

STONY POINT TOWN BOARD MEETING – February 9, 2021

The Town Board of the Town of Stony Point convened on February 9, 2021 at 7:00 pm. This meeting was conducted via Zoom video conferencing online at <https://us02web.zoom.us/j/82816042434?pwd=WkpnVjZuWlcvWTY2NVFqRHZhc1ozdz09> hosted by Brian Nugent, Esq., Attorney for the Town. The meeting was also accessible by telephone at 1-929-205-6099, webinar ID: 828 1604 2434.

Supervisor Monaghan called the meeting to order and announced that the meeting would be opened and closed in honor of NYPD Sgt. William Brautigam who passed away on January 31, 2021 of 9/11 related illness.

Supervisor Monaghan then led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

PRESENT: Mr. Thomas Basile	Councilman
Mr. Karl Javenes	Councilman
Mr. Paul Joachim	Councilman
Mr. Michael Puccio	Councilman
Mr. James Monaghan	Supervisor
Mr. Brian Nugent	Esquire

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- Thanked the Highway Department and Parks Department for a great job on the recent snowstorm.
- Champlain Hudson Power Express:
 - Increased cable capability
 - No change in construction
 - Financial benefit to the Town
 - Improvements the Liberty Drive corridor
- Lovett site in Tomkins Cove has sold to Haughlind Group.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore read the following report:

Police Department Report for the Month of January 2021.

Number of calls for service:	683
Number of reported accidents:	24
Number of arrests:	17
(1) Felonies	(13) Misdemeanors
	(1) Violations (3)Warrants
Fuel usage:	1478.1 gallons
Sum Total of all traffic enforcement action:	76
Number of Youth Officer sponsored events:	1
Number of child safety seat installations:	0
Number of commercial vehicle enforcement details:	0
Number of traffic/special enforcement details:	0
Number of training hours:	320 hrs
Total fees collected:	\$19.25
(Foil \$4.25, Prints \$0.00, and Reports \$15.00)	

Miscellaneous:

Youth events: PAL Virtual meeting and no other youth events due to Covid. Future events plan to begin in March-drive-in movies, etc.

Chief Moore’s Time Record

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of all board members present to approve Chief Moore’s time record for the month of January 2021 as presented.

• **Overtime and Sick Leave Reports**

A motion was made by Councilman Basile, seconded by Councilman Puccio and unanimously carried by a voice vote of all board members present to approve the overtime and sick leave reports as presented for the month of January 2021.

Golf Course Report

The following report was presented for January 2021:

• Green Fees	\$	0.00
• Merchandise	\$	0.00
• Range Fees	\$	474.00
• Total	\$	474.00

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to approve the following purchase orders:

Golf Course			
PO#3413	Storr Tractor Company		\$23,913.67
Highway Dept.			
PO#3414	Jamar Technologies		\$ 2,622.00

AUDIT OF BILLS

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the bills as presented for payment:

General – FEBRUARY 9, 2021

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
<u>General</u>	119-176	\$ 262,575.44
<u>Highway</u>	33-64	\$ 63,271.86
<u>Sewer</u>	38-53	\$ 38,181.36
<u>Special Districts</u>		
Ambulance	3-3	\$ 368.27
Enterprise	18-35	\$ 18,854.19
Solid Waste	5-5	\$ 508.00
Streetlight	4-4	\$ 197.94

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and carried by a voice vote, with Councilman Basile abstaining, to approve the minutes of January 26, 2021.

DEPARTMENTAL REPORTS

Megan Carey, Town Clerk offered the following reports for the record:

Architectural Review Board

From: 1/01/2021	To: 1/31/2021
Applications Received	2
Applications Approved	2
Fees Collected	\$200.00

Building & Zoning Department

January 2021

Applications Received 32

Applications Returned/Withdrawn	0
Applications Denied	2
Building & Blasting Permits Issued	26
Applications Pending	78
Certificate of Occupancy	8
Certificate of Compliance	8

Planning Board

From: 1/01/2021 To: 1/31/2021

Applications Received	0
Applications Pending	
Amended Subdivision	1
General Category	3
Informal Discussion	3
Lot Line Change	1
Site Plan	9
Subdivision Minor	1
Fees Collected	\$95,723.86

Submitted by the Planning Board Clerk

Zoning Board of Appeals

1/1/2021 to 1/31/2021

Applications Received	2
Applications Returned/Withdrawn	0
Applications Denied	0
Applications Pending	3
Fees Collected	\$ 300.00

Town Clerk

January 2021

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 32.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 157.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 223.92
Amount Paid To Supervisor	\$ 12,821.82
TOTAL AMOUNT REMITTED	\$ 13,235.24

CORRESPONDENCE

None

PUBLIC INPUT

Kevin Maher, 130 Old Gate Hill Rd., spoke on:

- Beach Rd. flooding
- Sewer Plant smell and overflow
- Eagle Bay infrastructure

George Potanovic, 587 Old Gate Hill Rd., Pres. SPACE, spoke on:

- Eagle Bay
- Plans for the Sewer Plant

Supervisor Monaghan responded.

Continue Public Hearing-Zoning Amendment

At 7:24pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to continue the public hearing for the proposed local law to consider amendments to

Chapter 215 of the Town's Zoning Code to establish comprehensive regulations governing public assembly within homes, places of worship, schools and dormitories.

Public Input

None

Continue Public Hearing-Zoning Amendment

At 7:24pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to continue the public hearing for the proposed local law to consider amendments to Chapter 215 of the Town's Zoning Code to establish comprehensive regulations governing public assembly within homes, places of worship, schools and dormitories to the February 23, 2021 Town Board Meeting.

Approve Use of Soundstage-SPPAL-Drive-In Movie Series

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to approve the use of the town's soundstage, Kirkbride Hall and surrounding area for SPPAL to host a drive-in movie series. All events will be held from 5pm-11pm weather permitting on the following dates:

- Friday, March 26th
- Friday, April 9th
- Friday, April 23rd
- Friday, May 7th
- Friday, May 21st
- Friday June 18th

Surplus Equipment-Police Department

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to authorize Chief Moore to surplus the following equipment:

- Canon Solutions America Copier-OCE 4530 serial number 8010199-TOSIM4530

Approve Lease Agreement with Club Car for 2021 Golf Cart Fleet

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to authorize a lease agreement for a fleet of 2021 Temp LI Golf Cars for Patriot Hills Golf Club. This agreement is pending approval from Town Counsel.

Set Public Hearing for Sewer Extension-3 Algonquin Drive

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to set a public hearing for the following resolution:

RESOLUTION 2021/4 TOWN BOARD ORDERING PUBLIC HEARING
ON PETITION FOR SANITARY SEWER DISTRICT #3

At a meeting of the Town Board held on **February 9, 2021**:

Present: **Councilman Tom Basile**
 Councilman Karl Javenes
 Councilman Paul Joachim
 Councilman Michael Puccio
 Supervisor James Monaghan

In the matter of the Petition of **Jose Vargas** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District #3 in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **February 3, 2021** has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **2021/1** more fully described in the Schedule "A", **19.02-4-27** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District **#3** shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion of MOVED: **Supervisor Monaghan**

SECONDED: **Councilman Joachim**

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the March 9, 2021 at 7:00 PM to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District **#3** in the Town of Stony Point not less than ten nor more than twenty days before such hearing.

Schedule "A"

Property address: 3 Algonquin Drive Stony Point, NY 10980

Tax ID: Section 19.02 Block 4 Lot 27

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Stony Point, County of Rockland, State of New York, and more particularly bounded and described as follows:

Beginning at a crosscut on large rock in wall, said point being the northwest corner of land of Robert and Irma K. Curnow, 405.85 feet northerly from an iron pipe set in the southeast corner of lands of Douglas and Virginia L. Springstead measured along the center line of stone wall on the east side of a 16.5 feet right of way starting at the northerly side of Willow Grove Road and running through lands of Morell and Robert Phillips and Douglas and Virginia L. Springstead; and

Running thence

South 63° 24' 30" East per deed (South 69° 52' 06" East, per survey for a distance of 184.23 feet along the center line of a stone wall and lands of Robert and Irma K. Curnow to an iron pin;

Thence along the center line of a stone wall end lands now or formerly of the Estate of B. J. Allison.

North 28°38'10" East per deed (North 22° 16' 32" East, per survey) for a distance of 236.44 feet to an iron pin;

Thence along lands of Douglas and Virginia L. Springstead,

North 63°24'30" west per deed {North 69°52' 06" West, per survey} for a distance 184.23 feet to an iron pipe;

thence southerly along other lands of Douglas and Virginia L. Springstead,

South 28°38'10" West per deed (South 22°16'30" West per survey) for a distance of 236.44 to the point or place of beginning.

Together with a right of way for all purposes of ingress and egress to and from the premises above described and Willow Grove Road over and upon a strip of land 24.77 feet in width at its southerly and 25.09 feet in width at its northerly end, which right of

way extend, along the entire length of the westerly line of the premises above described and is an extension of the following described right of way.

Together with a right of way for all purposes of ingress and egress to and from the premises above described and Willow Grove Road over and upon a strip of land 16.5 feet extending northerly from said Willow Grove Road along the westerly line of lands of Robert and Irma K. Curnow and over the lands of Morell and Robert Phillips to the premises above described.

Together with a 25 foot easement to Algonquin Drive for ingress, egress and utilities as set forth on filed map #6016.

Adopt Local Law-Prohibiting Short-Term Rentals of Residential Dwellings

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to adopt the following local law:

The following resolution was duly offered and seconded to wit:

RESOLUTION NO. 5/2021

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT
ADOPTING LOCAL LAW 2 OF 2021 REGARDING AMENDMENT TO
SHORT-TERM RENTALS**

WHEREAS, the Town of Stony Point Town Board (“Town Board”) desires to adopt a local law governing short-term rentals in the Town; and

WHEREAS, the Town Board declared itself lead agency and has reviewed a short form Environmental Assessment Form regarding this action;

WHEREAS, the Town Planning Board reviewed the proposed changes and provided a report to the Town Board with no objections to the proposed changes.

WHEREAS, the proposed local law was referred to the Rockland County Department of Planning who, on February 2, 2021, responded and advised that the proposed local law would have no adverse impact on any County-wide interests and remanded the law for local consideration; and

WHEREAS, the Town Board opened a public hearing on October 27, 2020 regarding the proposed local law where all persons were afforded an opportunity to be heard and the Town Board continue such public hearing through November 10, 2020 for written comments; and

WHEREAS, the Town Board is the sole agency involved in the consideration of the proposed Local Law; and

NOW, THEREFORE BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference.

Section 2. The Town Board hereby determines that the proposed action shall not result in any adverse environmental impacts and issues a negative declaration regarding the proposed amendments of the local law.

Section 3. The Town Board hereby adopts Local Law 2 of 2021 adopting a new Article XXIII to Chapter 215 as presented to the Town Board.

Section 4. The Town Board further directs the Town Clerk and any other officer or employee, as directed by the Town Supervisor, to take any action

necessary to carry out the provisions of this Resolution, and to transmit any required notifications, including filing the adopted local law with the Secretary of State.

Section 5. The Town Clerk shall cause publication of the ENB Notice Publication Form to be submitted to the NYS Environmental Notice Bulletin by submitting the form to enb@dec.ny.gov.

Section 5. This Resolution shall be effective immediately.

TOWN OF STONY POINT

LOCAL LAW NO. 2 OF 2021

A LOCAL LAW AMENDING TOWN CODE CHAPTER 215 – ZONING PROHIBITING SHORT-TERM RENTALS OF RESIDENTIAL DWELLINGS

BE IT ENACTED by the Town Board of the Town of Stony Point, Rockland County, New York (“Town Board”) as follows:

Section 1. Authority

This local law is adopted pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 2. Title, Intent and Purpose.

This local law shall be known and cited as “a Local Law amending Chapter 215 to add Article XXIII Regulating Short-Term Rentals.”

The intent of this local law to amend Chapter 215 of the Town Code of the Town of Stony Point is to advance the public health, safety, and welfare of the Town of Stony Point, its residents, and visitors. The purpose of this local law is to prevent unregulated tourist or transient-oriented uses within all permitted and pre-existing nonconforming single-family, two-family, and multi-family dwellings and in residential districts and traditional residential neighborhoods to protect and ensure the safety of the Town’s current and future residents and visitors to the Town as well as protect and preserve the Town’s appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town’s zoning, subdivision, property maintenance and related local laws.

Section 3. Amendment

Chapter 215 shall be hereby amended to add the following:

Article XXIII Prohibition on Short-Term Rentals of Residential Dwellings

§ 215-146 Purpose.

It is the purpose of this zoning district to advance the public health, safety, and welfare of the Town of Stony Point, its residents, and visitors. The purpose of this local law is to prevent unregulated tourist or transient-oriented uses within all permitted and pre-existing nonconforming single-family, two-family, and multi-family dwellings and in residential districts and traditional residential neighborhoods to protect and ensure the safety of the Town’s current and future residents and visitors to the Town as well as protect and preserve the Town’s appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town’s zoning, subdivision, property maintenance and related local laws.

§ 215-147 Definitions.

As used in this article, the following terms shall have the meanings indicated:

IMMEDIATE FAMILY MEMBER

Any parent, grandparent, child, grandchild, sibling, spouse, domestic, and any other immediate relative by blood, marriage, or adoption (i.e., cousin, niece, nephew, aunt, uncle, in-law, and step-child).

LIVING ACCOMMODATION

A dwelling or premise or portion thereof with a bed or beds and bathroom facilities for the use of the person or persons occupying the dwelling premises, or portions thereof.

MONETARY COMPENSATION

Cash, check, money order, credit card, bitcoin, barter, or other valuable consideration.

OCCUPANT

A person, other than the premises owner of record filed in the Rockland County Clerk’s Office or an immediate family member of the premises owner, occupying living accommodations with the premises owner’s express or implied consent.

OFFER TO RENT

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, including the Internet, the availability for rental or similar use of any living accommodations, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

PERSON

Any individual, partnership, corporation, joint limited liability company, limited liability company, trust or other entity, stock association, and includes any trustee, receiver, assignee, or personal representative thereof, including but not limited to any booking or reservation service, lawful lessees, and premises owners.

PREMISES

Immovable property owned or leased by the premises owner or lawful lessee, as applicable.

PREMISES OWNER

A person having lawful ownership title or interest to the premises or an immediate family member of said person.

SHORT-TERM RENTAL

A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 29 consecutive nights. “Rental” means an agreement, written or oral, granting use or possession of a residence, in whole or in part, to a person in exchange for monetary compensation. “Short-term rental” shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a residential dwelling unit.

MULTIPLE DWELLING

A dwelling which is either rented, leased, let or hired out, to be occupied or is occupied as the permanent residence or home of three or more families living independently of each other and is occupied for permanent residence purposes. “Multiple dwelling” shall include “apartment” dwellings.

APARTMENT

That part of a multiple dwelling consisting of one or more rooms containing at least one bathroom and arranged to be occupied by the members of a family, which room or rooms are separated and set apart from all other rooms within a multiple dwelling.

TRANSIENT

A rental period of 29 nights or less.

§215-148 Short-term rentals prohibited.

- A. It shall be unlawful for any person in any residentially zoned district within the Town to rent or license, or offer to rent or license, any living accommodations for monetary compensation or other valuable consideration for a period of less than 29 consecutive nights if the living accommodations are not lawfully licensed or permitted for such use under the Town Zoning Code.
- B. No occupant, visitor, or other may use, reside, dwell, or otherwise remain in any living accommodations for a period of less than 29 consecutive nights in exchange for monetary compensation or other valuable consideration.
- C. Any provision of a lease or rental agreement purporting to waive any provision of this Section is unlawful.
- D. Nothing in this Section shall be construed as invalidating or impairing the operation of, or the right of a landlord to restrict occupancy in order to comply with federal, state or local laws, regulations, ordinances, or codes.
- E. A person or entity (including a principal of any entity) who rents property from a premises owner or lawful lessee who is in violation of this Section shall be deemed to be an accessory to the offense provided herein.
- F. Any person who shall violate any provision of this Section shall first receive a warning of said violation from the Building Inspector. Each violation issued thereafter shall be subject to the penalties set forth in Section 215-99, titled "Penalties for offenses."
- G. In addition to the criminal penalties contained herein, it shall be the right of the Town to seek injunctive relief in any civil court having jurisdiction over this matter to prevent any violation or violations of this Section.

§215-149 Applicability.

- A. The prohibition on short-term rentals shall apply to all single-family, two-family, and multiple-family residential dwellings within the Town.
- B. The prohibition on short-term rentals shall not apply to a commercial hotel/motel business or bed-and-breakfast establishment operating exclusively as such and which is lawfully licensed or permitted for such use pursuant to the Town Zoning Code and regulated by applicable state, county and local law or ordinance.
- C. The prohibition on short-term rentals shall not preclude the creation of a mortgage, lien, easement or other similar interest that encumbers a residential property as a whole to secure a loan or for any other legitimate purpose.

§ 215-150 Authority.

This local law is adopted pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 4. State Environmental Quality Review Act.

Pursuant to 6 N.Y.C.R.R. 617.4(b)(2) this local law is classified as a Type I action.

Section 5. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Repeal, Amendment, and Supersession of Other Laws.

All other resolutions, ordinances, or local laws of the Town of Stony Point, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

EXECUTIVE SESSION

At 7:28pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to adjourn into executive session to discuss personnel matters.

RECONVENE

At 8:02 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to reconvene the February 9, 2021 Town Board Meeting.

ADJOURN

At 8:03pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to close the February 9, 2021 Town Board Meeting. The meeting is closed in memory of Sgt. Brautigam.

Respectfully submitted
Megan Carey, Town Clerk