

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

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IN THE MATTER
OF
SAINSBURY'S "C" STORE

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
February 25, 2021
7:06 p.m.
(via Zoom)

BEFORE :

THOMAS GUBITOSA, 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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Proceedings

CHAIRMAN GUBITOSA: Our next application is Sainsbury's C Store. It's located on 210. Dave, I know last month you closed the public hearing. Oh, not Dave. I'm sorry. Where's --

THE CLERK: Mr. Patel is there, and his surveyor.

CHAIRMAN GUBITOSA: Yes.

MR. ANDRADE: And Manny here.

CHAIRMAN GUBITOSA: Manny.

MR. ANDRADE: Yeah, the video stopped for a minute. I can't turn my video on for some reason.

CHAIRMAN GUBITOSA: That's all right. If you just want to give us -- yeah, give us an update.

MR. ANDRADE: Okay. After the public hearing from last, last month, we met with the neighbors. We met with the neighbor to the rear and the neighbor to the left side. We discussed the hours of operation and their concerns with that. And after going back and forth a couple times and explaining the

1 Proceedings

2 reasoning why Mr. Patel wanted to keep those
3 hours that long, we worked out an alternate
4 solution of working with the neighbors along
5 the back and along the side and planting new
6 trees.

7 CHAIRMAN GUBITOSA: All right.

8 MR. ANDRADE: Along -- on their property
9 to provide more privacy for theirs. And
10 based on discussions we had, they seemed if
11 we did that, they were okay with the hours.

12 CHAIRMAN GUBITOSA: All right, good.
13 And Manny and Mr. Patel, you weren't -- just
14 to make everyone clear, you weren't asking
15 for any, any variances, or anything outside
16 of the normal, what's already there. You're
17 just -- this was just for some on-site
18 improvements, correct? You didn't -- yeah,
19 you didn't do any variance to, you know,
20 extend hours or anything. Whatever was in
21 place since it's been a deli, that's, that's
22 what you had.

23 MR. PATEL: Yes.

24 CHAIRMAN GUBITOSA: All right. Good.

25 John O'Rourke, any comments on this one?

1 Proceedings

2 MR. O'ROURKE: No. We have -- they've
3 addressed all our comments. We have no
4 further issue with this project.

5 CHAIRMAN GUBITOSA: All right, good.
6 John Hager, any comments on your end?

7 MR. HAGER: I have no comments on this.

8 CHAIRMAN GUBITOSA: Okay, good. Thanks,
9 John. Any of the Board Members? Comments?
10 I'll go to each of you. Jerry, any comments
11 on this? Any --

12 BOARD MEMBER ROGERS: No, I'm fine with
13 it.

14 CHAIRMAN GUBITOSA: Good. Mike,
15 anything on your end?

16 BOARD MEMBER FERGUSON: No. I'm good.

17 CHAIRMAN GUBITOSA: Eric?

18 BOARD MEMBER JASLOW: I think it's very
19 nice of the applicant to plant the trees as
20 goodwill.

21 CHAIRMAN GUBITOSA: Yeah, I do, too.
22 Thank you. Thanks, Eric. Kerri, any
23 comments?

24 BOARD MEMBER ALESSI: I just have a
25 question. Did Mr. Patel and the neighbors

1 Proceedings

2 work out any issues they had regarding
3 questions on the fencing?

4 CHAIRMAN GUBITOSA: I think he did.
5 Mr. Patel, Manny, you -- I think that was
6 with the --

7 MR. ANDRADE: We explained to them that
8 we were going to put that vinyl fence all the
9 way around. The neighbor to the back that
10 had the driveway along the right side of the
11 property asked if they can keep the wooden
12 fence there because they've been maintaining
13 the look of that. And we're going to put the
14 vinyl fence inside of that area.

15 BOARD MEMBER ALESSI: Okay.

16 MR. PATEL: And it will be all six feet
17 high.

18 CHAIRMAN GUBITOSA: Right, because
19 that's the code is six feet. So you
20 couldn't, you couldn't change it if you want.
21 Okay. Mark, any comments from you?

22 BOARD MEMBER JOHNSON: No, I'm good.

23 CHAIRMAN GUBITOSA: All right. And I
24 think, same as Eric. Mr. Patel, and I, you
25 know, I thank you for working with the

1 Proceedings
2 neighbors. I know they got noticed of this
3 late, and I know you've been working on this
4 since last July. So I appreciate your
5 patience. And I appreciate the neighbors
6 getting involved and, you know, working it
7 out with you. Thank you.

8 So, Steve, any, anything updates, or?

9 MR. HONAN: No. I did, however, prepare
10 a resolution for the Board's consideration,
11 and it is a little bit lengthy. It's about
12 seven pages long. It is seven pages long.

13 What I propose to do is to read the
14 resolution. And I'll -- rather than read the
15 Rockland County Department of Planning
16 letters in full, I'll refer to them. They
17 are part of the record, and they're also set
18 forth in the resolution.

19 But in order to get through it tonight,
20 I'm going to read the first part, indicate
21 where I'm skipping to, and then I'll conclude
22 by reading the overrides. Because of the
23 items placed in the letters by the Department
24 of Planning for the County of Rockland, we
25 have to specifically identify which items we

1 Proceedings
2 are intending to override. And then we must
3 be able to override that with a
4 supermajority. That's a majority of the
5 Board plus one.

6 CHAIRMAN GUBITOSA: All right. Oh,
7 wait. I forgot one thing. Max, sorry. You
8 were in my corner. I'm sorry.

9 MR. STACH: I have no comments on this
10 or the previous. Thanks, Tom.

11 CHAIRMAN GUBITOSA: All right, thank
12 you. Sorry, Max. You were, like, in the
13 left-hand side of my screen. I apologize for
14 skipping you on that one.

15 MR. STACH: That's okay. Thanks.

16 CHAIRMAN GUBITOSA: All right. Steve,
17 yeah, if you want to read the resolution.

18 MR. HONAN: Okay, very good.

19 Resolution granting final site plan
20 approval for the project Sainsbury's C Store,
21 by application of Krishnan Patel and Ilaben
22 Patel of 24 Pierce Drive, Stony Point,
23 New York, 10980.

24 Whereas, an application for Final Site
25 Plan approval and a full EAF dated June 25,

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Proceedings

2020, has been submitted to the Planning Board of the Town of Stony Point for final site plan approval seeking to redevelop/improve an existing site and construct a 1,463.45 square feet addition to an existing commercial building, which presently consists of 1,384.43 square feet, housing a deli, and to install site improvements together with a submitted proposed site plan for the project designated Sainsbury's C Store, consisting of three sheets, prepared by Paul Gdanski, P.E., PLLC, dated March 19, 2020, and last revised October 28, 2020, hereinafter, subject application, and concerning premises designated as Section 15.03, Block 5, Lot 60.1 on the Tax Map of the Town of Stony Point, County of Rockland, situated in a R-1 Zoning District, located at 133 Route 210, Stony Point, New York, 10980, and consisting of 0.5241 acres, hereinafter, the subject premises; and

Whereas, pursuant to New York State Environmental Quality Review Act, this

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Proceedings

application constitutes a Type 2 action, and the proposed action is not expected to have a significant adverse environmental impact, and accordingly, no further environmental review required; and

Whereas, by letters dated July 16, 2020, and September 23, 2020, the Rockland County Department of Planning conducted a review of the application pursuant to its GML authority and recommended certain changes and modifications to the plan, to which the applicant's architect, Manuel Antonio Andrade, responded by letters dated August 8, 2020, and November 3.

The substance of those letters are made part of the Planning Board record. They also are referred to in this resolution and will not be read at length at this point.

However, if you're reading along, we're skipping now to Page 4 of the resolution, at the bottom of the page, the next whereas paragraph, which reads:

Whereas, by letters dated July 14, 2020, and September 2, 2020, the Rockland County

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Proceedings

Highway Department conducted a review of the application pursuant to its GML authority and determined that the proposed action would have no significant impacts upon the County Road, and this department has no objection to the project, and prior to the commencement of construction, a right of way permit must be obtained from the Rockland County Highway Department; and

Whereas, by letters dated July 21 and September 21, 2020, the Rockland County Center for Environmental Health conducted a review of the application pursuant to its GML authority and determined that if a storm water management system is needed in the future, application must be made to the RCDOH for review of the system for compliance with the County Mosquito Code; and

Whereas, by a project review sheet dated August 17, 2020 -- yes, could you please mute your mic if you're not speaking.

Whereas, by a project review sheet dated August 17, 2020, of John O'Rourke, P.E., the Town of Stony Point Engineer, a review was

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Proceedings

conducted of the application and proposed site plan, and he noted numerous changes and clarifications were needed as well as corrections to the EAF, and the applicant, in response, has revised the plans and corrected the EAF in a manner satisfactory to the engineer; and

Whereas, this Board referred the applicant to the Architectural Review Board of the Town of Stony Point, and by a decision dated September 15, 2020, the ARB issued an approval of the application; and

Whereas, this application was the subject of a duly noticed public hearing before this Board, at which time the neighboring residents advised the Board of their concerns regarding this project, including the receipt by this Board of a two page letter dated January 24, 2021, from Mr. and Mrs. Piscopiello, the neighbors at 131 Route 210, regarding concerns relative to the proposed expanded building, traffic, noise, lighting, fencing, hours of operation, and related issues, and the applicant

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Proceedings

thereafter addressed the neighbors' concerns before this Board; and

Whereas, this application was the subject of a duly noticed Public Hearing before this Board on December 10, 2020, at which time the hearing was opened and continued to January 28, 2021, at which time the Public Hearing was closed.

Whereas, this application came up for further review and consideration as an agenda item at the regularly scheduled meeting of this Board on February 25, 2021, at which time the applicant informed this Board that he met further with certain of the neighbors after the public hearing of January 28, 2021, and answered their questions and addressed their concerns.

Now, therefore, be it resolved that the subject application for final site plan approval relative to the subject premises 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 upon payment of any and all outstanding fees to

1 Proceedings

2 the Town, subject and conditioned upon the
3 following:

4 One, all of the whereas paragraphs are
5 incorporated herein by reference.

6 Number Two, Item Number Four of the
7 Rockland County Department of Planning letter
8 dated July 16, 2020, stating, inter alia, the
9 site plan must be amended to include a
10 landscaped buffer of low, evergreen shrubs or
11 a berm to shield neighboring properties from
12 the headlights of vehicles on site, is hereby
13 overridden because the plan reflect a limited
14 amount of available space on the site and
15 calls for the installation of continuous
16 solid fencing which shall operate to visually
17 screen and acoustically shield the
18 neighboring properties from the headlights of
19 vehicles and noises on the site, and
20 landscape plantings and/or a berm in this
21 area would not result in adequate screening
22 to the benefit of the neighbors under the
23 unique conditions found on this site.

24 Number Three, Item Number Six of the
25 Rockland County Department of Planning letter

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Proceedings

dated July 16, 2020, stating the development coverage for the site is currently, and proposed to be, 94.5 percent. This exceeds the maximum development coverage of the H.1 use group by 89 percent. In addition, the proposed site plan provides 28 parking spaces while the Town zoning regulations require only 15, which is 87 percent more than required. The applicant must provide a rationale for the proposed number of spaces, particularly in light of the significant excess of impervious surfaces on site. Otherwise, the applicant must reduce the number of proposed parking spaces, is hereby overridden because the development coverage is due to the prior development of the site, and is existing, and the applicant seeks to reduce the development coverage on the site and has reduced the number of parking spaces. Although the number of parking spaces exceeds those required, under the circumstances, the additional parking spaces will serve to accommodate customers during busy business periods and avoid queuing and congestion on

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Proceedings

Route 210, and the additional spaces will be used for on-site snow pile storage during snow events.

Number Four, Item Number Seven of the Rockland County Department of Planning letter dated July 16, 2020, stating to help reduce the extent of the development coverage non-conformity, pervious pavers and/or other porous materials must be used wherever possible, is hereby overridden because the development coverage of the site is existing due to the prior development of the site, and the applicant seeks to reduce the amount of development coverage and replace existing macadam with landscaping, and the use of pervious pavers is expensive and has minimal benefits under the present circumstances.

Number Five, Item Number Nine of the Rockland County Department of Planning letter dated July 16, 2020, stating there shall be no net increase in the peak rate of discharge from the site at all designed points is hereby overridden because the plan calls for the redevelopment of an existing site with

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Proceedings

significant development coverage. A storm water management system is not required. The plan will result in a reduction of existing impervious surface area on the site, and to the extent there may be an increase in the rate of runoff, it will only be minor and non-substantial.

Number Six, Item Number 13 of the Rockland County Department of Planning letter dated July 20 -- I'm sorry, dated July 16, 2020, stating areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of the parking spaces meant for customers for this purpose, is hereby overridden because the applicant has a limited amount of available space on site, and it proposes to use the extra available parking areas to store plowed snow during

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Proceedings

snow events, therefore allowing the additional parking to be used for the dual purpose of snow storage, which under these unique circumstances is reasonable. The use of some spaces for snow storage will leave sufficient spaces for parking.

And finally, Number Seven, Item Number 15 of the Rockland County Department of Planning letter dated July 16, 2020, stating a noise-dampening barrier must be installed to shield the adjacent property from the proposed HVAC units and generator is hereby overridden because the applicant has represented that the HVAC units are consistent in size with a single-family residential dwelling and will be located adjacent to a long driveway approximately 16 feet from the property line. The units will also be located behind a fence which will serve to both visually screen and acoustically shield the neighboring properties from the operating units. Therefore, their placement behind a fence will serve as a noise-dampening barrier.

1 Proceedings

2 And Number Eight, compliance with all
3 other applicable site plan requirements set
4 forth in the site plan regulations of the
5 Town of Stony Point and consistent with the
6 general notes on the applicant's approved
7 site plan.

8 And that concludes the reading of the
9 proposed resolution, Mr. Chairman.

10 CHAIRMAN GUBITOSA: Thank you. Thank
11 you, Steve. All right, I have a proposed
12 resolution. I need a motion to adopt the
13 resolution.

14 BOARD MEMBER JOHNSON: I'll make that
15 motion.

16 CHAIRMAN GUBITOSA: Mark made it.

17 BOARD MEMBER FERGUSON: I'll second it.

18 CHAIRMAN GUBITOSA: Seconded. And
19 before we vote, any questions on it?

20 MR. HAGER: Yes, I have a question.

21 CHAIRMAN GUBITOSA: Go ahead, John.

22 MR. HAGER: It's probably a
23 typographical. But on Page Two, Number Five,
24 in the reply, that the language there just
25 seems like it might be missing a word.

1 Proceedings

2 Page Two, Number Five, the reply.

3 MR. HONAN: Yes, I see that. I'll make
4 sure that it reflects what's actually in the
5 letter.

6 CHAIRMAN GUBITOSA: Yes, okay. Thank
7 you, John. So just the reply on Number Five,
8 right, John?

9 MR. HAGER: That's all I noticed.

10 CHAIRMAN GUBITOSA: Yup. All right.
11 Thank you, John. Did any of the Board
12 Members, any -- all right. I have a motion
13 to adopt. I have a second. Mary, just poll
14 the Board.

15 THE CLERK: Okay. Mr. Rogers?

16 BOARD MEMBER ROGERS: Yes.

17 THE CLERK: Mr. Jaslow?

18 BOARD MEMBER JASLOW: Yes.

19 THE CLERK: Mr. Ferguson?

20 BOARD MEMBER FERGUSON: Yes.

21 THE CLERK: Mrs. Alessi?

22 BOARD MEMBER ALESSI: Yes.

23 THE CLERK: Mr. Johnson?

24 BOARD MEMBER JOHNSON: Yes.

25 THE CLERK: Chairman Gubitosa?

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Proceedings

CHAIRMAN GUBITOSA: Yes. All right, so we'll adopt the, grant the final site plan approval. So I think we're good. Right, Steve?

MR. HONAN: Yes. We've got a supermajority. We've got six members voting for the resolution. We're fine.

CHAIRMAN GUBITOSA: All right. So you're good, Mr. Patel. Thank you.

MR. ANDRADE: Thank you.

CHAIRMAN GUBITOSA: Mr. Andrade.

MR. PATEL: Thank you very much.

CHAIRMAN GUBITOSA: And I thank you for working with the neighbors, both of you. Thank you very much.

MR. GDANSKI: Thank you. Have a good night.

CHAIRMAN GUBITOSA: Have a good night. Thank you.


(Time noted: 7:24 p.m.)

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Proceedings

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

