the
7 applicant has agreed to implement in its
8 responding letter of January 2, 2024; and

9 WHEREAS, by letter to this Board, dated
10 December 14, 2023, the Rockland County
11 Department of Health noted that the
12 applicant must make applications for
13 sanitary sewer extension approval, septic
14 system for lot 4 and water main extension
15 approval to the Rockland County Department
16 of Health, and should the Board require a
17 stormwater management system to remediate
18 the increase in impervious surface, an
19 application is to be made to the Rockland
20 County Department of Health for review of
21 the system and for compliance with the
22 County Mosquito Code.

23 CHAIRMAN JOHNSON: I'm -- one second,
24 I'm sorry, do we need to discuss anything
25 regarding waivers before we continue with

1 Proceedings

2 this?

3 MR. HONAN: I can make them, I'm going
4 to read the waivers as part of the
5 conditions and if the Board feels the need
6 to discuss them further at that point, and
7 they are at conditions number two, three and
8 four. If you want to take a minute and do
9 that then I can wait, whatever you prefer.

10 CHAIRMAN JOHNSON: Does anybody have any
11 questions or concerns with the waivers as
12 written? It's the cul-de-sac waiver, the
13 trees over eight inches waiver and number of
14 houses on the cul-de-sac, did anybody have
15 any questions or comments about that?

16 MR. HONAN: Just briefly with respect to
17 the survey of the -- the tree survey. We're
18 basically waiving that condition because all
19 those trees are in that conservation buffer
20 and as a condition of that waiver we're
21 requiring it to be specified on the deed of
22 lot four on the metes and bounds description
23 that it being posted and having it with
24 respect to keep that in its wild state or
25 natural state or wooded state.

1 Proceedings

2 CHAIRMAN JOHNSON: Okay.

3 MR. HONAN: It's something less than a
4 conservation easement. It's more of a
5 natural, nature of (inaudible). The
6 particulars of which will be discussed as a
7 condition and my office and John's office
8 will review it for completeness.

9 And with respect to the other waiver,
10 that is with respect to the size of the
11 right-of-way and the paved portion of
12 Woodrum Drive by the cul-de-sac and
13 basically the applicant has agreed to
14 contribute funds to the repaving and the
15 improvement of Woodrum, and basically we're
16 giving them that waiver and they're paying
17 some money towards the Town to aid in that
18 resurfacing of the roadway for the benefit
19 of that -- of that neighborhood.

20 And then the final one is the number of
21 families on that cul-de-sac. At present
22 it's 30. The limit is quite below that.
23 Under the circumstances, based upon the
24 money and also the opinion of the
25 Superintendent of Highways, that the waiver

1 Proceedings
2 be granted so we're doing that as part of
3 the application. And it was really at your
4 discretion shun if that's something that
5 this Board wishes to grant.

6 CHAIRMAN JOHNSON: I think we're all
7 okay with the waivers.

8 MR. HONAN: Okay. So let me continue
9 with the reading, I'm at the top of page
10 two.

11 WHEREAS, the memoranda to the Planning
12 Board, dated June 13, 2023, October 17,
13 2023, and January 10, 2024, of John
14 O'Rourke, P.E., of Lane & Tully Engineering
15 & Surveying, P.C., the Town of Stony Point
16 Engineer, reflect the successive reviews he
17 of the various amended plans and proposed
18 subdivision plats and submissions of the
19 applicant and by his recommended amendments
20 to the plans and submissions, resulted in
21 the applicant's most current proposed plat
22 incorporating all recommended revisions and
23 resulting in a revised plat plan which is
24 currently acceptable and the applicant has
25 agreed to comply with the provisions of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

memorandum of January 10, 2024, and;

WHEREAS, the memoranda to the Planning Board dated June 22, 2023, August 22, 2023, September 27, October 11th, December 12, 2023, and January 24, 2023 were received from Max Stach of Nelson, Pope & Voorhies, LLC, the Planning Consultant to the Town, and based upon his multiple reviews of the application and preliminary plat plans and submissions of the applicant, including suggested revisions to the same and to the applicant's SEQRA related submissions, has resulted in the applicant's most current plat incorporating all recommended revisions and resulting in a revised plat plan is currently acceptable to the Board, and;

WHEREAS, by letters to the Planning Board dated July 5, 2023, October 3, 2023, and October 31, 2023, December 6, 2023 and January 2, 2024, the applicant's engineering firm, Atzl, Nasher & Zigler, P.C., (hereinafter, AN&Z) responded to the recommendations, comments and directives set forth in the memoranda by John O'Rourke,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

P.E., the memoranda of Max Stach, AICP, the Rockland County Department of Health, the Rockland County Department of Planning, Rockland County Highway Department letter of October 24th, the letter of Karl Javenes, dated November 22, 2023, as Superintendent of Highways for the Town of Stony Point, and the letter of November 22, 2023, from the Building Inspector for the Town of Stony Point, and the aforesaid responses by AN&Z indicated compliance with the respective recommendations and comments received relative to the application; and

Whereas, by letter to the Planning Board, dated January 2, 2024, the applicant's engineering firm, AN&Z, responded to comments from the public and this Board at the Public Hearing conducted on December 14, 2023.

Whereas, the applicant's engineering firm, AN&Z, submitted three requests by letters dated December 6, 2023, January 12, 2024 and January 12, 2024, requesting that the Planning Board exercise its discretion

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

and waive the following requirements:
1.)that the applicant provide a tree survey with respect to the area within the designated buffer (pursuant to Town Code Section 191-31); 2.)Allow a moderate reduction of the cul-de-sac right-of-way to a width of 112 feet where 120 is required, and a pavement width of 92 feet where 100 is required at the Woodrum Drive cul-de-sac, which are presently existing(pursuant to Town Code Section 191-24) and 3.) That the existing Woodrum Drive cul-de-sac, which is currently serving 30 families, be permitted to serve 33 families in the future (pursuant to Town Code Section 191-24), and;

Whereas, by a memorandum to the Planning Board dated November 22, 2023, the Superintendent of Highways for the Town of Stony Point indicated that the applicant/developer has offered to contribute funds to the Town for the repair and improvement of the roadway surface of Woodrum Drive and the Superintendent has no objection to the configuration of the

1 Proceedings

2 cul-de-sac serving the three proposed lots
3 and snow storage area as depicted on the
4 plans, and;

5 Whereas, by a memorandum to the Planning
6 Board, dated November 27, 2023, the Town of
7 Stony Point Building Inspector indicated
8 that a fire safety compliance review was
9 performed and his department had no
10 objections to the proposed action and noted
11 that the applicant/developer has offered to
12 install a fire hydrant at the end Woodrum
13 Drive, but the Stony Point Board of Fires
14 Commissioners must authorize the addition of
15 this hydrant to their system and the
16 applicant shall obtain an agreement from the
17 Board of Fire Commissioners for this
18 proposed installation, and;

19 Whereas, this application was scheduled
20 for a duly noticed Public Hearing before the
21 Planning Board on December 14, 2023, at 7:00
22 p.m. at which time the Public Hearing was
23 opened, conducted and continued to
24 January 25, 2024 at 7:00 p.m. and at which
25 date the Public Hearing was continued,

1 Proceedings

2 closed and concluded, and;

3 Whereas, this matter was also an agenda
4 item before this Board on January 25, 2024
5 at 7:00 p.m. and all submissions relative
6 hereto were duly considered by the Planning
7 Board.

8 Now, therefore, be it resolved that th
9 subject application for a four-lot
10 subdivision concerning the Subject Premises
11 be and hereby is approved, and the Chairman
12 is hereby authorized to sign the subdivision
13 plat and to permit same to be filed in the
14 Office of the Rockland County Clerk, upon
15 payment of any and all outstanding fees to
16 the Town of Stony Point and its consultants
17 subject to the following:

18 1.) All "WHEREAS" paragraphs are
19 incorporated herein by reference as though
20 set forth in full herein.

21 2.) Pursuant to the provisions of Town
22 Code Section 191-30 this Board has exercised
23 its discretion to waive the requirement that
24 the applicant provide a tree survey ray with
25 respect to the area within the designated

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

conservation buffer on lot four, upon the condition that the deed for lot four convey a metes and bounds description of the designated buffer areas, along with provisions that that area be conserved and kept in its natural state which includes, but is not limited to, no grading, no tree or brush cutting or removal, no development or structures are permitted, no motorized vehicles or motorized recreational vehicles are permitted thereon. The perimeter of the buffer area is to be fenced and posted as a conservation area and is to be kept in a wooded and natural appearing state. Any neighbor, member of this subdivision and/or municipality shall have the right to enforce the provisions of the deed restriction. The provisions of the required deed restriction shall be reviewed and approved by the Planning Board's attorney and engineer.

3.) Pursuant to the provision of Town Code Section 191-30 this board has exercised its discretion to relax the design standards and strict requirements regarding the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

turn-around area consisting of the existing Woodrum Drive cul-de-sac, and will permit a reduction of the cul-de-sac right-of-way to 112 feet where the Code requires a right-of-way 120 feet and a cul-de-sac pavement width of 92 feet where a 100 is required. This Board grants this waiver based upon the evaluation and the opinion in support of this waiver as expressed in the letter by the Superintendent of Highways for The town of Stony Point, dated November 22, 2023, and in recognition of the applicant/developer's offer to contribute funds to the Town for the improvement of the road surface of Woodrum Drive. By this Board permitting the use of the existing cul-de-sac, the applicant has avoided the considerable expense of designing and constructing a new cul-de-sac extension to the west and the need to eliminate the current cul-de-sac and to restore that area.

4.) Pursuant to the provisions of the Town Code Section 191-30 this Board has exercised its discretion to waive the design

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

standards set forth in the Town Code Section 191-24 concerning the maximum number of families to be served on dead-end roads. This subdivision will result in only three additional families being served on Woodrum Drive (which currently serves 30 families) and the Superintendent of Highways favors this application in light of the applicant's willingness to contribute funds to the improvement and resurfacing of Woodrum Drive as a condition of subdivision approval and considering that the addition of three additional families being served by the roadway, as proposed, will not jeopardize the health, safety and welfare of the Town residents. The Board acknowledged the need for roadway surface improvements to Woodrum Drive and the applicant's financial contribution in this regard will serve to hasten the implementation of improvements to the roadway and thereby enhancing the safety for local residents and the traveling public.

5.) The construction of the home on lot

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

three shall be sited in the same location and orientation as depicted on the current plans and plat in order to enhance the visual aesthetics of the development and to be in harmony with the existing homes on Woodrum. The Town engineer shall verify and confirm the placement of the home on lot 3 at the time of the issuance of the building permit.

6.) The access to the homes on lot 1, 2 and 3 from the cul-de-sac on Woodrum Drive will share a common driveway as depicted on the plans. Accordingly, the deeds for these lots shall designate the requirement of a driveway maintenance and repair agreement among these lot owners. The applicant shall provide a form deed and a proposed driveway maintenance and repair agreement for review and approval by the Planning Board's attorney and engineer.

7.) Due to the unsuitability of the immediate neighborhood for properly located parks, recreation or playgrounds, the Town hereby requires money in lieu of land in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

amount set forth in the Town's Schedule of Fees or in an amount to be determined upon a hearing.

8.) Signature of the Chairman of the Rockland County Drainage Agency pursuant to the requirements of Section 13-A of the Rockland County Stream Control Act.

9.) The applicant shall obtain authorization from the Town of Stony Point Board of Fire Commissioners to install a fire hydrant at the end of Woodrum Drive, as indicated on the plan.

10.) Pursuant to paragraph 8 of the Town Planner's memorandum to the Planning Board, dated January 24, 2024, the applicant shall resubmit the standard plat showing all four lots meeting d.2 bulk requirements and thereby establishing that conditional use permit is required. This showing shall constitute compliance with the recommendation at paragraph 7 of the Rockland County Department of Planning letter, dated December 1, 2023.

11.) Prior to the Chairman signing the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

final plat the Town of Stony Point Engineer shall conduct a review of the final plat for completeness and compliance with all conditions and code provisions and the provisions set forth in the engineer's memorandum to the Planning Board and shall advise the Chairman accordingly whether the plat is in a form which will permit the Chairman to sign the same. The Town Engineer shall have discretion concerning the due date of the applicant's financial contribution to the Town for improvements to Woodrum Drive.

The question of the adoption was duly put to the vote on rollcall on January 25, 2024 which resulted as follows:

- THE CLERK: Mr. Biehle?
- MRS. ALESSI: I have a question.
- MR. HAGER: I have a question as well.
- MRS. ALESSI: So in 3 and 4 on the waivers it talks about, you know, the considerations for this Board giving relaxed standards and giving the waivers in consideration of funds to improve Woodrum

1 Proceedings

2 Drive, where is that memorialized, is it a
3 dollar, is it \$50,000, you know, what's the
4 amount, is it -- and I see also the Town
5 engineer describes on the due date but.

6 MR. HONAN: It's my understanding that
7 the applicant had a conversation with the
8 Supervisor in regards to that and a meeting
9 of minds was met as to the an amount and
10 also the timing of when that payment was
11 going to be due. With respect to the
12 timing, it's going to be left with the
13 discretion of the Town engineer. The issue
14 with that is that they're looking for a
15 considerable amount of money and they can't
16 necessarily get that right up front.
17 Sometimes you have to have a lot sold in
18 order to generate that, pay that amount, so
19 the Town, through its officials, are going
20 to determine when that amount is going to be
21 due. So to lock it is going to be too
22 difficult, other than the assurances that it
23 would come through and mostly on the first
24 CO, and if, for any reason, it doesn't I
25 don't think any other CO are gonna be

1 Proceedings

2 issued.

3 MS. ALESSI: Yeah, I'm less concerned
4 about the timing than, is it a dollar, is it
5 \$50,000?

6 MR. HONAN: I have -- I have no input on
7 what that is other than the officials who
8 know the cost to put down a road and what
9 would be fair had discussed with the
10 applicant and they've come to an agreement
11 among themselves on behalf of the Town that
12 protect the Town.

13 MR. O'ROURKE: I have no idea what the
14 amount is. I was just told by the
15 Supervisor that they have come to an
16 agreement.

17 MS. ALESSI: Okay.

18 MR. O'ROURKE: And the Highway
19 Superintendent is the one who originally
20 started this and he's satisfied with that
21 agreement so.

22 MS. ALESSI: Okay.

23 MR. O'ROURKE: Good question, I asked
24 the same question. They all we're good with
25 this, they're the ones who own the road.

1 Proceedings

2 MR. STACH: I'll just add too that when
3 we talk about a subdivision applicant
4 providing money toward or actually
5 undertaking the improvement of existing
6 infrastructure what we're really talking
7 about is the fact that the current state of
8 Woodrum is decomposed to the point where
9 this Board would not normally allow an
10 additional three families until that was
11 remedied. The Town does not have any
12 current plans to remedy that at a date
13 certain so it would be very difficult for
14 you to approve it conditioned upon that
15 happening because that could happen years
16 from now and they would not be able to get
17 this map signed. So, this is a way where
18 they're saying, okay we'll help get this to
19 happen quicker and in exchange you'll lower
20 your standards so that we can approve this
21 now.

22 MR. HONAN: It's also the issue too that
23 you don't want to actually do those
24 improvement until the bulk of the work is
25 done with development and heavy machinery.

1 Proceedings

2 MS. ALESSI: Sure, sure.

3 MR. HONAN: That's why we kind of left
4 it in the hands of the people who are
5 actually maintaining the road for the Town.

6 MS. ALESSI: Yeah, the timing of the
7 work and the timing of the payment doesn't
8 bother me. It's just the unknown.

9 CHAIRMAN JOHNSON: Will it cover the
10 actual --

11 MS. ALESSI: Right.

12 CHAIRMAN JOHNSON: The Highway
13 Superintendent seems to be okay with it, Jim
14 -- the Supervisor seems to be okay with it,
15 Karl I assume has a pretty good idea of what
16 it's gonna cost. That road is in bad shape.
17 It's in bad shape.

18 MR. O'ROURKE: Just to let you know,
19 it's not the applicant is paying for the
20 entire portion of it. That's where they sat
21 down and negotiated, okay, how much do we
22 think this is worth to get you to bump it on
23 the list so that it's rehabbed quickly
24 versus five, six years from now so.

25 CHAIRMAN JOHNSON: You had something,

1 Proceedings

2 John?

3 MR. HAGER: Yes, on page three of the
4 proposed resolution paragraph two about
5 three quarters of the way through that
6 paragraph it mentions a buffer area is to be
7 fenced and posted as a conservation area. I
8 think that needs to be clarified whether
9 that is permanently or during construction.

10 MR. O'ROURKE: Sorry, what was that?

11 MR. HAGER: I think you meant during the
12 construction but the way it's written it's
13 constructed to be permanent.

14 MR. O'ROURKE: During the construction a
15 construction fence is going to be placed
16 there. What this Board discussed about is
17 after that how to keep -- how the property
18 owner knows it so we had talked, and I think
19 that's probably why Steve put it in there,
20 either putting a placard or a fence or
21 something so you can clarify that. We never
22 envisioned a six-foot high chain link fence
23 blocking this off. So there's a
24 construction fence during construction and
25 then some type of placard or something the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

applicant is going to put a note or a detail that says conservation area, please don't cut down trees.

CHAIRMAN JOHNSON: That's part of lot four; is that correct?

MR. O'ROURKE: That will be the back of lots one, two, three because they I believe they all back onto the conservation easement. The four is on the other side. Not so concerned about four because four has that steep slope so it would unusual for him to do it, but lots one, two, three, oh, we want a little bigger backyard, we're going to cut some trees and put in a swing set.

CHAIRMAN JOHNSON: Yeah.

MR. O'ROURKE: That's what it's there for I guess. It's a good point we should clarify that it's a construction fence during construction if that's an issue.

MR. HAGER: And for the fence or posted there's no requirement the homeowners to maintain the fence in the future. I think the intent was to fence it during the construction before any damage to the trees;

1 Proceedings

2 is that correct?

3 CHAIRMAN JOHNSON: That's how understood
4 it.

5 MR. O'ROURKE: Yeah.

6 MR. HONAN: There should be some kind of
7 a demarkation line between the back of one,
8 two and three and that's because otherwise
9 their sheds will be on it and there will
10 cutting without it. After a period of time
11 people forget where the property boundaries
12 are.

13 CHAIRMAN JOHNSON: During construction,
14 can we delineate not necessarily a stone
15 wall but something more permanent?

16 MR. HONAN: Something inexpensive but
17 fairly permanent that let's people know that
18 is where your property ends and this is
19 where the conservation easement begins. I
20 did see a sign right at the back portion of
21 the people's property so that they know this
22 is where your property ends. It's in the
23 deed.

24 MR. O'ROURKE: People don't read the
25 deed. They sell it, they buy it, they don't

1 Proceedings

2 read it.

3 CHAIRMAN JOHNSON: That's why if we get
4 some type of placard.

5 MR. O'ROURKE: He's going to put that in
6 the plan so we can see what it's actually
7 going to be.

8 MR. HONAN: We talked about a
9 demarkation and it was to be determined
10 after we talked that we were doing the work
11 on the language and make it simple and put
12 in the deed. And it was not supposed to be
13 an easement, it's more a buffer. So there's
14 going to be some trees gonna get cut out and
15 pulled out so I think it will more resemble
16 a conservation buffer so people walk through
17 you can cut maybe (inaudible).

18 MR. O'ROURKE: Did anybody hear it?

19 MR. STACH: So, I mean, maybe we can
20 change it to fence and posted to demarcated
21 and add after conservation area to the
22 satisfaction of the Town engineer?

23 MR. HONAN: Yes.

24 MS. ALESSI: If we're making change,
25 when we're talking about the amount, I don't

1 Proceedings

2 mean to harp on an amount, can we say in an
3 amount that's been agreed upon by the
4 applicant and the Town?

5 MR. HONAN: I don't see why not because
6 it apparently has been. How about for a
7 value that's been agreed upon between the
8 Town and the applicant?

9 MS. ALESSI: That works.

10 MR. HONAN: Okay. I forgot which one
11 was that?

12 MR. STACH: That's three and four.
13 Probably after contribute funds on three
14 which is three up from the bottom and on
15 four it's one, two, three, four, five, six
16 paragraphs -- sentences lines down.

17 MR. HONAN: Where was the other one you
18 said?

19 MR. STACH: It was six lines down on
20 four towards the middle contribute funds
21 again.

22 CHAIRMAN JOHNSON: Are all the Board
23 Members okay with that wording? All right.

24 MR. HONAN: We can get that changed
25 right now then I will finalize it tomorrow.

1 Proceedings

2 CHAIRMAN JOHNSON: I just want to make
3 sure the everybody on the Board was okay
4 with it. Now is good.

5 THE CLERK: Mr. Biehle?

6 MR. BIEHLE: Yes.

7 THE CLERK: Mr. Jaslow?

8 MR. JASLOW: Yes.

9 THE CLERK: Mrs. Alessi?

10 MS. ALESSI: Yes.

11 THE CLERK: Mr. Rogers?

12 MR. ROGERS: Yes.

13 THE CLERK: Mr. Ferguson?

14 MR. FERGUSON: Yes.

15 THE CLERK: Mr. Purcell?

16 MR. PURCELL: Yes.

17 THE CLERK: Chairman Johnson?

18 CHAIRMAN JOHNSON: Yes. All right.

19 Resolution duly adopted.

20 MR. O'ROURKE: At this time, if the
21 Board so desires they have a construction
22 estimate and we reviewed it and they
23 modified it. We provided a letter
24 confirming that and included that. So at
25 this time if the Board is satisfied with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

their number I'd recommend that this Board recommend to the Town Board a construction cost number.

CHAIRMAN JOHNSON: Okay. Very good. I will make the motion to adopt.

MR. BIEHLE: I will second.

CHAIRMAN JOHNSON: Motion and second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? Okay.

MR. RASTAMI: Thank you.

CHAIRMAN JOHNSON: Thank you. Other business. I will make a motion to accept the minutes from the Planning Board of December 14, 2023, can I get a --

MR. PURCELL: Second.

CHAIRMAN JOHNSON: Motion and second. I made the motion. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

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

Melissa Pezzullo

Melissa Pezzullo

