

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

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IN THE MATTER
OF
NINE HOLT DRIVE

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
January 28, 2021
7:04 p.m.
(via Zoom)

BEFORE :

EUGENE KRAESE, ACTING CHAIRMAN
KERRI ALESSI, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
MARK JOHNSON, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN KRAESE: All right. So we'll start off with Nine Holt, first one on the agenda. I think we're going to start off by adopting a negative dec. This last plan was revised on November 2nd of '20. We didn't adopt a negative dec yet, so we're going to do that tonight. Right, Mary?

THE CLERK: Yes.

CHAIRMAN KRAESE: Should I read this, or do we have any comments beforehand?

MR. STACH: Mr. Kraese, just to clarify, that draft negative declaration was drafted back in August in anticipation of a meeting shortly thereafter which I believe never happened because it had gotten adjourned. So you will notice that the negative declaration talks about adopting the Part 3 as prepared by the applicant. I would suggest that you do that tonight before you adopt the negative declaration.

MR. HONAN: That makes sense.

CHAIRMAN KRAESE: Where you at, Steve?

THE CLERK: He's right in the middle,

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2 under John.

3 CHAIRMAN KRAESE: So run that one more
4 time by me, Max. What are we adopting?

5 MR. STACH: The Part 3 --

6 CHAIRMAN KRAESE: I see it's dated
7 August 27th. Go ahead.

8 MR. STACH: Yeah. So what happened is
9 the Board had adopted a Part 2 EAF that
10 established that there could potentially be
11 certain impacts. Then the applicant
12 submitted a Part 3 addressing the potential
13 for those impacts to occur and explaining how
14 important those impacts would be.

15 We reviewed that. We went over it with
16 the applicant. And we are recommending that
17 you adopt that as your Part 3 environmental
18 assessment form tonight. That should have
19 been in your file for some time now. I can
20 look up when it was submitted.

21 CHAIRMAN KRAESE: All right. Then what
22 we need now is a motion to accept the Part 3.

23 BOARD MEMBER ROGERS: Make that motion,
24 Mr. Chairman.

25 CHAIRMAN KRAESE: Do we have a second?

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2 BOARD MEMBER JASLOW: I'll second it.

3 CHAIRMAN KRAESE: Speak up, guys, so we
4 all can hear you. I heard you, Jerry.

5 BOARD MEMBER JASLOW: Eric seconded it.

6 CHAIRMAN KRAESE: Okay, Eric, thank you.

7 BOARD MEMBER JASLOW: You're welcome.

8 CHAIRMAN KRAESE: All right, Steve. So
9 now we've done that. So we're at the point
10 of adopting a negative dec, correct?

11 MR. HONAN: That's correct.

12 CHAIRMAN KRAESE: Max?

13 MR. STACH: That is correct.

14 CHAIRMAN KRAESE: All right. So I'll
15 read the negative dec on this one. The
16 date's August 27th. We should be changing to
17 today's date, correct?

18 MR. STACH: Correct.

19 CHAIRMAN KRAESE: Which is the 28th.
20 This notice is issued pursuant to Part 617 of
21 the implementing regulation pertaining to
22 Article 8, State Environmental Quality Review
23 Act, of the Environmental Conservation Law.
24 The Planning Board of the Town of Stony
25 Point, as lead agency, has determined that

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the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of action: Nine Holt. SEQRA status: Unlisted. Conditional negative declaration: No.

Description of action: The project is for a proposed warehouse or manufacturing building totaling 27,500 square feet with 44 parking spaces and two loading docks on an 84,066 square foot lot in the LI-2 zoning district. The project sits back up to the West Haverstraw Elementary School and Walnut Hill apartments, both of which are located in the adjacent municipality of the Town of Haverstraw.

Location: On the south side of Holt Drive, approximately 1,000 feet east of the intersection with Route 202/South Liberty Drive, County of Rockland. Property is designated on the Town of Stony Point tax map as 20.04-11-8.

Reasons supporting this determination:

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The proposed action is not anticipated to result in any potential adverse environmental impacts based on the following:

One, on or about January 20, 2017, the Planning Board received an application for site plan review and site plan along with a Part 1 full environmental long form, EAF; and

Number Two, on or about December 7, 2017, the Planning Board decided, declared its intent to assume lead agency status and to distribute the notice along with the application and corrected Part 1 EAF to the following identified involved agencies:

A, Town of Stony Point Zoning Board of Appeals; Two, Rockland County; C, Village of West Haverstraw; D, Town of Haverstraw.

On or about May 30, 2017, the Planning Board received a revised site plan indicating a smaller building footprint and revised application,

On or about June 26, 2017, the Planning Board received a revised Part 1 Environmental Assessment Form which corresponds to the above building changes; and

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On or about December 7, 2017, the Planning Board began formal review of the proposal, beginning a public hearing on the matter, and hearing from the applicant, the Planning Board's consultants, and members of the public, and,

Six, on or about January 25, 2018, the Planning Board continued its formal review of the proposal, at which time, in addition to continuing to conduct a public hearing, it reviewed and adopted a proposed Part 2 EAF prepared by the Village Planning Consultant, indicating moderate to large potential impacts associated with the action as follows:

- A, impacts on land, including the potential for increased soil erosion;
- B, impacts on surface water, including the potential for storm water runoff and soil erosion impacts;
- C, impacts on plants and animals, as the project area includes potential habitat for the bald eagle, a protected species;
- D, impacts on transportation, as the

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action may increase traffic in the area;

E, impact on human health, as the proposed action is within 1500 feet of a school, a day care center, and a hospital; and

On or about February 23, 2020 the applicant resubmitted the plan with minor modifications and a revised Part 1 EAF conforming to the new forms released by the DEC on January 1, 2019, and

Number Eight, on or about July 23, 2020, the Planning Board readopted the Part 2 EAF substantially similar to the Part 2 adopted in January of 2018, but utilizing the new Part 2 form promulgated by DEC; and

On or about August 26, 2020, the Planning Board adopted the June 30, 2020 letter by Ramya Ramanathan -- I'm sorry, didn't get your name right -- as its Part 3 environmental assessment form, finding the following with regard to the potential moderate to large impacts identified in the Part 2 EAF:

A, impacts on land: The site has been

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previously disturbed in the area of construction and occupied by the existing building and on-site parking and circulation. The proposed redevelopment will incorporate temporary and permanent erosion control measures to reduce pollutants in storm water discharged from the site into adjacent properties. These measures will include the use of silt fences, storm inlet protection, and a stabilized construction entrance.

B, impacts on surface water: A storm water pollution prevention plan, SWPPP, has been prepared for Nine Holt Drive in the Town of Stony Point, Rockland County, New York. The plan has been developed in accordance with the New York State Pollution Discharge Elimination System, SPDES, general permit for storm water discharges associated with construction activities permit number GP-0-15-002. Storm water pollution prevention measures and storm water management measures have been designed in accordance with the New York State DEC Stormwater Management Design Manual, NYSDEC

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2 Manual, January 2015.

3 An underground infiltration system with
4 an underground control structure will be
5 installed to meet storm water water quantity
6 and quality requirements for the parcel.

7 Through the implementation of soil erosion
8 control practices during the construction of
9 the site, and the installation of the system
10 for the storm water quality control, the
11 project will mitigate peak flow rates from
12 the site after development to less or equal
13 to than predevelopment flow rates along the
14 south property line.

15 C, impacts on plants and animals:
16 Vegetated buffers will be retained and
17 supplemented as part of the site
18 redevelopment. The proposed action is a
19 redevelopment of an existing industrial site
20 in a developed portion of the community. The
21 NYNHP reports that bald eagle -- I can't say
22 that name -- nesting has been documented
23 within 1.6 miles of the subject site. The
24 species is threatened in New York State but
25 not federally listed.

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2 Bald eagle nests are comprised of sticks
3 and lined with soft material such as moss.
4 The nests are usually 5 feet diameter by 8
5 feet deep. Locations are selected that offer
6 a high elevation and a clear view of the
7 surrounding area. Nest trees must be able to
8 support the heavy nest structure. The
9 subject site does not have trees or habitat
10 suitable for nesting bald eagles and no known
11 nesting activity has been documented on the
12 property. Therefore, no impact, no project
13 impact is anticipated to bald eagles.

14 D, impacts on transportation: Due to
15 the minimal amount of additional traffic
16 generated by the project, negligible
17 increases in overall vehicle delays, and no
18 reductions in levels of service, are expected
19 to occur at the intersections along Holt
20 Drive and along US Route 9W. No mitigation
21 is recommended for this condition. The site
22 may anticipate truck deliveries between four
23 and eight times a day. However, truck
24 deliveries are not anticipated to occur
25 during peak hours, rather throughout the day,

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before and after peak hours.

E, impacts on human health: The subject site adjoins athletic fields of the West Haverstraw Elementary School, located at 71 Blauvelt Avenue, and is separated from the facility by a minimum 25 foot buffer to be preserved and supplemented on the subject site. This buffer will minimize any potential impacts from construction or operations of the proposed action.

Learning Ladder, 18 US 9W, is approximately 1,500 feet southeast of the subject property and oriented towards 9W. The day care facility fronts on a heavily traveled state highway with heavy existing traffic volumes.

The Helen Hayes Hospital, 51-55 US 9W, sits atop a plateau at a significantly higher elevation than the subject site. It is accessed from Route 9W via a driveway approximately 500 feet long, making it a total of approximately 1,000 feet west of the subject site. The topographic and setback characteristics of the hospital will ensure

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that no adverse impact from the project.

Number Ten, based on the foregoing, it has been further determined that the project will not result in the following potential large impacts:

A, a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

B, the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

C, the impairment of the environmental characteristics of a critical environmental

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area as designated pursuant to Section 617.14G of this part;

The creation of a material conflict with the community's current plans or goals as officially approved and adopted;

The impairment of the character or quality of important historical, archeological, architectural, and other esthetic resources or existing community or neighborhood character;

F, a major change in the use of either the quality or type of energy;

G, the creation of a hazard to human health;

H, a substantial change in the use or intensity of use of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

I, the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such a place absent of the action;

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2 J, the creation of a material demand for
3 other actions that would result in one of the
4 above consequences;

5 K, changes in two or more elements of
6 the environment, none of which has a
7 significant impact on the environment, but
8 when considered together result in a
9 substantial adverse impact on the
10 environment; or

11 L, two or more related actions
12 undertaken, funded or approved by an agency,
13 none of which has or would have a significant
14 impact on the environment, but when
15 considered cumulatively would meet one or
16 more of the others, other criteria in this
17 subdivision.

18 Eleven, no other adverse impacts have
19 been identified in connection with this
20 amended proposed action.

21 Do I need a second on that, Steve?

22 MR. STACH: I would recommend one change
23 as you've read it. Number Nine should read
24 on or about January 28, 2021. That's today's
25 date.

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CHAIRMAN KRAESE: So noted.

MR. HONAN: That's referring to the adoption of the Part 3, right, Max?

MR. STACH: Yes.

MR. HONAN: Okay.

CHAIRMAN KRAESE: Okay. Now we need a second on that, Max?

MR. STACH: Yes.

BOARD MEMBER JOHNSON: I'll second it.

CHAIRMAN KRAESE: Mark seconds it. Mary, do you want to call the roll on this?

MR. HONAN: You have to unmute yourself, mary. You're muted.

THE CLERK: Good?

MR. HONAN: Good now, yes.

THE CLERK: Perfect. Mr. Kraese?

CHAIRMAN KRAESE: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Johnson? Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Mr. Ferguson?

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BOARD MEMBER FERGUSON: Yes.

THE CLERK: All yes.

CHAIRMAN KRAESE: All yes. Okay. That being said, do we have any discussion before we open the public hearing from either John or Max?

MR. STACH: Not I.

CHAIRMAN KRAESE: All right.

MR. O'ROURKE: We're all good.

CHAIRMAN KRAESE: Okay. So hearing none, we'll open up the public hearing. Steve, has anybody got their hands up?

MR. HONAN: I see no one yet.

CHAIRMAN KRAESE: Well, hearing none, we need a motion, I guess we'll close the public hearing.

BOARD MEMBER ROGERS: I make that motion, Mr. Chairman.

BOARD MEMBER FERGUSON: I'll second it.

CHAIRMAN KRAESE: Okay. Go ahead, Mary, run it again.

THE CLERK: Again? Okay. Mr. Kraese?

CHAIRMAN KRAESE: Yes.

THE CLERK: Mr. Jaslow?

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BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Johnson?

BOARD MEMBER JOHNSON: Yes.

THE CLERK: Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

CHAIRMAN KRAESE: Okay. So I guess at this point, we'll read the resolution. Now, this resolution is seven pages long. And Steve, you just punished me with the first one. So we're going to let Steve go over this, being he did it. He can do it a little quicker than I did. You're okay with that, right, Steve?

MR. HONAN: Thank you, Mr. Acting Chairman. Yes, I will read the -- this is a resolution granting final site plan and conditional use approval for the project Nine Holt by the application of Dynamic Fitness Products, Inc.

Whereas, an amended application and a

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full EAF, dated February 23, 2020, has been submitted to the Planning Board of the Town of Stony Point for final site plan approval to redevelop the site and to remove the existing warehouse consisting of approximately 8,000 square feet and replace it with a 28,625 approximate square foot mixed use building and 44 parking spaces and two truck docks, and pursuant to Article 12 of Chapter 215 of the Town's zoning code for a conditional use approval designation of local convenience commercial as the primary use of the site and the building to consist of a five unit retail/commercial facility and with two of those units having a warehouse accessory use, and upon a submitted proposed site plan entitled Nine Holt -- site development plan, consisting of eight sheets, prepared by Atzl, Nasher and Zigler, P.C., dated February 28, 2020, and last revised on November 2, 2020, the subject application, and concerning premises designated as Section 20.04, Block 11, Lot 8 on the tax map of the Town of Stony Point, County of

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Rockland, consisting of 1.9 acres and located in the LI-2 zoning district, at 9 Holt Drive, Stony Point, New York, 10980, hereinafter the subject premises; and

Whereas, pursuant to the New York State Environmental Quality Review Act, the Planning Board at a meeting of June 25, 2020, acknowledged that it had previously designated itself as lead agency for coordinated review. The Board determined that this was an unlisted action and readopted an amended Part 2 EAF; and on January 28, 2021, the Planning Board adopted the June 30, 2020 letter of Ms. Ramya Ramanathan and its findings as its Part 3 EAF and concluded that the proposed action will not have a significant adverse environmental impact and issued a negative declaration; and

Whereas, at the Planning Board meeting of June 25, 2020, this Board referred the applicant to the Architectural Review Board of the Town of Stony Point, and by a decision dated October 14, 2020, the ARB issued an approval of the application; and

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Whereas, by letters dated May 22 and October 26, 2020, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law, conducted reviews of the application and by its most current review of the modified application recommended, inter alia, as follows:

One, the subject site's southern border is adjacent to the Town of Haverstraw and as such that municipality must be given the opportunity to review and comment upon this application.

Number Two, an updated review must be completed by the Rockland County Department of Health to ensure compliance with Article 19, mosquito control, of the county, Rockland County sanitary code.

Number Three, prior to the start of the construction or grading, all soil and erosion control measures must be developed and in place for the entire site that meets the requirements of the latest edition of the New York State guidelines for urban erosion

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2 and sediment control.

3 Four, there shall be no net increase in
4 the peak rate of discharge from the site at
5 all design points.

6 Five, the bulk table provides the
7 requirements for Use Group B, which is the
8 use group for local convenience commercial
9 uses. However, the bulk requirements for
10 warehousing in the LI-2 zoning district falls
11 under Use Group I. Use Group I is more
12 restrictive than Use Group B and a majority
13 of the floor area of the building is used for
14 warehousing. In a September 24, 2020 letter
15 to the Stony Point Planning Board, the
16 applicant's engineer responded to comments
17 regarding an earlier revision of the site
18 plan, which was reviewed by this department
19 on May 20, 2020. In response to our comment
20 regarding applicability of Use Group I, the
21 applicant's engineer noted that this
22 interpretation is incorrect, cites the bulk
23 requirements for local convenience commercial
24 use, but does not cite any section of the
25 Town's regulations as explanation.

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The Town zoning regulations do not specifically address what the applicable bulk requirements are within -- I'm sorry, are when a single property has multiple uses within different use groups. The proposed structure will be used for warehousing. The use group for warehousing is Use Group I and the bulk table must be amended to include the requirements of Use Group I. Any required variances must be noted in the bulk table and any variances, any variance applications must be forwarded to this department for review, as required by the General Municipal Law.

Six, the location of the southeast local convenience commercial space raises concerns about the proximity of the incompatible uses. Customers will be forced to either walk or drive through an active loading zone to access this space, compromising their safety. The Town must consider relocating the space so that it is located on the Holt Drive side of the loading zone.

Number Seven, the site plan indicates that the area opposite the loading docks is

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labeled no parking. If this area is not being used for parking, and is not necessary for the on-site maneuvering of vehicles, then the area must be landscaped.

Number Eight, snow removal and the resultant snow piles are a critical maintenance consideration for commercial facilities during the winter months. Providing specific locations on the site for removed snow will reduce the loss of available parking spaces meant to be used by staff and visitors. This is especially critical since only the minimum number of required on-site parking spaces is provided. In their letter of September 24, 2020, the applicant's engineer stated that the snow will be plowed to the southern end of the site. The southern end of the site is comprised of parking spaces, a dumpster enclosure, and landscaping. The site plan must label a designated snow storage area that does not encroach upon the required parking, does not impede access to the dumpster enclosure, and is compatible with

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the proposed landscaping.

Number Nine, the lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

All proposed signage must be shown -- Number Ten, rather, all proposed signage must be shown on the site plan and conform to the Town's sign requirements; and

Whereas, by letters dated March 3, June 10, and November 24, 2020, John O'Rourke, P.E. of Lanc and Tully Engineering and Surveying, P.C., the engineer for the Town of Stony Point, advised the Planning Board that his office had conducted multiple reviews of the revised site plan, and for SEQR and SWPPP compliance of this project and by his most current review of the application, made the comments, inter alia, as follows:

Site plan comments: One, the commercial uses identified on the site plan have been revised to local convenience commercial which is a conditional use allowed in the zone.

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Based on the plans provided, local convenience commercial is identified as the primary use of the site with two of the tenants having accessory warehouses. Any action by the Board should reflect that warehousing may not be the primary use of the site.

Number Two, while an initial demolition plan has been provided, a more complete demolition plan should be provided to the building department at the time of building permit process.

Number Three, ADA parking detail should be coordinated with ADA parking stalls on plan view.

SEQR: One, given that the footprint of the development has been expanded, the applicant should make an applicable revision to the expanded Part 3 documents that were previously submitted.

SWPPP: Number One, the study point chosen, POI Number One, should not change locations from pre to post. The location selected in the pre-development conditions

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should be maintained and analyzed in post-development conditions.

Number Two, since the hydrodynamic separator chosen is not on the New York State DEC approved list, certification must be provided that the first defense hydrodynamic separator proposed is an acceptable practice by the DEC. The applicant must provide documentation within the SWPPP that the hydrodynamic separator has been evaluated and is verified for use in this application.

Three, it should be noted on the plans that all building roof drains need to be discharges into the on-site drainage collection system to ensure that storm water is routed to the underground infiltration system. Response letter indicated that a note had been added to Sheet Number Six but no note was observed, please add that note to Sheet Number One.

Number Four, the erosion and sediment control plan should show the construction entrance to extend 50 feet from the end of the macadam that is to remain, as stated

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within the provided detail. Additionally, the construction entrance shown on Sheet Two of Eight should match the one shown on Sheet Four of Eight. Response letter indicated that the proposed construction entrance location was shifted, but the proposed construction entrance is still shown on top of the area of existing macadam that is to remain at the site entrance. Additionally, the construction entrance detail on Sheet Number Two is missing the detail notes; and

Whereas, memoranda, dated April 8, 2020, and August 26, 2020, were submitted to the Planning Board by Max Stach, AICP, of Nelson, Pope and Voorhis, LLC, the planning consultant to the Town, concerning his review of the revised plans of the applicant and by his most recent review of the application, made the comments, inter alia, as follows:

Zoning: One, the applicant correctly identifies in their response letter that a 25 foot buffer is provided and a 25 foot rear yard, but on Sheet One, the zoning table describes a 40 foot yard, a rear 50 foot yard

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is dimensioned on the map and a rear setback of 50 feet is described in the zoning table. These should be reconciled to show a 25 foot buffer and a 25 foot rear yard, rear setback consistently.

Two, the relationship of yards, buffers and setbacks are complex for this lot and we defer to the review and judgment of the Building Inspector regarding compliance of this lot.

Planning: Three, please specify a maximum color temperature of 3000K on Sheet Five of Eight.

SEQR: Number Four, we have reviewed the letter response by Ms. Ramya Ramanathan to the Part 2 EAF. We suggest that the Planning Board adopt same as its Part 3 EAF, and we have prepared a negative declaration for consideration by the Board; and

Whereas, by letters to the Planning Board dated June 30, July 30, and September 24, 2020, David M. Zigler of Atzl, Nasher & Zigler, P.C., the planners and engineers for the applicant, responded to the

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comment letters of the Board's consultants and revised the plans accordingly to the satisfaction of the Planning Board's engineer and planner; and

Whereas, by letters to the Planning Board dated July 30, 2020, and September 24, 2020, David Zigler responded to the aforesaid comment letters of the Rockland County Department of Planning, and revised the plan accordingly and also requested from this Board an override of items designated 5, 7, 8, and 9 in the Rockland County Department of Planning comment letter of October 26, 2020, based upon the specific reasons and grounds as follows:

One, the neighboring municipality, the Town of Haverstraw, was provided a copy of the application and an opportunity to review and comment on the proposed plan.

Number Two, the applicant will comply with the Rockland County sanitary code with respect to mosquito control.

Number Three is acknowledged. See Sheet Four of Eight for the erosion and sediment

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2 control plan.

3 Number Four, acknowledged and agreed.

4 Five, the County Planning -- please mute
5 your mics, please.

6 Number Five, the County Planning
7 Department's interpretation of the Town's
8 zoning code is incorrect. The use of the
9 premises will be consistent with the local
10 convenience commercial use in compliance with
11 the Town's zoning code. The bulk tables and
12 the use group indicated on the plans are
13 consistent with a determination of the Town's
14 Building Inspector. The zoning district for
15 the area was created for mixed uses and the
16 current proposed use is consistent with other
17 previously approved projects in the vicinity.
18 The applicant requests an override of this
19 provision.

20 Number Six, the loading zones are
21 centrally located for a particular purpose.
22 This zone is intentionally situated away from
23 the residential area to the southeast of the
24 site in order to reduce noise to the
25 residents. Also, concrete sidewalks will be

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2 provided along the building to enhance
3 pedestrian safety.

4 Number Seven, the paved area designated
5 no parking will be used by trucks in order to
6 back up into the loading zone and to
7 otherwise facilitate the operation of trucks
8 in the area. The area will also be used
9 during snow occurrences and will serve as an
10 area to pile and store plowed snow. The
11 applicant requests an override of this
12 provision.

13 Number Eight, see response to Number
14 Seven above. And the applicant also requests
15 an override with respect to Number Eight.

16 Number Nine, the candle lumens intensity
17 cited is not consistent with the Town code
18 regulations concerning lighting. The
19 applicant's plan will comply and be
20 consistent with the Town's lighting code and
21 regulations. Accordingly, the applicant
22 requests an override of this provision as
23 well.

24 Number Ten, the applicant will comply
25 with all of the Town's signage requirements.

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Whereas, a duly noticed public hearing was conducted at 7:00 p.m. on July 23, 2020, at which date the public hearing was open and continued to the subsequent Planning Board meetings until January 28, 2021, at which time the public hearing was continued, concluded and closed.

Now, therefore, be it resolved that the subject application concerning the subject premises be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk as a site plan and for conditional use approval, upon compliance with all provisions of the Town code and payment of any and all outstanding fees to the Town and consultant fees, and this approval is further conditioned upon the following:

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

Two, all conditions of the approval granted by the Architectural Review Board.

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Three, by this Board's issuance of conditional use approval authorizing use of the site consistent with local convenience commercial in this zoning district, hereinafter the warehousing use may not be a primary use of any of the units, but may only be an accessory use.

Four, the paragraph designated Five in the letter of the Rockland County Department of Planning, dated October 26, 2020, requiring that the applicant and plans designate and comply with Use Group I rather than the indicated Use Group B for local convenient commercial uses in the LI-2 zoning district and its contentions regarding the provision of the Town zoning code, is hereby overridden because the bulk tables and the Use Group B indicated on the plans are consistent with a determination of the Town's Building Inspector. The zoning district for the area was created for mixed uses and the current proposed use is consistent with other projects previously approved by this Board in this area.

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Number Five, the paragraphs designated Seven and Eight in the letter of the Rockland County Department of Planning, dated October 26, 2020, requiring that no parking area be designated on the plans -- I'm sorry, requiring that the no parking area designated on the plans be landscaped and/or otherwise removed, and that specific areas be designated on the site for piling of removed snow, respectively, is hereby overridden because the paved area on the plan designated no parking is necessary for the proper functioning of the site and will be used by trucks accessing the site in order to back into the loading zone and this area will also serve a dual purpose as a storage area for piled snow during snow emergencies and occurrences.

Number Six, the paragraph designated Nine in the letter of the Rockland County Department of Planning, dated October 26, 2020, requiring that the applicant's lighting plan be amended, is hereby overridden because the candle lumens intensity required by the

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Rockland County Planning Department is not consistent with the Town's code regulations regarding lighting. The Rockland County Planning Department has not stated the basis for their preference of the level of illumination indicated, and accordingly it appears to be arbitrary. The applicant's plan will comply and be consistent with the Town's lighting code and regulations and this Board requires the applicant to abide by the Town's lighting requirements.

And that concludes the reading of the proposed resolution.

CHAIRMAN KRAESE: Okay. Can I have a, can I have a motion to accept the resolution?

BOARD MEMBER JASLOW: I'll make the motion, Mr. Chairman.

CHAIRMAN KRAESE: I'll second it. Mary, please do the roll call.

THE CLERK: Mr. Kraese? Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Johnson?

BOARD MEMBER JOHNSON: Yes.

THE CLERK: Mrs. Alessi?

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BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Rogers? Jerry?

MR. HONAN: Unmute yourself, Jerry.

BOARD MEMBER ROGERS: Yes.

THE CLERK: Okay. Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Okay. All yes.

CHAIRMAN KRAESE: All yes. So be it.

Move on. Town Line is next.

MR. HONAN: The resolution passes.

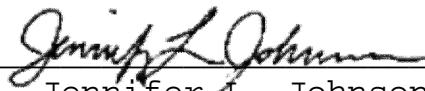
(Time noted: 7:42 p.m.)

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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

