

STONY POINT TOWN BOARD MEETING – November 22, 2022

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, November 22, 2022 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Monaghan called the meeting to order and stated the meeting will be open and closed in memory of John (Jack) Coleman. Jack attended Immaculate Conception School, graduated from Albertus Magnus High School and Rockland Community College. Jack was a proud member of the Stony Point Police Department and retired Detective Sergeant. Supervisor Monaghan led the group in the pledge of allegiance.

Town Clerk, Megan Carey called the following roll:

PRESENT:	Keith Williams	Councilman
	Paul Joachim	Councilman
	Todd Rose	Councilman
	James Monaghan	Supervisor
	Brian Nugent	Attorney
ABSENT:	Michael Puccio	Councilman

SUPERVISOR’S REPORT

Supervisor Monaghan reported on the following:

- Successful Thanksgiving Dinners for the Veterans with over 65 dinners distributed.
- Light up Stony Point Holiday Parade and tree lighting will be held Friday December 2, 2022 at 7pm starting at Filors Lane and proceeding to Town Hall on 9W. The Stony Point Elementary School choir will be singing carols on the front porch of Town Hall.
- Meeting with the Mayors of Haverstraw and West Haverstraw to discuss street scaping the 9W corridor with the \$2,914,000.00 designated from Champlain Hudson Power Express (CHPE).

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of all board members present with Councilman Williams being absent to approve the following purchase orders

Sewer Department

PO# 3539	County Garage Door, Inc.	\$ 3,668.00
PO# 3540	GA Fleet Associates, Inc.	\$ 10,849.00
PO# 3541	GA Fleet Associates, Inc.	\$ 23,373.00

Highway Department

PO#3547	Cliffside Body Corp.	\$ 66,853.00
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AUDIT OF BILLS – A motion was made by Councilman Puccio, seconded by Councilman Rose and unanimously carried by a voice vote of all board members present with Councilman Williams being absent to approve the following bills as presented for payment:

CONTRACTUAL FUND November 22, 2022

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	1230-1270	\$ 73,541.87
Highway	416-427	\$ 7,093.06
Sewer	386-394	\$ 5,352.70
<u>Special Districts</u>		
Enterprise	439-450	\$ 16,783.67
Ambulance	30	\$ 797.93

Solid Waste	33	\$ 3,243.16
Street Light	14	\$ 20,591.09

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to approve the minutes of November 9, 2022, Town Board Meeting.

CORRESPONDENCE

Supervisor Monaghan,

On behalf of the board of United Women of Rockland, I would like to thank you for allowing us to use Kirkbride Hall for our event the Prize is Right. We had a tremendous turnout this year and hopefully will be able to throw it again next year. Kirkbride Hall is a wonderful gathering place for the community and we appreciate being granted permission to use the space.

Thank you again,

Christine Silverstein
Executive Director
United Women of Rockland, Inc.

PUBLIC INPUT –

Walter Cintron-22 Ridgetop Drive, spoke on the following:

- Sale of Letchworth property – was purchased for recreational use.
- Bond debt
- Revenue

David Evangelista-54 Wilderness Drive, spoke on the following:

- Bond debt

Public Hearing-Tolake Conservation Easement

The following public hearing notice was posted in the official newspaper of the Town on November 10, 2022:

**TOWN OF STONY POINT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on November 22, 2022 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY to consider an application to amend an existing Conservation Easement for Tolake Corporation to include one (1) additional parcel of real property within such Conservation Easement.

The purpose of this request is to amend the existing Conservation Easement to add one (1) parcel of real property and to extend such easement to March 1, 2030. The proposed parcel to be added is 7 Hillside Drive (SBL 10.01-1-41).

The proposed amendment will continue to provide for the acquisition of interests or rights in real property for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town of Stony Point may acquire by purchase, gift, grant, bequest, devise, lease or otherwise the fee of any or lesser interest, development right, easement, covenant, or other contractual right necessary to acquire “open space” or “open area”.

Said application is on file in the Town Clerk's Office, 74 East Main St., Stony Point, NY and may be examined by any interested party from 8:30 am to 4:30 pm, Monday through Friday.

By Order of the Town Board dated October 25, 2022

Megan Carey– Town Clerk

Open Public Hearing

At 7:21 pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present, with Councilman Puccio being absent, to open this public hearing.

Public Input

Gail Mulligan-98 Lakeview Drive, Tomkins Cove, spoke in favor of the easement.

Close Public Hearing

At 7:25 pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present, with Councilman Puccio being absent, to close this public hearing.

Authorize the Execution of a Third Amendment to the Conservation Easement on Lands of Tolake Corp.

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/40

RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE CONSERVATION EASEMENT ON LANDS OF TOLAKE CORP.

WHEREAS, Tolake Corp. (the "Grantor") is the owner of several parcels of undeveloped land within a private community located within the Town of Stony Point, New York (the "Affected Land"); and

WHEREAS, on March 1, 1999, the Town Board authorized and the Town of Stony Point (the "Town") acquired from the Grantor, a Conservation Easement on the Affected Land for a period of fifteen (15) years ("Conservation Easement"); and

WHEREAS, the Conservation Easement limits or restricts development of the land subject to the Agreement; and

WHEREAS, the Agreement dated March 1, 1999 had an expiration date of March 1, 2014; and

WHEREAS, by First Amendment to the Conservation Easement Agreement dated December 30, 2010, the parties extended the term of the Agreement through March 1, 2025; and

WHEREAS, by Second Amendment to Conservation easement dated September 10, 2018, the parties agreed to include five (5) additional undeveloped parcels of land located within TLC, as well as to extend the expiration of the Agreement through March 1, 2030; and

WHEREAS, the Grantor is the owner of one (1) additional undeveloped parcel of land located within TLC: 7 Hillside Drive (S/b/l: 10.01-1-41) ("Additional Parcel"); and

WHEREAS, on October 22, 2022, the Tolake Corporation submitted a request to amend an existing Conservation Easement between the Town of Stony Point and Tolake Corporation (“Third Amendment to the Conservation Easement”) to add the Additional Parcel; and

WHEREAS, the parties desire to amend the Conservation Easement Agreement to include the Additional Parcel; and

WHEREAS, including the Additional Parcel of undeveloped real property, the objectives that were outlined by the Town Board when it adopted the “Conservation Law of the Town of Stony Point,” Chapter 80 of the Code of the Town of Stony Point, specifically for the purposes of preserving the scenic, open and natural values of these lands; and

WHEREAS, Section 247 of the General Municipal Law authorizes the Town to acquire less-than-fee interests in land to protect its natural scenic beauty, to retain its existing openness or natural condition or to maintain or enhance the conservation of natural or scenic resources, including open land; and

WHEREAS, the Conservation Easement limits or restricts development of the Affected Land; and

WHEREAS, on November 9, 2022 the Town Board declared itself Lead Agency for SEQRA purposes; and

WHEREAS, in accordance with Chapter 80 of the Town Code of the Town of Stony Point, consideration of such a request was followed by a duly noticed Public Hearing held on November 22, 2022, wherein all interested parties were given an opportunity to be heard, referral to the Rockland County Planning Department was made, and notice to adjacent property owners and the local School District was given; and

WHEREAS, the Town Assessor has determined that it is in the public interest to accept the proposed Third Amendment; and

NOW THEREFORE, BE IT RESOLVED that:

Section 1. The above “Whereas” paragraphs above are incorporated herein by reference as if set forth fully.

Section 2. The Town Board, having reviewed the Short Form Environmental Assessment Forms hereby determines that this unlisted action will not have any significant impact on the environment and hereby issues a negative declaration with respect to such action.

Section 3. The Supervisor is hereby authorized to execute an Amendment to the Conservation Easement with Tolake Corp. to add the give Additional Parcel described herein in a form meeting the standards of the Conservation Law of the Town of Stony Point and Article 49 of the Environmental Conservation Law and approved by Town Special Counsel and to execute any additional documents in conjunction with such Amendment.

Section 4. The execution of this Amendment shall not be deemed to affect any existing rights with respect to easements, egress, ingress or any other rights in the parcels herein or any adjoining parcels.

Section 5. If a court of competent jurisdiction finds any provisions of this Resolution or the subject Amendment invalid, all other provisions of this Resolution and the Amendment shall continue to be separately and fully effective.

Section 6. This Resolution shall take effect immediately.

Public Hearing-Senior and Disabled Exemptions
CANCELLED

Resolution Granting the Application for a Special Use Permit-Lovett Substation

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to grant the application for a Special Use Permit-Lovett Substation.

RESOLUTION

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/41

**RESOLUTION GRANTING THE APPLICATION FOR A SPECIAL PERMIT
SUBMITTED BY ORANGE AND ROCKLAND (LOVETT SUBSTATION)**

WHEREAS, Orange & Rockland Utilities, Inc. (“O&R”) submitted an application for a special permit and an application for site development plan approval on or about October 3, 2022 (“Special Permit Application”) pursuant to Section 215 of the Town Code; and

WHEREAS, the Town Board is vested with the authority to review and approve an application for a special permit in accordance with Section 215 of the Town Code by ensuring that the public health, welfare, and safety are protected and that the environmental and land resources of the Town are most efficiently utilized; and

WHEREAS, O&R applied for a special permit for the expansion of the existing Lovett Substation for a new Gas Insulated Substation (“GIS”) and related improvements (“Proposed Development”); and

WHEREAS, the Proposed Development is located at the corner of Elm Avenue and Spring Street in the Town of Stony Point, Rockland County, New York (Section 10.04 Block 2 Lots 10, 11 13 and 15) (“Property”); and

WHEREAS, according to O&R, the purpose of the Proposed Development is to comply with the New York Independent System Operator’s (“NYISO”) directive to add new capacity to the electric system in the North Rockland area; and

WHEREAS, the Property expands over two separate zoning districts. Tax lots 10, 11 and 13 are each located in the Town’s Light Industrial (“LI”) District, in which “industrial uses” such as the proposed public utility use are permitted as-of-right; and

WHEREAS, Tax Lot 15 is located in the Town’s Rural-Density Residential (“RR”) District, which requires a Town Board special permit for “surface underground or overhead utilities” use, as is proposed in the O&R Application; and

WHEREAS, O&R submitted, in digital and paper format, a site plan and landscaping plan, prepared by Beta Engineering, LLC; Building Elevations prepared by Oradell Construction Company, a Full Environmental Assessment Form (“FEAF”); a photo-simulation booklet; and the required application fee; and

WHEREAS, the special permit sought in this Application is subject to the general conditions and standards set forth in Town Code Section 215-79, which include:

- (i) the proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties;

- (ii) the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;
- (iii) the location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings;
- (iv) the proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Town greater than those which characterize uses permitted by right. As detailed below, approval of the special permit use would be in harmony with the intent and purpose of the Town Code, conform to the aforementioned conditions and standards prescribed, and would not be detrimental to property or persons in the neighborhood.

WHEREAS, in addition to the above, the Proposed Development must also meet the conditions set forth in Town Code Section 215-92.7, which are applicable to all nonresidential special permit uses located in residential zoning districts (on-site parking and outdoor lighting); and

WHEREAS, the Planning Board has reviewed the application for the purpose of preliminary site development plan review, and transmitted its recommendations thereon to the Town Board on October 27, 2022; and

WHEREAS, the Planning Board previously declared itself Lead Agency pursuant to the State Environmental Quality Review Act and the regulations promulgated thereunder for this Unlisted action and adopted a Negative Declaration on or about September 22, 2022; and

WHEREAS, the Planning Board, after having conducted its review, recommended approval of the Special Permit Application pursuant to its report of October 27 2022; and

WHEREAS, having received the Planning Board's recommendations, the Town Board had conducted a public hearing on November 9, 2022 for the purpose of reviewing and soliciting public comment regarding the Special Permit Application; and

WHEREAS, review letters were received from the Rockland County Center for Environmental Health on September 19, 2022 and the New York State Department of Transportation on August 10, 2022; and

WHEREAS, O&R also applied for certain area variances from the Town Zoning Board of Appeals and such area variances were approved, with conditions, on or about October 20, 2022, which decision was filed with Office of the Town Clerk on or about October 24, 2022; and

WHEREAS, the Town Board desires to grant the Special Permit Application as set forth herein.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are incorporated herein by reference.

Section 2. The Town Board hereby finds that, as proposed, the facility complies with the requirements for surface, underground or overhead utilities as set forth in Sections 215-79 and 215-92.7 of the Town Code.

Section 3. The Town Board hereby grants the Special Permit Application submitted by O&R, subject to the conditions set forth in Section 4

below and finds that granting said Application ensures that the public health, welfare, and safety are protected, and that the environmental and land resources of the Town are most efficiently utilized.

Section 4. The Special Permit Approval is subject to the following conditions:

1. Site Plan approval from the Town Planning Board and compliance with any and all conditions imposed in conjunction with such site plan approval.
2. Compliance with conditions set forth in the October 20, 2022 variance approval issued by the Town Zoning Board of Appeals.
3. Compliance with all applicable laws, rules, codes and regulations, including but not limited to compliance with any and all state and federal regulations applicable to the use proposed.
4. Continued compliance with the applicable Special Permit conditions set forth in Town Code Section 215-79 and 215-97.2.
5. Submission of any documents to the Town required by the Town Code or the boards of the Town reviewing the O&R application.

Section 5. The Town Board hereby directs the Town Supervisor to file this Resolution with the Office of the Town Clerk.

Section 6. The Town Clerk shall mail a copy of this Resolution to O&R, the Town of Stony Point Planning Board, Town of Stony Point Zoning Board of Appeals and the Rockland County Department of Planning and O&R shall continue with site development plan approval before the Planning Board.

Section 7. This Resolution shall be effective immediately.

Waive Fee for Christmas Tree Sales-Wayne Hose Fire Dept

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by voice vote of those Board members present with Councilman Puccio being absent to waive the fees associated with Christmas Tree sales for Wayne Hose Company #1.

Waive Fees for Christmas Tree Sales-Boy Scout Troop 10

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by voice vote of those Board members present with Councilman Puccio being absent to waive the fees associated with Christmas Tree sales for Boy Scout Troop 10.

Resolution to Extend the Agreement with West Point Tours for Senior Bus Transportation

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by voice vote of those Board members present with Councilman Puccio being absent to approve the following resolution:

The following resolution was duly
offered and seconded to wit:

RESOLUTION 2022/42

**RESOLUTION TO EXTEND THE AGREEMENT WITH WEST POINT TOURS, INC.
FOR SENIOR BUS TRANSPORTATION**

WHEREAS, the Town of Stony Point (“Town”) currently contracts with West Point Tours, Inc. for senior transportation services; and

WHEREAS, pursuant to the provisions of the current agreement, the Town Board desires to extend the Agreement between the Town and West Point Tours, Inc. for such services for an additional one year period, beginning February 28, 2023 (“Agreement”).

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference as set forth in full.

Section 2. The Town Board hereby authorizes and approves extension to West Point Tours, Inc. for an additional one-year period beginning March 1, 2023 to February 29, 2024 to provide senior transportation services to the Town.

Section 3. The Town Supervisor, and any Town official, employee or consultant as directed by the Town Supervisor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution, including transmission of a letter authorization to extend such agreement to West Point Tours for execution.

Section 4. This Resolution shall be effective immediately.

Award Bid-Patriot Hills Clubhouse HVAC East Wing

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to award the bid for the Patriot Hills Clubhouse HVAC East Wing to VaNatta Mechanical at a cost to the town of \$243,815.00.

Set Public Hearing-Senior and Disabled Exemptions

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to set a public hearing for the Senior and Disabled Exemptions.

RESOLUTION 2022/42

RESOLVED that the Town Board hereby sets a public hearing for December 13, 2022 at 7:00 p.m. or soon thereafter as can be heard to consider adoption of an amendment to Chapter 194 of the Town Code regarding taxation (senior and disability exemptions).

EXECUTIVE SESSION

At 7:30pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to adjourn into executive session to discuss personnel matters.

ADJOURN

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Puccio being absent to close the Stony Point Town Board meeting at 8:50 pm in memory of John (Jack) Coleman and no further votes were taken.

Respectfully submitted
Megan Carey - Town Clerk

