

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

4 OF

DUNKIN DONUT/MINI MART

5 AT WILLOW GROVE ROAD

- - - - - X

6 Town of Stony Point

RHO Building

7 5 Clubhouse Lane

Stony Point, New York

8 January 23, 2020

8:38 p.m.

9

10 BEFORE:

11

THOMAS GUBITOSA, CHAIRMAN

12 KERRI ALESSI, BOARD MEMBER

ERIC JASLOW, BOARD MEMBER

13 MARK JOHNSON, BOARD MEMBER

EUGENE KRAESE, BOARD MEMBER

14 JERRY ROGERS, BOARD MEMBER

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17 ROCKLAND & ORANGE REPORTING

2 Congers Road

18 New City, New York 10956

(845) 634-4200

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3 CHAIRMAN GUBITOSA: All right. We just
4 had to move one item up for Dunkin Donuts.
5 This is just an extension of time?

6 MR. JOYCE: Yes.

7 CHAIRMAN GUBITOSA: Mr. Joyce.

8 MR. JOYCE: Dunkin Donuts needs
9 additional time to file for a building
10 permit. This was approved in 2018. We're
11 looking to have the approval extended. We're
12 not changing any plans, any maps, locations,
13 elevations, anything else. It's all staying
14 the same as approved last year. Or,
15 actually, it was back in '18. So we're just
16 looking for the Board to grant us the
17 extension of time.

18 CHAIRMAN GUBITOSA: All right. Thank
19 you, Mr. Joyce. All right. We're going to,
20 we have a -- I'm going to read a resolution
21 just granting the extension of final site
22 plan approval for the project, the Mini
23 Mart/Dunkin Donuts at Willow Grove. It's an
24 application of Stony Point, LLC, 291 Willow
25 Grove Road, Stony Point, New York, 10980, as

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2 owner.

3 Whereas, the applicant merely seeks an
4 extension of time or enlargement of the
5 approval expiration time period on a
6 previously issued resolution of final site
7 plan approval of this Board of February 22,
8 2018, and does so by an application dated
9 December 22, 2019, styled an application for
10 site plan re-approval, a short EAF dated
11 December 23, 2019, a letter of explanation
12 dated January 9, 2020, submitted by the
13 applicant's counsel, and upon a previously
14 approved site plan entitled Mini Mart/Dunkin
15 Donuts at Willow Grove Road, consisting of
16 nine sheets prepared by Atzl, Nasher and
17 Zigler, P.C., dated January 3, 2017, and last
18 revised on June 6, 2019; and concerning the
19 premises designated as Section 19.02,
20 Block 4, Lot 28 on the tax map of the Town of
21 Stony Point, County of Rockland, consisting
22 of .886 acres, located in the RR zoning
23 district, and situated at the northeast
24 corner of Willow Grove Road and Algonquin
25 Drive at 291 Willow Grove Road, Stony Point,

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2 New York, 10980; and

3 Whereas, this applicant seeks an
4 extension of the time period within which to
5 obtain a building permit on the previously
6 issued resolution of final site plan approval
7 it received from this Board on February 22,
8 2018, and is requesting no substantive change
9 or amendment in their development plans, and
10 at this time is not seeking any modifications
11 or alterations of the previously issued site
12 plan approval; and

13 Whereas, the Planning Board acknowledges
14 that the applicant's final site plan
15 application underwent extensive review and
16 consideration by this Board, interested
17 agencies, and the public for over 14 months,
18 and thereafter this Board unanimously granted
19 final site plan approval on February 22,
20 2018, and thereafter said approval underwent
21 numerous unsuccessful challenges pursuant to
22 Article 78 of the CPLR, and which took a
23 considerable amount of time, and that the
24 instant application seeks only an extension
25 or enlargement of time, nunc pro tunc, of the

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2 site development plan approval period, as set
3 forth in the Town Code Section 215-64(B);
4 and.

5 Whereas, this Board considered the
6 previous application and the proposed project
7 pursuant to the provisions of the New York
8 State Environmental Quality Review Act, and
9 on January 26, 2017, determined that the
10 project met the requirements of a Type II
11 action, and on January 23, 2020, this Board
12 likewise determined that the instant
13 application to be a Type II action; and

14 Whereas, this application came up for
15 consideration as an agenda item at a regular
16 meeting before the Planning Board held on
17 January 23, 2020, at 7:00 p.m., at which time
18 this application was considered by the Board.

19 Now, therefore, be it resolved that the
20 subject application concerning the subject
21 premises be and hereby is approved, and the
22 previous site plan approval expiration date
23 pursuant to Town Code Section 215-64(B) is
24 hereby extended nunc pro tunc and the instant
25 site plan approval shall expire on

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2 February 22, 2021, unless a building permit
3 has been issued prior thereto or the approval
4 is again extended upon further application,
5 and the Chairman is hereby authorized to sign
6 same and permit same to be filed in the
7 office of the Town Clerk, upon payment of any
8 and all outstanding fees to the Town, subject
9 and conditioned upon the following:

10 One, all whereas paragraphs are
11 incorporated herein by reference as though
12 set forth in full herein.

13 Two, all conditions of the prior
14 approval and the original resolution of
15 February 22, 2018, remain in full force and
16 effect.

17 All right. So I have a resolution
18 granting the final, extension of final site
19 plan approval. I just need a motion granting
20 the extension.

21 BOARD MEMBER ROGERS: I'll make that
22 motion, Mr. Chair.

23 CHAIRMAN GUBITOSA: I need a second.

24 BOARD MEMBER KRAESE: I'll second.

25 CHAIRMAN GUBITOSA: Any questions on it?

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2 All right. Mary, just poll the Board.

3 THE CLERK: Mr. Kraese?

4 BOARD MEMBER KRAESE: Yes.

5 THE CLERK: Mr. Rogers?

6 BOARD MEMBER ROGERS: Yes.

7 THE CLERK: Mr. Jaslow?

8 BOARD MEMBER JASLOW: Yes.

9 THE CLERK: Mr. Johnson?

10 BOARD MEMBER JOHNSON: Yes.

11 THE CLERK: Ms. Alessi?

12 BOARD MEMBER ALESSI: Yes.

13 THE CLERK: Chairman Gubitosa?

14 CHAIRMAN GUBITOSA: Yes. Thank you,

15 Mr. Joyce.

16 (Time noted: 8:43 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