

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

3 - - - - - X

IN THE MATTER

4 OF

LINDA P. MAGEE

5 - - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
October 24, 2019
7:08 p.m.

9 BEFORE:

10

- THOMAS GUBITOSA, CHAIRMAN
- 11 PETER MULLER, VICE CHAIRMAN
- MICHAEL FERGUSON, BOARD MEMBER
- 12 ERIC JASLOW, BOARD MEMBER
- PAUL JOACHIM, BOARD MEMBER
- 13 EUGENE KRAESE, BOARD MEMBER
- JERRY ROGERS, BOARD MEMBER

14

15

16

ROCKLAND & ORANGE REPORTING
2 Congers Road
New City, New York 10956
18 (845) 634-4200

17

18

19

20

21

22

23

24

25

1 Proceedings

2 CHAIRMAN GUBITOSA: Next item is going
3 to be, this is Linda Magee, it's a minor
4 subdivision located on the north side of Gate
5 Hill Road. And it's a public hearing
6 tonight. Mr. Zigler, give us a quick update.

7 MR. ZIGLER: Dave Zigler from Atzl,
8 Nasher and Zigler, and we're here for a
9 public hearing on Linda Magee. This project
10 is semi fresh in your mind because it was
11 part of the Gate Hill Magee amended property
12 line. That would be the, we'll call it the
13 east side of this property.

14 So the site itself is at the very end of
15 Old Gate Hill Lane. Not Road, Lane. And
16 it's owned by Linda Magee. And several years
17 ago, they were granted a use variance by the
18 ZBA to build a second house. That would be
19 the one down here. And they built two
20 houses, two single-family homes on one piece
21 of property.

22 And with that additional property that
23 they just recently picked up, we are now
24 proposing to subdivide the property. So
25 we'll have a lot with the original house, and

1 Proceedings

2 a lot with the newer house and the barn, or
3 the shed, or the garage, or whatever you want
4 to call it. There's going to be no other
5 construction. The proposal and improvements
6 that are as you see it. And what we're
7 trying to do is just subdivide it.

8 Now, the variances that were granted did
9 allow that home to be built on a private
10 drive, and it also gave relief for the yards.
11 So the only property line that we're adding
12 is the one between the homes, and that meets
13 the code. The depths and everything else
14 meet the code. So there's no variances being
15 requested.

16 We have letters from -- today we got
17 them, from the County Planner and the Health
18 Department. The Health Department is
19 interested in knowing the septic's location.
20 So we're going to have to go out and locate
21 the septic and make sure they work. We know
22 where the wells are, but there's a question
23 about the septic.

24 The County also asked to probably define
25 the previous ZBA so that everybody

1 Proceedings

2 understands the conditions of these lots as
3 they stand from the original Zoning Board of
4 Appeals granting. For those two items, we're
5 going to ask the Board to continue the public
6 hearing because we have to make some
7 modifications to the map. And then we would
8 come back on December 12th, if everything's
9 fine with the Board.

10 CHAIRMAN GUBITOSA: Okay. All right.

11 I'm going to open the public hearing. And
12 what I'm going to do first is, we have a
13 negative dec, declaration. It's a notice of
14 determination of non-significance.

15 The project is Linda P. Magee Minor
16 Subdivision, Town of Stony Point, October 24,
17 2018. Notice is issued pursuant to Part 617
18 of the implementing regulation pertaining to
19 Article 8, State Environmental Quality Review
20 Act, of the Environmental Conservation Law.
21 The Planning Board of the Town of Stony
22 Point, as lead agency, has determined that
23 the proposed action described below will not
24 have a significant effect on the environment
25 and a Draft Environmental Impact Statement

1 Proceedings

2 will not be prepared.

3 The name of the action is Linda P. Magee
4 Minor Subdivision. SEQR status is unlisted.
5 Condition negative declaration, no.

6 Description of the action is a minor
7 subdivision of an existing nonconforming lot
8 containing two dwellings so that each
9 existing dwelling is contained on its own
10 lot. The location is northwest of the
11 terminus of Old Gate Hill Lane. Tax Map is
12 designated as Section 19.01 Block 1 Lot 37.

13 Reasons supporting this determination:

14 The proposed action is not anticipated to
15 result in any adverse environmental impacts
16 based on the following:

17 One, on or about September 3, 2019, the
18 Town of Stony Point received an application
19 for subdivision approval and supporting
20 documentation for the action described above,
21 along with a short Environmental Assessment
22 Form, EAF, dated August 14, 2019;

23 Two, on or about September 26, 2019, the
24 Planning Board assumed Lead Agency status,
25 classified the action as unlisted, and

1 Proceedings

2 commenced uncoordinated review of the
3 application pursuant to 6 NYCRR 617;

4 And three, on or about October 24, 2019,
5 the Planning Board adopted a Part 2
6 Environmental Assessment Form indicating that
7 no potential moderate or large impacts are
8 likely -- all right.

9 And the proposed action is the legal
10 subdivision of real property, and no physical
11 changes are proposed as a result of this
12 accident;

13 And five, no adverse impacts.

14 But before we adopt the negative dec,
15 Max, we're --

16 MR. STACH: Yeah, so we also prepared a
17 Part 2.

18 CHAIRMAN GUBITOSA: Right.

19 MR. STACH: The most important thing to
20 understand on this particular project is that
21 there are no physical changes being proposed
22 to the project area. This is simply a change
23 in ownership, or a division of ownership,
24 whereby one of the homes is on one lot and
25 the other home is on the other.

1 Proceedings

2 With regard to the septic issue that was
3 raised, and that Mr. Zigler is going to
4 reflect on the map, you know, regardless of
5 what the outcome of that is, the Planning
6 Board can always require easements so that
7 those septics are maintained. Or Mr. Zigler
8 can indicate some other solution that's not
9 going to result in significant environmental
10 harm. So I would suggest you adopt a Part 2,
11 as I've prepared, identifying no large
12 impacts, and then take the vote on the
13 negative declaration as you read it.

14 CHAIRMAN GUBITOSA: All right. Thank
15 you, Max. All right. On the Part 2, I need
16 a motion to adopt.

17 VICE CHAIRMAN MULLER: I'll make a
18 motion with just one change. There's a typo.

19 CHAIRMAN GUBITOSA: No, that's the
20 negative dec. I'm not there yet.

21 VICE CHAIRMAN MULLER: Sorry.

22 CHAIRMAN GUBITOSA: That's all right.
23 Part 2.

24 BOARD MEMBER KRAESE: I'll second.

25 CHAIRMAN GUBITOSA: Second. Pete made

1 Proceedings

2 the motion to accept the Part 2, Gene
3 seconded. All in favor?

4 (Response of aye was given.)

5 CHAIRMAN GUBITOSA: Opposed? All right,
6 the Part 2 is adopted. Now we'll do the
7 negative dec. A motion to accept the Part 2?

8 VICE CHAIRMAN MULLER: I'll make that
9 motion with one change in that typo. Short
10 has one R.

11 CHAIRMAN GUBITOSA: And that's -- right.
12 In reasons supporting documentation,
13 Number 1, changing short to one R. All
14 right, so I have a motion to adopt the
15 negative dec.

16 BOARD MEMBER JOACHIM: I'll second.

17 CHAIRMAN GUBITOSA: Second. Any
18 discussions on it? All in favor?

19 (Response of aye was given.)

20 CHAIRMAN GUBITOSA: Opposed? All right.
21 Negative dec is up. All right, so now what
22 I'll do is I'll open the public hearing for
23 Linda Magee. If you have any comments, just
24 state your name, address for the record and
25 sign the sheet.

1 Proceedings

2 No one? All right. No one is going
3 tonight. I need a motion to continue the
4 public hearing to December 12th.

5 BOARD MEMBER JOACHIM: I'll make that
6 motion.

7 CHAIRMAN GUBITOSA: Second?

8 BOARD MEMBER ROGERS: I'll second,
9 Mr. Chairman.

10 CHAIRMAN GUBITOSA: All in favor?

11 (Response of aye was given.)

12 CHAIRMAN GUBITOSA: Opposed? All right,
13 good. So we'll continue the public hearing
14 for December 12th.

15 MR. ZIGLER: Thank you.

16 (Time noted: 7:16 p.m.)

17

18 oOo

19

20

21

22

23

24

25

Proceedings

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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