

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

3 -----X

4 IN THE MATTER

5 OF

6 HUDSON RIVER VIEW WAREHOUSING

7 -----X

8 Town of Stony Point  
9 RHO Building  
10 5 Clubhouse Lane  
11 Stony Point, New York  
12 Thursday  
13 December 13, 2018  
14 7:05 p.m.

15 BEFORE:

- 16 THOMAS GUBITOSA, CHAIRMAN
- 17 MICHAEL FERGUSON, BOARD MEMBER
- 18 ERIC JASLOW, BOARD MEMBER
- 19 PAUL JOACHIM, BOARD MEMBER
- 20 JERRY ROGERS, BOARD MEMBER

21 APPEARANCES:

- 22 STEPHEN M. HONAN, ESQ., Special Counsel
- 23 MAX STACH, Town Planner
- 24 JOHN O'ROURKE, P.L.S, Town Engineer
- 25 WILLIAM SHEEHAN, Building Inspector
- MARY PAGANO, Clerk to the Planning Board

26 ROCKLAND & ORANGE REPORTING  
27 2 Congers Road  
28 New City, New York 10956  
29 (845) 634-4200

1 Proceedings

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3 CHAIRMAN GUBITOSA: Can we please stand  
4 for the Pledge.

5 (Whereupon, The Pledge of Allegiance was  
6 recited.)

7 CHAIRMAN GUBITOSA: Thank you. Mary,  
8 could you take the roll?

9 THE CLERK: Mr. Jaslow?

10 BOARD MEMBER JASLOW: Here.

11 THE CLERK: Mr. Joachim?

12 BOARD MEMBER JOACHIM: Here.

13 THE CLERK: Mr. Ferguson?

14 BOARD MEMBER FERGUSON: Here.

15 THE CLERK: Mr. Rogers?

16 BOARD MEMBER ROGERS: Here.

17 THE CLERK: Chairman Gubitosa?

18 CHAIRMAN GUBITOSA: Here. All right,

19 before we get started if you have your

20 cellphone please put it on silent.

21 First item on the agenda is public  
22 hearing for Hudson River View Warehouse. I  
23 think -- Steve, this application we had  
24 approved last month, a while ago, just give  
25 us an update.

## 1 Proceedings

2 MR. PATRACKIAN: Steven Patrackian

3 attorney for the applicant. This  
4 application it's on today for re-approval.  
5 The subdivision was approved on  
6 October 30, 2016 and the eighteen month  
7 period that followed, we filed maps we're  
8 asking for re-approval. We're not asking  
9 for any changes to the map. There has been  
10 some notes, footnotes, to the maps that have  
11 been requested which are acceptable for us  
12 and so we're simply asking for this Board to  
13 reapprove the subdivision it last approved  
14 October 30, 2016.

15 CHAIRMAN GUBITOSA: Thank you. I guess

16 before we get the public, Bill, anything?  
17 At this point we're going to open the public  
18 hearing for Hudson River View, if you have  
19 anything just state your name and address  
20 for the record. All right. Seeing no one,  
21 can I get a motion to close the public?

22 BOARD MEMBER JASLOW: I'll make a

23 motion.

24 BOARD MEMBER FERGUSON: Second.

25 CHAIRMAN GUBITOSA: All right. Motion

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2 and seconded, all in favor?

3 (Whereupon, a response of aye was  
4 given.)

5 CHAIRMAN GUBITOSA: Opposed? The motion  
6 passes. This right now what we'll do is --  
7 all right. We have a resolution for the  
8 final approval of this property so I'll read  
9 the resolution and then I'll ask for a  
10 motion to accept the resolution. Resolution  
11 for Stony Point Planning Board Granting  
12 Final Reapproval to MBC Contractors Inc.,  
13 for a 17.26 acre lot on a unnamed private  
14 driveway originating at the eastern terminus  
15 of Holt Drive and crossing the CSX railroad  
16 right-of-way located approximately  
17 2,400 feet east of South Liberty Drive/Route  
18 9W), designated on the Rockland County Tax  
19 Map as section 20.04 Block 11 Lot 3, and  
20 located in the LI-2 Zoning District, for the  
21 construction of fourteen buildings,  
22 totalling 175,800 square feet, and to be  
23 constructed in three sections.

24 A meeting of the Town of Stony Point  
25 Planning Board was convened on December 13,

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2 2018. Whereas, the applicant has made an  
3 application to construct fourteen buildings  
4 on the above-stated premises, for the  
5 purposes of providing a proposed self-  
6 storage warehouse;

7 And whereas, the application materials  
8 in support of this proposed action include a  
9 revised site plan, dated June 11, 2013,  
10 submitted to the Planning Board on July 16,  
11 2013, and whereas, on the March 28, 2013 the  
12 Stony Point Planning Board issued a Notice  
13 of Intent to become Lead Agency, and for  
14 State Environmental Quality Review Act  
15 (SEQRA) purposes; and designated the action  
16 as a Type 1 Action;

17 And whereas, on May 23, 2013, the  
18 Planning Board, as lead agency, issued a  
19 Negative Declaration and published notice f  
20 said declaration in the Environmental Notice  
21 Bulletin, pursuant to NYCRR Part 617 of  
22 SEQR; and

23 Whereas, the Planning Board has  
24 determined that it has complied with the  
25 procedural requirements of 6 NYCRR Part 617

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2 (SEQR); and

3 Whereas, the Planning Board reviewed the  
4 application and took into consideration,  
5 pursuant to GML Sections 239-1 239-M, the  
6 recommendations of: Rockland County  
7 Planning Department, contained in  
8 correspondence dated April 10, 2013 and May  
9 31, 2013. Two, the Rockland County Drainage  
10 Agency, contained in correspondence dated  
11 April 3, 2013 and April 22, 2013. And  
12 three, Department of Health, contained in  
13 correspondence dated May 13, 2013; and.

14 Whereas, the Planning Board consulted  
15 the Turner Miller Group, the Town's planning  
16 consultant, with respect to the application  
17 and all issues raised therein; and.

18 Whereas, the Planning Board adopted a  
19 resolution on July 5, 2013, after  
20 consultation with the Town's planning  
21 consultant, the Turner Miller Group, which  
22 provided that, based upon the Planning  
23 Board's review and analysis of documents and  
24 testimony presented at a June 27, 2013  
25 public hearing, the application would not

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2 have a neglect environmental impact, or  
3 otherwise unduly interfere, with the Coastal  
4 Zone in Stony Point, and that, in fact, the  
5 applicant and requested use of the premises  
6 as a self-storage warehouse is entirely  
7 consistent with the Town of Stony Point's  
8 Local Waterfront Revitalization Plan (as  
9 mentioned in Chapter 209 of the Town of  
10 Stony Point's regulations); and.

11 Whereas, the applicant has agreed that:

12 One, applicant owner may, upon the issuance  
13 of the Resolution, fill the site to the  
14 working grade as detailed on the plans in  
15 compliance with a letter from the Town  
16 Engineer, dated October 11, 2011; the  
17 applicant owner shall contact CSX to start  
18 design by CSX of automatic warning devices  
19 for two-way traffic (lights and gates) at  
20 the grade crossing (the the project site)  
21 prior to the Town of Stony Point's issuance  
22 of a building permit; Three, the applicant,  
23 moreover, will provide the Town of Stony  
24 Point Building Department with copies of all  
25 correspondence and contracts between it

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2 (CSX) and the applicant; and four, prior to  
3 the issuance of a building permit for the  
4 second section of buildings, the applicant  
5 owner will file a letter of credit with the  
6 Town of Stony Point for the costs of the CSX  
7 grade crossing design and construction if  
8 said grade crossing is not complete; and  
9 Whereas, the Planning Board had considered  
10 the application materials submitted by the  
11 applicant in support of the proposed action,  
12 along with comments of its consultants made  
13 via memorandum (which memoranda are  
14 incorporated herein by reference) and the  
15 recommendations of the Rockland County  
16 Planning Department; and

17 Whereas, to the extent that granting  
18 approval of this application constituted an  
19 action contrary to the recommendations of  
20 Rockland County Department of Planning, such  
21 an approval required a vote of a majority  
22 plus one (i.e., a supra majority) of the  
23 Planning Board; and.

24 Whereas, the Planning Board, in a  
25 meeting on August 29, 2013 approved the site



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2 plan and memorialized the approval in a  
3 resolution dated September 2, 2013 and  
4 authorized the chairman to sign the map of  
5 the site plan; and

6 Whereas, pursuant to section 215-64 of  
7 the Code of the Town of Stony Point the  
8 previously approved site plan expired  
9 18 months from the date of the vote on  
10 March 1, 2015; and

11 Whereas, the applicant had made an  
12 application to have the site plan reapproved  
13 by the Planning Board without modifications  
14 or revision to the map of the site plan or  
15 to any of the conditions imposed by the  
16 Planning Board; and

17 Whereas, the Planning Board considered  
18 the application for re-approval, had  
19 considered changes in the community and  
20 locale since the original approval date, had  
21 reviewed the original application materials  
22 including the original SEQRA documentation  
23 and is satisfied that the circumstances upon  
24 which its original approval of the site plan  
25 has not materially changed; and

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2 Whereas, the Planning Board voted  
3 unanimously on October 27, 2016 to reapprove  
4 the application and file said approval in  
5 the office of the Town Clerk on  
6 October 30, 2016; and

7 Whereas, pursuant to section 215-64 of  
8 the code of Stony Point the previously  
9 approved site plan expired 18 months from  
10 the date of the vote on April 1, 2015; and

11 Whereas, the applicant has made  
12 application to have the site plan reapproved  
13 by the Planning Board without modifications  
14 or revision to the map of the site plan or  
15 to any of the conditions imposed by the  
16 Planning Board; and

17 Whereas, the Planning Board -- that's  
18 incorrect so that should be April 1, 2017 --  
19 2018 rather.

20 So the site plan expired 18 months from  
21 the date of the vote on April 1, 2018?

22 MR. PATRAKIAN: That's correct.

23 CHAIRMAN GUBITOSA: Whereas, the  
24 applicant has made application to have the  
25 site plan approved by the Planning Board

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2 without modifications or revisions to the  
3 map and the site plan or to any of the  
4 conditions imposed by the Planning Board;  
5 and

6 Whereas, the Planning Board has  
7 considered the application for reapproval,  
8 has considered changes in the community and  
9 locale since the original approval date, has  
10 reviewed the original application materials  
11 including the original SEQRA documentation  
12 and is satisfied that the circumstances upon  
13 which its original approval of the site plan  
14 have not materially changed; and.

15 Now, it is hereby entitled resolved,  
16 that the site plan approval entitled  
17 application for Site Plan Approval for MBC  
18 Contractors, Inc., by Map of Atzl, Nasher &  
19 Zigler, P.C., dated June 11, 2013, and  
20 submitted to the Planning Board on July 16,  
21 2013, be and hereby is reapproved to permit  
22 the construction of fourteen buildings  
23 totalling 175,0800 square feet, to be  
24 constructed in three sections, on 17.26  
25 acres in the LI-2 Zoning District, at the

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2 east end of Holt Drive (and approximately  
3 1,800 feet east of South Liberty Drive, and  
4 then 600 feet east of an unnamed, private  
5 road), pursuant to the maps and plan  
6 submitted by the applicant, as described in  
7 the application, and upon compliance with  
8 all other site plan requirements set forth  
9 in the regulations of the Town of Stony  
10 Point, the Chairman is authorized to sign  
11 the map upon the following conditions: One,  
12 the applicant shall comply with applicable  
13 zoning and building laws, rules and  
14 regulations; and two, the applicant shall  
15 comply with all representations and  
16 agreements made by the applicant; and three,  
17 the Town's Engineer and Building Inspector  
18 are hereby authorized to approve minor site  
19 plan changes of a ministerial nature, which  
20 may arise due to unforeseen circumstances in  
21 the project site development; and four, all  
22 fees, including consultant fees, shall be  
23 paid by the applicant; and five, map note  
24 fourteen of the plan be revised to read as  
25 follows: "Prior to the release of the

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2 building permit that the applicant/owner  
3 shall file an application with CSX to  
4 design/build a grade crossing that will  
5 include automatic warning devices for two-  
6 way traffic in compliance of acceptable  
7 standards by the Town of Stony Point and  
8 CSX. The total funds required to construct  
9 the crossing not submitted for the  
10 application will be secured cash, bond,  
11 letter of credit or other guarantee in a  
12 form acceptable to the Town Attorney as  
13 sufficient to secure to the Town  
14 satisfactory construction and installation  
15 of the crossing within a reasonable period  
16 of time, but not to exceed three years;."

17 And six, map note fifteen of the site  
18 plan be revised to read as follows: "If the  
19 applicant/owner request a certificate of  
20 occupancy for buildings 3A, 3B, 4A, and/or  
21 4B prior to the new grade crossing fully  
22 functioning the applicant/owner will install  
23 an emergency gate with construction signage  
24 at both sides of the railroad track to  
25 redirect traffic to the underpass. The

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2 underpass will signage and a traffic signal  
3 to control the one-way traffic while the  
4 grade crossing is under construction;" and

5 Seven, map note sixteen of the site plan  
6 be revised to read as follows: "Before the  
7 issuance of a building permit of any other  
8 buildings other than buildings 3A, 3B, 4A,  
9 and/or 4B, the new crossing designed/  
10 constructed by CSX shall fully function for  
11 two-way traffic;" and.

12 Eight, map note seventeen of the site  
13 plan should read as follows: "The applicant  
14 intends to maintain two points of access  
15 between the east side and the west side of  
16 the tracks;" and

17 Nine, prior to signature by the  
18 Chairman, the applicant will secure the  
19 consent of all owners with right across the  
20 rail crossing to temporarily block the  
21 crossing in the event that the applicant  
22 requests certificates of occupancy prior to  
23 the construction of the grade crossing  
24 improvements; and

25 Ten, prior to signature by the Chairman,

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2 the applicant will provide the Rockland  
3 County Department of Health a plan  
4 indicating how water and sewer will be  
5 brought to proposed buildings and prior to  
6 release of a building permit the applicant  
7 shall secure all required permits from the  
8 Rockland County Department of Health; and

9 It be further resolved, that the  
10 Planning Board finds that with regards to  
11 recommendations of the County of Rockland  
12 Department of Planning, that all  
13 recommendations have been incorporated into  
14 the design of the plans, with the exception  
15 of the following, which are deemed to be  
16 unnecessary and are hereby overridden:

17 One, with regard to County  
18 recommendation number three, height  
19 restrictions on retaining walls only exist  
20 in the RR and SR-R districts. There is no  
21 basis to restrict the proposed wall as  
22 requested; and

23 Two, with regard to County  
24 recommendation number four, the design of  
25 retaining walls are controlled by the New

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2 York State Building Code, and will be  
3 reviewed by the Building Inspector and Town  
4 Engineer. The applicant will need to seek  
5 an additional permit from DEC if they  
6 disturb wetland adjacent area; and

7 Three, with regard to County  
8 recommendation number five, the net lot area  
9 calculation is only required for residential  
10 purposes (see Stony Point Code 215-16(A));  
11 and

12 Four, with regard to County  
13 recommendations number 10 and 11, the  
14 intersection of Holt Drive and Route 9W  
15 analysis, including a build out of Holt  
16 Drive, was analyzed in the Collins Engineers  
17 Traffic Impact Study for the proposed retail  
18 development (Shop Rite) dated August 12,  
19 2008. Current traffic counts east of Shop  
20 Rite are reduced from the study by several  
21 changes: A, Hudson Bay Storage is only 50  
22 percent constructed; B, Town Line Park, an  
23 approved site, was not constructed and  
24 approval has expired; C, Insl-x Industries  
25 closed, and that business had more than 80



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2 total employees for two-shifts of work, and  
3 d, the Bay View Park had two vacant office  
4 buildings. As such, based on the daily  
5 traffic generation of the Hudson Bay Storage  
6 facility, approximately 25 vehicles or  
7 0.00027 percent of the average daily traffic  
8 count on Route 9W, would be generated by  
9 this project. As the site is more than a  
10 quarter mile from Route 9W, no review by the  
11 NYS DOT is required or warranted; and

12 Five, with respect to County  
13 recommendation number 13, CSX and the Town  
14 will dictate what type of signalization is  
15 required prior to issuance of certain  
16 building permits as noted on the site plan  
17 map note 14. Quad gates will be duly  
18 considered, but may not be required based on  
19 other considerations; and

20 With respect to County recommendation  
21 number 23, given that the site accesses  
22 traverse the property line, this requested  
23 standard cannot and should not be met. One  
24 footcandle isolumen lines are included on  
25 the plan, and with the exception of the site

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2 entrances, significant enough distance is  
3 proposed between lighting and property lines  
4 to infer that the proposed lighting will not  
5 cast excessive light onto neighboring  
6 properties; and

7 With respect to County comment number  
8 24, adequate areas exist throughout the site  
9 for the storage of snow and the designation  
10 of areas on the site plan will not serve any  
11 practical purpose; and

12 It be further resolved, that the  
13 Planning Board requires that a copy of this  
14 resolution be forwarded to the County of  
15 Rockland Department of Planning as a report  
16 of final action, for the approval of the  
17 site plan by the Planning Board, consistent  
18 with section 239-m(6) of the General  
19 Municipal and Executive Order 01-2017 by  
20 County Executive Day. All right. So we  
21 have a resolution for the final approval for  
22 MBC. I need a motion to accept.

23 BOARD MEMBER JOACHIM: I'll make a  
24 motion.

25 BOARD MEMBER JASLOW: Second.

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2 CHAIRMAN GUBITOSA: Any objection? All

3 right. Mary, poll the Board.

4 THE CLERK: Mr. Joachim?

5 BOARD MEMBER JOACHIM: Yes.

6 THE CLERK: Mr. Jaslow?

7 BOARD MEMBER JASLOW: Yes.

8 THE CLERK: Mr. Ferguson?

9 BOARD MEMBER FERGUSON: Yes.

10 THE CLERK: Mr. Rogers?

11 BOARD MEMBER ROGERS: Yes.

12 THE CLERK: Chairman Gubitosa?

13 CHAIRMAN GUBITOSA: Yes.

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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.

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Melissa Pezzullo