

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

IN THE MATTER

OF

TWO FORTY BULSONTOWN

- - - - - X

Town of Stony Point
19 Clubhouse Lane
Stony Point, New York
August 22, 2024
7:12 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN
ROLAND BIEHLE, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
JAMES PURCELL, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN JOHNSON: All right. Next up we've got 240 Bulsontown.

MR. ROSTAMI: Good evening.

CHAIRMAN JOHNSON: How are you, Vahid?

MR. ROSTAMI: My name is Vahid Rostami from Atzl, Nasher and Zigler. We're the design engineer for the project.

This action is a three-lot subdivision. And the existing lot is an area of 6.5 acres. It proposes two new lots. And the two new lots will be accessed from Richard C. Brown, north of the lot. The existing lot remains as is, the existing single-family house. And there's no development at Bulsontown Road side.

So the new two lots will have a private sewer system, septic system, and public water. So development includes extension of the Richard C. Brown, and create a standard cul-de-sac with extension of the water main, and basically providing water services to the proposed new lots.

As you are aware, the -- basically, the

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bulk requirements. Lot Number 1, we require a variance for the lot width and frontage, because it's lot frontage from Richard C. Brown side. And currently in front of the Zoning Board for getting the variance.

If you have any questions, I'd be happy to answer if you have any.

CHAIRMAN JOHNSON: Do any of the Board Members have any questions at this point?

BOARD MEMBER PURCELL: No.

CHAIRMAN JOHNSON: Do any of the consultants have questions or comments?

MR. O'ROURKE: Not before the public hearing.

CHAIRMAN JOHNSON: Okay.

MR. O'ROURKE: I think you could open that, unless Sam has any comments.

MS. JUSTINIANO: The only thing that we have provided for you guys is a draft EAF Part 3. The applicant had provided a narrative responding to concerns raised in the Part 2 previously. So in the packet that Mary gave all of you guys, all of that's together. Draft Part 3, as well as a draft

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negative declaration for your consideration.
That's it.

MR. O'ROURKE: My apologies. Sam is absolutely correct. So as the applicant's engineer stated, they have to go the ZBA. ZBA can't take any action until this Board at least gives a neg dec. You don't have to approve the project. You're going to do a public hearing. But you have to give the neg dec so then they can take that next step and go to the ZBA.

CHAIRMAN JOHNSON: All right. So I guess all we can do here is set the public hearing?

THE CLERK: No.

MR. O'ROURKE: No, public hearing is scheduled for this evening.

CHAIRMAN JOHNSON: Okay.

MR. O'ROURKE: So all you can do is open the public hearing and see --

CHAIRMAN JOHNSON: All right. We're going to open the public hearing.

MS. ROGERS: I'd like to go first, if I could.

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2 CHAIRMAN JOHNSON: It's all you.

3 MS. ROGERS: Thank you so much.

4 CHAIRMAN JOHNSON: Just give us your
5 name and address.

6 MS. ROGERS: My name is Colleen Rogers,
7 and I live at 13 Richard C. Brown Drive. My
8 property backs up to this new development.
9 All right. And I have some major concerns.

10 My first one is flooding. All right.
11 I'm right there at the end. And my front
12 that abuts to that property does flood. The
13 sewer overflows and there's flooding.

14 My question is, it will get worse when
15 they put in new houses. And the grading, I
16 don't see where the grading is, or I couldn't
17 read it on the survey there. So that is a
18 major concern of mine.

19 The next is at the end of the cul-de-sac
20 over here -- I need a pointer, don't I.

21 THE CLERK: You want a pen?

22 MS. ROGERS: At the end -- oh, I have
23 mine. But there's a thing that says snow
24 depot for all the snow.

25 CHAIRMAN JOHNSON: Snow storage.

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2 MS. ROGERS: So, the storage. So that
3 backs up to my property. So now we have the
4 sewer that overflows, and all the snow is
5 coming right to the edge of my property. All
6 right. So there's no storage anywhere else
7 but on my property. I mean that backs up to
8 it.

9 The next thing, number three is I can't
10 see how wide the road is going to be. Is it
11 staying the same width as Richard C. Brown
12 Drive? Because it looks like it's getting
13 wider. I went out and measured it today.
14 It's 50 feet. But I can't see -- it looks
15 like there's two more lines there that make
16 it bigger. All right.

17 And then when I look out at where the
18 surveyors were next to the rock wall -- which
19 I do want to know if that's staying or going
20 because part of it is on my property. The
21 part where the road will go through is not,
22 because that's Town property. All right. So
23 I want to know whether the rock wall is
24 staying, whether it's wider. All right. And
25 then because there's no width on there, you

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2 can't read any width.

3 The other one is there's absorption
4 fields on the two lots. And it says a future
5 development area. What future development
6 would be on those two lots?

7 MR. ROSTAMI: Okay.

8 MS. ROGERS: Okay. I mean, that's very
9 concerning because it's just those two lots.
10 Why would we have to have a future
11 development?

12 So those are my questions. And I thank
13 you very much. I appreciate your time. And
14 I'll see you again.

15 CHAIRMAN JOHNSON: Thank you very much.
16 Vahid, do you --

17 BOARD MEMBER ROGERS: You want to answer
18 any of these now?

19 MR. ROSTAMI: I can answer some of them
20 now. But the other ones, yeah. So I'll
21 start with the last one about the septic
22 system, the future development.

23 MS. ROGERS: Yes. That's fine.

24 MR. ROSTAMI: So this is part of the
25 requirement by the Health Department. Every

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2 time there's a septic system proposed, we
3 have to show 50 percent for the future
4 increase. Let's say if the number of the
5 rooms in the house increase as in an
6 addition, they should have room for that.
7 That's part of the requirement from the --

8 MS. ROGERS: Okay, I understand that.
9 But how many rooms? Those look like they're
10 going to be significantly big houses. So how
11 many rooms additional? You know, would this
12 be a 20-room house? What would it be?

13 MR. ROSTAMI: Yes. The houses are
14 actually designed for four bedrooms.

15 MS. ROGERS: Yes.

16 MR. ROSTAMI: And the extra room is for
17 two additional rooms. So this is maximum
18 six. But currently it's designed for four
19 bedrooms, and it's up to --

20 MS. ROGERS: Right. The rest of us,
21 everybody in the original development is, has
22 four bedrooms.

23 MR. ROSTAMI: And the other question
24 about the size of the road, it's basically
25 the standard cul-de-sac that can be less. So

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2 if I zoom in. So the existing road
3 doesn't -- it's basically getting wider. So
4 what happens is --

5 MS. ROGERS: Okay. Because see, you
6 don't see -- my house is there. You can see
7 it.

8 MR. ROSTAMI: Yeah, this is --

9 MS. ROGERS: My existing.

10 MR. ROSTAMI: This is your house, yes.
11 So let me go to the existing plan to look at
12 the, what is the existing cul-de-sac is. So
13 this is like a hammer end, right. So it's
14 like that.

15 MS. ROGERS: Yeah. I have my original
16 from when they --

17 MR. ROSTAMI: Exactly. So it's showing
18 actually the same.

19 MS. ROGERS: Okay. So it's not going to
20 be any wider than that.

21 MR. ROSTAMI: No, it will be wider.

22 MS. ROGERS: Why?

23 MR. ROSTAMI: Because that's required.

24 MS. ROGERS: Why?

25 MR. ROSTAMI: Okay, to meet the bulk

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2 requirements for the new lots, because they
3 don't have adequate frontage if not develop
4 into a cul-de-sac.

5 MS. ROGERS: But this can be a
6 cul-de-sac. Why does this have to be wider?

7 MR. ROSTAMI: Per the code, they require
8 fire truck turnarounds, per the standard.
9 This one doesn't meet.

10 MS. ROGERS: But, well, I've been living
11 here for 48 years. And obviously it's okay
12 because nobody's come and made it bigger,
13 have they. And the Town is in charge of
14 that.

15 MR. ROSTAMI: Yeah. So the plans have
16 been submitted to the Town consultants.

17 MS. ROGERS: Okay. And see, this is
18 right here, is my rock wall and my property.
19 And there is an orange on a tree. And it
20 says the road is going here. And it's just
21 past that.

22 MR. ROSTAMI: Yeah. So the stone wall
23 actually is not disturbed up to this point.
24 This is actually the property line, the big
25 line.

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2 MS. ROGERS: Which one? No, that's the
3 other side. I'm on that side, aren't I. On
4 that side. See, right here is me. I'm very
5 visual, as you can see. That's me right
6 there.

7 MR. ROSTAMI: Oh, okay.

8 THE CLERK: Where it says Richard C.
9 Brown.

10 MS. ROGERS: Okay.

11 MR. ROSTAMI: Okay, so that stone wall
12 actually is not getting disturbed. So it
13 remains as is.

14 MS. ROGERS: Okay. But you will have to
15 go through -- the stone wall is at the end of
16 the street.

17 MR. ROSTAMI: At some point --

18 MS. ROGERS: You will have to go
19 through. There's two big boulders.

20 MR. ROSTAMI: In the right of way, in
21 the right of way --

22 MS. ROGERS: Yes. I understand that.
23 It's just that it seems to me that we have
24 our end that was supposed to be a cul-de-sac,
25 but it seems to be expanding.

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2 MR. ROSTAMI: Yeah. This is a standard
3 cul-de-sac per code, so.

4 MS. ROGERS: Okay. But 48 years.
5 48 years, been in that house. Nobody came
6 and said it wasn't standard. Didn't increase
7 it.

8 MR. ROSTAMI: Yeah. Many fixtures in
9 the towns are nonconforming. And as long as
10 you don't --

11 MS. ROGERS: Okay.

12 MR. ROSTAMI: So the new development has
13 to meet the new code.

14 MS. ROGERS: All right. All right.
15 Next.

16 MR. ROSTAMI: Yeah. The snow storage
17 was another requirement for the cul-de-sac.

18 MS. ROGERS: Well, why don't you put it
19 by those new houses?

20 MR. ROSTAMI: We can find a --

21 MS. ROGERS: Okay. I would prefer,
22 since I flood, that one of those new houses.

23 MR. ROSTAMI: That's one we can figure
24 out there, yeah.

25 MS. ROGERS: Okay. That would make me

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2 feel much better, that all the snow from the
3 entire street wouldn't be next to me. I'd
4 like that.

5 CHAIRMAN JOHNSON: Well, I just need to
6 remind you, this is, you know, what we're
7 discussing here. This is not going to be
8 written in stone.

9 MS. ROGERS: I know that.

10 CHAIRMAN JOHNSON: It's got to go back
11 to the engineers.

12 MS. ROGERS: I know, I know. But if it
13 could be somewhere else, you know, you're
14 looking at my entire street and you're
15 looking these two new houses, and it all
16 comes on me. Okay.

17 MR. ROSTAMI: Yeah. And any change
18 needs to be further reviewed by the Town.

19 MS. ROGERS: Okay, all right. But I
20 would think that that would be only fair.

21 MR. HONAN: Ma'am, could I just tell you
22 that if you wish to, you can put your
23 comments in writing and submit them to the
24 Board as well.

25 MS. ROGERS: I will. Thank you.

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2 BOARD MEMBER ROGERS: Yeah, because that
3 could be responded to.

4 CHAIRMAN JOHNSON: Yeah.

5 MS. ROGERS: Okay.

6 BOARD MEMBER ROGERS: Okay.

7 MS. ROGERS: That's great.

8 BOARD MEMBER ROGERS: Does that
9 answer --

10 MS. ROGERS: And I appreciate you
11 answering me now because I did know that --

12 BOARD MEMBER ROGERS: Does that answer,
13 out of your five, does that answer three?

14 MS. ROGERS: I think that was it. The
15 rock wall, right. Right. That was it. And
16 I appreciate it, and thank you. Thank you
17 for answering me, because I know it was going
18 to be in writing, so I appreciate it. And I
19 will write them up and send them to you.
20 I'll send them to Mary.

21 CHAIRMAN JOHNSON: Thank you very much.

22 THE CLERK: Did you sign the paper,
23 Colleen?

24 MS. ROGERS: What?

25 THE CLERK: Did you sign the sign-in

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2 paper?

3 MS. ROGERS: No, let me sign it. You
4 can see my other neighbors are on vacation.
5 Punzi lives across from me, his house is on
6 there. But he had to take his son back to
7 college. And Joe Spring was coming, and he
8 was away, too. So there was a couple people
9 that were coming and they couldn't.

10 CHAIRMAN JOHNSON: Well, you can let
11 them know they can submit their questions and
12 comments.

13 MS. ROGERS: I will. I told them, I did
14 tell them I would give them the highlights.
15 Thank you. Thank you very much.

16 CHAIRMAN JOHNSON: Thank you. State
17 your name and address for the record and sign
18 in, please.

19 MS. SULLIVAN: Sure. Kathleen Sullivan,
20 9 Richard Brown Drive. And mine is just a
21 quick question.

22 Just out of curiosity, there is already
23 an existing road where two houses are on
24 Zugibe, let's call it Zugibe Drive, the
25 private road. Why they just can't build the

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houses and enter and leave right off
Bulsontown as opposed to going on to Richard
Brown? That's my question.

MR. O'ROURKE: For that one, quick, just
because -- and Vahid can answer in a written
response -- but basically if they went that
way, they don't have the lot frontage and the
road frontage they need. And back to your
one question about the width of the
cul-de-sac, the requirements, it is a
New York State building code requirement now,
which wasn't that way 48 years ago.

MS. ROGERS: Long time.

MR. O'ROURKE: But in addition, this
road was probably most likely designed to
extend to Bulsontown Road.

CHAIRMAN JOHNSON: Yeah.

MR. O'ROURKE: There's a 50-foot right
of way through there. So they're not
extending the road, which would make traffic
and everything much worse for you. So
basically, they're just modifying that
original one from probably 48 years ago.
Just quick.

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2 MS. SULLIVAN: Thank you.

3 CHAIRMAN JOHNSON: Thanks, John. Do we
4 have more public comment? All right. Do you
5 guys have any questions or comments in the
6 back?

7 PUBLIC SPEAKER: No.

8 CHAIRMAN JOHNSON: Okay.

9 PUBLIC SPEAKER: We're just curious. I
10 was curious to know. We got a letter to come
11 about the building. We live on Cristin
12 Court, right in the back of this young lady.
13 And I totally appreciated your presentation.
14 You were right to the point, very, very kind.

15 MS. ROGERS: Thank you. Thank you.

16 CHAIRMAN JOHNSON: All right.

17 MS. ROGERS: I have another question.
18 Were we supposed to get letters in the mail?
19 Cristin Court got them.

20 PUBLIC SPEAKER: Here's our letter if
21 you want to see what it looks like.

22 MS. ROGERS: Okay.

23 PUBLIC SPEAKER: I got a letter, but it
24 seems like not everybody did.

25 MS. ROGERS: Okay. No, I did not. It's

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2 on a pole. It's on a piece of wood by the
3 basketball hoop at the, right next --

4 CHAIRMAN JOHNSON: Posted on-site.

5 MR. O'ROURKE: They're required to mail
6 and to post.

7 MS. ROGERS: I didn't get anything.

8 MR. O'ROURKE: Well.

9 PUBLIC SPEAKER: I got a certified
10 letter. And at the post office, they said
11 everybody on Cristin Court would be getting
12 one of these letters. However, they had many
13 envelopes, which I gather were my neighbors',
14 that had my address on it and not theirs.
15 And I was not about to sign a certified
16 letter for somebody else.

17 MR. O'ROURKE: Okay. Well, again, we do
18 get the certified letters. And I'm kind of
19 talking over you to the woman in the back
20 who's -- and there will be another public
21 hearing at the Zoning Board of Appeals. So
22 you'll be getting a second notice for that
23 public hearing, which will be on a different
24 date and a different time.

25 PUBLIC SPEAKER: Okay.

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2 MR. O'ROURKE: And for this
3 recommendation, because they have to go to
4 the ZBA, I'd recommend, unless Sam has an
5 issue, is the public hearing remains open.

6 CHAIRMAN JOHNSON: Oh, yeah. Yeah.

7 MR. O'ROURKE: You can do the neg dec.
8 They can go to the ZBA, because the ZBA may
9 or may not grant the variance, or may have
10 some conditions.

11 CHAIRMAN JOHNSON: Can we adopt the neg
12 dec this evening?

13 MS. JUSTINIANO: Yeah.

14 CHAIRMAN JOHNSON: Or is it --

15 MR. O'ROURKE: Yes.

16 CHAIRMAN JOHNSON: You've got it
17 prepared?

18 MS. JUSTINIANO: Uh-huh.

19 CHAIRMAN JOHNSON: Okay.

20 MR. O'ROURKE: Yeah, she has it all, Sam
21 has it all prepared. So I would recommend
22 the Board keep the public hearing open. And
23 then I'll defer to Sam to walk you through
24 the Part 3 and the neg dec.

25 CHAIRMAN JOHNSON: All right. Again,

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just if you have more comments, or if you sit down at home tonight over dinner and something comes up, please send them to us in writing, and it will all be addressed.

MS. ROGERS: Thank you so much. That's great.

CHAIRMAN JOHNSON: Thank you very much.

MS. ROGERS: We appreciate it. Thank you so much.

CHAIRMAN JOHNSON: Thank you.

THE CLERK: I would listen to the rest of it.

MS. ROGERS: Mary, I have to sit down, you're telling me. Okay.

CHAIRMAN JOHNSON: You want to make it? You want to make that motion?

MS. ROGERS: I'm doing what you say.

BOARD MEMBER PURCELL: Mary, can we make a motion?

THE CLERK: Yeah. Yes.

BOARD MEMBER PURCELL: To keep the public hearing until the next meeting.

THE CLERK: Yes.

MR. O'ROURKE: Yes.

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BOARD MEMBER PURCELL: We'll accept all written comments.

THE CLERK: Uh-huh.

BOARD MEMBER PURCELL: Make a motion.

BOARD MEMBER ROGERS: I'll second.

CHAIRMAN JOHNSON: All right. Got a motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right, motion carries. Public hearing remains open. Sam?

MS. JUSTINIANO: Yes. So for your guys' Part 3, you should have a copy of it in front of you, I think. Maybe, possibly.

THE CLERK: What? The one you just sent me, late?

MS. JUSTINIANO: Yes.

CHAIRMAN JOHNSON: Yeah. Today, right.

MS. JUSTINIANO: So just a quick little recap on what it says. The FEAF Part 1 highlighted potential impacts to the timber rattlesnakes and long eared, north long eared bats, as well as being located in or adjacent to an area designated as sensitive

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archaeological sites on the SHPO archaeological site inventory. A letter of no effect from SHPO was provided from the applicant. So this was not identified as a potential moderate or large impact on the adopted Part 2.

The applicant has proposed limited tree clearing activities to between November 1st and March 31st. This will limit the potential impacts, the potential for impacts to bats during roosting season. Vahid, that note will have to make sure to be added onto your site plan if it is not already.

MR. ROSTAMI: Yeah.

MS. JUSTINIANO: Regarding the tree.

MR. ROSTAMI: I think it's one of the notes, yeah, on the first page.

MS. JUSTINIANO: And then also, a rattlesnake review was prepared by a qualified biologist indicating that the project would not have any adverse impacts on rattlesnakes, and is filed with the Planning Board secretary.

In terms of SEQR status, this is an

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unlisted action. And the applicant, we've completed a Part 1, Part 2; what I just read was basically Part 3.

So upon review of this information recorded on this EAF as noted, plus the additional information which is going to be your letter of no effect from SHPO, the rattlesnake review, and the narrative that the applicant did, and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Planning Board of the Town of Stony Point as lead agency that the project will have, will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement will not be prepared. Accordingly, this negative declaration is issued.

So this document that you guys have in front of you has both the Part 3 and the neg dec in one, if that makes sense. And as long as you guys are comfortable with everything that's stated there, it is at your discretion to adopt it.

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CHAIRMAN JOHNSON: Does anybody have any questions regarding the EAF, the Part 3, and the neg dec?

BOARD MEMBER BIEHLE: No.

CHAIRMAN JOHNSON: All right. I'll make a motion to accept.

BOARD MEMBER BIEHLE: I'll second.

CHAIRMAN JOHNSON: Got a motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right, motion carries. So I guess your next step is ZBA, correct?

MR. ROSTAMI: Yeah. Thank you very much.

BOARD MEMBER PURCELL: Thank you.

CHAIRMAN JOHNSON: Thank you, Vahid. Appreciate it. Comments. Send them in, all right.


(Time noted: 7:35 p.m.)

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.



Jennifer L. Johnson

