

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

4 OF

NICLEI'S CORNER

5 - - - - - X

Town of Stony Point

6 RHO Building

5 Clubhouse Lane

7 Stony Point, New York

February 27, 2020

8 7:00 p.m.

9 BEFORE:

10

THOMAS GUBITOSA, CHAIRMAN

11 KERRI ALESSI, BOARD MEMBER

MICHAEL FERGUSON, BOARD MEMBER

12 ERIC JASLOW, BOARD MEMBER

MARK JOHNSON, BOARD MEMBER

13 JERRY ROGERS, BOARD MEMBER

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16 ROCKLAND & ORANGE REPORTING

2 Congers Road

17 New City, New York 10956

(845) 634-4200

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3 CHAIRMAN GUBITOSA: First item on the
4 agenda is a public hearing for Niclei's
5 Corner. This is located on the east side of
6 North Liberty Drive. It's a public, it's a
7 continued public hearing. Go ahead, just
8 tell us, introduce, and what's going on.

9 MR. HODOSH: I'm Jonathan Hodosh,
10 22 Third Street, New City. Basically, we
11 were here last time. We were waiting for the
12 Zoning Board meeting, at which meeting they
13 approved the plan and the removal of the
14 fence on the eastern side, which the
15 neighbors requested, the proposed fence.

16 CHAIRMAN GUBITOSA: All right. John,
17 any comments?

18 MR. O'ROURKE: No.

19 CHAIRMAN GUBITOSA: Tom, anything?

20 MR. LARKIN: No, no comments.

21 CHAIRMAN GUBITOSA: Steve?

22 MR. HONAN: No, no comments.

23 CHAIRMAN GUBITOSA: All right. I'll
24 open the public hearing. If you have
25 anything, just state your name and address

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2 for the record. I'll open the public
3 hearing.

4 All right. Seeing no comments, I need a
5 motion to close the public hearing.

6 BOARD MEMBER ROGERS: I'll make that
7 motion, Mr. Chairman.

8 CHAIRMAN GUBITOSA: I need a second.

9 BOARD MEMBER FERGUSON: I'll second it.

10 BOARD MEMBER ALESSI: Second.

11 CHAIRMAN GUBITOSA: All right, Jerry
12 made the motion and Kerri seconded. All in
13 favor?

14 (Response of aye was given.)

15 CHAIRMAN GUBITOSA: Opposed? All right.
16 Close the public hearing. Do the resolution?

17 MR. HONAN: Sorry. You can.

18 CHAIRMAN GUBITOSA: All right, I'm going
19 to read a resolution granting a conditional
20 use permit and site plan, and I'll ask for
21 some motions.

22 Resolution granting a conditional use
23 permit and site plan approval for the project
24 Niclei's Corner by application of Niclei
25 Corp., as owner, by Kevin Casey, authorized

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2 representative.

3 Whereas, an application, dated
4 November 22, 2019, with a narrative, dated
5 November 6, 2019, and a Short EAF, dated
6 October 2, 2019, and upon a submitted plan
7 entitled Two Family Conditional Use Site
8 Plan, consisting of one sheet prepared by
9 Atzl, Nasher and Zigler, P.C., dated
10 October 31, 2019, and last revised
11 February 26, 2020, has been submitted to the
12 Planning Board of the Town of Stony Point
13 seeking the issuance of a conditional use
14 permit permitting a two family residence
15 consisting of two dwelling units in the
16 existing home on the premises pursuant to the
17 Town Zoning Code Section 215, Article 12, and
18 for approval of a site plan, subject
19 application, and affecting premises
20 consisting of 0.29 acres, and designated as
21 Section 15.19, Block 3, Lot 73 on the tax map
22 of the Town of Stony Point, County of
23 Rockland, and commonly known as 30 North
24 Liberty Drive, Stony Point, New York, 10980,
25 which parcel is located in the R-1 zoning

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district; 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 November 18, 2019, by Lanc and Tully Engineering and Surveying, P.C., the Town's consulting engineer, submitted to this Board and the applicant concerning a review of the applicant's initial plans, dated October 31, 2019, and containing numerous comments and suggested revisions to the plan, and which revisions the applicant has now made and has submitted revised plans; and

Whereas, by letter dated November 18, 2019, the Rockland County Department of Highways in reviewing a plan, dated October 31, 2019, indicated that the width of the driveway shall not be more than what is allowable by the Town, and that the proposed drainage system shall be designed to produce no net increase in the peak rate of storm water discharge from the site at all design

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2 points; and

3 Whereas, by letter dated December 5,
4 2019, the Rockland County Department of
5 Highways in reviewing a revised plan, dated
6 November 21, 2019, indicated that it had no
7 comments; and

8 Whereas, by letter dated December 5,
9 2019, the Rockland County Department of
10 Health determined that the applicant shall
11 make application to the Rockland County
12 Department of Highways for review of the
13 storm water management system for compliance
14 with the County mosquito code; and

15 Whereas, the Board referred the
16 applicant to the Architectural Review Board
17 of the Town of Stony Point for review of
18 design considerations upon plans designated
19 The Casey Residence, prepared by George
20 Hodosh Associates-Architects, P.C., last
21 revised November 6, 2019, and the ARB by a
22 decision dated December 18, 2019, issued an
23 approval of the application; and

24 Whereas, this Board referred the
25 applicant to the Zoning Board of Appeals of

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2 the Town of Stony Point for area variances,
3 and by a decision, dated February 20, 2020,
4 the ZBA issued a conditional approval of the
5 application; and

6 Whereas, by letter dated January 7,
7 2020, the Rockland County Department of
8 Planning provided comments, inter -- what's
9 that -- alia, to the plan and application as
10 follows: The proposed two-family use may
11 provide a good transition between the
12 different uses in the area; a review of the
13 application must be completed by the New York
14 State Department of Transportation and all
15 permits obtained; an application shall be
16 made to the Rockland County Department of
17 Highway for compliance with the -- of Health
18 for compliance with the County mosquito code;
19 clarification is needed why five parking
20 spaces are provided instead of the required
21 four spaces; clarification is needed why no
22 access is provided to the existing garage and
23 the intended future use of same; the Town
24 shall be satisfied that the conditional use
25 complies with Town Code Section 215-79; an

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1 erosion control plan shall be in place prior
2 to site work and/or construction; there shall
3 be no net increase in the peak rate of
4 discharge from the site at all design points;
5 the application at Page 2 shall be corrected
6 with respect to square footage; the
7 application shall be corrected to reflect the
8 site is in the Town of Stony Point; the site
9 plan shall include appropriate map notes,
10 and; the RCDOP reserves the right to review
11 any variances needed to implement the plan;
12 and
13

14 Whereas, the applicant addressed the
15 comment letter of the Rockland County
16 Department of Planning, dated January 7,
17 2020, with the submission of a revised site
18 plan, dated February 26, 2020, incorporating
19 and addressing the comments of the
20 Rockland County Department of Planning; and
21 also noting that the additional parking space
22 provided on the site plan was requested by
23 the Town as insufficient parking is available
24 on the street; the existing garage is used
25 for storage and will be replaced by a shed in

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2 the future; the application has been amended
3 accordingly, and; a report has been submitted
4 to confirm no net increase in the peak rate
5 of discharge from the site; and

6 Whereas, a duly noticed public hearing
7 was held on February 27, 2020, at 7:00 p.m.,
8 at which date the applicant appeared by its
9 representative, and at which date the public
10 hearing was conducted, concluded, and closed;
11 and

12 Now, therefore, be it resolved that the
13 subject application concerning the subject
14 premises be and hereby is approved, and the
15 Chairman is hereby authorized to sign same
16 and to permit same to be filed in the office
17 of the Town Clerk as a site plan and for the
18 issuance of a conditional use permit, upon
19 compliance of all conditions of the ZBA
20 decision, dated February 20, 2020, and all
21 provisions of the Town Code, and payment of
22 any and all outstanding fees to the Town and
23 consultant fees, and this approval is further
24 conditioned upon the following:

25 One, all whereas paragraphs are

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2 incorporated herein by reference as though
3 set forth in full herein. And two, all
4 conditions of the conditional approval
5 granted by the Architectural Review Board.

6 All right, I have a -- I've just read a
7 resolution granting the conditional use. I
8 just need a motion to accept.

9 BOARD MEMBER ROGERS: I'll make that
10 motion, Mr. Chair.

11 CHAIRMAN GUBITOSA: Jerry. I need a
12 second.

13 BOARD MEMBER JASLOW: Second.

14 CHAIRMAN GUBITOSA: Eric seconded. Any
15 questions? All right, I need -- I have a
16 motion and a second. I'll just take a vote.
17 Mr. Jaslow?

18 BOARD MEMBER JASLOW: Yes.

19 CHAIRMAN GUBITOSA: Mr. Johnson?

20 BOARD MEMBER JOHNSON: Yes.

21 CHAIRMAN GUBITOSA: Ms. Alessi?

22 BOARD MEMBER ALESSI: Yes.

23 CHAIRMAN GUBITOSA: Mr. Rogers?

24 BOARD MEMBER ROGERS: Yes.

25 CHAIRMAN GUBITOSA: Mr. Ferguson?

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BOARD MEMBER FERGUSON: Yes.

CHAIRMAN GUBITOSA: Myself, yes. All right, so we granted the resolution. Thank you. And that's it.

(Time noted: 7:08 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