

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
September 26, 2019
7:53 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

19
20
21
22
23
24
25

1 Proceedings

2 CHAIRMAN GUBITOSA: All right. Next
3 item, Item 3, these are new applications.
4 Linda Magee, minor subdivision located on the
5 north side of Gate Hill Lane, 1100 feet east
6 of Stella Court. It's a new application.
7 Mr. Zigler, haven't seen you in a while.

8 MR. ZIGLER: Well. Ready?

9 CHAIRMAN GUBITOSA: We're ready.

10 MR. ZIGLER: Okay. Basically, Dave
11 Zigler from Atzl, Nasher and Zigler, and I'm
12 representing the nice person by the name of
13 Linda Magee that happened to have a hardship
14 of marrying a guy named Pat.

15 This property was recently approved with
16 the subdivision at Gate Hill. It was a
17 property line that was contiguous between
18 them. The property line moved, I'll say to
19 the east, which gave the Magees more
20 property. That's shown up here on this map
21 right there.

22 CHAIRMAN GUBITOSA: All right.

23 MR. ZIGLER: Right now, we're coming
24 back in to subdivide the property. The
25 property is the homestead. And back in the

1 Proceedings

2 70s, I think it was in the 70s, he received
3 variances to build a second house on the
4 property.

5 So today, the property has two houses on
6 it. So what we're doing is taking the
7 original property plus the additional
8 property that he picked up to the east, off
9 of Gate Hill, and we're putting a property
10 line between the two homes. That would
11 separate the lot on north side. Towards Gate
12 Hill would be the original house, and the
13 piece to the south, which I'll say is closer
14 to Blanchard, that would be the second lot,
15 the new lot, and that would be existing home
16 on it.

17 So there's proposed no improvements. It
18 is accessed by a private right-of-way. Bill
19 has to make a determination that this
20 additional lot would require relief of that,
21 as an additional lot off the private
22 right-of-way.

23 But there's no changes in driveways or
24 utilities. Everything is separate. So it's
25 just a matter of placing a line between the

1 Proceedings

2 two homes. This is the first time you're
3 looking at it. I didn't know if you wanted
4 to set a field trip to go out and look at the
5 site.

6 VICE CHAIRMAN MULLER: I don't think
7 it's necessary, Mr. Chairman.

8 CHAIRMAN GUBITOSA: Yeah, I don't think
9 we need -- we've been out there.

10 MR. ZIGLER: All right. The site, the
11 site line is right in the middle of that
12 hill.

13 CHAIRMAN GUBITOSA: Yeah.

14 MR. ZIGLER: So if you take the 500 foot
15 around it, the only reason that we're hitting
16 a County review is because you have PIP over
17 to the west at about 500 foot. So there's
18 really no impact. There's no additional
19 permits required. It's just this Board to do
20 a subdivision. And with the determination by
21 Bill, if we got to get, go back to the ZBA to
22 get the extension of a private road.

23 CHAIRMAN GUBITOSA: All right.

24 VICE CHAIRMAN MULLER: Okay.

25 MR. STACH: Yeah, well, I would set lead

1 Proceedings

2 agency for uncoordinated review and classify
3 it as unlisted.

4 CHAIRMAN GUBITOSA: All right.

5 VICE CHAIRMAN MULLER: I'd like to make
6 that motion.

7 CHAIRMAN GUBITOSA: All right. I need a
8 second to make us lead agency and, what was
9 it, uncoordinated review. I have a motion
10 and a second. All in favor?

11 (Response of aye was given.)

12 CHAIRMAN GUBITOSA: Opposed? I need a
13 motion to make this unlisted.

14 MR. STACH: Unlisted.

15 CHAIRMAN GUBITOSA: Unlisted action.

16 VICE CHAIRMAN MULLER: I'll make that
17 motion.

18 CHAIRMAN GUBITOSA: Pete, motion. I
19 need a second.

20 BOARD MEMBER FERGUSON: Second.

21 CHAIRMAN GUBITOSA: Mike seconded. Any
22 questions? All in favor?

23 (Response of aye was given.)

24 CHAIRMAN GUBITOSA: Opposed? All right,
25 so we have lead agency, unlisted. I think

1 Proceedings

2 that's it.

3 MR. STACH: So you need to refer to
4 County.5 CHAIRMAN GUBITOSA: We're going to refer
6 you to, you have to go to County.

7 MR. STACH: To the Zoning Board.

8 MR. O'ROURKE: You have to refer -- I
9 think they have to go to County Planning.10 CHAIRMAN GUBITOSA: It goes to County
11 anyway, I should say.12 MR. O'ROURKE: And I believe he said
13 he's waiting for Bill to make a determination
14 whether it has to go to the ZBA or Bill,
15 being the Building Inspector, basically says
16 they don't have to go to the ZBA. It's on a
17 private road, so it will be his call whether
18 it needs a 280-a variance or not.19 MR. STACH: But there are other
20 variances besides the 280-a, right, that are
21 required?

22 MR. O'ROURKE: No.

23 MR. ZIGLER: No, no.

24 MR. STACH: No? Okay.

25 MR. O'ROURKE: He previously got

1 Proceedings

2 variances for the two homes on the site. The
3 lot is actually getting larger in that.

4 MR. STACH: But isn't one of your, isn't
5 one of your side yard variances increasing
6 because of the new line?

7 MR. ZIGLER: No, no. Yeah, it's
8 increasing. It's farther away, so that's
9 good.

10 MR. STACH: It's a new --

11 MR. ZIGLER: There's no, there's no
12 variances required.

13 MR. STACH: All right.

14 CHAIRMAN GUBITOSA: All right.

15 MR. ZIGLER: We have plenty of area.
16 The only other thing I would ask if the Board
17 would set a public hearing for the next
18 meeting.

19 CHAIRMAN GUBITOSA: All right.

20 VICE CHAIRMAN MULLER: I'll make that
21 motion, Mr. Chairman.

22 CHAIRMAN GUBITOSA: I'll make a motion
23 to set a public hearing for next month,
24 October --

25 BOARD MEMBER FERGUSON: I'll second it.

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

Proceedings

CHAIRMAN GUBITOSA: -- 24th. All right,
Mike made the motion. Second? Pete made the
second. All in favor?

(Response of aye was given.)

CHAIRMAN GUBITOSA: Opposed? All right.
Public hearing, we'll see you.

MR. ZIGLER: Thank you.

(Time noted: 7:59 p.m.)

oOo

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