

**STONY POINT TOWN BOARD MEETING – OCTOBER 22, 2019**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 22, 2019 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor James Monaghan called the meeting to order. Deputy Town Clerk, Holli Finn called the following roll:

PRESENT:	Tom Basile	Councilman
	Karl Javenes	Councilman
	James White	Councilman
	Michael Puccio	Councilman
	James Monaghan	Supervisor
	Brian Nugent	Esquire

**PUBLIC INPUT**

**Kim Lippis** – Filors Lane, President of the Ambulance Corp, gave a financial statement regarding the corp.

**Bonnie Gizzi** - 34 Terry Lane, Ba-Mar Mobile Home Park wanted to update the town board on what was happening at the park. There are currently 9 families consulting an attorney to represent them. They are in negotiations with the owners of BaMar and attempting to come to a solution with their living arrangements.

**Christine Mandara** - 20 Phillips Drive, president of Rose Memorial Library wanted to thank the board for their support in the celebration of the libraries 70<sup>th</sup> birthday party. They are raising money to convert a space for a science technology room.

**George Potonavic** - 597 Old Gate Hill Road commented on the issues at BaMar Mobile Home Park. Master plan was changed to a Use by Right because the town is obligated to provide affordable housing.

**PURCHASE ORDER REQUEST**

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

Highway Department:

PO#3301	Four Star Transmission	\$3,280.06
PO#3302	Sewah Studios Ins	\$1,350.00
PO#3303	Corsi Tire	\$1,598.00
PO#3304	R.T. Evergreen Industries Inc.	\$3,373.50

Sewer Dept:

PO#3287	U.S.A. Bluebook	\$6,397.60
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**AUDIT OF BILLS** – 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 bills as presented for payment.

**Contractual General – October 22, 2019**

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	1120-1145	\$ 259,532.49
Highway	379-383	\$ 28,495.28
Sewer	352-340	\$ 22,694.85
<u>Special Districts</u>		
Enterprise	356-364	\$ 15,317.04
Solid Waste	32-32	\$ 2,260.24
Street Lighting	16-16	\$ 21,174.83

## **MINUTES**

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present, to approve the minutes of October 8, 2019.

## **SUPERVISOR'S REPORT**

Supervisor Monaghan spoke regarding:

- Recreation Department's "Spooktacular" on Friday, October 25<sup>th</sup> starting at 6 pm at Kirkbride Hall. Admission is free.
- Informed the residents that the traffic light at the intersection of Willow Grove Road and Patriot Hills Drive is being worked on and parts are ordered. Haverstraw will be splitting the costs with the Town of Stony Point for the repairs.
- Nyack Hospital is offering free flu shots for those 65 and older on October 29<sup>th</sup> at the RHO Building from 11am-12pm.
- Recreation Dept is hosting a bus trip to Radio City Music Hall on December 11<sup>th</sup>. The fee is \$60pp and the bus will be leaving at 4:45 for an 8PM show.
- The annual tree lighting will be held on December 2<sup>nd</sup> at Kirkbride Hall.

## **DEPARTMENTAL REPORTS**

None

## **CORRESPONDENCE**

None

## **Open Public Hearing-Special Use Permit-Crown Castle**

At 7:30pm a motion was made by Supervisor Monaghan seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for a special use permit for the replacement of the cell tower at 160 North Liberty Drive.

### **Public Input**

David Kenny, attorney for Crown Castle, explained that Crown Castle will be replacing the 100 ft cell tower with a tower that is 120 ft to accommodate the antennas for AT & T. There will be no flag due to complaints from residents about the noise the flag caused.

Councilman Puccio asked about the leasing agreement that Crown Castle had in place.

David Kenny explained that they lease the space from the landlord at 160 North Liberty Drive and have subleases with the phone companies. Accordingly there will be a letter of credit in place with the town that will be acted on if necessary.

George Potonavic, 597 Old Gate Hill Rd., Pres. of S.P.A.C.E., asked if the new cell tower will be equipped to accommodate the new 5G output.

David Kenny responded that the new tower will have 4G output and is 100% FCC compliant.

### **Close Public Hearing**

At 7:34pm a motion was made by Supervisor Monaghan seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to close the public hearing.

**Adopt Resolution Granting the Application for a Special Use Permit**

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 resolution:

The following resolution was duly offered and seconded to wit:

**RESOLUTION 2019/32**

**RESOLUTION GRANTING THE APPLICATION FOR A SPECIAL PERMIT SUBMITTED BY CROWN CASTLE**

**WHEREAS**, CCTMO LLC (“Crown Castle”) submitted an application for a special permit and an application for site development plan approval on May 8, 2019 (“Special Permit Application”) pursuant to Section 215 of the Town Code; and

**WHEREAS**, the Town Board is vested with the authority to review and approve an application for a special permit in accordance with Section 215 of the Town Code by ensuring that the public health, welfare, and safety are protected and that the environmental and land resources of the Town are most efficiently utilized; and

**WHEREAS**, Crown Castle applied for a special permit to replace an existing 100 ft high wireless telecommunications facility with a new 120 ft high wireless telecommunications facility; and

**WHEREAS**, the Planning Board reviewed the application for the purpose of preliminary site development plan review, and transmitted its recommendations thereon to the Town Board on October 1, 2019; and

**WHEREAS**, the Planning Board previously declared itself Lead Agency pursuant to the State Environmental Quality Review Act and the regulations promulgated thereunder, and then adopted a Negative Declaration on September 26, 2019; and

**WHEREAS**, the Planning Board, after having conducted its review, recommended approval of the Special Permit Application; and

**WHEREAS**, having received the Planning Board’s recommendations, the Town Board has conducted a public hearing on October 22, 2019, for the purpose of reviewing and soliciting public comment regarding the Special Permit Application; and

**WHEREAS**, Crown Castle submitted a specific request to the Town Board requesting a waiver from the heights requirements set forth in Section 215-66(B)(3)(a) of the Town Code; and

**WHEREAS**, the Town Board may grant a height waiver for facilities in excess of 100 feet in non-residential zones and to accommodate new users; and

**WHEREAS**, in reviewing any such request for a waiver, the Town Board shall balance the effect of a greater height against the provision of one or more additional towers, collocating or other alternatives; and

**WHEREAS**, Crown Castle requests a waiver because the waiver will accommodate antennas operated by AT&T to collocate with additional antennas and because the replacement facility will continue the existing facility’s stealth flagpole design, which will completely camouflage the antennas at the facility; and

**WHEREAS**, the Town Board desires to grant the request for a waiver with respect to the height limitation and to grant the Special Permit Application; and

**NOW THEREFORE BE IT RESOLVED** that:

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

Section 2. The Town Board hereby finds that the proposed facility complies with the requirements for wireless telecommunications facilities as set forth in Section 215-66 of the Town Code.

Section 3. The Town Board hereby finds that the effect of a greater height to be minimal and therefore, hereby grants the request for a waiver from Section 215-66(B)(3)(a) of the Town Code up to 120 feet.

Section 4. The Town Board hereby grants the Special Permit Application submitted by Crown Castle and finds that granting said Application ensures that the public health, welfare, and safety are protected, and that the environmental and land resources of the Town are most efficiently utilized.

Section 5. The Town Board hereby requires as condition of granting the Special Permit Application that Crown Castle supply to the Town a letters of credit in a form to be reviewed and approved by the Town Counsel.

Section 6. The Town Board hereby directs the Town Supervisor to file this Resolution with the Office of the Town Clerk.

Section 7. The Town Clerk shall mail a copy of this Resolution to Crown Castle, the Town of Stony Point Planning Board, and the Rockland County Department of Planning and Crown Castle shall proceed with site development plan approval before the Planning Board.

#### **Open Public Hearing-2020 Preliminary Budget**

At 7:35 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 open the public hearing to discuss the 2020 Preliminary Budget.

#### **Public Input**

**George Potonavic** asked if the agreement where as Patriot Hills LLC was to pay the town \$10,000 monthly while doing their due diligence on the proposed sale of the golf course was included in the 2020 preliminary budget.

**Supervisor Monaghan** responded that the money was not included in the 2020 preliminary budget.

**Kim Lippis**, Filors Lane, Stony Point Ambulance Corp., stressed that the town board strongly consider the ambulance corps request for an additional \$165,000. The 2020 budget includes \$155,000 for the ambulance corp.

#### **Close Public Hearing-2020 Preliminary Budget**

At 7:37pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote by those board members present to close the public hearing for the 2020 preliminary budget.

#### **Open Public Hearing-Proposed Local Law Tax Levy Override**

At 7:38pm a motion was made by Supervisor Monaghan seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to open the public hearing regarding the Proposed Local Law Tax Levy Override.

#### **Public Input**

**Walt Cintron**, Ridgetop Rd., Tomkins Cove, asked why the proposed local law tax levy override needs to be done.

**Supervisor Monaghan** explained that the law is put into place in the event of the budget going over the 2% cap. If the budget goes over the tax cap, the resolution would need to be adopted.

**Lauren Schimko**, Foxwood Dr., Tomkins Cove, asked if the override would affect the Star Exemption.

**Supervisor Monaghan** said it would not.

**Greg Julian**, 15 Ridgetop Rd., Tomkins Cove, asked about the college chargeback's and how the county is no longer contributing their portion to the individual towns. He also asked if there was a line in the budget for voluntary contributions.

**Supervisor Monaghan** explained that for many years the County has not contributed their portion of the chargebacks and that puts the burden on the town. He also stated that the town has not received any voluntary contributions.

#### **Continue Public Hearing**

At 7:56 pm a motion was made by Supervisor Monaghan seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to continue the Proposed Local Law Tax Levy Override for the November 12<sup>th</sup> town board meeting.

#### **Open Public Hearing-Sewer Extension-431 Willow Grove Road**

At 7:57pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for the sewer extension at 431 Willow Grove Road.

#### **Public Input**

**Margaret Brush**, 445 Willow Grove Road, was concerned about digging on her property.

#### **Continue Public Hearing**

At 8:01pm 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 sewer extension for 431 Willow Grove Road for the November 12<sup>th</sup> town board meeting.

#### **Open Public Hearing –Sewer Extension-435 Willow Grove Road**

At 8:01pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for the sewer extension at 435 Willow Grove Road.

#### **Continue Public Hearing**

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 continue the public hearing for the sewer extension at 435 Willow Grove Road for the November 12<sup>th</sup> town board meeting.

#### **Building Permit Refund**

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 request from Sunrun for a refund for their building application fee in the amount of \$665.00 as per the Building Inspector.

#### **Approve Office 365 Software Upgrade/Migration as Required by New York State Mandates and Licensing Agreements**

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 necessary upgrades for the computer systems at the Town Hall and Police Station.

**Adjourn**

The October 22, 2019 Stony Point Town Board meeting adjourned at 8:03 pm and no further votes were taken.

Respectfully submitted

Holli Finn  
Deputy Town Clerk