

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

3 - - - - - X

IN THE MATTER

4 OF

JUSTIN & NICOLE O'DELL

5 - - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
September 26, 2019
7:59 p.m.

9 BEFORE:

10

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

14
15
16

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

17
18
19
20
21
22
23
24
25

1 Proceedings

2 CHAIRMAN GUBITOSA: All right. Next
3 item, Justin and Nicole O'Dell. This is just
4 a new application, lot line change.

5 BOARD MEMBER JOACHIM: Mr. Chair, I'm
6 going to recuse myself from this application.

7 CHAIRMAN GUBITOSA: All right,
8 Mr. Joachim, thank you. All right.

9 MR. ZIGLER: He just wants to go home
10 and watch the Yankees.

11 BOARD MEMBER JOACHIM: They're off
12 tonight.

13 CHAIRMAN GUBITOSA: They're off. All
14 right, what do you have on this one?

15 MR. ZIGLER: It was going to stay on the
16 same mountain, it's just going to enter from
17 a different way. This is down off of
18 Blanchard.

19 CHAIRMAN GUBITOSA: Right.

20 MR. ZIGLER: As you leave Willow Grove
21 Road and you're on Blanchard, you go around
22 the turn, then you have that drop in the road
23 before you get down to the bottom where the
24 wetlands are. This is a private road, enters
25 in off on your left. And it goes up into the

1 Proceedings

2 O'Dell mountain, as I call it.

3 This Board did a subdivision, also,
4 established one lot in a larger tract. This
5 was back in the 80s. And at that time, it
6 received the variances required to build a
7 house on a private road. There is also a use
8 variance for a house or an apartment behind
9 the original homestead. The original
10 homestead was the grandmother of my applicant
11 here.

12 The proposal is now to kind of reverse
13 that subdivision. At the time, the new home,
14 which is 18.2 tax lot, that would be the
15 south side of the property, the new home was
16 created. And that dashed line you see was
17 the original property line. Well, right now,
18 we're kind of reversing it. Mrs. O'Dell
19 passed away, so the house is for sale. And
20 they would like to reduce the area around the
21 original home.

22 So that's what you're looking at, that
23 solid line now, where it says Shirley O'Dell,
24 that reduces the original lot and kind of
25 flip flops the areas if you look at the table

1 Proceedings

2 down below. They all meet the code. There's
3 no change in the access. There's no utility
4 changes. There's no requirements for
5 permits. There's no construction approved.
6 And there is two homes on 18.1, as there was
7 in the beginning.

8 And they, like I said, the O'Dells have
9 received a use variance for the second home.
10 That's not going to happen anymore. It's a
11 very unusual thing, you got two applications
12 in a row.

13 So that's -- it's an amendment of a
14 property line. I didn't know if you wanted
15 to make a field visit on this. It does have
16 to circulate, it's within 500 foot of PIP and
17 the County road.

18 CHAIRMAN GUBITOSA: All right. Do we
19 need a site visit? No. All right, we don't
20 need a site visit, just the lot.

21 MR. ZIGLER: Fine with me.

22 CHAIRMAN GUBITOSA: All right. I just
23 need a -- go ahead. I just need to make a
24 motion to make this a Type II action.

25 BOARD MEMBER ROGERS: I'll make that

1 Proceedings

2 motion.

3 CHAIRMAN GUBITOSA: I need a second.

4 BOARD MEMBER FERGUSON: I'll second.

5 CHAIRMAN GUBITOSA: Mike seconded.

6 BOARD MEMBER KRAESE: Are we going to be
7 lead agency?

8 CHAIRMAN GUBITOSA: We'll do that now.

9 MR. STACH: It's a Type II action.

10 CHAIRMAN GUBITOSA: It's a Type II. I
11 have a motion and a second to be Type II.
12 All in favor?

13 (Response of aye was given.)

14 CHAIRMAN GUBITOSA: Opposed? We don't
15 have to do anything else, right?16 MR. O'ROURKE: Well, not for lot lines.
17 Basically, you're taking an invisible line
18 and moving an invisible line.

19 CHAIRMAN GUBITOSA: Yeah.

20 MR. O'ROURKE: But the one thing I
21 pointed out in my comments is, as David said,
22 they have a previous variance for two houses
23 on a lot.

24 CHAIRMAN GUBITOSA: Right.

25 MR. O'ROURKE: That lot is now proposed

1 Proceedings

2 to be smaller than originally what the zoning
3 granted the approval for the two lots. So I
4 basically asked -- I would agree for the
5 Building Inspector I think have to make the
6 determination whether that variance needs to
7 be modified. Because again, if you're having
8 two lots on one acre, and now you're having
9 those same two lots on a half an acre, just
10 making up numbers, is it an impact. And
11 that's, that's the only comment that we have
12 on the layout. Other than that, you're never
13 going to -- it's a lot line change. That's
14 my only question. And I don't know if you
15 talked to --

16 MR. ZIGLER: I did talk to him. But I
17 don't want to speak for what he said. But
18 basically, both lots exceed the code. So
19 that's where I'll leave it. And I'll let
20 Bill talk for himself.

21 MR. O'ROURKE: Okay.

22 MR. ZIGLER: The only thing I would ask
23 for is so that you could make a decision next
24 month, if you so choose, is if Mary could
25 maybe push the County because we'd be shorter

1 Proceedings

2 than 30 days.

3 THE CLERK: I already sent them out.

4 MR. ZIGLER: All right.

5 THE CLERK: They sent out when you gave
6 them to me.7 MR. ZIGLER: All right. There shouldn't
8 be any comments because we're not changing
9 anything. But I know that you feel more
10 comfortable if you get the comments.

11 CHAIRMAN GUBITOSA: All right.

12 THE CLERK: It was sent out, I think
13 September 16th.

14 MR. ZIGLER: Cool.

15 THE CLERK: So you'll have it.

16 CHAIRMAN GUBITOSA: We'll see you then.

17 MR. ZIGLER: Thank you.

18 CHAIRMAN GUBITOSA: You're welcome.
19 Have a nice evening.

20 (Time noted: 8:04 p.m.)

21
22 oOo
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