

Town of Stony Point

Department of Planning

74 EAST MAIN STREET
STONY POINT, NEW YORK 10980

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PLANNING BOARD MINUTES

October 28, 2021

RHO BUILDING at 7:00 P.M.

Present:

Eric Jaslow, Member - absent

Jake Cataldo, Member

Gerry Rogers, Member

Kerri Alessi, Member

Michael Ferguson, Member

Mark Johnson, Member

Thomas Gubitosa, Chairman

Steve Honan, Esq.

Special Counsel

Max Stach

Town Planner

PLANNING BOARD AGENDA

October 28, 2021

RHO BUILDING at 7:00 P.M.

PUBLIC HEARINGS:

3. Richard H and Sandra L. Katt – SBL 15.19-4-39 Site Plan, Conditional Use, located on the north side of East Main Street on the west side of Wood Avenue

- Review

Other Matters:

*****November/ December Meeting Date – December 9, 2021*******

Minutes: September 23, 2021, Planning Board Meeting

Chairman Gubitosa: Opened the Public Hearing.

John Benner, 55 East Main Street voiced his concerns about making this a two-family home.

Max Stach, Town Planner explained to Mr. Benner Condition Use as it relates to this application.

MOTION: OPEN PUBLIC HEARING

Made by Mark Johnson and seconded by Kerri Alessi

MOTION: CLOSE PUBLIC HEARING

Made by Gerry Rogers and seconded by Michael Ferguson

MOTION: ADOPT FINAL RESOLUTION

Made by Michael Ferguson and seconded by Gerry Rogers.

RESOLUTION

GRANTING

A CONDITIONAL USE PERMIT and SITE PLAN APPROVAL

For The Project

RICHARD H. & SANDRA L. KATT

BY APPLICATION OF: Richard H. & Sandra L. Katt, Owners

WHEREAS, an amended application and a Short EAF, both dated June 21, 2021, and a Narrative Summary, dated June 14, 2021, has been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a Conditional Use Permit permitting a two (2) family residence consisting of two (2) dwelling units in the existing home on the premises pursuant to the Town Zoning Code Section 215-79, Article XIII, and for approval of a Site Plan for the premises located at and commonly known as 31 East Main Street, Stony Point, N.Y., and upon a submitted plan entitled, “CONDITIONAL USE SITE DEVELOPMENT PLAN” consisting of one (1) sheet, prepared by Atzl, Nasher & Zigler, P.C., dated June 1, 2021, last revised October 24, 2021 (hereinafter, Subject Application), and affecting premises designated as Section 15.19, Block 4, Lot 39 on the Tax Map of the Town of Stony Point, County of Rockland, which parcel is located in the R-1 Zoning District (hereinafter, Subject Premises); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this is a Type II action and accordingly, no further environmental review is required; and

WHEREAS, a “Project Review Sheet”, dated June 9, 2021, by John O’Rourke, P.E. of Lanc & Tully Engineering & Surveying, P.C., (the Town’s consulting engineer) was submitted to this Board and the Applicant concerning a review of the Applicant’s initial application and site plan, and containing numerous comments and suggested revisions to the site plan; and

WHEREAS, by letter to the Planning Board, dated June 14, 2021, the applicants’ representative, David M. Zigler, P.L.S. of Atzl, Nasher & Zigler, P.C., responded to the “Project Review Sheet”, of John O’Rourke, P.E., dated June 9, 2021, and provided a prior ZBA approval permitting a two-family home use of the premises dating from 1976 (ZBA Case No. 76-31, of November 23, 1976), and noted that the applicant made the recommended revisions to the present application and site plan consistent with the “Project Review Sheet”; and

WHEREAS, by letter dated June 30, 2021, the Rockland County Highway Department as part of the GML review process offered comments that the driveway access should be clearly defined, the sidewalk kept free of obstructions and parking, and observed that due to their size the entry doors of the existing garage may not accommodate two vehicles; and

WHEREAS, by letters dated July 6, 2021, the Rockland County Department of Health determined that no Rockland County Health Department approvals are needed for this application and further directed the Applicant to submit an application for review of the storm water management system for compliance with the County Mosquito Code; and

WHEREAS, by letter dated July 21, 2021, the Rockland County Department of Planning recommended that a review of the application be completed by the County of Rockland Department of Highways and the Rockland County Health Department and any concerns addressed and permits obtained; the Department of Planning requests the opportunity to review any variances necessary to implement the conditional use; that the applicants’ site plan map be

corrected and amended to include accurate information; and also made observations outside of the GML review process for the Planning Board's information and consideration, including a suggestion that in the event the applicant was performing interior renovation and alteration of the existing garage, that the garage doors be moved to the south face of the garage building to improve access; and

WHEREAS, by email notification to the Planning Board, dated October 25, 2021, the applicants' representative, David M. Zigler, P.L.S. of Atzl, Nasher & Zigler, P.C., responded to the Rockland County Department of Planning letter of July 21, 2021 and noted compliance with all provisions thereof with the exception of item 8.2 (designated as an "observation" and not a "recommendation") in that there is no projected extensive renovation planned for the garage and accordingly new entry doors for vehicles will not be installed on the south side of the garage; and

WHEREAS, a Memorandum were submitted to the Planning Board, dated August 10, 2021, by Nelson Pope Voorhis (the Town's Planning consultant) concerning their review of the Applicants' amended application and site plan and containing numerous comments and suggested revisions to the site plan; and

WHEREAS, this board referred the applicant to the Zoning Board of Appeals of the Town of Stony Point for area variances, and in response to recommendations by the ZBA and in compliance with the comments and recommendations contained in the GML review letters received, the applicant made further revisions to the site plan and applications; and

WHEREAS, the Zoning Board of Appeals of the Town of Stony Point considered the application for area variances, and by a Decision, dated October 21, 2021, the ZBA issued Conditional Approval of the application; and

WHEREAS, a duly noticed public hearing was held before this Board on October 28, 2021, at 7:00 p.m. at which date the applicant appeared by its representative, Atzl, Nasher & Zigler, P.C. and at which date the public hearing was conducted, concluded and closed; and

NOW, THEREFORE, be it

RESOLVED that the Subject Application and affecting 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 the issuance of a Conditional Use Permit, upon compliance with the terms, conditions and provisions of the ZBA Decision, dated October 21, 2021, and all provisions of the Town Code and payment of any and all outstanding fees to the Town, and this approval is further conditioned upon the following:

1. Compliance with all other applicable site plan requirements set forth in the site plan regulations of the Town of Stony Point and consistent with the General Notes on the Applicant's approved site plan.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on October 28, 2021 which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<u>Members Present:</u>				
Thomas Gubitosa, Chairman	<u>X</u>	_____	_____	_____
Gerry Rogers	<u>X</u>	_____	_____	_____
Jake Cataldo	<u>X</u>	_____	_____	_____
Eric Jaslow	_____	_____	_____	<u>X</u>
Mike Ferguson	<u>X</u>	_____	_____	_____
Kerri Alessi	<u>X</u>	_____	_____	_____
Mark Johnson	<u>X</u>	_____	_____	_____

The Resolution was thereupon duly adopted by a 6 to 0 vote of the Board members, which constitutes a supermajority (majority plus one) vote.

Thomas Gubitosa
Chairman of the Planning Board
Town of Stony Point

Filed in the Office of the Clerk of the Town of Stony Point this 3rd day of November, 2021.

Holli Finn, Deputy Town Clerk
Town of Stony Point

MOTION: ACCEPT MINUTES OF SEPTEMBER 23, 2021

Made by Jake Cataldo and seconded by Mike Ferguson

MOTION: CLOSE PLANNING BOARD MEETING

Made by Gerry Rogers and Seconded by Mark Johnson