

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

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IN THE MATTER
OF
STONY POINT FIRE DISTRICT
PROPOSED GARAGE

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
June 25, 2020
8:12 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

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3 CHAIRMAN GUBITOSA: All right, next item
4 on the agenda is the Stony Point Fire
5 District. This is the proposed garage. This
6 is on Route 9W, Liberty Drive and Summit
7 Avenue, and it was a new application. Is
8 that you, Dave?

9 MR. ZIGLER: I'm back.

10 CHAIRMAN GUBITOSA: All right.

11 MR. ZIGLER: Now that Stony Point --

12 CHAIRMAN GUBITOSA: You want me to
13 just --

14 MR. ZIGLER: Go ahead.

15 CHAIRMAN GUBITOSA: Go ahead. Max, you
16 want to -- do you have the plan, you want to
17 share it? Go ahead. Steve, let -- all
18 right. Thanks, Max.

19 MR. STACH: Steve, I need you to enable
20 it.

21 CHAIRMAN GUBITOSA: All right. All
22 right, Dave.

23 MR. ZIGLER: All right. So the plans up
24 in front of you are much clearer than my
25 layout. But what we have there is a garage.

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2 If you're looking at the property, if
3 you're standing on 9W looking back at the
4 property, on your right is the firehouse.
5 That's the cross hatch building. And then in
6 the back, there's a proposed garage.

7 Currently, there's a garage, a canopy, a
8 patio. All that's going to come out. And
9 it's going to be replaced by this garage.
10 It's 50-foot by 36. And it has an overhang
11 on the right side, that's the north side.

12 To our left, or to our south is the
13 dentist. And that's the lowest, lower part
14 of that building. And upstairs is a
15 residential. And then to our north is a
16 business. And to our east, the Greens.
17 That's where the Greens live, up off of Jay.

18 What we're basically doing is taking a
19 building down, replacing it, trying not to do
20 any disturbance in the parking lot. And the
21 building itself, the garage will set flush
22 with the existing parking area.

23 We had some comments about lights.
24 We're not proposing any lights.

25 We had comments about some parking, our

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shrubs along the fence line. That would be to your left. And that's not possible. When there's an emergency, there's not enough parking. And during a normal everyday use, there's plenty of parking.

But people do parallel park along that fence. So if we had to cut up the pavement and start planting bushes, we would lose that area. So we're asking to leave the situation as it is.

We're not expanding, really. Very little expansion. And we need no permits from anybody. And we're in front of the Board for site plan review. We staked the building out. I think a few of you went out and looked at it.

CHAIRMAN GUBITOSA: Yes.

MR. ZIGLER: About two months ago. And that's where we're at. It will have services. There will be just normal services into the building for water and sewer. And then that's it. I mean, it's pretty simple. But it's a garage. It's commercial. And it's a firehouse.

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2 CHAIRMAN GUBITOSA: All right. And
3 there's always, there's always been something
4 there. There was a, like, a picnic area that
5 they've always had. So it's not like
6 something new is going there.

7 MR. ZIGLER: No. And there's no other
8 things going on.

9 CHAIRMAN GUBITOSA: Right.

10 MR. ZIGLER: I mean, if you read some of
11 the County Planner notes, it's, it's a
12 firehouse. It's not going to be a McDonald's
13 or a Dunkin Donuts.

14 And it's hard to buffer our neighbor
15 Green because Green's house sits about eight
16 to ten foot higher than the lawn. And that's
17 just the basement. So it's really, the lot
18 where we're talking about, where the
19 horseshoe pit is, and that's Tax Lot 92
20 there. That was Green's lot.

21 So it's pretty simple. We went to the
22 Town Board to get a resolution. I think
23 Scott Dow is listening. He could speak up on
24 that. And we also have, I hope, Mr. Perkins,
25 who, if you have any questions about the

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building, he's also, I believe, online.

MR. SHEEHAN: Dave. Dave.

MR. ZIGLER: Yes.

MR. SHEEHAN: That overhead service and concrete curve, is that existing or proposed?

MR. ZIGLER: Where are you, this?

MR. SHEEHAN: Yeah.

MR. ZIGLER: That's proposed, proposed overhang. And underneath that is a concrete slab.

MR. SHEEHAN: But that curb is proposed also?

MR. ZIGLER: This curb exists.

MR. SHEEHAN: But the overhead does not.

MR. ZIGLER: Correct. That will be new.

MR. SHEEHAN: Why don't you go underground?

MR. O'ROURKE: Well, just to clarify, it's -- there's an existing overhead line there now that feeds one pole, and then feeds the light. So the pole is already there.

MR. SHEEHAN: Well, that's -- okay. That's why I asked the question.

MR. ZIGLER: I'm sorry. The pole is

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2 right, yeah, right there where it says U-P.
3 That's, that's the pole. And they just bring
4 the electric in off of that.

5 MR. SHEEHAN: Okay. Otherwise, I'd
6 rather see it, you know, underground. But if
7 it's existing, it's existing.

8 MR. ZIGLER: Yeah. And if we did go
9 underground, you would put a pole on this
10 side of Summit that would go underground.

11 MR. SHEEHAN: Right.

12 MR. ZIGLER: So you're still not losing
13 the pole.

14 MR. SHEEHAN: Exactly. No, exactly.
15 Well, I don't mind the pole on the property
16 line by the road. But, you know, any time
17 you can get the overhead underground. But
18 again, if it's existing and you don't have to
19 replace it, you know, then I guess it's fine
20 because, you know, any service, you know,
21 under our code should be underground.

22 MR. ZIGLER: I understand.

23 MR. SHEEHAN: So, you know, that's
24 something the Board has got to look at.

25 CHAIRMAN GUBITOSA: All right. So on

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2 this, Max, we should be -- do we have to be
3 lead agency on this one, too?

4 MR. STACH: So, Tom, this -- because of
5 the size of the building, this is a Type II
6 action not subject to SEQOR.

7 CHAIRMAN GUBITOSA: Okay.

8 MR. STACH: All right. And then I
9 think, you know, Mr. Dow might be able to
10 address it, or Steve. But this is sort of
11 here for our site plan comments. But I
12 understand -- maybe Steve could go over
13 whether or not site plan approval is actually
14 required.

15 MR. SHEEHAN: Why wouldn't it be
16 required? Go ahead, Steve, I'm sorry.

17 MR. HONAN: I believe it would be
18 required. The resolution that, which I
19 looked at again from the Town Board, I think
20 initially started out as essentially a waiver
21 of the bulk requirements, and that they
22 wouldn't have to go through the ZBA. Some of
23 the language was a little more broad.

24 But there is a provision in there that
25 basically states that the applicant will be

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before the Planning Board, and the application will go through the Planning Board. So it was my intention and understanding that this Board was going to refer them to the ARB, and then come back to us for the final approval. That was my understanding.

MR. DOW: And with respect to that -- again, this is Scott Dow, attorney for the Stony Point District. Again, we have no problem going through the site plan approval process. I'm not sure of the necessity to go to the ARB. If the Planning Board thinks it's necessary, certainly we'll cooperate, and we'll do that. We're hoping to get final site plan approval this evening.

But again, if -- it's my understanding it's going to be a brick structure. It's going to look like the existing firehouse. Any paint, it's going to, you know, mirror what the existing firehouse looks like.

So, you know, I'd like to avoid as much time delay as possible. But again, if the Planning Board feels that it's appropriate to

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2 go to the ARB, certainly we're not going to,
3 you know, object to that.

4 MR. SHEEHAN: Well, if I can chime in.
5 I don't think the Planning Board has an
6 option once -- you know, the zoning code,
7 which the Town Board really doesn't have, can
8 vary from, requires that any site plan,
9 commercial site plan review, they have to
10 refer it to the ARB.

11 MR. DOW: Well, with all due respect,
12 with all due respect, I think, Mr. Sheehan,
13 with respect to another governmental entity
14 where the balancing of interests --

15 MR. SHEEHAN: Correct.

16 MR. DOW: You know, we've gone through
17 that process. And I think the Town Board has
18 indicated that, you know, the Fire District
19 enjoys certain immunities because of that
20 status as a governmental entity. So I
21 certainly think the codes, although they do
22 apply in the Town of Stony Point, if this
23 Planning Board wanted to, they wouldn't have
24 to necessarily apply those codes to this
25 particular project. I think, I think the law

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2 would allow for that under the balancing of
3 interests tests and the immunity that's
4 granted to the fire district.

5 MR. SHEEHAN: Well, that's your opinion.
6 Okay.

7 CHAIRMAN GUBITOSA: I'm looking at the
8 Town Board's resolution. I'm trying to, but.
9 Bill, for the Ambulance Corps, they had to go
10 to the ARB, didn't they?

11 THE CLERK: Last ones, they came before
12 us for just the signs, and they were already
13 on the site plans.

14 CHAIRMAN GUBITOSA: Right.

15 THE CLERK: I don't remember when the
16 ambulance building came.

17 MR. DOW: Yeah. I'd also like to
18 mention that the Ambulance Corps is a not for
19 profit corporation and has a different
20 standing in law, other than a Fire District,
21 which is a political subdivision of the State
22 of New York.

23 CHAIRMAN GUBITOSA: I'm trying to think
24 about the new firehouse across from the
25 police station. That came before us. Did we

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2 go to the, did we go to the ARB with them?

3 THE CLERK: I don't remember.

4 MR. SHEEHAN: Yes, we did.

5 CHAIRMAN GUBITOSA: Yeah, we did, didn't
6 we.

7 MR. SHEEHAN: Absolutely.

8 CHAIRMAN GUBITOSA: Yeah.

9 MR. DOW: A much more involved, a much
10 more involved construction.

11 CHAIRMAN GUBITOSA: No, I understand.
12 But, you know, I got to follow the rules for
13 everyone. And I know the Town Board gave you
14 some consideration for the fees and all that.
15 But just going to the ARB, I think if it's
16 part of what we have to do, you know, I want
17 to make sure that we're doing things right.

18 MR. DOW: Understood.

19 MR. ZIGLER: Are you having any ARB
20 meetings, Mary?

21 MR. SHEEHAN: She's -- the boss is on
22 that site somewhere, Mary.

23 THE CLERK: I'm lost. If we have it
24 outside, I'll have one. Then you can do it
25 yourselves.

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2 CHAIRMAN GUBITOSA: Did we get designs
3 for the garage other than --

4 MR. SHEEHAN: I don't believe, I don't
5 believe we have any plans, no. We have
6 elevations.

7 CHAIRMAN GUBITOSA: We just have
8 elevations. We don't have what the building
9 is going to look like.

10 THE CLERK: No, we just have what's on
11 the, on the screen.

12 MR. ZIGLER: No, you actually have
13 elevations of the building with the --

14 CHAIRMAN GUBITOSA: Right.

15 MR. ZIGLER: -- the brick and the
16 siding.

17 THE CLERK: Correct.

18 MR. DOW: The architect Perkins might
19 have submitted something.

20 MR. ZIGLER: No, I submitted it.

21 MR. SHEEHAN: With the application,
22 Dave?

23 MR. ZIGLER: Yeah. And this is actually
24 the old map. There's a map newer than this
25 one.

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2 MR. SHEEHAN: Okay. I haven't seen it.

3 MR. ZIGLER: Yeah.

4 THE CLERK: I haven't, either. Did you
5 submit it online, or you just paper copies?
6 John? John Perkins?

7 MR. ZIGLER: Both, both.

8 THE CLERK: Both?

9 MR. ZIGLER: Yes.

10 THE CLERK: Wait a second. John, you
11 sent an email? When did you send an email to
12 me?

13 MR. PERKINS: Not to you.

14 THE CLERK: Oh, okay.

15 MR. PERKINS: Not to you. I have, I can
16 do a screen capture and show the Board what I
17 have so far.

18 THE CLERK: Okay, why don't you do that?

19 MR. PERKINS: If you allow me.

20 THE CLERK: I'm lost. I can't do it,
21 you have to ask Steve to do it.

22 MR. PERKINS: Whoever is responsible.

23 THE CLERK: Steve?

24 MR. HONAN: I thought it's activated.

25 Hold on. Give me one second. Yeah, you

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2 should be able to do it right now.

3 MR. PERKINS: Okay. All right. So
4 these are the views of the exterior of the
5 building as we're kind of developing it.
6 Split face block on three sides. The front
7 will be brick to match the existing
8 structure, much like that. So that's the
9 front elevation from the existing Fire
10 Department.

11 These are preliminary drawings. That's
12 the other side. Again, split face block on
13 three sides, brick, white trim, overhead
14 doors. There will be a mezzanine balcony
15 that goes on three sides and rear. And
16 decorative window in the front there, and
17 then overhead doors. And the opposite side,
18 as you saw, will be a covered area that
19 actually contains the covered patio surface.
20 As you can kind of see. Any questions?

21 MR. O'ROURKE: Well, this is John
22 O'Rourke. I just want to clarify.

23 MR. PERKINS: Sure.

24 MR. O'ROURKE: Because I didn't -- one,
25 I didn't receive those in my package, but it

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really -- that's not an issue. But I'm concerned because in the grading plan, specifically the rear of the building is about half buried as well with the portion of that pavilion with a wall. My understanding was from Dave that that was going to be designed into the building. So I just want to clarify that.

MR. PERKINS: Yeah, you can kind of see on the back left corner here, the grade is kind of sloping up. We've got about a, I think a five or six-foot grade up to the back.

MR. O'ROURKE: I was more just concerned about the pavilion side as well, because I think it's a little deeper there. So as long as that's part of the building and not the design on the site plan with the retaining wall, that's fine. But I'm understanding that the wall was extending out from the building and covering the flat area with a pavilion as well.

MR. PERKINS: Yeah, it's likely that this will extend as a retaining wall back

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2 here. But that's kind of dependent on the
3 grade.

4 MR. SHEEHAN: Well, that we kind of
5 really need to know.

6 MR. PERKINS: Yeah. I almost think it
7 will, we will have to.

8 MR. ZIGLER: Yeah. The wall extends to
9 the north.

10 MR. PERKINS: Yup.

11 MR. ZIGLER: And makes a little bit of a
12 hook around the corner, and then it will be
13 open, yes.

14 MR. SHEEHAN: Is that wall going to be
15 part of the building?

16 MR. ZIGLER: Yes.

17 MR. PERKINS: Yes. That will be the
18 same split face block as the sides.

19 MR. SHEEHAN: You might also want to
20 think about that overhead wire with that
21 pitch of that roof, too, Dave. Maybe go
22 underground from that first pole on the
23 property. Otherwise, you're going to have to
24 bring that wire to the front of the building.

25 MR. STACH: I have the revised plan if

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2 you want me to put it up. It does show the
3 wall.

4 MR. ZIGLER: My question is if we go to
5 the ARB and they don't have a meeting, what
6 happens?

7 BOARD MEMBER KRAESE: Well, they can
8 have a meeting. If Mary can't, doesn't,
9 can't make it, they can still have a meeting.
10 We're going to, we're going to, we're going
11 to have to start, you know, ARB is five
12 members. You can always have the meeting up
13 at RHO. And you know, there's no problem
14 social distancing up there.

15 MR. ZIGLER: No, I'm all for it. You
16 set it, I'll be there. John Perkins will be
17 there, and we'll have --

18 MR. SHEEHAN: I think you should
19 actually have a plan showing the wall and
20 what's actually being built. And again, I
21 think that that pole that must have that
22 existing streetlight on it now.

23 MR. PERKINS: Yes.

24 MR. SHEEHAN: You might want to go
25 underground from there and --

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2 MR. ZIGLER: Come into the site.

3 MR. SHEEHAN: Well, yeah, because the
4 pitch of that roof over that pavilion, you
5 know, where you have that overhead.

6 MR. PERKINS: Yes.

7 MR. SHEEHAN: You know, that's going to
8 be a problem with that roof.

9 MR. ZIGLER: Okay.

10 MR. SHEEHAN: You know, you're not going
11 to have the height is what I'm saying.

12 MR. ZIGLER: Yeah. I'll get together
13 with John Perkins on that.

14 MR. SHEEHAN: You know, until you get to
15 the actual main part of the building.

16 MR. ZIGLER: Right.

17 MR. SHEEHAN: So you're going to have to
18 have a mast sticking out of the middle of
19 roof there.

20 MR. PERKINS: Yeah, there definitely
21 will be a weather head or something there.

22 MR. SHEEHAN: Yeah, exactly. So you
23 might want to think about going underground
24 from that pole.

25 CHAIRMAN GUBITOSA: All right. And I

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2 think, like Bill said, I think we'll refer
3 you to the ARB.

4 THE CLERK: They're really going to need
5 a sample board, also.

6 CHAIRMAN GUBITOSA: Yeah.

7 MR. PERKINS: That's in process.

8 CHAIRMAN GUBITOSA: All right.

9 MR. O'ROURKE: One more, one more
10 comment as we're going through here, and I
11 just confirmed because I spoke with Dave.
12 That back slope was pretty steep, so Dave was
13 going to modify that and note it as a no mow
14 lawn in the back, or where that swale is.
15 And then Dave, a question, did you reply -- I
16 didn't see a response to the County comments.
17 I think we got to reply to them because when
18 we approve it, we have to, you know, confirm
19 that.

20 MR. ZIGLER: I actually sent my comments
21 to Steve. There was some good ones, too.

22 MR. HONAN: They were. They were very
23 good comments. I could share them with
24 everybody else.

25 MR. O'ROURKE: Okay, as long as he

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2 responded, that's all I -- yeah.

3 MR. ZIGLER: They did.

4 MR. O'ROURKE: Politely, I'm sure.

5 MR. ZIGLER: Always.

6 CHAIRMAN GUBITOSA: Good. All right.

7 Then I guess, I guess I'll make the motion to
8 refer them to the ARB. I need a second.

9 BOARD MEMBER JOHNSON: I'll second.

10 CHAIRMAN GUBITOSA: Mark, second. I got
11 a motion and a second to the ARB. And I'll
12 poll the Board. Jerry?

13 BOARD MEMBER ROGERS: Yes.

14 CHAIRMAN GUBITOSA: Kerri?

15 BOARD MEMBER ALESSI: Yes.

16 CHAIRMAN GUBITOSA: Mark?

17 BOARD MEMBER JOHNSON: Yes.

18 CHAIRMAN GUBITOSA: Gene?

19 BOARD MEMBER KRAESE: Yes.

20 CHAIRMAN GUBITOSA: And myself, yes. So
21 you'll be going to the ARB with all the
22 plans, and Mary will kind of tell you what
23 you need to give them.

24 MR. ZIGLER: Okay. Thank you for your
25 time.

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CHAIRMAN GUBITOSA: Thank you.

MR. PERKINS: Thank you.

MR. DOW: And then will we return back to the Planning Board on the 23rd?

CHAIRMAN GUBITOSA: Yes. Well, first, we'll probably go to the -- if we have a TAC meeting. But you can let -- the office will let you know, like, if you're on the agenda for the TAC meeting.

MR. DOW: Okay. Thank you.

CHAIRMAN GUBITOSA: All right. We're good.


(Time noted: 8:32 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

