

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

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IN THE MATTER

4 OF
CONVENIENCE STORE & GAS STATION

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
September 24, 2020
7:33 p.m.
(via Zoom)

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10 BEFORE:

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- 12 THOMAS GUBITOSA, CHAIRMAN
- 13 KERRI ALESSI, BOARD MEMBER
- 14 MICHAEL FERGUSON, BOARD MEMBER
- 15 ERIC JASLOW, BOARD MEMBER
- 16 MARK JOHNSON, BOARD MEMBER
- 17 EUGENE KRAESE, BOARD MEMBER
- 18 JERRY ROGERS, BOARD MEMBER

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1 Proceedings

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3 CHAIRMAN GUBITOSA: All right, next item
4 on the agenda, it's a new application. It's
5 a convenience store gas station located on
6 the west side of North Liberty, from the
7 corner of Tomkins Avenue. I guess this is
8 the old tire place, correct?

9 BOARD MEMBER KRAESE: No.

10 THE CLERK: Correct.

11 CHAIRMAN GUBITOSA: No?

12 BOARD MEMBER KRAESE: Yes. I'm sorry.

13 I'm sorry.

14 MR. HONAN: A and F Tire.

15 CHAIRMAN GUBITOSA: A and F Tire.

16 MR. HONAN: Right. Formerly known as A
17 and F Tire application.

18 CHAIRMAN GUBITOSA: Yes. All right, who
19 is representing them?

20 MR. BADALY: Shahin Badaly. Hi.

21 CHAIRMAN GUBITOSA: Good. How are you?

22 Give us a quick update of what exactly -- I
23 know there was an application before A and F.
24 It was something they were going to do and
25 then pulled back. So, is this almost the

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2 same kind of thing just under a different
3 name?

4 MR. BADALY: It is a different
5 application in that we're now proposing a
6 convenience store and a gas station. I
7 believe -- I haven't seen what the previous
8 proposal is. The current setup is just a
9 tire store, which is an auto repair shop. I
10 can share my screen and look at the site
11 plan, if that's relevant, or I can just
12 describe the project if that's better.

13 MR. HONAN: I'll let you share. Just
14 give me one second.

15 CHAIRMAN GUBITOSA: Give him a second.
16 You can bring it up so everyone can see.

17 MR. HONAN: Okay, you should be able to
18 do it now.

19 CHAIRMAN GUBITOSA: There it is.

20 MR. BADALY: Okay. So just I have the
21 plans here, and I'm just going to go down to
22 the -- so this is the existing site plan.
23 Currently, there's a 1600 square foot
24 building. That's the auto repair shop. And
25 then a small shed in the back right corner

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2 over there.

3 The site is in a BU zone. The lot on
4 the right-hand side, as well as the lot
5 adjacent to the rear yard, those are both in
6 an R1 zone. And then the lot on the
7 left-hand side is the deli. That's in a BU.

8 CHAIRMAN GUBITOSA: Right.

9 MR. BADALY: So the proposal would be
10 essentially to demolish the shed, demolish
11 the entire front portion of the building
12 that's nonconforming in its front yard, and
13 reconstruct it just a little bit further
14 back. And most of the building would be
15 conforming.

16 Due to the required side yard, it's
17 almost impossible to develop this site with a
18 functional building. So we do have to
19 request a variance, first of all, for the
20 side yard. So that's this on the left-hand
21 side. The total yard I believe will be
22 acceptable, but the single yard will not be.
23 So the site plan -- yup.

24 CHAIRMAN GUBITOSA: Go ahead. I'm
25 sorry. Go ahead.

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2 MR. BADALY: So essentially, if we look
3 at the site plan, we have a ten-foot strip of
4 landscaping along the entire side. The
5 building is set back roughly, I believe it's
6 roughly 60 feet. I'm sorry, yes. And then
7 we have two island pumps for a gas station in
8 front of the building, as well as an
9 underground storage tank to the right side of
10 that.

11 And then, so as we come up the driveway
12 where the tanks are, there would be an
13 entrance to a new garage door on the
14 left-hand side here to maintain the auto
15 repair shop in this area. And then the
16 convenience store in the front. I'm going to
17 flip to that floor plan right now. And then
18 additionally, there's some parking spaces in
19 the rear, and one in the front right here.

20 So as we look at the floor plan, so this
21 is the existing floor plan of the building on
22 the left-hand side, and on the right-hand
23 side here is that proposed floor plan that
24 we're talking about. Now, the building
25 currently will be cut back to approximately

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2 this amount, and that portion of the building
3 is what's in the required front yard right
4 now. It would be reconstructed behind it in
5 this area, and we would have a small
6 convenience store in the front, followed by a
7 single bay auto repair shop behind it.

8 The convenience store would have a
9 counter on the right-hand side, a large
10 fridge case in the rear, some storage, and a
11 bathroom. And otherwise, there will be some
12 shelves and some open display cases in the
13 middle.

14 And then in the tire shop, there's a
15 small waiting area. And then just, it will
16 be open with -- it may have a lift, a single
17 lift inside. We have a basic elevation setup
18 as it stands. We also don't have signage
19 currently designed, so we do have to propose
20 something more detailed.

21 And with that, if you have any other
22 questions. Oh, and I do also want to mention
23 that we're proposing a canopy above the
24 pumps, and that canopy is 20 feet by 25 feet.

25 CHAIRMAN GUBITOSA: All right.

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2 MR. BADALY: So it's -- yeah.

3 CHAIRMAN GUBITOSA: All right.

4 BOARD MEMBER KRAESE: Tom, excuse me.

5 CHAIRMAN GUBITOSA: Go ahead, Gene.

6 BOARD MEMBER KRAESE: Steve, could you

7 get, there's someone by the name of Bruce

8 Coler, C-O-L-E-R, who's trying to get in.

9 MR. HONAN: Okay, let me --

10 BOARD MEMBER KRAESE: I think I'm a go

11 between here tonight.

12 MR. HONAN: Thank you.

13 BOARD MEMBER KRAESE: Tom, where are you

14 at now, you're asking us for our opinion or

15 our input?

16 CHAIRMAN GUBITOSA: I think right now,

17 what we need to do is, I think we have to --

18 Max, I guess, do we have to declare lead

19 agency?

20 MR. STACH: What is the square footage

21 of the building?

22 MR. BADALY: 1600 -- it's exactly -- I'm

23 sorry, it's exactly 1,962 square feet, the

24 proposed building.

25 MR. STACH: Yeah. So this is a Type II

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2 action under SEQOR.

3 CHAIRMAN GUBITOSA: All right. I guess
4 we can do, we can do the lead agency and
5 Type II, and then get comments because then
6 we're going to have to probably do a site
7 visit. What do you think?

8 MR. O'ROURKE: Quick question.

9 CHAIRMAN GUBITOSA: Go ahead. Go ahead,
10 John.

11 MR. O'ROURKE: Just to confirm, Max, why
12 is it a Type II?

13 MR. STACH: Commercial uses of 4,000
14 square feet or less are Type II actions.

15 MR. O'ROURKE: Okay. Just wanted to
16 confirm.

17 MR. STACH: Yeah.

18 MR. HONAN: We're going to have a
19 gasoline use there, too.

20 MR. STACH: That doesn't change the,
21 that doesn't change the arithmetic.

22 MR. HONAN: No, I understand about the
23 square footage.

24 MR. STACH: Yeah.

25 MR. HONAN: You're going to have to,

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2 you're going to need a few area variances,
3 right? You're going to need the front, where
4 you're removing the building, you're now
5 putting in gas pumps and a canopy, which are
6 structures you're going to have to get a ZBA
7 area variance for, correct?

8 MR. BADALY: Yeah, they're going to --

9 MR. O'ROURKE: This is jumping in. We
10 had done a review. I think there's
11 significant variances they need because
12 they're taking down that building and
13 expanding it. So I don't think they fall
14 under the non, or existing nonconforming.

15 MR. HONAN: Right, I think you're right.

16 MR. O'ROURKE: So I think there's quite
17 a few variances they're going to need.

18 CHAIRMAN GUBITOSA: Right. Are you guys
19 going to change the road openings from 9W
20 into the site?

21 MR. BADALY: I don't believe that there
22 is. It's kind of undefined, the driveway
23 between the residential property on the
24 right-hand side and this property. So that
25 does need to get defined, and a landscaped

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2 area installed in between us and them. So
3 there would have to be some sort of work on
4 the curb and the entry, yes.

5 CHAIRMAN GUBITOSA: All right. That
6 would probably be the state. All right. Go
7 ahead. All right. What we'll do is I'll
8 just need a -- go ahead. Is that Bill?

9 MR. SHEEHAN: Yeah.

10 CHAIRMAN GUBITOSA: Go ahead, Bill.

11 MR. SHEEHAN: You know, they're
12 virtually -- I'm sorry, I had a phone call,
13 so I might have missed a couple things. But
14 anyway. They're virtually taking the
15 building down.

16 CHAIRMAN GUBITOSA: Oh, okay.

17 MR. SHEEHAN: So, you know, John pointed
18 out about the variances so far, which he's
19 correct. But in relationship to the parking
20 versus the convenience store, which is going
21 to be the busiest part of it, it just doesn't
22 work. You have to park in the rear of the
23 building. The entrance to the convenience
24 store is on the side.

25 CHAIRMAN GUBITOSA: Correct.

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2 MR. SHEEHAN: People are, like, lazy.
3 So they're not going to end up parking
4 parallel to the property line. So, you know,
5 I think it needs a lot of work.

6 CHAIRMAN GUBITOSA: Yeah.

7 MR. SHEEHAN: I mean, the traffic flow
8 just doesn't work.

9 MR. O'ROURKE: Yeah, Bill, that was,
10 that was -- also, I had a lot of questions
11 and concerns about the parking, and the
12 traffic flow, and the size of the spaces, and
13 the location.

14 MR. SHEEHAN: Yeah. I, you know,
15 it's --

16 MR. O'ROURKE: I think we got to get
17 them to a TAC meeting, and hopefully they
18 look at my comments. But I think it's going
19 to need a significant redesign, I think from
20 my part alone.

21 CHAIRMAN GUBITOSA: Bill, you said the
22 entrance is on the side, right?

23 MR. SHEEHAN: Well, my understanding is
24 the tire changing place or auto repair is in
25 the rear of the building. So the convenience

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2 store is I believe northeast corner of the
3 building.

4 CHAIRMAN GUBITOSA: Correct, yeah.

5 MR. SHEEHAN: But all the parking --

6 CHAIRMAN GUBITOSA: Is in the back.

7 MR. SHEEHAN: -- is in the rear, in the
8 rear of the building, except for the one spot
9 that will never work in front of the
10 building. I mean, that's got to go, just
11 fire zone-wise and stuff. But you know, if
12 you remember the Dunkin Donuts we did on
13 Willow Grove Road.

14 CHAIRMAN GUBITOSA: Yes.

15 MR. SHEEHAN: We spent a lot of time on
16 the parking relationship to the entrance of
17 the building and so forth. You're in the
18 same type of situation here. You're kind of
19 going to behind the building to park
20 parallel, which is, doesn't work to begin
21 with, parallel parking. I don't think they
22 do that on road tests anymore. But anyway.
23 You know, there's no easy access to the
24 northeast corner of the building from there.

25 CHAIRMAN GUBITOSA: Oh, okay. So, Bill,

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2 like you said -- Shahin, you're taking down
3 the whole building, right? You're not just
4 adding on to it.

5 MR. SHEEHAN: They're leaving, like,
6 ten feet in the rear of it or something. Not
7 much of it.

8 CHAIRMAN GUBITOSA: They're not leaving
9 much, right.

10 MR. SHEEHAN: No.

11 MR. BADALY: Right. Then, so just to
12 provide a small comment, the intent of the
13 owner was to keep, to not to provide a full
14 demolition application, and to maintain that
15 portion of the building. I can definitely
16 have a chat with the owner and see if it
17 makes more sense to fully demolish the
18 building, in which case, then we could
19 provide a more efficient site plan where
20 parking is, you know, the building is pushed
21 further back.

22 MR. SHEEHAN: Yeah. You understand what
23 I'm saying, people tend to like to park
24 either, you know, in front of the front door
25 or so forth.

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2 MR. BADALY: Right, right.

3 CHAIRMAN GUBITOSA: How would you get a
4 gas truck in there? Is that what you're
5 saying, too, Bill? You'd have to back in.

6 MR. SHEEHAN: Well, no, that's always
7 going to be a problem because if you look at
8 the north end of the site plan, that's where
9 the tanks are. So the only way they can get
10 in there, they're going to have to back in
11 there.

12 CHAIRMAN GUBITOSA: All right.

13 MR. O'ROURKE: You're putting a lot of
14 stuff on a little lot.

15 MR. SHEEHAN: Yeah, exactly.

16 MR. O'ROURKE: To cut to the chase.

17 MR. SHEEHAN: Nice way to say it, John.

18 CHAIRMAN GUBITOSA: Yeah. So like,
19 John, like you said, we'd have to get them to
20 a TAC meeting.

21 MR. O'ROURKE: Oh, you'd most
22 definitely. Most definitely.

23 CHAIRMAN GUBITOSA: Definite. I mean,
24 that's a definite. So do we do -- we do lead
25 agency.

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2 MR. STACH: We don't have to do lead
3 agency. It's a Type II action.

4 MR. SHEEHAN: Type II action.

5 MR. STACH: They just need to, they need
6 to come to TAC. And they need --

7 CHAIRMAN GUBITOSA: Yeah, they need to
8 come and figure out what it's going to be.
9 Is it going to be a convenience store, is it
10 going to be a gas station, or is it going to
11 be a tire. But it can't be all three.

12 MR. SHEEHAN: Well, the -- yeah. The
13 application is all three at this point, yes.

14 CHAIRMAN GUBITOSA: Yeah. It's all
15 three. So maybe they should decide what they
16 want to -- so, Bill, if we come to TAC, and
17 right now the application is all three, and
18 then he changes it, are they going to have to
19 resubmit?

20 MR. SHEEHAN: Well, again, I mean, it's
21 a small lot. You have three separate
22 operations, which they're all uses permitted
23 by right.

24 CHAIRMAN GUBITOSA: Right.

25 MR. SHEEHAN: But it has to work.

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2 CHAIRMAN GUBITOSA: Right.

3 MR. SHEEHAN: So, you know, you got to
4 go to a TAC meeting and discuss parking flow.
5 I think the main, the main criteria here is
6 the parking and traffic flow.

7 MR. STACH: And Tom, this, this is
8 really the first time it's been before the
9 Board. So, I mean it's really, you know, if
10 you want to set a site visit, but they have a
11 long way to go.

12 CHAIRMAN GUBITOSA: Yeah.

13 BOARD MEMBER KRAESE: Let me ask you
14 this. Why don't we -- just my opinion here
15 right now -- why don't he come back to the
16 TAC meeting, at least get some feel of what
17 we're talking about, and then give us a
18 revised plan before we go have a site visit.
19 Because at this point, a site visit, we know
20 it's not going to work. So why waste our
21 time.

22 MR. O'ROURKE: Yeah. I'd agree with
23 that. And one thing, Mary, and I don't --
24 Mary, did you send my comments to the
25 applicant?

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2 THE CLERK: Yes.

3 MR. O'ROURKE: All right, so.

4 THE CLERK: I sent it to everyone.

5 MR. O'ROURKE: Okay.

6 CHAIRMAN GUBITOSA: Yeah.

7 MR. O'ROURKE: So I think if the
8 applicant has my comments, for the Board, I
9 added some photos. Just, I figured you're
10 all aware of the site anyhow.

11 CHAIRMAN GUBITOSA: Right.

12 MR. O'ROURKE: Yeah. I'd suggest he
13 should review my comments, come to a TAC.

14 CHAIRMAN GUBITOSA: All right.

15 MR. O'ROURKE: We can nail this down.

16 CHAIRMAN GUBITOSA: All right. Before,
17 that's what we'll do, is come to the TAC
18 meeting, and then we can go over it and tell
19 us, you know, review it to see what you need
20 and see if, you know, what's going to work
21 and what's not so that we're not, like John
22 said and Gene, we're not wasting time.

23 MR. BADALY: Absolutely. Thank you.

24 That sounds like we're moving in a positive
25 direction. And we'll make sure that we have

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2 different options at that time.

3 CHAIRMAN GUBITOSA: All right. I know
4 that the TAC meeting is the eighth. And then
5 Mary, what does he -- they have to get you
6 the documents by, any documents for us to
7 review by what, the first?

8 THE CLERK: The first.

9 CHAIRMAN GUBITOSA: Yeah. So by
10 October 1st, any new documents or things you
11 want the Board to look at, you get to Mary by
12 the first. And then the eighth is the TAC
13 meeting.

14 MR. BADALY: Understood. Thank you.

15 CHAIRMAN GUBITOSA: All right. All
16 right, then we'll see you at the TAC meeting.

17 MR. BADALY: Yes.

18 CHAIRMAN GUBITOSA: All right. Thank
19 you. Thanks, Bill.

20 MR. BADALY: Have a great night. Thank
21 you for all the comments.

22 (Time noted: 7:47 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