

Town of Stony Point

Department of Planning

74 EAST MAIN STREET
STONY POINT, NEW YORK 10980

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Adopted: October 27, 2016

PLANNING BOARD MINUTES

October 27, 2016

RHO BUILDING at 7:00 P.M.

Present:

Eric Jaslow, Member

Peter Muller, Member – acting Chairman

Gene Kraese, Member

Gerry Rogers, Member

Michael Ferguson, Member

Paul Joachim, Member

Thomas Gubitosa, Chairman - absent

Steve Honan, Esq.

Special Counsel

Max Stach

Town Planner

Town of Stony Point

Department of Planning

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PLANNING BOARD AGENDA

October 27, 2016
RHO BUILDING at 7:00 P.M

PUBLIC HEARING:

1. Red Ridge Park Two - SBL 15.02-3-26, 27, 28, &29 Site Plane located on the northwest corner of North Liberty Drive and Hastings Lane
 - Public Hearing

2. 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
 - Public Hearing

APPLICATIOIS PENDING:

3. Dr. Seema Narang – SBL 15.19-2-78 Site Plan Conditional Use located on the West side of North Liberty Drive 200 feet South of Summit Avenue
 - New Application

4. Girl Scouts Heart of the Hudson, Camp Addison Boyce SBL 10.01-3-1 located on the north side of Mott Farm Road 200-5000 West of Cortlandt Lane
 - Map re-signing

5. Hudson River View Warehousing – SBL 20.04-11-3 LI District , located on the east end of Holt Drive 1800 feet east of South Liberty Drive, then 600 feet east on an unnamed private road.
 - Map re-signing

Other Business:

Minutes of September 22, 2016

**** November/December Planning Board Meeting – December 8, 2016****

Deadline: November 3, 2016

TAC: November 10, 2016

Chairman: First on the agenda is Red Ridge Park Two:

Red Ridge Park Two - SBL 15.02-3-26, 27, 28, &29 Site Plane located on the northwest corner of North Liberty Drive and Hastings Lane

- Public Hearing

Mr. Zigler: (inaudible) Not really the amount of units but new roads in new roads we are here for a Public Hearing on this plan. The things you see are the new locations new pads this in the middle is going to stay you see the three on 9W in the west corner there are gone and we have a new connector road this meets the fire code and it is a new intersection to Hastings. As you know when we did our field trip out the current road coming out past the house is kind of (inaudible) with the acute angle looking up the hill so this will help with safety and help with access for fire and ambulances then we have the original road. So the bottom line is they are going to in sometime in the near future put in these seven units and also do drainage there is no drainage out there no drainage in Hastings as you have seen we have comments on that for the New York State DOT. Putting the drainage all the way up to the top all the way down to 160 No. Liberty and put in the retention storm water facility. As we went through this we have gotten comments from the Town Engineer on the drainage details we have also received comments from the New York State DOT because we have to get a permit from we are not accessing New York State DOT we are doing drainage along there and we have to get there review and permit. These are things we have not finished yet because we wanted to open the Public Hearing see if we had other items we had to address. Just recently we received the Rockland County Planning letter I think there was four items on it and we are going to do all four we going to get a mosquito permit we are going to do the drainage and we are also going to have a review by the DOT but beyond that we are actually going to get a permit from them. So we are going to meet everything in the Rockland County Planners letter. Basically what we would like tonight if you would open the Public Hearing and continue it for the January meeting. That will allow us to go back and make the changes and the revisions that we have to make and any comments address those and then come back there is no way we can do all that in a week and get back in here for December meeting. So the first thing is we would like to ask the Board to continue the Public Hearing.

Chairman: Does the Board have any comments, Bill you have any thoughts.

Mr. Sheehan: No we went over this at the TAC Meeting.

Chairman: Tommy any input on to the size of the roads?

Mr. Larkin: I think that has all been settled.

Chairman: Town Engineer are you satisfied.

Mr. O'Rourke: Yes

Chairman: I need a motion to open the Public Hearing.

MOTION: OPEN THE PUBLIC HEARING
Made by Gerry Rogers seconded by Paul Joachim

Chairman: Would anybody like to speak publicly on this project.

Chris Flocersheim, 2 Deviney Road

Mr. Flocersheim: I live on the back side of Thamsen Mobile Home Park 10 years ago my parents wanted a fence along and now I want the fence extended from that piece down to the next property line.

Chairman: That is what you are asking can you tell us how many feet that is.

Mr. Flocersheim: I don't know exact maybe a 100 feet it that.

Chairmen: Do we see a problem with that?

Mr. Thamsen: No we have no problem we can extend the fence.

Mr. Flocersheim: There is one more thing there is the tree maybe in question maybe you can take it down.

Mr. Thamsen: The one right next to ...

Mr. Flocersheim: Yes.

Chairman: Good would anyone else like to speak on this project.

Mr. Zigler: Just two things that is just over a 100 foot it is 120 foot from the old fence where we were standing down to the bottom and the tree is the one that was behind us it is half dead anyway.

Chairman: So it is kind of nice for you being the planner for the project having the applicants here and addresses the concerns and it looks like we are going to work right through this. Are we going to get an update?

Mr. Zigler: We will probably submit sometime in November and hopefully get a review then if we have any other changes hopefully resubmit for January.

MOTION: CONTINUE PUBLIC HEARING TILL THE JANUARY 26, 2017 MEETING.

Made by Gene Kraese and seconded by Gerry Rogers.

Chairman: Second item on the agenda 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

- Public Hearing

Mr. Zigler: Here for Dave Schassler and Dwight Joyce is the Attorney we had this on the agenda and that was forwarded to the ZBA for the variances it is back to the Planning Board for a Conditional Use it is a two family home we had our field meeting on it. As you know there is no construction proposed there is no making the home larger or anything but when we were out there was a comment about having additional parking we really have by code there is only three spaces when we were there was six vehicles there by it doesn't count cause we were stacked. At the time we were out there I was speaking about widening the parking lot towards Washburns Lane about six or seven foot and that would accommodate four vehicles but somebody with a sharp eye seen because it was a two family home it has to be the pavement has to be 10 foot from the property line. When we widen the pavement it would be five. Five is a single family and ten foot is a double family so we have had to revise that so we are going to leave the pavement as it stands out there but we slid the cars towards Washburns Lane so the parking spaces that were marked end up having six or seven foot to the doorway where we had four before. So that works out now we are short one space so what we did was we added one parking space on the other side of the house where the door is now

we have four parking spaces and the drive way for that new space is double length so you can actually park two cars there. So we now meet the code and we did not bust the code by getting to close to the property line. So we are here tonight for a Public Hearing for Site Plan review for a two family home Conditional Use.

Chairman: I am a little confused when we were on the site visit you said you were going to widen and slide the cars but you are saying that you can't.

Mr. Zigler: No we can't because we would be to close. Instead of putting the cars and having the space towards the property line oversized we started about nine foot from the edge and went towards the home and end up with a wider area towards the house before we had four foot between the cars space and the house now we have probably have six or seven foot. We just slid the cars over so when it is lined the nine foot will....

Chairman: Anyway you can change the zoning.

Mr. Zigler: No we can't we would have to go back to zoning.

Mr. Sheehan: Well they have enough (inaudible)

Chairman: Yeah but the way they are parking the cars they are not doing it. So to say on paper we can change things around and look magically we came up with the right spots it's not happening.

Mr. Zigler: We are adding a whole spot we are adding a spot we are adding a whole driveway on the north side of the building right here. So we will have three spaces where we parked and on the other side of the building we will have one long space.

Chairman: Which is not there now so when I asked you if you are adding black top that is what I was referring to so as long as you are physically adding a spot and not just reconfiguring the same square that is there and say it works.

Mr. Zigler: It will be paved 9 foot by 35 foot long it is going to be deep.

Chairman: Does anybody else on the Board have any questions? I will open the Public Hearing now.

MOTION: OPEN PUBLIC HEARING

Made by Gene Kraese and seconded by Gerry Rogers

Denise Schassler Owens, 9 Schassler Place

Mrs. Owens: That was an illegal two family house to now all of a sudden we are adding parking additional parking in there?

Chairman: Yes to make it work so we can make the zoning work for that property.

Mrs. Owens: David did that illegally David Sr. did it illegally.

Chairman: It goes back before zoning was in place so..

Mrs. Owens: How far back because the other meeting they were saying it inaccurately.

Chairman: Around the seventies.

Mrs. Owens: Absolutely not I have lived in that house until the mid nineties until David purchased that property so that is a flat out lie.

Chairman: There wasn't an apartment downstairs.

Mrs. Owens: Absolutely not it was a garage that I parked my car in that was not a two family house until the nineties when David purchased it and when he first purchased that home he renovated it and lived in there and brought his other grandmother in there on his mother's side who lived in there. David put something in downstairs where he slept but it was all still a one family house no separation just a hall way to go upstairs. Then after that David went before the Town to subdivide that property and at that time he wanted to make that a two family home. He was told at that time he could either subdivide and put another house up there or make that a two family and he opted to put the other house up he was told he could not make that a two family home. So then David went ahead David Sr. and then went ahead and made that a two family house anyway and rented it out to other people there was all kinds of trouble going on I was call the Police every other weekend there was underage drinking by people. This was in the nineties.

Chairman: There problems there now?

Mrs. Owens: There are none of those problems now but since then there hasn't always been family members in there. Now his in-laws do live there for probably over a year before that there was another couple.

Chairman: Where do you live in relation to this house?

Mrs. Owens: Right across the street 9 Schassler Place you put another driveway in that house it is going to bang right into my driveway. Where does the snow go that is what I want to know? We have a one way lane there is no place to put snow as it is.

Chairman: I would assume by your tone you are opposed to this.

Mrs. Owens: Especially adding in a new drive way the Town told us when we were at the other meeting that they were putting in a stipulation if this get passed and that is allowed to be a two family house there would be no additional parking put in at all.

Chairman: Our concern was to have more parking and I will tell you what our reasoning was so that if it becomes two family we wanted to make sure there was enough parking off of the street so that the other residents on the road would never be. ..

Mrs. Owens: I heard what you guys were saying before.

Chairman: I just want to make sure that if there were two families there was enough parking that you would not have cars parked on that street. We are trying to right some wrongs that are there we are trying to work with the applicant and everybody in that area and address everyone's concerns so by having another driveway and more parking area they wouldn't be on the road.

Mrs. Owens: I really want to oppose making that a two family house. Like I said where does the snow go?

Chairman: I would imagine that the snow would go forward I have been a snow contractor for 30 years that particular driveway how you would go is forward parallel with the house.

Mrs. Owens: We were promised last time that there were going to be no other driveways put in and this is just what we were afraid of it is not fair to the people that live on such a small road and if you were on Schaller Place you saw the end right out to Washburns Lane it is full of pot holes nobody wants to chip in to have the road fixed and have those hedges fixed that are hanging over the road.

Chairman: Sometimes we have a little bit of pull when an applicant comes forward and do something like this sometimes we can get them to trim trees and sometime we can get them to fix pot holes with that be something you would consider? Even if we would have that in writing that the snow would never be put up the road in writing it would have to go forward pile on the grass if we would be able to get some of those trees pruned for you and some of those pot holes fixed.

Mrs. Owens: I don't know I only got an estimate for the trees and all the weeds on the side of the road. I don't know.

Chairman: What I am trying to do is get something for you that might make you happy. Dave do you think it is possible room to talk about some of the issues she has raised.

Mr. Zigler: I don't know let Dwight handle it.

Chairman: Is it possible if we kept the hearing open we could get some dialogue on this.

Mr. Joyce: I don't think you need to leave the hearing open for fixing pot holes and getting the trees trimmed back I don't think that will be an issue.

Chairman: If the Board will encourage the applicant to do these things and get it in writing that the snow will not be an issue and nobody will park on the road could this possibly be some lead way where there is wriggle room to make it work for the future.

Mrs. Owens: The biggest issue is the issue with that second driveway being put in the back of the house.

Mr. Sheehan: Would just like to (inaudible) that this is a private road so I don't know what the legal or who owns the road is it deeded to somebody.

Chairman: I am not talking about the maintenance just talking about fixing any pot holes there.

Mr. Sheehan: You are talking about trimming trees that might be someone else tree.

Mrs. Owens: It is and he has already given us permission because he can't stand on a ladder to do it that last section we just have a right of way.

Mr. Sheehan: It must be deeded to some property and everybody else has the right to use it as ingress and egress so there is not maintenance agreement on the road.

Mrs. Owens: His agreement with us is he never pays a penny we plow the road he doesn't have to pay. He faces Washburns Lane. On the left hand side that gray house is his property. My husband already told him I am trying to collect money to have those trees cut down.

Chairman: Is that something you could look into.

Mrs. Owens: Like I said that to me is minor compared to adding that second driveway in there.

Chairman: Anyway to add more parking without adding that second driveway in there.

Mr. Sheehan: Lots were two family and on the south side of the house keeping the 10 foot side yard requirement physically you can't fit four spots you would need 36 feet.

Chairman: Can they go to the Zoning Board to get it changed from a 10 foot to a 5 foot if they allow it so they could put the spot back were we spoke about it at the site visit?

Mr. Sheehan: The problem is the Zoning Board would be looking at it again and there is a practical way of looking at the fourth spot without needing a variance they won't grant the variance. In this case there is relief putting the spot on the north side of the building.

Chairman: Even if the surrounding properties don't want it. Can we keep this open and look at this.

Mr. Honan: I am giving you legal advice as your attorney without the practical difficulty being of the property there is the ability to place it on the north side of the house I am not sure we would meet the requirements to get that extra 5 feet on the south side.

Chairman: I understand there are questions to be had but we also have residents that live right there that are opposing this project and what we are hoping to do is find a solution even if it takes a little bit longer that would allow them to get the additional parking and would give you your 4th spot and make her happy.

Mr. Sheehan: The reasonable answer or relief is to put this spot on the north side it is pretty hard to send the applicant to the Zoning Board for relief when the applicant does not even want the relief. As the attorney has mentioned the Zoning Board will give relief when there is (inaudible)

Chairman: Look at the engineer's plan he thinks he has a place he can put it that is not next to the house.

Mr. Sheehan: You can put it anywhere in this area is fine as long as it meets the set back requirements but you still have the 10 foot side yard.

Mrs. Owens: How come back in the mid 1990's when he was told you can either subdivide for the second house or have a two family house is this even an issue now.

Chairman: All I know is today there is two families in that house.

Mrs. Owens: Right now there is only one family in that house.

Mr. Kraese: They were talking about two spots there which you worked out with the engineer ok.

Mr. Queenan: Utilize this existing driveway and put two spaces here. This was an existing driveway so we don't create another driveway.

Mrs. Owens: That is still disgusting I am going to be looking at parking lots you know the whole street when is nothing but parking lots and black top now. We are still talking about an illegal apartment it is making our value of our houses go down.

Mr. Kraese: I understand it a two family house that is there now illegally and we just trying to make things right so we can't make apples become pears so we are trying to make it a legal as we possibly can. In order to make it legal as we possibly can we have to get more driveway in there so they came up with the first one on the other side of the house if they use it or don't use it – it has got to be on the plans now the new proposal is to make it down at the other end where there is an existing pad there now to put two spots in there I would think would be less intrusive than the 9 foot by 35 foot on the north side of the house.

Mrs. Owens: But doesn't that pad belong to the people that own the house in the back?

Mr. Kraese: No it's on his property so it has got to go somewhere.

Mrs. Owens: How many cars are they going to be allowed to park in there?

Mr. Sheehan: They are only putting that driveway to meet Zoning not for any other reason.

Bill Nytko, 7 Schassler Place

Mr. Nytko: I am for fixing the pot holes on the main road coming in I am for that and he wants to clean up the hedges I am for that too alright. You can do whatever you want I really don't care.

Mrs. Owens: If you are driving down Schassler Place and someone is leaving you have to pull into someone's driveway.

Mr. Nytko: The driveways you are talking about they drive up on my driveway to back out and make a turn.

Mr. Jaslow: Didn't you propose on the south side of that house where the space now that is going to be there that they are able to back out turn around in that area.

Mr. Stach: Dave at one of the Tech Meeting we brought up the possibility of having a driveway going around the back and come out the north side so that people can park on the north side and don't have to back out on the road they can just drive around back and come out face forward and if you did that you just can provide another space off that road.

Mr. Zigler: You can do all that at tremendous expense then we would have to look into the drainage. The design solution is what is on the plan that works most efficient for someone who lives there.

Chairman: So if we can get the trees and the potholes we can get the curbing fixed and we keep the driveway where they proposed it.

Mrs. Owens: It still bothers me that the driveway is going to be in the back.

Chairman: I have a feeling that the Board is inclined to approve the project it only takes a vote it goes as is I am hoping I can get your pot holes and trees and you would be ok with it.

Mr. Honen: May I say something you are making an offer at this point that the decision or resolution of Board may include offsite improvements I would advise against that making that a condition you have to decide this thing on you have to decide (inaudible) decide whether this application makes sense planning wise.

Mr. Sheehan: That is a private road.

Chairman: I am trying to make you happy I understand what the Town Attorney just said that legally we don't even have to do this and he is advising us against doing it my position as Vice Chairman of the Board is we try and make it feasible and workable for people who have to live there also. Can I make them make those changes I cannot I will ask them if they can work with us. They say they will work

with us but the Board is going to vote I have a feeling it is going to go through. I am trying to get something for you. They said they would make those improvements it is not that we can force them they said they would.

Mr. Jaslow: They are not talking about the applicant's tree they are talking about someone's tree.

Chairman: As long as we can get permission if we can make the people happy if the applicant is will to help us a little bit that is all we are trying to do. I would like to get something for you.

Mr. Ferguson: Like Bill was saying this is the disadvantage of living on a private road.

Chairman: Before I call for a vote they say they are going to trim what they can and fix potholes I am asking you one more time will you be ok with it the best I can do for you.

Mr. Owens: If it is the best you can do for me I guess it is fine why bother having these meetings and stuff if they are not fair.

Mr. Sheehan: Can I say one more thing the attorney pointed out about Planning and so forth the Zoning Board issued the variances so as far as being shy square footage and so forth is not before this Board but before this Board is the two family and trying to make it the best as possible and solid planning and that is what they are doing. As far as being short property they are not shot property according to this drawing because they received a variance from the Zoning Board for that so zoning wise it meets the Zoning criteria and we are looking at it as a two family now.

Mr. Owens: They also said no additional parking that has to be in the records someplace.

Mr. Joyce: My client would be willing to with the permission of the people who own the property subject to that make some improvement and the pot holes and the entrance way if the trees are able to be trimmed I would speak to them about them also and make sue ingress and egress is not affected if that makes it more palatable to the Board I understand what the Town Attorney says and I agree with him hole heartily it is not an enforceable condition but this person is a (inaudible) person it

is his in-laws that live in part of the house he doesn't have a problem doing what is right so I don't think that is going to be an issue.

Chairman: That is the best I can get for you. Would anybody else like to speak?

MOTION: CLOSE PUBLIC HEARING

Made by Gene Kraese and seconded by Michael Ferguson

All in favor

Mr. Kraese: Where are we with this driveway right now on the north side of the building? So it is going to be 9 feet wide by 35 feet long is that what you are proposing on the plan?

Mr. Joyce: We are going with the plan in that is in front of you.

Mr. Kraese: I just want to make another comment and make this clear I understand this is a tough situation on a private road and you have no binding agreement who is going to plow who is going to fix the pot holes. You are asking now who is going to fix the pot holes I assume it is not going to be for twenty years.

Mr. Joyce: No we are just talking about now basically what Denise was saying is something close to Washburns Lane there are pot holes in the area where people turn in and out I didn't see a big problem but if they are there I will point it out to Dave.

Mr. Kraese: I just find it an unfortunate situation that all these neighbors can't along to fix them or trim them or whatever again it is beyond our scope.

Chairman: After some lengthy discussion here is a concern that we have we closed the Public Hearing it could go to a vote to read the resolution the applicant whose Attorney said that he would make these improvements if we do this vote tonight we have no way of enforcing what he has approved. One suggestion that has come up is that we keep this meeting open until the next meeting and hope that the improvements are made unless we can come up with a different solution where we pretty much have a firm promise that these things will be done but I don't have any way of enforcing that we would have to take a vote to reopen the meeting for a continuance. So I am going to ask for a Motion on this I will make the Motion to reopen the Public Hearing for a continuance for next month.

MOTION: REOPEN PUBLIC HEARING TO CONTINUE TO THE NEXT MONTH

Made by Peter Muller

NO SECOND TO THE MOTION

MOTION: ADOPT FINAL RESOLUTION

Made by Gene Kraese and seconded by Paul Joachim

Roll Call Vote All in Favor

RESOLUTION

GRANTING

A CONDITIONAL USE PERMIT and SITE PLAN APPROVAL

For The Project

EIGHT SCHASSLER PLACE

BY APPLICATION OF: David Schassler, Owner

WHEREAS, an application, dated June 6, 2016, has been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a Conditional Use Permit permitting a two (2) family residence consisting of two (2) dwelling units in the existing home on the premises pursuant to the Town Zoning Code Section 215, Article XII, and for approval of a Site Plan for the premises located at and commonly known as 8 Schassler Place, Stony Point, N.Y., and upon a submitted plan entitled, "TWO FAMILY CONDITIONAL USE SITE PLAN" consisting of one (1) sheet, prepared by Atzl, Nasher & Zigler, P.C., dated June 14, 2016, last revised October 18, 2016, and affecting premises designated as Section 20.07, Block 2, Lot 68.1 on the Tax Map of the Town of Stony Point, County of Rockland, which parcel is located in the R-1 Zoning District; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this is a Type II action and accordingly, no further environmental review is required; and

WHEREAS, this board referred the applicant to the Zoning Board of Appeals of the Town of Stony Point for area variances, and by a Decision dated, September 15, 2016, the ZBA issued Conditional Approval of the application; and

WHEREAS, by letter dated June 30, 2016, the Rockland County Department of Health determined that no Rockland County Health Department approvals are needed for this application; and

WHEREAS, by letter dated July 13, 2016, the Rockland County Department of Planning determined that a review of the application must be completed by the County of Rockland Department of Highways and all concerns addressed and permits obtained; the Department of Planning requests the opportunity to review any variances necessary to implement the conditional use; that the applicant's site plan map be amended to include a "north" arrow and to include map notes indicating district information, and; the signature blocks are to be eliminated that refer to a subdivision; and

WHEREAS, by letter dated July 29, 2016, the Rockland County Department of Highways indicated that the proposed development should not have any adverse impact on the adjacent County Road system and that a Rockland County Department of Highways Work Permit will be required for any development; and

WHEREAS, by letter to the Planning Board, dated July 28, 2016, the applicant's representative, David M. Zigler, P.L.S. of Atzl, Nasher & Zigler, P.C., responded to the letter dated July 13, 2016, from the Rockland County Department of Planning and indicated that no work permits will be required from the County of Rockland Department of Highways as no construction is proposed, and the applicant's site plan map shall be amended in accordance with the Rockland County Department of Planning comment letter of July 13, 2016; and

WHEREAS, a duly noticed public hearing was held on October 27, 2016, at 7:00 p.m. at which date the applicant appeared by its representative, Atzl, Nasher & Zigler, P.C. and by his attorney, Dwight Joyce, Esq., and at which date the public hearing was conducted, concluded and closed; and

WHEREAS, the board heard comment from the public in opposition to the application.

NOW, THEREFORE, be it

RESOLVED that the application, dated June 6, 2016, has been submitted to the Planning Board of the Town of Stony Point seeking the issuance of a Conditional Use Permit permitting a two (2) family residence consisting of two (2) dwelling units in the existing home on the premises pursuant to the Town Zoning Code Section 215, Article XII, and for approval of a Site Plan for the premises located at and commonly known as 8 Schassler Place, Stony Point, N.Y., and upon a submitted plan entitled, "TWO FAMILY CONDITIONAL USE SITE PLAN" consisting of one (1) sheet, prepared by Atzl, Nasher & Zigler, P.C., dated June 14, 2016, last revised October 18, 2016, and affecting premises designated as Section 20.07, Block 2, Lot 68.1 on the Tax Map of the Town of Stony Point, County of Rockland, which parcel is located in the R-1 Zoning District, **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 as a Site Plan and for the

issuance of a Conditional Use Permit, upon compliance with the ZBA Decision dated, September 15, 2016, and all provisions of the Town Code and payment of any and all outstanding fees to the Town, and this approval is further conditioned upon the following:

1. The snow and ice removed from the driveways, parking areas and hardscapes on the subject property shall not be placed on or about the roadway known as Schassler Place, but shall be plowed, piled and stored upon the subject premises.

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

There being six (6) votes in favor of the motion, no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

PETER MULLER, Vice Chairman
Town of Stony Point Planning Board

Filed in the Office of the Clerk of the Town of Stony Point on this 31st day of October 2016

Hon. Joan Skinner, Town Clerk
Town of Stony Point

Chairman: Next on the agenda is Dr. Seema Narang.

Dr. Seema Narang – SBL 15.19-2-78 Site Plan Conditional Use located on the West side of North Liberty Drive 200 feet South of Summit Avenue

- New Application

Applicant did not appear .

Chairman: Next on the agenda is Girl Scouts.

Girl Scouts Heart of the Hudson, Camp Addison Boyce SBL 10.01-3-1 located on the north side of Mott Farm Road 200-5000 West of Cortlandt Lane

- Map re-signing

State Environmental Quality Review

AMENDED NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: CAMP ADDISONE BOYCE MINOR SUBDIVISION

TOWN OF STONY POINT, NEW YORK

DATE: October 27, 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: CAMP ADDISONE BOYCE AMENDED MINOR SUBDIVISION

SEQR Status: Unlisted

Condition Negative Declaration: No

Description of Action: Amendment of a subdivision of one lot into two lots for the purpose of selling the new lot to New York State via the Scenic Hudson Land Trust as an intermediary. The subdivision is being amended to account for a de minimis error in the alignment of an existing lot line.

Location: North side of Mott Farm Road approximately 1,000 feet north of Bulsontown Road

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 subdivision of the subject premises along with a Short Environmental Assessment Form (EAF); and
2. On or about March 24, 2016, the Town of Stony Point declared itself lead agency and classified the action as unlisted; and
3. It is noted that while the applicant has indicated that the land is intended for sale to New York State for eventual use as parkland or open space, the lead agency has considered the potential impacts of the as-of-right development that could occur post-subdivision with no further discretionary approvals, which would be for one (1) single-family home; and
4. On or about April 28, 2016, the Planning Board reviewed the Short EAF Part 2 and determined that all potential impacts associated with the proposed action were small or unlikely; and
5. On or about April 28, 2016 the Planning Board adopted a Negative Declaration of Environmental Significance; and
6. On or about October 27, 2016 the Planning Board reviewed the proposed amendments to the proposed subdivision plat and has determined that the amendment is not significant and does not impact their original conclusion that the project is not likely to impact the environment and a Draft Environmental Impact Statement is not necessary; and
7. No other impacts were identified

MOTION: ADOPT NEGATIVE DECLARATION
Made by Gerry Rogers and seconded by Mike Ferguson

MOTION: ADOPT AMENDED RESOLUTION
Made by Eric Jaslow and seconded by Paul Joachim
Roll call vote all in favor

**AMENDED RESOLUTION
OF APPROVAL
OF A TWO LOT MINOR SUBDIVISION
For The Project**

GIRL SCOUTS HEART OF THE HUDSON, CAMP ADDISON BOYCE

BY APPLICATION OF: Pamela I. Anderson, CEO, Girl Scouts Heart of the Hudson, Inc.

WHEREAS, by Resolution of this Planning Board of April 28, 2016 this applicant previously received Final Subdivision Approval and said Resolution was filed in the office of the Town Clerk on May 2, 2016, and the subdivision plat was filed on June 17, 2016 in the office of the Rockland County Clerk as Map Number 8321, and;

WHEREAS, this applicant now seeks to modify the previously issued approval and requests the issuance by this Board of an Amended Resolution of Approval limited to and permitting the filing of a revised Subdivision Plat which reflects a minor correction to the eastern boundary line of “Proposed Parcel 2” and with the western boundary line of lands now or formerly of Cutler and located in the vicinity of Cortland Lane and which correction is in favor of the adjoining property owner, and;

WHEREAS, an informal application has been made to the Planning Board for an Amended Resolution of Approval of a two (2) lot minor subdivision, designated GIRL SCOUTS HEART OF THE HUDSON, CAMP ADDISON BOYCE, affecting premises commonly known as 30 Mott Farm Road, Stony Point, NY and designated as Section 10.01, Block 3, Lot 1 on the Tax Map of the Town of Stony Point, consisting of 255.7 acres, located in an SR-R Zoning District and upon a plat titled “Amended Subdivision Plat Prepared for Girl Scouts Heart of the Hudson, Inc.”, dated April 5, 2016, and last revised October 11, 2016, prepared by TEC Land Surveying, consisting of one (1) sheet and the Applicant having previously submitted a Short EAF describing the proposed action as a “[s]ubdivision of property into two parcels for partial sale to Scenic Hudson Land Trust to be later conveyed to NYS Parks. Purpose is to preserve property as open space and park land.”, and;

WHEREAS, the Planning Board acknowledges that the Applicant’s subdivision proposal recently underwent extensive review and consideration by this board, interested agencies and the

public and that this board unanimously granted subdivision approval on April 28, 2016, and that the instant application seeks only a minor alteration to the previously filed subdivision map, and;

WHEREAS, pursuant to the New York State Environmental Quality Review Act, the Planning Board having previously been designated lead agency, this an Unlisted Action and an Amended Negative Declaration was issued by this Board on October 27, 2016; and

WHEREAS, this application came up for consideration at a regular meeting before the Planning Board held on October 27, 2016 at 7:00 p.m. and at which date this informal application was considered by the board.

NOW, THEREFORE, be it

RESOLVED that the application submitted for an Amended Resolution of Approval of a two (2) lot minor subdivision, designated GIRL SCOUTS HEART OF THE HUDSON, CAMP ADDISON BOYCE, affecting premises commonly known as 30 Mott Farm Road, Stony Point, NY and designated as Section 10.01, Block 3, Lot 1 on the Tax Map of the Town of Stony Point, consisting of 255.7 acres, located in an SR-R Zoning District and upon a plat titled “Amended Subdivision Plat Prepared for Girl Scouts Heart of the Hudson, Inc.”, dated April 5, 2016, and last revised October 11, 2016, prepared by TEC Land Surveying, consisting of one (1) sheet, 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 Rockland County Clerk, upon payment of any and all outstanding fees to the Town of Stony Point, subject to the following:

1. All provisions and conditions of this board’s previously issued Resolution of Approval of April 28, 2016 concerning this application are incorporated herein by reference and are to remain in full force and effect to the extent not particularly amended by this Amended Resolution of Approval.

2. Signature of the Chairman of the Rockland County Drainage Agency is required pursuant to the provisions of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended).

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

There being five (6) votes in favor of the motion, no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Amended Resolution was thereupon duly adopted.

PETER MULLER, Vice Chairman
Town of Stony Point Planning Board

Filed in the Office of the Clerk of the Town of Stony Point on this 31st day of
October, 2016.

Barbara Oyer, Deputy Town Clerk
Town of Stony Point

Chairman: Next on the agenda is Hudson River View Warehousing.

Hudson River View Warehousing – SBL 20.04-11-3 LI District , located on the
east end of Holt Drive 1800 feet east of South Liberty Drive, then 600 feet east on
an unnamed private road.

- Map re-signing

MOTION: ADOPT RESOLUTION

Made by Gene Kraese and seconded by Eric Jaslow

Roll call vote all in favor

RESOLUTION
TOWN OF STONY POINT PLANNING BOARD

Granting Final Approval for MBC Contractors Inc., for a 17.26 acre lot on
an unnamed private driveway originating at the eastern terminus of Holt Drive and
crossing the CSX railroad right of way (located approximately 2,400 feet east of

South Liberty Drive/Route 9W), designated on the Rockland County Tax Map as Section 20.04 Block 11 Lot 3, and located in the LI-2 Zoning District, for the construction of fourteen buildings, totaling 175,800 square feet, to be constructed in three sections.

A meeting of the Town of Stony Point Planning Board (“Planning Board”) was convened on October 27, 2016.

WHEREAS, the applicant has made an application to construct fourteen buildings on the above-stated premises, for the purpose of providing a proposed self-storage warehouse; and

WHEREAS, the application materials in support of the Proposed Action includes a Revised Site Plan, dated June 11, 2013, submitted to the Planning Board on July 16, 2013; and

WHEREAS, on March 28, 2013 the Stony Point Planning Board issued a Notice of Intent to become Lead Agency, for State Environmental Quality Review (SEQRA) purposes; and designated the action as a Type 1 Action; and

WHEREAS, on May 23, 2013, the Planning Board, as Lead Agency, issued a Negative Declaration and published notice of said Declaration in the Environmental Notice Bulletin, pursuant to NYCRR Part 617 of SEQR; and

WHEREAS, the Planning Board has determined that it has complied with the procedural requirements of 6 NYCRR Part 617 (SEQR); and

WHEREAS, the Planning Board reviewed the application and took into consideration, pursuant to GML Sections 239-L and 239-M, the recommendations of: (i) the Rockland County Department of Planning, contained in correspondence April 10, 2013 and May 31, 2013; (ii) the Rockland County Drainage Agency, contained in correspondence dated April 3, 2013 and April 22, 2013; (iii) the Rockland County Department of Health, contained in correspondence dated May 13, 2013; and

WHEREAS, the Planning Board consulted with the Turner Miller Group, the Town’s planning consultant, with respect to the application and all issues raised therein; and

WHEREAS, the Planning Board adopted a Resolution on July 5, 2013, after consultation with the Town's planning consultant, the Turner Miller Group, which provided that, based upon the Planning Board's review and analysis of documents and testimony presented at a June 27, 2013 public hearing, the application would not have a negative environmental impact, or otherwise unduly interfere, with the Coastal Zone in Stony Point, and that, in fact, the application and requested use of the premises as a self-storage warehouse is entirely consistent with the Town of Stony Point's Local Waterfront Revitalization Plan (as mentioned in Chapter 209 of the Town of Stony Point's regulations); and

WHEREAS, the applicant has agreed that: (i) the applicant owner may, upon the issuance of this Resolution, fill the site to the working grade as detailed on the plans in compliance with a letter from the Town Engineer, dated October 11, 2011; (ii) the applicant owner shall contact CSX to start design by CSX of automatic warning devices for two way traffic (lights and gates) at the grade crossing (at the project site) prior to the Town of Stony Point's issuance of a building permit; (iii) the applicant, moreover, will provide the Town of Stony Point Building Department with copies of all correspondence and contracts between it (CSX) and the applicant; and (iv) prior to the issuance of a Building Permit for the second section of buildings, the applicant/owner will file a letter of credit with the Town of Stony Point for the costs of the CSX grade crossing design and construction if said grade crossing is not complete; and

WHEREAS, the Planning Board has considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference) and the recommendations of the Rockland County Planning Department; and

WHEREAS, to the extent that granting approval of this application constitutes an action contrary to the recommendations of the Rockland County Department of Planning, such approval may be granted by a vote of a "majority plus one" (i.e., a supra majority) of the Planning Board; and

WHEREAS, the Planning Board, in a meeting on August 29, 2013 approved the Site Plan and memorialized the approval in a resolution dated September 2, 2013 and authorized the Chairman to sign the map of the Site Plan; and

WHEREAS, pursuant to Section 215-64 of the Code of the Town of Stony Point the previously approved Site Plan expired 18 months from the date of the vote or March 1, 2015; and

WHEREAS, the applicant has made application to have the Site Plan re-approved by the Planning Board without modification or revision to the map of the Site Plan or to any of the conditions imposed by the Planning Board; and

WHEREAS, the Planning Board is an interested agency and is in receipt of a site plan application dated October 14, 2014 for an alternative use of the project site for a waste-to-energy facility currently undergoing coordinated SEQR review under the lead agency jurisdiction of the New York State Department of Environmental Conservation and to which this approval/re-approval is not a phase, segment or part; and

WHEREAS, the Planning Board has considered the application for re-approval, has considered changes in the community and locale since the original approval date, has reviewed the original application materials including the original SEQR documentation and is satisfied that the circumstances upon which its original approval of the Site Plan have not materially changed; and

NOW, IT IS HEREBY RESOLVED, that the Site Plan entitled application for Site Plan Approval for MBC Contractors, Inc., by Map of Atzl, Nasher & Zigler, P.C., dated June 11, 2013, and submitted to the Planning Board on July 16, 2013, be and hereby is approved to permit the construction of fourteen buildings, totaling 175,800 square feet, to be constructed in three sections, on 17.26 acres in the LI-2 Zoning District, at the East end of Holt Drive (and approximately 1,800 feet east of S. Liberty Drive, and then 600 feet east of an unnamed, private road), pursuant to the maps and plan submitted by the applicant, as described in the application, and upon compliance with all other site plan requirements set forth in the Regulations of the Town of Stony Point, the Chairman is authorized to sign the map upon the following conditions:

1. Applicant shall comply with applicable zoning and building laws, rules and regulations; and
2. Applicant shall comply with all representations and agreements made by the applicant; and

3. The Town's engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
4. All fees, including consultant fees, shall be paid by the applicant; and
5. Map note 14 of the site plan be revised to read as follows: "Prior to the release of a building permit the applicant/owner shall file an application with CSX to design/build a grade crossing that will include automatic warning devices for two-way traffic in compliance of acceptable standards by the Town of Stony Point and CSX. The total funds required to construct the crossing not submitted for the application will be secured by cash, bond, letter of credit or other guarantee in a form acceptable to the Town Attorney as sufficient to secure to the Town the satisfactory construction and installation of the crossing within a reasonable period of time, but not to exceed three years;" and
6. Map note 15 of the site plan be revised to read as follows: "If the applicant/owner request a certificate of occupancy for Buildings 3A, 3B, 4A, and/or 4B prior to the new grade crossing fully functioning the applicant/owner will install an emergency gate with construction signage at both sides of the railroad track to redirect traffic to the under pass. The underpass will have signage and a traffic signal to control the one-way traffic while the grade crossing is under construction;" and
7. Map note 16 of the site plan be revised to read as follows: "Before the issuance of a building permit of any other building than Buildings 3A, 3B, 4A and/or 4B the new crossing designed/constructed by CSX shall fully function for two-way traffic;" and
8. Map note 17 of the site plan shall read as follows: "The applicant intends to maintain two points of access between the east side and the west side of the tracks;" and
9. Prior to signature by the Chairman, the applicant will secure the consent of all owners with rights across the rail crossing to temporarily block the crossing in the event that the applicant requests certificates of occupancy prior to the construction of the grade crossing improvements; and

IT BE FURTHER RESOLVED, that the Planning Board finds that with regards to recommendations of the County of Rockland Department of Planning, that all recommendations have been incorporated into the design of the plans, with

the exception of the following, which are deemed to be unnecessary and are hereby overridden:

1. With regard to County recommendation #3, the Environmental Assessment Form Part 1 is completed to the best ability and knowledge of the project sponsor, and it is not the role or responsibility of the lead agency to correct this form or require revision thereto, but rather to review it, verify the information contained therein, and consider any additional information provided and adopt a Part 2 in light of that information; and
2. With regard to County recommendation #9, the intersection of Holt Drive and Route 9W analysis, including a build out of Holt Drive, was detailed in the Collins Engineers Traffic Impact Study for the Proposed Retail Development dated August 12, 2008. Current traffic counts east of Shoprite are reduced from the study by several changes: (a) Hudson Bay Storage is only 50% of the build out; (b) Town Line Park, an approved site, was not constructed and approval has expired; (c) Insl-x Industries closed, and that business had more than 80 total employees for two shifts of work, and (d) Bay View Park has two vacant office buildings. As such, as the daily vehicle use of the Hudson Bay Storage facility count is 25 vehicles, or 0.00027% of the daily vehicle count on Route 9W, this project would equal that vehicle count; and
3. With respect to County recommendation #10, the at grade crossing will be used for two lane traffic, which the applicant has agreed to upgrade per plans by CSX; and

IT BE FURTHER RESOLVED, that the Planning Board requires that a copy of this resolution be forwarded to the County of Rockland Department of Planning as a report of final action, for the approval of the Site Plan by the Planning Board, consistent with section 239-m(6) of the General Municipal Law; and

IT BE FURTHER RESOLVED, that the Planning Board finds that with regard to the application of New Planet Sustainable Fuels dated October 14, 2014 for an alternative use of this project site:

1. There is no common purpose or goal for the approval of this site plan and the alternative site plan undergoing separate review; and
2. The proposed site plan is for the construction of buildings and site improvements to be used for self storage, which do not share structures,

- foundations, roadways or other significant site features with the alternative site plan undergoing separate review; and
3. The proposed project (if constructed) would need to be removed to construct the improvements shown on the alternative site plan if that site plan is approved in the future and therefore there are no cumulative or synergistic impacts between the two projects; and
 4. The proposed site plan is not a part, segment phase or stage of the alternative plan nor can the two plans be considered "functionally dependent;" and
 5. The approval of this site plan in no way commits the Planning Board or any other agency to approve the alternative site plan undergoing separate review; and
 6. The Planning Board finds that although they share a geographic location and project sponsor, the two applications entitled "Hudson River View Warehousing" and "New Planet Sustainable Fuels" are not related and considering them separately does not constitute improper segmentation under State Environmental Quality Review.

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

YEA: (6)
NAY: (0)
RECUSED: (0)
ABSENT: (1)

There being six (6) votes in favor of the motion, zero (0) votes against the motion and zero (0) recused thereto, the Chairman declared the motion and the Resolution was thereupon duly adopted.

PETER MULLER
Vice-Chairman, Town of Stony Point
Planning Board

Filed in the Office of the Clerk of the Town of Stony Point in this
31st day of October, 2016.

Chairman: Next on the agenda the minutes of September 22, 2016.

MOTION: ADOPT THE MINUTES OF SEPTEMBER 22, 2016
Made by Gerry Rogers and seconded by Gene Kraese

MOTION: TO CLOSE PLANNING BOARD MEETING
Made by Paul Joachim and seconded by Eric Jaslow

Respectfully Submitted,
Mary Pagano, Clerk to the Board