

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

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IN THE MATTER
OF
CONNORS POOL

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
June 25, 2020
8:32 p.m.
(via Zoom)

BEFORE :

THOMAS GUBITOSA, CHAIRMAN
KERRI ALESSI, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
MARK JOHNSON, BOARD MEMBER
EUGENE KRAESE, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

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

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3 CHAIRMAN GUBITOSA: Next on the agenda
4 is the Connors pool. It's located at 207
5 Route 210. It's a new application. Who is
6 representing that?

7 MR. HONAN: I think Mr. Connors is on
8 the line somewhere. He was, anyway.

9 THE CLERK: He's there. He's there.
10 You have to unmute him.

11 CHAIRMAN GUBITOSA: Which one is he?

12 THE CLERK: He's right there, next to
13 Steve. You have to unmute him. Steve, can
14 you unmute him?

15 MR. HONAN: I tried. I have to -- I can
16 only ask to unmute.

17 THE CLERK: He looks like he's trying to
18 figure it out.

19 MR. HONAN: He was here a minute ago.

20 CHAIRMAN GUBITOSA: Oh, there he is. Go
21 ahead.

22 MR. HONAN: There we are. Okay.

23 CHAIRMAN GUBITOSA: All right,
24 Mr. Connors. Give us a quick update of
25 what's, what you have. Wait, we can't hear

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2 you. Hang on a sec.

3 MR. HONAN: We have no audio from you,
4 Mr. Connors.

5 CHAIRMAN GUBITOSA: Yeah, no, we have
6 no -- wait. Let me just see if I can chat.
7 Can I chat with him? All right, I sent him a
8 chat. See if he can get it.

9 MS. FILGUERAS: I think he needs to go
10 to the participants and unmute himself.

11 CHAIRMAN GUBITOSA: Oh. I think we need
12 to mute Susan right now.

13 MS. FILGUERAS: I will, but I just
14 wanted to help.

15 CHAIRMAN GUBITOSA: No, I'm only
16 kidding. Steve, mute her. No, I don't think
17 he's getting it. Can we unmute him? Let me
18 see. Come on. No. No, we can't get him.

19 MR. O'ROURKE: Well, if it's helpful for
20 the Board, seeing Mr. Connors can't speak,
21 I'm sure myself and Max and probably Bill can
22 at least bring the Board up to speed on the
23 project.

24 CHAIRMAN GUBITOSA: Yes.

25 MR. O'ROURKE: Hopefully, in the

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2 interim, he can get on. But basically,
3 there's an existing building. Mr. Connors is
4 building a pool. It is in the stream overlay
5 zone. Which is basically his entire backyard
6 and includes his house. So we had talked
7 about that. I defer to Bill.

8 I was out there today. He actually
9 appears to be continuing to build the deck in
10 and around the pool. But I believe this
11 Board has to, and I defer to Max for the
12 actual language, but basically has to allow
13 or approve construction in that hundred foot
14 stream buffer zone.

15 MR. SHEEHAN: Yes, correct. It's, you
16 know, disturbance of the stream buffer zone.
17 And you are correct that he continues to work
18 on the project.

19 CHAIRMAN GUBITOSA: I see he's got his
20 iPhone. We can't hear you on your iPhone,
21 either. Steve, can you unmute the iPhone?

22 MR. HONAN: No, I can't. He's going to
23 have to do it. He's unmuted on the video
24 right now. Let me just see if I can do
25 anything for his phone. Andrew's phone. No,

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2 he's going to have to do it himself. I can't
3 really --

4 MR. STACH: You got him for a second.
5 There you go.

6 MR. CONNORS: How is that?

7 CHAIRMAN GUBITOSA: There it is. All
8 right.

9 MR. CONNORS: Okay.

10 CHAIRMAN GUBITOSA: We got you on the
11 iPhone.

12 MR. CONNORS: Excellent.

13 CHAIRMAN GUBITOSA: All right. So John,
14 you were bringing us up to speed of what's
15 happening in his backyard.

16 MR. O'ROURKE: Correct. I'm going to
17 defer to Max. But yeah, so it's the Board
18 has to, or he's in front of the Board for an
19 approval for the construction and work and
20 the hundred foot buffer zone. It was
21 confirmed by Max today it's not a site plan
22 approval, so it doesn't have to do the County
23 referral. It's a, I'm assuming a Type II
24 action. But I again defer to Max on that
25 one.

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2 MR. STACH: Yup.

3 MR. O'ROURKE: So I think Mr. Connors
4 probably can just explain what and where,
5 what's he doing, and go from there.

6 CHAIRMAN GUBITOSA: All right. Go
7 ahead, Mr. Connors.

8 MR. CONNORS: All right. Basically,
9 we're putting a pool in our backyard which,
10 based on the way this property is situated,
11 the Cedar Pond Brook wraps around the rear of
12 our property. Hence, we're in that buffer
13 area.

14 We surveyed the property. I believe you
15 were sent the maps regarding the FEMA flood
16 elevations. We accurately showed them on the
17 property. Just, there was a slight issue
18 with that in that I had to convert, convert
19 that elevation to the datum so it would match
20 up with the existing contours on the
21 property, which we did. That was shown on
22 the survey.

23 And that's where we are. We're putting
24 the pool. We're outside the floodplain
25 elevation. However, we are within that 75 or

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100-foot buffer on the rear of the property.
Just the way the property is situated.

CHAIRMAN GUBITOSA: All right. When you're going up 210, which house are you on the right, how far up?

MR. CONNORS: I'm at 207. If you were to come to West Main Street and come to the stop sign and look to your left, that's the property.

CHAIRMAN GUBITOSA: Oh, okay. I got you.

MR. SHEEHAN: It's the property with the pool and deck being built.

CHAIRMAN GUBITOSA: Thank you, Bill.

MR. CONNORS: Okay. You could say that.

CHAIRMAN GUBITOSA: He did say that.

MR. SHEEHAN: I am.

MR. HONAN: I have a question, because today, I received an enlargement of the survey. And it basically shows, or it says that there's going to be a deck, but it's going to be a three-inch concrete deck. That's what I received. And for the life of me, I don't understand that. Is it a raised

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2 wooden deck, or is it a patio on grade, or
3 something else?

4 MR. CONNORS: Well, it's going to be a
5 raised concrete deck, what I designed,
6 because I'm a licensed engineer myself. I
7 designed a wooden deck that would support a
8 three-inch concrete deck around the -- a
9 three-inch concrete slab around the pool.

10 MR. SHEEHAN: Well, Andy, what are you
11 putting the concrete on top of the deck?

12 MR. CONNORS: Yes.

13 MR. SHEEHAN: Really.

14 MR. CONNORS: Yeah.

15 MR. SHEEHAN: Oh.

16 CHAIRMAN GUBITOSA: Is that an in ground
17 pool or an above ground?

18 MR. CONNORS: It's an above ground, it's
19 an above ground pool that I'm basically
20 making it look like an in ground pool.

21 CHAIRMAN GUBITOSA: Oh, so the pool,
22 it's an above ground pool. But is it going
23 to be below, is it going to be, like, in the
24 ground? Or is the deck going to surround it?

25 MR. CONNORS: I had to recess it in the

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ground because the property slopes a little bit on the west side of the property.

CHAIRMAN GUBITOSA: Right.

MR. CONNORS: The pool is sitting about one foot below finished grade, or existing grade. And if you go on the east side, the pool sits about 30 inches, maybe three feet at one corner. So it's a four-foot pool.

CHAIRMAN GUBITOSA: Right.

MR. CONNORS: So in essence, you know, the deck ranges from basically six inches above ground to three feet in the northwest corner of it, is how it works out.

CHAIRMAN GUBITOSA: So how much of the pool is going to be above ground?

MR. CONNORS: I would say that on average, it would be about 30 inches above, above the ground. And so I'm building the deck up to the top of the pool.

CHAIRMAN GUBITOSA: Oh, okay. Max, you had questions, right?

MR. STACH: I think all of my comments were addressed. Really, you know, when you're deciding on whether or not to make

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2 this approval, you know, the prime
3 consideration is whether or not there's a
4 location that's viable that's outside of the
5 buffer.

6 And, you know, we discussed in the tech
7 meeting and, you know, I think John put it
8 very well, that if you take a hundred feet
9 from this line here, you pretty much
10 eliminate the entire backyard. And it
11 certainly doesn't seem to make sense to
12 require somebody to put a pool in their front
13 yard. So, you know, I think this -- in
14 discussions that we had at the tech meeting,
15 it certainly made sense that this, that this
16 be an approved exception to the buffer.

17 The only thing that we ask for changes
18 on is just for them to add this line here to
19 show how that deck worked, because on the
20 previous submission, we just saw the footings
21 and a little, what looked like a little
22 stockpile of fill on this end over here. So
23 this shows, really, all the structure they're
24 looking to construct within the stream
25 buffer.

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2 And then once, once you make a decision
3 on the Planning Board, it's just back into
4 Bill's hands. It's just really an
5 application for a building permit at that
6 point. And things like how the deck is
7 constructed, that's really not Planning Board
8 purview. That's really Bill's purview. It's
9 just whether or not the structure makes sense
10 in this location.

11 CHAIRMAN GUBITOSA: I got you. So,
12 Bill, what were your concerns, other than
13 it's built now without our resolution or
14 anything?

15 MR. SHEEHAN: Well, it's being built
16 without a building permit. I don't have an
17 issue with the location of it.

18 CHAIRMAN GUBITOSA: Right.

19 MR. SHEEHAN: He's kind of on an island
20 himself out there, and he's not really
21 bothering anybody.

22 CHAIRMAN GUBITOSA: All right.

23 MR. SHEEHAN: So, you know, as far as
24 the planning end of it, it's not an issue.

25 CHAIRMAN GUBITOSA: Right.

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2 MR. SHEEHAN: He's got to stop
3 construction and, you know, come in and get
4 permits. And then we'll have to deal with
5 inspections, obviously, that we couldn't do
6 because there was no permit, but that's not
7 your --

8 CHAIRMAN GUBITOSA: That's not ours. So
9 basically, basically what we just want to do
10 is a resolution just for the disturbance to
11 the stream conservation buffer.

12 MR. HONAN: Yes. And we're also
13 acknowledging what's there already.

14 CHAIRMAN GUBITOSA: And it's there
15 already.

16 MR. HONAN: It's a deck and a pool.

17 CHAIRMAN GUBITOSA: All right. Any of
18 the Board Members have any comments for this?
19 You're all right with what's being proposed?

20 BOARD MEMBER ROGERS: I'm okay.

21 MR. HONAN: I did circulate the proposed
22 resolution. I'm assuming everyone got it.

23 CHAIRMAN GUBITOSA: Yeah, I got it. So
24 if I don't have any other comments, I'll read
25 a resolution for the granting of the approval

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2 for disturbance, and then I'll ask for the
3 motions, you know, to the second and accept,
4 if that's okay with everyone.

5 MR. HONAN: Well, Mr. Chairman, I did
6 have to amend it because I just assumed it
7 was a wooden deck.

8 CHAIRMAN GUBITOSA: Ah.

9 MR. HONAN: And I didn't have any
10 measurements when I drafted this thing
11 yesterday and this morning. So it was only
12 this afternoon that I got it. So if you want
13 to -- you want me to read it, or do you want
14 to read it and make comments?

15 CHAIRMAN GUBITOSA: You know what? You
16 read it since you have, you have the latest
17 one, and then I'll put it up for a motion.

18 MR. HONAN: Okay. Okay.

19 This is a resolution granting approval
20 for disturbance to a stream conservation
21 buffer for the project 207 Route 210, which
22 is a pool, by application of Andrew M.
23 Connors and Barbara Connors as owners.

24 Whereas, an application, dated May 6,
25 2020, and a full EAF, dated May 6, 2020, and

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upon a survey plan entitled Pool Survey for Connors, consisting of one sheet prepared by Mahoney Land Surveying, PLLC, dated May 4, 2020, have been submitted to the Planning Board of the Town of Stony Point seeking Board approval pursuant to the Town of Stony Point Zoning Code Section 215-72.1 permitting the construction and maintenance of certain structures situated within a stream conservation buffer, consisting specifically of an existing above ground swimming pool measuring 15 feet by 30 feet and for the construction of a raised concrete deck 32 feet by 40 feet adjacent to said pool, all within the 75 foot Stream Conservation Buffer Area located along and perpendicular to the Cedar Pond Brook, said buffer having been established by Article XI of the Town Zoning Code Section 215-72.1 A, Subparagraph 1a, hereinafter, the Subject Application, and affecting premises consisting of 2.16 acres, designated as Section 15.03, Block 1, Lot 54 on the Tax Map of the Town of Stony Point, County of Rockland, and commonly known as

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207 Route 210, Stony Point, New York, 10980,
which parcel is located in the RR Zoning
District, hereinafter, the Subject Premises;
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, this Board in considering this
application acknowledges that at the time of
the enactment of the Town's Stream Protection
provision and the creation of the Stream
Conservation Buffer Area by Town Code Section
215-72.1(A)(1)(a), the single family
residence which is the subject of this
application had been constructed years
earlier and presently a portion of the
residence is situated within the aforesaid
buffer area;

Please mute your mics.

Whereas, this Board considered
alternative locations on the site for the
placement of the pool and deck structures
outside of the Stream Conservation Buffer

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Area and determined that it was preferable to locate the pool and deck in the rear yard of the existing single family home and due to the restrictions imposed by the shape and size of the lot, the location proposed and requested by the applicant for these structures was acceptable based upon the unique features of this lot, its prior lawful development and the surrounding properties; and

Whereas, a public hearing is not required on this application pursuant to Town of Stony Point Code Section 215-72.1; and

Whereas, this application came before this Board as an agenda item at a meeting conducted on June 25, 2020, at 7:00 p.m. at which date the applicant appeared and the Planning Board considered this application; and

Now, therefore, be it resolved that the Subject Application concerning the Subject Premises, be and hereby is approved, and the Chairman is hereby authorized to sign the Resolution of Approval pursuant to the Town

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of Stony Point Zoning Code Section 215-72.1 permitting the construction and maintenance of the aforesaid structures situated within the stream conservation buffer and to permit this Resolution to be filed in the office of the Town Clerk and upon compliance with all provisions of the Town Code and payment of any and all outstanding fees to the Town and consultant fees, and this approval is further conditioned upon the following:

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

Two, the Applicant shall make application to the Building Inspector's office for the appropriate building permits and other permits as directed by the office of the Building Inspector.

Three, the Town Engineer shall review and approve all utility installations, existing or proposed, and any and all ground disturbance within the Stream Conservation Buffer Area relating to this application.

CHAIRMAN GUBITOSA: All right. Thank

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2 you, Steve. I have a resolution. I'll make
3 a motion that we grant the resolution
4 approval for disturbance to a stream
5 conservation buffer. I'll make the motion.
6 I need a second. Jerry, second.

7 All right, I'm going to poll the Board.
8 Jerry?

9 THE CLERK: Eric said he votes yes, if
10 that means anything, before his battery died.

11 CHAIRMAN GUBITOSA: Oh, okay. Jerry?

12 MR. HONAN: Jerry, you got to unmute
13 yourself.

14 CHAIRMAN GUBITOSA: Unmute yourself,
15 Jerry.

16 THE CLERK: He can't hear you to unmute.

17 CHAIRMAN GUBITOSA: There he is.

18 BOARD MEMBER ROGERS: Can you hear me
19 now?

20 CHAIRMAN GUBITOSA: Yup.

21 BOARD MEMBER ROGERS: Yes.

22 CHAIRMAN GUBITOSA: All right. Kerri?

23 BOARD MEMBER ALESSI: Yes.

24 CHAIRMAN GUBITOSA: Mark?

25 BOARD MEMBER JOHNSON: Yes.

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CHAIRMAN GUBITOSA: Gene?

BOARD MEMBER KRAESE: Yes.

CHAIRMAN GUBITOSA: Myself, yes. All right, so we grant the resolution.

Mr. Connors, you just need to straighten out with the Building Department now.

MR. CONNORS: Very good.

CHAIRMAN GUBITOSA: All right, thank you.


(Time noted: 8:50 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

