

Town of Stony Point

Department of Planning

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Adopted: September 22, 2016

PLANNING BOARD MINUTES

June 23, 2016

RHO BUILDING at 7:00 P.M.

Chairman: First on the agenda is Vestco it is a continued Public Hearing Mr. Zigler could you bring us up to date.

Vestco – SBL 20.04-11-7 Site Plan Conditional Use located on the south side of Holt Drive 625 East of South Liberty Drive

- Continued Public Hearing

Mr. Zigler: Dave Zigler from Atzl, Nasher and Zigler we submitted the revisions we got approval for. Just recently we received a County Planning letter and we have no problems with anything. One of the comments was additional buffering or landscaping along the contractors storage so today I emailed you two trees that we would put on the back southwest corner and that would buffer the contractor's storage also I included two photos - a photo from the school looking at the site which the only thing you can see is a little bit of a fence and then a photo from the site looking towards the school which you really can't see anything as you know there is over ten foot difference and the highest point of elevation of the berm to the grade of our site with the trees that are there and we don't intend to disturb them I don't think anybody else would disturb them so you can't see the site so with the wall and the shrubs that we had on the northern side of the easement we are going to add these two trees so we answered the one concern and I think we agree with the rest of the items so that is the only thing we have if you have any questions I can answer them.

Chairman: Alright thanks Dave John can you give us an update with the drainage

Mr. O'Rourke: They submitted a full drainage report calculations needed for the soil testing out at the site and we reviewed the drainage report and the revised plans the last submission was satisfactory and will (inaudible) the Town regulations. So we have no issues the drainage there is going to be no increase the soil is beautiful sand material with a beautiful perk rate so we are very satisfied with the drainage. There last submission they did address the comments from the TAC Meeting the landscaping and the light fixtures they modified as well. So we are generally satisfied with the plans.

Chairman: Thank you John, Max anything else.

Mr. Stach: The only thing I wanted to address is in the June 23, 2016 Rockland County Planning Department letter the first condition of that letter is that the Village of West Haverstraw and the Town of Haverstraw must be given an opportunity to review the changes because they note that the application has changed in a positive respect to some of the comments of those two municipalities that they should be given the opportunity to review that and discuss whether or not the changes were sufficient. I understand from Mary that revised maps were sent on June 16, 2016. The June 9, 2016 version was sent to the Town and Village even though there are small minor changes between those two plans it is my suggestion and I defer to Counsel on this that in order to approve the plan tonight that you would have to override that condition. One of the changes was that the landscaping along the rear property line was made more robust so that is operative to some of their comments.

Mr. Honan: I would agree with Max but believe that the final map of the applicant dated June 9, 2016 was provided to the Town and the Village and the County has those that was the reason why the letter was dated June 23, 2016 and the application stated additional planting would be made along the southern border of the site will enhance the screening capacities of this site and the adjoining properties in the Village of West Haverstraw. I agree with Max that the Board can override number one.

Chairman: Alright tonight was a continued Public Hearing so I am going to open the Public Hearing and take any comments just state your name and address and address the Board.

Roisin Grzegorzewski, Silverberg Zalantis LLP

Ms. Grzegorzewski: Hello I am Roisin Grzegorzewski I am here on behalf of Silverberg Zalantis and as you know we represent the Town of Haverstraw and submitted a letter dated June 3, 2016 which you already had and I handed out extra. Our concern about the cumulative traffic impacts on Holt Drive with respect to this proposed project in addition to the new Planet Bio Fuels project and it is our position prior to any approvals being granted on this project that the impact should be cumulatively considered based on the fact that there is going to be approximately 400 truck delivery a day and it is more in detail in my letter our letter Silverberg Zalantis so we just wanted to address that especially based on the March 10th letter from Rockland County see that the Village of West Haverstraw and the Town of Haverstraw should be given the opportunity to review the impact on community character and traffic and it must be considered and satisfactorily addressed so we are just raising the issue again as we brought up in our letter.

Chairman: Thank you any more comments from the public. Before we close the Public Hearing we are going to go through the Negative Declaration after I prepare the Negative Declaration I will ask for motion to accept.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: VESTCO

TOWN OF STONY POINT, NEW YORK

DATE: JUNE 23, 2016

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Stony Point, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: VESTCO SITE PLAN AND CONDITIONAL USE

SEQR Status: Unlisted

Condition Negative Declaration: No

Description of Action: Site Plan and Conditional Use approval to permit the expansion of an existing warehouse structure from approximately 12,140 square feet to approximately 28,140 square feet and change of use of approximately 4,760 square feet from warehouse to retail.

Location: West side of Holt Drive, approximately 800 feet south of South Liberty Drive (Route 9W). Tax lot is designated as 20.04-11-7.

Reasons Supporting This Determination:

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

1. On or about March 3, 2016, the Town of Stony Point received an application for the site plan and conditional use approval of the subject premises along with a Short Environmental Assessment Form (EAF);
2. On or about March 10, 2016 the Rockland County Planning Department indicated the following concerns:
 - a. Opportunities shall be given for the Village of West Haverstraw and Town of Haverstraw to review potential impacts of the project;
 - b. Project must comply with Mosquito Control Code;
 - c. Soil and erosion control plan must be provided prior to construction;
 - d. No net increase in the rate of stormwater runoff;
 - e. A landscaping plan shall be submitted for County review;
 - f. A lighting plan shall be provided that shows fields of illumination and demonstrates that lighting does not shine beyond property line;
3. On or about March 24, 2016, the Town of Stony Point declared itself lead agency and classified the action as unlisted;

4. On or about March 25, 2016 the Planning Board received a letter from the Village of West Haverstraw Mayor with the following concerns:
 - a. Contractor's storage yard within 30' of elementary school has potential to result in noise, odor and air quality impacts associated with the movement of heavy equipment;
 - b. Inability to plant landscaping within 30' easement has the potential to further impact residences to the south;
5. On or about April 2, 2016, the Planning Board conducted a fact-finding site visit to the site and observed among other things that:
 - a. The area of the site to be used for contractor storage and for building construction, is not significantly visible to the school to the west due to its distance of more than 400 feet, its location approximately 15 feet higher than the school and its fields and playground, and a considerable vegetative screen located at the rear yard of the school to the south which also screens the site from the Walnut Hill Apartments to the southwest;
 - b. That the lots to the east and west of the proposed site, already have outdoor storage and truck docks located closer to adjacent residential and school property than are proposed for this lot;
6. On or about April 27, 2016 the Planning Board completed a Part 2 EAF indicating no moderate to large impacts occurring as a result of the proposed project;
7. On or about May 3, 2016 the Rockland County Planning Department issued a follow up letter indicating the following areas of concern:
 - a. A review must be completed by the NY Department of Transportation;
 - b. Comments of Rockland County Department of Health regarding Mosquito Control must be adhered to;
8. On or about June 3, 2016, the Planning Board received a letter from the attorney for the Town of Haverstraw, Steven M. Silverberg, Esq., requesting that the Planning Board take into consideration the cumulative traffic impacts of the subject application and that of the "New Planet Project" which he suggests will together increase truck and vehicle traffic through the Town of Haverstraw;
9. With regard to noise, odor, visual and air quality impacts to areas to the south the Planning Board finds as follows:
 - a. The proposed units are individual mini-warehouse units of 2,000-4,000 square feet each and thus are intended for use by small contractors, which are not likely to store significant numbers of large-

scale heavy equipment that would generate significant air quality impacts;

- b. That the outdoor storage area is less than 1/2 acre and is less than those approved for adjacent lots;
 - c. That the sewer easement at the south of the site constitutes a six foot high berm at the top of an approximately 15' high slope at the rear of the elementary school to the school to the south, effectively limits views of the project site, and will largely attenuate sound travelling toward the school from site activities;
 - d. That the proposed contractor storage area will be maintained with a proper surface and drainage to avoid dust impacts;
 - e. That the Town of Stony Point Zoning Local Law prohibits the storage of dangerous chemicals on the site;
 - f. That lighting will not result in the spill of glare beyond the property line;
 - g. That the installation of a row of burning bush (*Euonymus alatus*), a fast-growing bush known to grow to heights of 8' along the southern property line will further screen the site and help to mitigate any potential dust generated on the site;
10. With regard to traffic impacts, especially truck-related traffic including additive impacts to the New Planet Energy application, the Planning Board finds that:
- a. Mini-storage generates far fewer vehicle and truck trips than other uses permitted in the LI-2 district, and all along West Haverstraw's Route 9W corridor;
 - b. Based on ITE information, the proposed mini-warehouse can be expected to generate in the range of 62 trip ends per day, only 10 of which are likely to be trucks, which is a nominal addition to the truck traffic already travelling along Route 9W;
 - c. The proposed mini-warehouse units are likely to be used by local contractors, many of whom already store their vehicles and equipment locally at homes or other areas, and it is unlikely that this use will generate "new" traffic along regional roadways;
 - d. The New Planet Energy project is completely separate from this proposed project in that that project has a different project sponsor, a different lead agency, a different use category, a different approval and construction timeframe and is functionally independent, and therefore it is appropriate to consider this use separately from that use;
11. No other impacts were identified

MOTION: ADOPT NEGATIVE DECLICATION
Made by Paul Joachim and seconded by Gerry Rogers
Roll call vote all in favor

Chairman: I just need a motion to close the Public Hearing.

MOTION: CLOSE PUBLIC HEARING
Made by Gene Kraese and seconded by Mike Ferguson

Chairman: What I will do right now is I will read a Resolution Granting Approval then I will ask for a Motion and second then we will vote on that.

RESOLUTION

GRANTING

FINAL SITE PLAN APPROVAL

For The Project

VESTCO SITE DEVELOPMENT PLAN

**BY APPLICATION OF: Vestco, LLC and Gary Galanti, 11 Holt Drive, Stony Point NY
10980**

WHEREAS, an amended application and a Short EAF, dated March 4, 2016 , has been submitted to the Planning Board of the Town of Stony Point for Final Site Plan Approval to redevelop the site and expand the existing warehouse from 12,000+/- sq. ft. to 28,000+/- sq. ft. and to operate the premises as a warehouse, mini-warehouse, contractor's storage yard and two (2) retail units, and upon a submitted proposed site plan entitled "VESTCO SITE DEVELOPMENT PLAN" consisting of six (6) sheets, prepared by Atzl, Nasher & Zigler, P.C., dated February 4, 2016 and last revised on June 9, 2016 and concerning premises designated as Section 20.04, Block 11, Lot 7 on the Tax Map of the Town of Stony Point, County of Rockland, consisting of 2+/- acres and located in an LI-2 Zoning District, at 11 Holt Drive, Stony Point NY 10980; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, the Planning Board at a meeting on February 25, 2016 declared itself lead agency and determined that this was an Unlisted Action and at a meeting on April 28, 2016 the Planning Board accepted Part 2 of the Short EAF and on June 23, 2016 the Planning Board as lead agency determined that

the proposed action will not result in any significant adverse environmental impacts and issued a negative declaration; and

WHEREAS, by letters dated February 22, 2016 and June 9, 2016, the Rockland County Department of Health indicated that an application must be submitted to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code; and

WHEREAS, by letter dated March 10, 2016, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law §239-1 & m, indicated that the subject site's southern border is adjacent to the Town of Haverstraw and is 215 feet from the Village of West Haverstraw and as such those municipalities must be given the opportunity to review and comment upon this application; that an application must be submitted to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code; that prior to construction or grading an erosion control plan must be developed and in place for the entire site that meets the requirements of the latest edition of the NYS Guidelines for Urban Erosion and Sediment Control; that a landscaping plan must be submitted for review and a lighting plan must be submitted for review to show fields of illumination and to insure the lights do not shine beyond the property line; and

WHEREAS, by letter dated March 14, 2016, David M. Zigler, of Atzl, Nasher & Zigler, P.C., the planners and engineer for the applicant, responded to the letter of the Rockland County Department of Planning, dated March 10, 2016, and advised that after final approval the applicant will make application to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code; that prior to Final Submission and prior to construction or grading, details will be provided by the applicant for an erosion control plan for the entire site that meets the requirements of the latest edition of the NYS Guidelines for Urban Erosion and Sediment Control; that the project will adhere to the Code for site drainage design; that the existing trees on the southern boundary will not be touched by the applicant; that prior to Final Submission a lighting plan will be provided to show fields of illumination and to insure the lights do not shine beyond the property line; and

WHEREAS, by letter dated March 25, 2016, the Mayor Robert R. D'Amelio of the Village of West Haverstraw expressed concern due to the proximity of the development to the elementary school and North Rockland School District property and to a residential zone in the Village; and the use of the development site may cause dust, noise and visual impacts on these adjacent properties; and the thirty (30) foot buffer is over a sanitary sewer easement and does not contain trees or meaningful vegetative screening; and the Mayor requested that the Planning Board require the storage of building material, etc., on the site to be placed indoors and in a location more distant from the school and residential properties in the Village; he requested the expansion of the buffer area by an additional 20 feet, and; require additional screening along the southern property line; and impose reasonable restrictions on the times and nature of anticipated site activities in order to mitigate noise and air quality impacts on the neighboring Village; and

WHEREAS, by letter dated March 31, 2016, David M. Zigler, of Atzl, Nasher & Zigler, P.C., the planners and engineer for the applicant, responded to the letter of the Mayor Robert R. D'Amelio of the Village of West Haverstraw and addressed the concerns of the Mayor and advised that the proposed contractor storage facility is over 400 feet from the school and 200 feet from the closest residential unit and is located in the side yard of the site and behind the sewer interceptor berm and with respect to the outdoor storage of material in the contractor storage yard the owner and applicant will comply with the Town Code; and with respect to potential noise and dust generation the proposed contractor storage yard is significantly smaller than similar yards on adjacent properties which have been in operation for years without complaint; and that the buffer of trees provided along the southern property line and the increased elevation of the sewer interceptor berm when compared to the lower elevation of the school property provides a sufficient visual break and buffer; and with respect to the size of the buffer and the hours of use and operation and the nature of the site operation, the owner and applicant will in all respects comply with the Town Code; and

WHEREAS, by letter dated June 3, 2016, the attorney for the Town of Haverstraw, Steven M. Silverberg, Esq., requested that the Planning Board take into consideration the cumulative traffic impacts of the subject application and that of the "New Planet Project" which together will increase truck and vehicle traffic through the Town of Haverstraw, prior to issuing any approvals for the subject project; that the attorney for the Town of Haverstraw addressed these concerns to this Planning Board at the Public Meeting of May 26, 2016 and this Board considered the likely cumulative traffic impacts and determined that this proposed project will not have a significant cumulative traffic impact upon the neighboring Town or area roadways; and

WHEREAS, this board referred the applicant to the Architectural Review Board of the Town of Stony Point, and by a Decision dated June 15, 2016, the ARB issued Conditional Approval of the application; and

WHEREAS, by letter dated June 21, 2016, John O'Rourke, P.E. of Lanc & Tully Engineering and Surveying, P.C., the Engineers for the Town of **Stony Point**, advised the Planning Board that his office had reviewed the revised plans entitled "**VESTCO SITE DEVELOPMENT PLAN**" last revised **June 9, 2016** and the **Stormwater Pollution Prevention Plan report** of Atzl, Nasher & Zigler, P.C., dated May 17, 2016 **relative to this project and upon a review of the drainage report and a verification of the calculations, he takes no exceptions to the proposed modifications to the site and he determined that the report and plan meets both Town and State regulations relative to the proposed improvements and Mr. O'Rourke further finds that with respect to the modifications to the use of the rear building, light fixture modifications, fence termination location and modified landscaping, his office takes no exception with** the Planning Board proceeding with processing this application; and

WHEREAS, by a supplemental letter dated June 23, 2016, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law §239-1 & m, and upon review of the applicant's revised plans, dated June 9, 2016, noted that the applicant has addressed some of the concerns previously raised by the Village of West Haverstraw in that

the proposed contractor storage yard has been moved further away from the southern property line and a four (4) foot retaining wall and bushes have been proposed to lessen the visual and audible impacts on the adjacent properties; and to further lessen these impacts it is suggested that additional landscaping, such as evergreens, be added to the plans; and that the adjacent municipalities must be given the opportunity to review the applicant's revised plan and determine if their concerns have been met and any further comments must be satisfactorily addressed by the applicant; and that prior to construction or grading an erosion control plan must be developed and in place for the entire site that meets the requirements of the latest edition of the NYS Guidelines for Urban Erosion and Sediment Control; and an application must be submitted to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code; and there shall be no net increase in the peak rate of discharge from the site at all design points; and

WHEREAS, a duly noticed public hearing was held on May 26, 2016, at which date the public hearing was opened and continued to June 23, 2016, at which time the public hearing was conducted, concluded and closed.

NOW, THEREFORE, be it

RESOLVED that the plat submitted for **approval of an** Application for **Final** Site Plan Approval to redevelop the site and expand the existing warehouse from 12,000+/- sq. ft. to 28,000+/- sq. ft. and to operate the premises as a warehouse, mini-warehouse, contractor's storage yard and two (2) retail units, **and upon a submitted proposed site plan entitled "VESTCO SITE DEVELOPMENT PLAN"** consisting of six (6) sheets, prepared by Atzl, Nasher & Zigler, P.C., dated February 4, 2016 and last revised on June 9, 2016 and concerning **premises designated as Section 20.04, Block 11, Lot 7 on the Tax Map of the Town of Stony Point, County of Rockland, consisting of 2+/- acres and located in an LI-2 Zoning District, at 11 Holt Drive, Stony Point NY 10980, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk, upon payment of any and all outstanding fees to the Town, subject and conditioned upon the following:**

1. All conditions of the Conditional Approval granted by the Architectural Review Board Decision dated June 15, 2016.
2. All other applicable site plan requirements set forth in the site plan regulations of the Town of Stony Point and consistent with the General Notes on the site plan.
3. The Applicant must submit an application to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code.
4. The Applicant must provide the additional landscape plantings as indicated on their submission to the Board of June 23, 2016.

5. That portion of Condition 1 in the letter dated June 23, 2016 of the Rockland County Department of Planning, requiring that the adjacent municipalities be given the opportunity to review the applicant's revised plan and determine if their concerns have been met and any further comments must be satisfactorily addressed by the applicant, is hereby overridden because the applicant's revised plan dated June 9, 2016 was in fact previously provided to the Town of Haverstraw and the Village of West Haverstraw, that an attorney for the Town of Haverstraw once again addressed the Town's concerns to this Board at the public meeting of June 23, 2016 and which concerns were previously considered by this Board, and the Village's concerns were sufficiently addressed by the applicant in its submission of June 23, 2016 to provide additional landscaping on the site and which additional landscaping is now made a condition of this approval, and that the applicant has sufficiently addressed all of the Town's and Village's concerns.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on June 23, 2016, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Members Present:				
Chairman Gubitosa	<u>_x_</u>	_____	_____	_____
Gerry Rogers	<u>_x_</u>	_____	_____	_____
Gene Kraese	<u>_x_</u>	_____	_____	_____
Eric Jaslow	<u>_x_</u>	_____	_____	_____
Michael Ferguson	<u>_x_</u>	_____	_____	_____
Paul Joachim	<u>_x_</u>	_____	_____	_____
Peter Muller	_____	_____	_____	<u>_x_</u>

The Resolution was thereupon duly adopted.

**Chairman of the Planning Board
Town of Stony Point**

Filed in the Office of the Clerk of the Town of Stony Point this 27th **day**
of June, **2016.**

Clerk

Barbara Oyer, Deputy Town

Town of Stony Point

Mr. Stach: I believe the applicant had provided you with (inaudible) plant trees I would reference that the applicant must provide the additional landscaping as indicated.

Chairman: We will add four as to the additional landscaping as submitted on June 23, 2016 it will be item four on the resolution.

**MOTION: OVERRIDE NUMBER ONE (1) OF THE ROCKLAND COUNTY
DEPARTMENT OF PLANNING JUNE 23, 2016 LETTER
Made by Gene Kraese and seconded by Mike Ferguson**

**MOTION: ADOPT RESOLUTION GRANTING FINAL SITE PLAN
APPROVAL
Made by Gene Kraese and seconded by Mike Ferguson
Roll call vote all in favor**

Chairman: Tom did you have any comments sorry I forgot to ask.

Mr. Larkin: No comment until building is built.

Chairman: Item number 2 is Eight Schassler Place.

Eight Schassler Place - SBL 20.07-2-68.1 Site Plan Conditional Use locate on the East side of Schassler Place 369 feet north of Washburns Lane

- New Application

Chairman: Mr. Zigler:

Mr. Zigler: Dave Zigler from Atzl, Nasher and Zigler on Eight Schassler which is actually the address of the site. Schassler Lane is a private road that is opposite where Fred Bolander used to live top of the hill. At one time all Schassler lived on it that is why they named the street after Schassler. If you go back to private drive it is the third house on the right and about 25 years ago it was subdivided and they put a 15, 000 square foot house on the back and this lot was 22,000 roughly. At the time it was a two family home but they never recognized it and they didn't process it they processed it as a subdivision as a single family home back then and even today it is a one family upstairs and one family downstairs it has separate entrance. There is enough parking on the site the proposal is to legalize the two family which all well and good except it is about 2,000 square foot short of meeting the code. It is just a map there are no proposed construction no improvements the parking exists the only problem is by review of this Board I need a site plan but we also need to get the variances. We are asking to do what you normally do have a field meeting or if you wanted to bypass that and send us to the ZBA that is fine to.

Mr. Stach: This application is a Type II action and it is not subject to SEQRA.

Chairman: I would like a motion to make this a Type II action.

MOTION: APPLICATIN IS A TYPE II ACTION THAT REQUIRES NO SEQRA

Made by Paul Joachim and seconded by Eric Jaslow

MOTION: REFERR THIS APPLICATION TO THE ZBA

Made by Gene Kraese and seconded by Paul Joachim

MOTION: ACCEPT MINUTES OF MAY 26, 2016

Made by Gerry Rogers and seconded by Michael Ferguson

MOTION: CLOSE PLANNING BOARD MEETING
Made by Gerry Rogers and seconded by Tom Gubitosa

Respectfully submitted,

Mary Pagano, Clerk to the Planning Board