

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER  
OF  
173 WAYNE AVENUE

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Town of Stony Point  
19 Clubhouse Lane  
Stony Point, New York  
October 24, 2024  
7:05 p.m.

BEFORE:

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

ROCKLAND & ORANGE REPORTING  
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CHAIRMAN JOHNSON: Next up,  
173 Wayne Avenue.

MR. RODRIGUEZ: Good evening.

CHAIRMAN JOHNSON: How are you?

MR. RODRIGUEZ: Okay, so I'm Kevin Rodriguez from Celentano Engineering, and this is the applicant Alan J. Stoll from 173 Wayne Avenue. And today we're proposing a two-lot subdivision, with existing conditions are the wetlands in site. We are proposing to drain those into Wayne Avenue. We had, since last meeting, we had the approvals, or informal approval from email by the Rockland County Highway Department to pipe all the water into Wayne Avenue.

And today, we're asking for a negative declaration, adoption of a negative declaration and a referral to the Zoning Board meeting for next month. If anybody has any questions, comments regarding the plan, we're open to the public or the Planning Board.

CHAIRMAN JOHNSON: All right. Does

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anybody on the Board or any of the consultants have any questions or comments?

MR. STACH: So we were in receipt of a Part 3 response from the applicant dated September 25th of 2024. We concur that their proposed Part 3 adequately addresses all the identified impacts. Notably, they provided a letter from SHPO that this would not have any significant impact on archaeological or historic resources; that the wetlands that were on the site are non-jurisdictional and relatively small, not performing any important functions; and that they would not be doing tree clearing except between November 1st and March 31st.

Based on those responses, we recommend you adopt the applicant's draft Part 3. And we have also prepared a neg dec for your consideration tonight.

CHAIRMAN JOHNSON: All right. Can I get a motion to accept the Part 3?

BOARD MEMBER BIEHLE: I'll make a motion.

BOARD MEMBER ROGERS: I'll second.

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2 CHAIRMAN JOHNSON: I got a motion and a  
3 second. All in favor?

4 (Response of aye was given.)

5 CHAIRMAN JOHNSON: Any opposed? John or  
6 Steve, do you guys have any questions or  
7 comments at this point?

8 MR. HONAN: Now that the negative dec  
9 has been adopted, no.

10 MR. STACH: That was the Part 3.

11 MR. HONAN: That was the Part 3. I just  
12 thought it was a little premature to go to a  
13 neg dec at this point. There are quite a  
14 few -- I'm just looking over the memo of John  
15 with respect to items that are outstanding.  
16 And I believe we have not sent the applicant  
17 to the ZBA yet, and I think they're asking  
18 for us to do that.

19 CHAIRMAN JOHNSON: Right. We need the  
20 neg dec.

21 MR. HONAN: They'll need a neg dec  
22 before the ZBA issues a decision. But the  
23 ZBA is going to take one meeting to accept  
24 their application, assuming they accept the  
25 application, and then they'll set it for a

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public hearing. So we're looking at least 60 days out, I think, before they would need a neg dec.

So, do we have to do it tonight? We don't have to. But we can then refer and get them moving, and they won't lose any time whether we adopt the neg dec tonight or next month.

CHAIRMAN JOHNSON: Okay. And that will give them time to address all the questions that are still outstanding for John.

MR. HONAN: That was just my thought.

MR. QUEENAN: Yeah, I'm in agreement with Steve, based on the review. Lot of technical issues need to be addressed on the plans. I think the bones are there, but I'd like to see them brought up to another level.

CHAIRMAN JOHNSON: Okay. All right, guys. Thank you very much. We're going to open the public hearing now. I'll listen to some of the comments, and then we'll discuss the neg dec. But I don't know if it's going to happen. To that, I will probably defer to Steve's expertise on that.

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2 MR. STOLL: Well, I think there was a  
3 lot of things that was on that notes, the  
4 notes list has already been addressed. I  
5 think, you know, we were going to hope to  
6 have a conversation with John about some of  
7 that stuff that was on there because that  
8 was -- some of that stuff was already  
9 reviewed and addressed.

10 MR. RODRIGUEZ: Yeah. The latest  
11 comments, we addressed, I think it's like 14  
12 comments from your office, John. And we  
13 addressed them last, you know, last Planning  
14 Board meeting. And with the answers, we  
15 submitted them.

16 MR. QUEENAN: Well, I just did this  
17 review, so.

18 CHAIRMAN JOHNSON: Yeah, this is --

19 MR. STOLL: That's why I want to make  
20 sure you had the latest and greatest of our  
21 comments.

22 MR. QUEENAN: The plans that I was  
23 provided was September 9th -- September 5th.

24 MR. RODRIGUEZ: Yeah, because the ones  
25 we got today from Mary was like almost the

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2 same comments as previous. So maybe we're  
3 looking at --

4 MR. QUEENAN: No. Some of them, I would  
5 probably say 20 of them are new.

6 MR. RODRIGUEZ: Okay. I think I saw  
7 some of them were actually the same, but I  
8 guess we'll --

9 MR. QUEENAN: Well, the first three are,  
10 because it's just summarizing your  
11 application.

12 MR. RODRIGUEZ: Yeah. There was like  
13 one with the snow on the ground. That one  
14 was, that one was taken care of already.

15 MR. QUEENAN: Not on this plan set.

16 MR. RODRIGUEZ: Okay. Probably -- what  
17 date do you have on that one?

18 MR. QUEENAN: 9/5.

19 MR. RODRIGUEZ: 9/5. There should be --  
20 when was the last -- we came here before  
21 that. No. It was the 24th. So maybe the  
22 plan that you were looking at wasn't the  
23 correct one.

24 MR. QUEENAN: That's the one I have.

25 MR. RODRIGUEZ: Okay.

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2 MR. QUEENAN: This is why, when you  
3 weren't at the TAC meeting, a letter  
4 summarizing what you're submitting and what  
5 dates would help significantly.

6 MR. RODRIGUEZ: Yeah. I believe we  
7 submitted the correct stuff.

8 MR. QUEENAN: This is the plan I have.

9 MR. RODRIGUEZ: Okay.

10 MR. HONAN: Well, I really don't think  
11 by delaying -- moving for a neg dec and  
12 accepting a, issuing a neg dec at this point,  
13 you're not going to lose any time. So the  
14 project is going to move the same pace no  
15 matter what. So I think we can straighten  
16 these things out, and move on to the public  
17 hearing and get that opened.

18 CHAIRMAN JOHNSON: Okay. John Hager, do  
19 you have any questions or comments?

20 MR. HAGER: No, other than I just would  
21 like to remind the Board that the ZBA has  
22 already had one look at this project. So  
23 they are returning to the ZBA. A referral  
24 needs to be amended from the last time  
25 because the project has changed slightly.



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2 But the ZBA did not take action yet because  
3 they were waiting for this Board to make a  
4 negative dec or whatever declaration you make  
5 for SEQOR.

6 CHAIRMAN JOHNSON: All right. Well, I  
7 still -- again, I'm going to defer to Steve's  
8 expertise on the, on the outstanding  
9 questions. And John's, actually. So,  
10 thanks. We'll --

11 MR. STACH: So just, just for  
12 information, the last map I have is dated  
13 9/23. So that might be part of the issue.

14 MR. STOLL: I think so. I think so.

15 MR. QUEENAN: Part of it, but not all of  
16 it.

17 CHAIRMAN JOHNSON: And do you have that,  
18 Mary?

19 THE CLERK: I have to check at the  
20 office. I don't have it with me.

21 CHAIRMAN JOHNSON: Can you guys just,  
22 like, tomorrow send a -- you want electronic  
23 or do you want paper?

24 MR. QUEENAN: Electronic is fine.

25 CHAIRMAN JOHNSON: Okay, yeah. If you

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2 can, like, tomorrow morning, email that to  
3 John.

4 MR. RODRIGUEZ: Absolutely.

5 MR. HONAN: Or email it to Mary so she  
6 can distribute it.

7 CHAIRMAN JOHNSON: Okay. All right.

8 MR. HONAN: Might be better that way,  
9 because no doubt on what we're getting and  
10 distributing to the Board Members.

11 CHAIRMAN JOHNSON: All right.

12 THE CLERK: Did you send them in paper  
13 copies to me?

14 MR. RODRIGUEZ: Yeah. In paper, you  
15 said. I don't know. Did you print any out?

16 MR. STOLL: I think they all were  
17 electronic, Mary. I think that's what you  
18 had requested, just send it electronically.

19 THE CLERK: Right. So I usually send  
20 everything out electronically. That's why  
21 I'm saying I don't have paper copy. I've  
22 never seen one.

23 MR. RODRIGUEZ: Okay.

24 THE CLERK: So send it out, and I'll  
25 send it to everybody.

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MR. RODRIGUEZ: Okay.

THE CLERK: Which I think was already gone.

MR. RODRIGUEZ: All right. Will do.

CHAIRMAN JOHNSON: Thank you.

MR. RODRIGUEZ: Thanks.

CHAIRMAN JOHNSON: And --

MR. HONAN: Motion to open the public hearing.

CHAIRMAN JOHNSON: Can I get a motion?

BOARD MEMBER ROGERS: I'll make that motion, Mr. Chair.

BOARD MEMBER BIEHLE: And I'll second.

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

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right, motion carries. Stand by, we're going to have some public commentary. Thanks, guys.

All right. Does anybody have anything to speak on for 173 Wayne Avenue? Please sign in. Name and address, please.

MS. HAUSER: So my name is Oksana

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2 Hauser. I live at 8 McCarthy Circle,  
3 property next to the subdivision lot that is  
4 being proposed. So my question is, have they  
5 gone through the SEQRA review yet? Was it  
6 provided?

7 CHAIRMAN JOHNSON: We're in  
8 the process -- yeah, the SEQR has been  
9 provided, yes.

10 MS. HAUSER: Has it been provided?  
11 Because since I stopped by the planning  
12 office and requested Freedom of Information  
13 Act, and I have not received any paperwork.  
14 I fill it out documents. Nobody ever called  
15 me, never. I never obtained those documents  
16 for review. Any minutes --

17 THE CLERK: Wait a second. I never got  
18 a FOIL for that.

19 MS. HAUSER: I stopped by. And you were  
20 there. And I filled out documents. Nobody  
21 ever called me.

22 THE CLERK: You filled it out. I was  
23 there and I showed you everything you wanted  
24 to see. You didn't say you wanted paper  
25 copies.

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2 MS. HAUSER: Yeah. Yeah, I did say that  
3 I want paper.

4 THE CLERK: I don't remember that. But  
5 I showed you everything you wanted to see.

6 MS. HAUSER: So we would like to obtain  
7 this document.

8 THE CLERK: Sure.

9 MS. HAUSER: The SEQRA, whatever was --

10 THE CLERK: What did you want? I'll  
11 send them out tomorrow.

12 MS. HAUSER: Everything. Whatever was  
13 filed on this property for this application.

14 THE CLERK: Well, then I'm going to have  
15 to send it out to be copied.

16 MS. HAUSER: Okay.

17 THE CLERK: Because it's a big file.

18 MS. HAUSER: That's fine.

19 THE CLERK: Okay.

20 MR. HONAN: Is there a cost involved in  
21 obtaining all that?

22 THE CLERK: Mm-hmm.

23 MR. HONAN: Okay. So you have to pay  
24 the fee for it.

25 MS. HAUSER: That's fine. Yeah, I need

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2 to pay.

3 So my second question is on  
4 October 17th, Rockland County Department of  
5 Planning sent a letter to the Stony Point  
6 Zoning Board and requesting -- I mean a  
7 letter to disapprove this project. Or  
8 Mr. Stoll or whoever applicant is supposed to  
9 provide following documents. Has anything  
10 been submitted since then? Because in this  
11 letter stated that they have 30 days to  
12 provide. Has anything been provided to it?

13 MR. HONAN: Just as a matter of  
14 information, the whole idea behind the public  
15 hearing is that you can bring to the Board's  
16 attention certain items, or to the applicant.  
17 It's not a question and answer period of time  
18 for us to be interrogated.

19 MS. HAUSER: No, I'm not interrogating.  
20 I'm just asking the question.

21 MR. HONAN: I understand. But I'm going  
22 to tell you, we don't answer the questions.  
23 We just hear from you and the public. So if  
24 you want us to consider things, please give  
25 us a list of things to consider. And

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everything you say is going to be taken down by our court reporter, and the applicant will address. So if you can do that, it would move things along.

MS. HAUSER: Has any Board overrides this decision for disapproval (sic) of this subdivision? Has it been overridden by the Stony Point or no?

CHAIRMAN JOHNSON: No.

MS. HAUSER: Has not been yet. But so --

CHAIRMAN JOHNSON: We haven't even gotten to that point yet.

MS. HAUSER: So what has been reviewed at this point right now? Like we, as a neighbor, we don't know what is going on and what is being approved, disapproved, what is going on with that lot at what stage we are right now.

CHAIRMAN JOHNSON: They've gone through the SEQOR process. They still have some things to address according to the town engineer. And they're still 60 days out about that before we move on to anything

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2 else.

3 And that's why we have the Planning  
4 Board meetings that are open to the public.  
5 So you can come every month, if you like, and  
6 sit in and be very informed. Or you could  
7 stop in and speak to Mary, and then FOIA some  
8 information if you need. But we're still  
9 slowly working through the process. Nothing  
10 has been approved at this point. We've got a  
11 part --

12 MS. HAUSER: The other question. The  
13 other -- my concern is at one of the Town  
14 Board, Planning Board meeting, it was  
15 mentioned by Mr. Stoll that the start of the  
16 wetland began when they built McCarthy  
17 Circle. At the meeting, we have a gentleman  
18 here swearing, the neighbor, that since 1984,  
19 since he been living there, that wetland was  
20 always there.

21 CHAIRMAN JOHNSON: Okay.

22 MS. HAUSER: So --

23 MR. HAUSER: So the minutes are not  
24 correct.

25 MS. HAUSER: Yeah. I don't see in any



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minutes that that testimony of that gentleman that was here, and all other neighbors heard, when he testified that those wetlands was always there. Like since he remembered, like 1984. So development was in 1990s, early. So why is that statement, you know, was questioned, was not. I don't know how it works, but that --

CHAIRMAN JOHNSON: I don't recall. I don't recall that. I mean, we can go through the minutes. But I think that would be something that the, you know, the consultants would need to look back and figure out. I don't recall that.

PUBLIC SPEAKER: June 1st.

MS. HAUSER: June 1st.

CHAIRMAN JOHNSON: June 1st. The June 1st Planning Board meeting.

MR. HONAN: I don't know if there was a public hearing.

CHAIRMAN JOHNSON: Was that -- yeah. Was that here or was that with the ZBA?

MS. HAUSER: I'm not sure. But that's why I'm drawing to your attention.

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2 CHAIRMAN JOHNSON: Yeah. This is the  
3 Planning Board. There's a distinct  
4 difference between the two. And I don't  
5 recall any of that.

6 MS. HAUSER: But I'm trying to bring it  
7 to your attention --

8 CHAIRMAN JOHNSON: Okay.

9 MS. HAUSER: -- that that was said. And  
10 also, we bought our house from the developer  
11 who developing McCarthy Circle, Mr. Lucrezia,  
12 and he said it was there when he bought the  
13 land. The wetlands were there.

14 CHAIRMAN JOHNSON: Okay.

15 MS. HAUSER: It was not made because of  
16 he developed that, you know, McCarthy Circle.

17 CHAIRMAN JOHNSON: Okay.

18 MS. HAUSER: And, you know, this is the  
19 big concern of the neighbors. The water  
20 issues. Where it's going to go.

21 CHAIRMAN JOHNSON: Well, that's being  
22 addressed in the site plan as well.

23 MS. HAUSER: Right.

24 CHAIRMAN JOHNSON: And the applicant is  
25 taking that into consideration --

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2 MS. HAUSER: The benefit to our  
3 neighborhood, you know, as our homes, it's  
4 our investments, too. So we want to make  
5 sure that our house, by this little house  
6 being built, you know, proposed to be built  
7 that doesn't even have a variance, enough  
8 variance to build a house comparable to what  
9 is in the neighborhood. And we have a lot of  
10 concern about that.

11 And also in regards to the species, I  
12 want to play you wildlife. And I just want  
13 to play you a little sound that I recorded at  
14 our property. That's what we enjoy, that  
15 it's in that wetland. And all the neighbors  
16 enjoying it almost all year round. So is  
17 that has to be filled and killed?

18 CHAIRMAN JOHNSON: I don't know that  
19 that's part of the plan.

20 MS. HAUSER: But that's our concern.

21 CHAIRMAN JOHNSON: All right. Thank  
22 you. Do you have more question or comments?  
23 Okay, thank you.

24 Anyone else to speak on 173?

25 MR. HAUSER: I'd like to speak. In all

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respect to my wife Oksana who just spoke, she was not interrogating. She was trying to speak facts. And as neighbors, we're here to try to resolve so that this does not end up into a legal battle. And that's all I have to say. Thank you.

CHAIRMAN JOHNSON: Okay. Thank you.

THE CLERK: Did you sign in? Did you sign the paper?

MR. HAUSER: So there is no attorneys here, so. And I'm not an attorney. That's what we're trying to avoid.

CHAIRMAN JOHNSON: Alan or Kevin, do you guys have any comments or questions regarding some of the questions that were asked here?

MR. RODRIGUEZ: Sure. So, appreciate the public's input on this matter. I'm just going to, regarding the wetland, I'm just going to read a, a portion of the letter from Peter D. Torgersen, the environment specialist. Specializes in wetlands, delineates them, and all these things, he deals with these. So.

The wetland appears to extend some

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distance into adjacent lots to the south.  
The lot directly to the west might have a  
small portion of this wetland in the  
southeast corner.

The wetland does not drain anywhere. It  
is surrounded by higher ground in every  
direction to the south and is only a few feet  
in elevation.

There are no streams, ditches, or bands  
of wetlands that lead downhill. I found no  
pipes or culverts that could allow water to  
leave. The closest stream is on the west  
side of Bulsontown Road. Small pockets of  
wetlands like this one are a typical result  
of the stony hillside habitat that makes up  
this part of town.

Wetlands are usually under jurisdiction  
of US Army Corps of Engineers, and sometimes  
the New York State DEC. The closest mapped  
to New York State DEC wetland is about half a  
mile to the north and drains to the east, not  
south towards the site.

Regarding the US Army Corps of Engineers  
claims jurisdiction over all wetlands, lakes,

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streams that carry stormwater runoff to a larger system, which, in this region, is the Hudson River. This wetland has no outlet. It is essentially a large puddle. And because there is no connection, it is not under the jurisdiction of the US Army Corps of Engineers.

On May 15, 2023, the United States Supreme Court ruled in the case of Sackett versus the EPA that any wetlands without surface water connection to any larger wetlands system could not be claimed by the US Army Corps of Engineers. This wetland has no surface water connection to any larger system.

The New York State DEC has jurisdiction over wetlands that are specifically shown on their environmental map or system. All DEC wetlands are over 12.4 acres in size.

The wetland at 173 Wayne Avenue does not in any way meet the specification requirements, which in turn, we don't -- we're not hiding the wetland. We're actually showing it on every one of our site plans.

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2 And this is actually a condition that we'd  
3 like to make the neighborhood better, and  
4 we're eliminating sand and water. And this  
5 could eliminate the potential for breeding  
6 mosquitoes and things like that. So  
7 essentially, piping the standing water out to  
8 Wayne Avenue to relieve any standing water in  
9 the site as it stands now.

10 And then just regarding the variance  
11 part, the majority of variance that we need  
12 is because it has 25 percent slopes, and  
13 because there is a deduction on that and a  
14 deduction on the wetland. Otherwise, you  
15 know, the sites are pretty, pretty close to  
16 the lot requirements on the bulk table. And  
17 we're way under the FAR requirements, the  
18 40 percent FAR requirements as it stands.

19 BOARD MEMBER ROGERS: So after all is  
20 said and done, how much of the wetlands will  
21 remain as is?

22 MR. RODRIGUEZ: Well, we're proposing to  
23 fill the wetlands. So there will be no  
24 standing water. That's the proposal based on  
25 this. So just eliminating that standing

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2 water, essentially, that doesn't drain  
3 anywhere.

4 MR. STOLL: So in reference to the  
5 public meeting, I believe there was one of  
6 the neighbors that wrote a letter to the  
7 Town. Can that be read? I mean, I think  
8 they were, he was, they were in favor of it.

9 MR. HONAN: Well, it's part of the  
10 record as a submission, and the Board will  
11 consider it. We don't necessarily read the  
12 letters into the record.

13 MR. STOLL: Okay. All right. I just  
14 wanted to make sure.

15 MR. HONAN: But it was acknowledged.  
16 There was a letter dated October 15, 2024,  
17 from Albert Istorico, and that has been  
18 distributed to the Board.

19 MR. STOLL: Okay.

20 CHAIRMAN JOHNSON: Max, do you have any  
21 questions? Or comments?

22 MR. STACH: No. I think it's your  
23 determination. It's up to this Board to  
24 determine when the applicant has demonstrated  
25 whether or not they're going to have an



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impact on the environment. You identified three areas of concern, the bats, the wetland, and the --

CHAIRMAN JOHNSON: Trees.

MR. STACH: That's the bat. So that's the bat, the wetlands, and the archaeology.

CHAIRMAN JOHNSON: Right.

MR. STACH: I think that the bats and the archaeology is a settled issue. The wetlands, if you'd rather wait until John is satisfied with the drainage, I think that's completely reasonable. And you know, I think the one thing that you should have on your radar, both the applicant and the Board, is that on January 1st, New York State is going to change their wetlands regulations. So be forewarned. As of January 1st, this could become much messier.

MR. QUEENAN: Mr. Chairman, if I could.

CHAIRMAN JOHNSON: Please.

MR. QUEENAN: I'd like to apologize. I did receive the 24 plans. For whatever reason, I reviewed the earlier set. So I apologize for that. Sorry to you.

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2 I went through very quickly. I still do  
3 have some concerns on the drainage and the  
4 overall design. But I think what is designed  
5 ultimately will alleviate the issues there.  
6 There is significant improvements being  
7 proposed along the backs of those properties  
8 out to Wayne, and also down Wayne Avenue for  
9 a good length. So there are significant  
10 offsite improvements that are going to occur  
11 with this.

12 The technical side of that, I'd still  
13 like to go through with the applicant to make  
14 sure that all the grades work, we're getting  
15 the water to where it needs to go. But  
16 ultimately, you know, that's where I'm at at  
17 this point.

18 CHAIRMAN JOHNSON: Okay.

19 MR. STACH: The issue I think with the  
20 wetlands goes -- so to be clear, right now,  
21 wetlands are regulated either by New York  
22 State or by the federal government. So  
23 they're either regulated by the Army Corps or  
24 DEC. This wetlands is regulated by neither.  
25 And it's regulated by neither by virtue of a

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court case, a federal court case decided by the Supreme Court that stated that it's beyond Army Corps' charge mandate, which is to regulate navigable waters to regulate small isolated wetlands like these.

Previously, they regulated it under the fact that they're used by migratory birds. That was sort of dismissed by the Supreme Court. And now the Supreme Court says we're not going to regulate that anymore.

You, under SEQOR, still have a charge here to make sure that your actions do not result in significant adverse impacts to wetlands. So I think when you look at this wetland, what you have before you is a letter from a wetlands scientist that is acknowledged locally as qualified to make these arrangements who says that there is a wetland there. It's not hydraulic. He's verifying that it's not eligible for protection under the federal or the state laws. And he's saying it's fairly typical for this area of Stony Point, due to the geography in the area which allows for these

1 Proceedings

2 puddles to stand.

3 He's also identified that it's not  
4 significantly close to larger wetlands  
5 complexes, which is typically something that  
6 makes these small wetlands important as  
7 vernal pools to breeding amphibians, because  
8 you need a place that's going to dry out but  
9 that is within range for the amphibians to  
10 get to the larger wetland complex.

11 So really, it's up to you to determine  
12 whether this wetland is important and  
13 requires preservation, either by denying the  
14 plan or asking for modifications to the plan.  
15 Or if it is unimportant, as indicated by  
16 Mr. Torgersen, the wetland scientist, who  
17 says it's pretty typical to this area and  
18 it's not important, hydraulically linked or  
19 anything like that.

20 CHAIRMAN JOHNSON: All right. So  
21 it's --

22 MR. STACH: And one more thing is once  
23 you make that determination, I think that is  
24 now time to issue a neg dec. However, one  
25 consideration here, since this is a

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subdivision, is once you issue a neg dec, that's considered a complete application. And so now there's timing issues. So I would say, you know, if you are -- if there are other outstanding issues with regard to the subdivision, either don't adopt the neg dec, or make sure the applicant is going to not hold you to those statutory timeframes.

CHAIRMAN JOHNSON: I think John and the applicant, maybe at the TAC meeting, can get together and hash this out. And Steve said it's not holding up the process at all. But you guys can iron out some details. I'll try to be at the TAC meeting as well.

MR. QUEENAN: Okay.

CHAIRMAN JOHNSON: And try to work through this a little bit. And the majority of the wetland is between the existing house and the house to the west, is that correct?

MR. RODRIGUEZ: The majority of the wetland is on the proposed lot. So it's in the rear of the existing house.

CHAIRMAN JOHNSON: Okay.

MR. RODRIGUEZ: Yeah.

1 Proceedings

2 CHAIRMAN JOHNSON: All right. Thank  
3 you.

4 MR. STACH: Can you show on the map  
5 where it is?

6 MR. RODRIGUEZ: Yes. So this heavy line  
7 here, we can see that this is the existing  
8 house.

9 CHAIRMAN JOHNSON: Yup.

10 MR. RODRIGUEZ: This is the line for the  
11 proposed second lot. And so it starts here  
12 by the first lot. There's a portion that we  
13 will actually deduct it, but then it's inside  
14 here. So this, most of this is the wetland.

15 CHAIRMAN JOHNSON: All right, and --

16 MR. RODRIGUEZ: Although not all of it  
17 is water. But most of it is the wetland.

18 CHAIRMAN JOHNSON: And can you turn that  
19 around so the public can see that also?

20 MR. RODRIGUEZ: Yes.

21 MS. HAUSER: I have a map from the  
22 internet. And I also spoke to the Army Corps  
23 of Engineer, to the gentleman. I spoke to  
24 him two weeks ago, maybe a little more. And  
25 there is on their map. I did talk to

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somebody there. I got a hold of New York City. And the gentleman told me he saw it on their maps.

MR. RODRIGUEZ: Yes, so --

MS. HAUSER: And they say it's regulated by them. It's being treated for mosquitoes for years by Rockland County. Twice a year they come and treat for mosquitoes. And it's on the map. Everywhere you look, it's on a map. It's a quarter of the acre, of the wetland.

MR. RODRIGUEZ: Yeah, so that's what I've done here. We've highlighted -- we had the specialist come out and put flags exactly where the wetland is, and we put it on the map here. It's within the site here. We show exactly where the wetland is. So, you know, we're showing --

MR. HAUSER: But we were also listening to you say that this never showed up on any map, just now over the microphone.

MR. RODRIGUEZ: No. For the New York State DEC, that is.

MR. HAUSER: All right. Well, this

1 Proceedings

2 shows up on the Army Corps of Engineers.

3 MS. HAUSER: It shows up on everything.  
4 I spoke to them.

5 MR. RODRIGUEZ: Yeah. But the Army  
6 Corps of Engineers is not --

7 MR. HAUSER: So what I'm trying to say  
8 is, I think you either said something that  
9 was not true, or that you misconstrued the  
10 audience that the -- this never showed up on  
11 any -- this wetland doesn't show up on any  
12 maps. And if we could read back what he  
13 said, it does show up on the map.

14 MR. RODRIGUEZ: So I'll reiterate here  
15 the letter.

16 MR. HAUSER: No. Read back what you  
17 said.

18 MR. RODRIGUEZ: Yeah, so basically, the  
19 New York State DEC --

20 CHAIRMAN JOHNSON: Well, he was reading  
21 from the letter.

22 MR. RODRIGUEZ: -- wetlands are mapped.  
23 Not the Army Corps of Engineers. The Army  
24 Corps of Engineers claims jurisdiction over  
25 wetlands, over all wetlands, lakes, and



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streams that carry stormwater runoff to a larger system. So that's the difference between DEC and Army Corps. So this one --

MS. HAUSER: Sorry for interrupting. Statement by the Rockland County. It says since there is encroachment into federal regulated wetlands, review must be completed by USACOE, and all required permits obtained. So Rockland County is saying it's regulated, federally regulated wetlands. And this gentleman is saying it's not regulated by nobody.

MR. RODRIGUEZ: Well, I'm not saying that. It's this wetlands specialist.

MS. HAUSER: Okay.

MR. HAUSER: Well, then what your specialist is saying is, is he more of a specialist than the County of Rockland?

MR. RODRIGUEZ: Yes.

MR. HAUSER: So he has more jurisdiction than the County of Rockland?

MR. RODRIGUEZ: Well, he knows --

MR. HAGER: You got to come to, to the microphone. Mary's got to put this in the

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minutes. We can't have this conducted like this. Each person has to speak separately and speak into the microphone.

CHAIRMAN JOHNSON: Thanks.

MS. HAUSER: Sorry about that.

CHAIRMAN JOHNSON: Yes, ma'am?

MS. SAWYER: He started to show us --

CHAIRMAN JOHNSON: Please, please come on up. Alan and Kevin, thanks.

MS. SAWYER: You can stay. It's regarding the map. Because he started to show us where the wetlands was in relation to --

MR. QUEENAN: Just, just could you give your name and address.

MS. SAWYER: Oh. Dorinda Sawyer.

CHAIRMAN JOHNSON: Name and address, and sign in, please.

MS. SAWYER: I'm at 1 -- I'm directly across the street from the proposed site. And I was just curious about, he started to show us where the wetlands were in relation to the proposed building. And he started to point, and I wasn't sure.

1 Proceedings

2 MR. RODRIGUEZ: Yeah, so, okay.

3 MS. SAWYER: He started to point, and I  
4 wasn't sure where that was supposed to start  
5 and stop.

6 MR. RODRIGUEZ: So everything within  
7 this here is wetland. It's not -- not all of  
8 it is water, but it is wetland. So this line  
9 signifies the outside. And this is all  
10 inside the wetland here.

11 MS. SAWYER: So, a followup question.  
12 So the proposed right now, all --

13 MR. RODRIGUEZ: The proposed lot is --

14 MS. SAWYER: -- is from here to here?

15 MR. RODRIGUEZ: Yeah. So this is --  
16 this was all one lot. We're proposing a line  
17 here to subdivide it. And this is where the  
18 proposed house is going to be. And then  
19 this, all this is wetland up to this point  
20 here.

21 MS. SAWYER: But if the house on the  
22 hill is right here, what's all this going to  
23 be?

24 MR. RODRIGUEZ: This is going to remain  
25 existing. This is the existing house. It's

1 Proceedings

2 a single --

3 MS. SAWYER: So you want to -- so where  
4 is their house in relation to you? Is it  
5 right here?

6 MS. HAUSER: Yeah.

7 MR. RODRIGUEZ: Their house is -- yeah,  
8 it's going to be --

9 CHAIRMAN JOHNSON: Kevin? Stick around.

10 MR. RODRIGUEZ: Okay.

11 CHAIRMAN JOHNSON: Maybe we can answer  
12 some questions, details, stuff like that in a  
13 little bit.

14 MR. RODRIGUEZ: Okay.

15 CHAIRMAN JOHNSON: I want to try to move  
16 along with the public hearing.

17 MR. RODRIGUEZ: Okay.

18 CHAIRMAN JOHNSON: If anybody else has  
19 any public comment on 173.

20 MS. HAUSER: So it was stated that  
21 wetland -- my question is it was stated that  
22 wetland has never been here. Created by the  
23 development. Then Rockland County letter  
24 says it was there and regulated by the  
25 federally regulated wetlands.

1 Proceedings

2 CHAIRMAN JOHNSON: Well.

3 MS. HAUSER: On every map, it looks like  
4 this. Quarter of the acre. So is it  
5 existing, is it not existing? So by  
6 Rockland County, it's existed. By the  
7 Stony Point, it's not existed. How is that  
8 going to --

9 MR. STACH: Can I explain?

10 CHAIRMAN JOHNSON: Please.

11 MR. STACH: So the federal government  
12 maintains the national wetland inventory.  
13 And what this is is all wetlands that are  
14 basically considered the navigable waters of  
15 the United States. When those wetland maps  
16 were drawn, there was an interpretation by  
17 the USEPA called the migratory bird rule that  
18 said that if a wetland was not connected, if  
19 it was just standing alone by itself, but it  
20 was used by water fowl like duck and geese  
21 and other migratory birds, that the US Army  
22 Corps of Engineers had to regulate them as  
23 they would any other navigable waters of the  
24 US.

25 That rule, that migratory rule, bird

1 Proceedings

2 rule was kicked out by the Supreme Court of  
3 the United States two years ago. Okay. I  
4 think it was two years ago.

5 When they did that, all those areas on  
6 that map that no longer connect with any  
7 other navigable waters, they don't have a  
8 full time hydraulic linkage from that wetland  
9 to the Hudson River, so you cannot drive your  
10 boat up to that wetland, the Army Corps no  
11 longer regulates that. They changed their  
12 rules. The Supreme Court made them change  
13 their rules.

14 MS. HAUSER: But how come I spoke to the  
15 one, the representative? I don't have his  
16 name here. I do have a --

17 MR. STACH: Well, there's one for the  
18 entire state of New York, pretty much. And  
19 what's his name?

20 MR. QUEENAN: Brian.

21 MR. STACH: Brian Orzel.

22 MS. HAUSER: Yeah, that's who I talked  
23 to.

24 MR. STACH: That's who you spoke with.  
25 So what Brian should have done is he should

1 Proceedings

2 have explained this to you. Now, in  
3 Rockland --

4 MS. HAUSER: But he said it is on his  
5 map.

6 MR. STACH: It is on his map. But that  
7 doesn't mean it's regulated. Because if it's  
8 not hydraulically linked, the Supreme Court  
9 changed the rules. They didn't change the  
10 maps. The maps are still left over from when  
11 you counted those isolated wetlands.

12 MS. HAUSER: But as you spoke, on  
13 January 1st, it's going to be changed and  
14 it's going to be --

15 MR. STACH: No. It's -- in January 1st,  
16 New York State is going to change the rules.

17 MS. HAUSER: Yes, New York State.

18 MR. STACH: So New York State  
19 previously, when Army Corps was regulating  
20 all of those wetlands, New York State felt  
21 they didn't really need to regulate anything  
22 that's less than 12.1 acres, I believe.  
23 That's going to change. Maybe 12.4. Yeah,  
24 12.4 acres.

25 They're making changes to those. But we

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don't know how that's going to be implemented yet. We just know that it's going to happen. And I will tell the Board that based on past large changes like this, there could be some chaos surrounding how that gets done.

But as of now, in this juncture of time, that wetland is not regulated by the United States Army Corps of Engineers because it's isolated. And that was verified by the applicant's wetland scientist. So he has said he came there, and it is not hydraulically connected on a full time basis to the navigable waters of the United States.

MS. HAUSER: But there's a substantial amount of water always there. It doesn't go nowhere.

MR. STACH: Yeah, it's a big, it is a big -- it is still a wetland. In terms of biology, habitat, ecology, it's considered a wetland. The federal government no longer regulates it. So that's a matter of government. As for Rockland County, they have no jurisdiction with regards to wetlands anywhere in the county. This Board has more



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2 jurisdiction than Rockland County.

3 MS. HAUSER: I do know that. I do know  
4 what. So why has the Rockland County treated  
5 for mosquitoes since, since we've been there?

6 MR. STACH: Because it's wet.

7 CHAIRMAN JOHNSON: There's mosquitoes  
8 there.

9 MS. HAUSER: I understand. But if they  
10 have no jurisdiction, why would they do that?  
11 There's no --

12 MR. STACH: They have no jurisdiction  
13 over wetlands. They can treat for mosquitoes  
14 wherever there's standing water. They have  
15 jurisdiction over that.

16 BOARD MEMBER BIEHLE: They treat storm  
17 drains.

18 MR. HAUSER: No. I owned a property,  
19 okay, in Rockland County that had a wetland.  
20 And Rockland County made me pay for the  
21 mosquitoes, okay. Who is paying for these  
22 mosquitoes? Was --

23 MR. STACH: That doesn't mean that  
24 Rockland County has any jurisdiction over --

25 MR. HAUSER: I understand. But, no.

1 Proceedings

2 But someone's got to be paying for the  
3 service. Who is paying for the service? I  
4 asked this at the last meeting, and no one  
5 asked, answered that question. Because I  
6 owned the property.

7 CHAIRMAN JOHNSON: Not at the last  
8 Planning Board meeting.

9 MR. HAUSER: 116 North Route 303. And  
10 as a private owner of the property, I was  
11 required to pay the County of Rockland to  
12 take care of the mosquitoes. Or I had to pay  
13 and show proof that I paid somebody else to  
14 take care the mosquitoes. So if it's on  
15 their property who they're paying taxes for,  
16 I'd like to know who is paying for the  
17 mosquitoes.

18 MR. STACH: I don't know that that's  
19 relevant to the Board.

20 MR. HAUSER: That's a good question.

21 MS. HAUSER: If the Rockland County show  
22 up twice a year.

23 MR. HONAN: It's a good question, but  
24 not for this Board. Mr. Chairman, I would  
25 suggest that maybe we keep the --

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CHAIRMAN JOHNSON: Public hearing open.

MR. HONAN: -- public hearing open and encourage them to make written applications.

CHAIRMAN JOHNSON: Yes.

MR. HONAN: And this way, they can be addressed fully by the applicant.

CHAIRMAN JOHNSON: Okay. Is anybody else here to speak on 173? Okay.

MR. WIACEK: Hi, I'm Ian. 4 De Camp Court. So I'm not really familiar with too much of what's going on with this involved project. But most of my neighbors on my street are not here because they're uncomfortable with it.

And since this project was initiated around the end of 2023, I've seen constant cops and increased security. And I've never seen that in my entire life living on this street. And it's very aggravating to have constant cops coming by on our streets all the time, like there's some criminal activity going on.

And this has never happened before. 2024 has been a disaster with the cops. I

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don't know if it's them. I don't know what it is. But something is going on with this, with some situation involved with this. I'm just concerned. So I don't know if it's them or not.

CHAIRMAN JOHNSON: Okay. Thank you very much for your comments. And I would encourage anybody who is not speaking up, if you have something to say and just don't want to do it publicly, put it in a letter and send it to the Planning Board, to Town Hall there.

Okay. Anyone else? All right, thank you.

MR. SHEEHAN: I don't believe you ever referred them to the Zoning Board.

CHAIRMAN JOHNSON: I think they were -- they went to the Zoning Board.

MR. SHEEHAN: No. They were referred through a building permit, not through the Planning Board.

MR. HONAN: Before we do that, want to vote to continue the public hearing?

CHAIRMAN JOHNSON: Yes, yes.

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2 MR. HONAN: Keep it open and continue it  
3 to next month.

4 CHAIRMAN JOHNSON: Yeah.

5 BOARD MEMBER ROGERS: I'll make that  
6 motion.

7 CHAIRMAN JOHNSON: I got a motion. I'll  
8 second it. All in favor?

9 (Response of aye was given.)

10 CHAIRMAN JOHNSON: Any opposed? It  
11 carries. So the public hearing is closed for  
12 now. We'll continue next month.

13 THE CLERK: December. Excuse me,  
14 December.

15 CHAIRMAN JOHNSON: Oh, I'm sorry,  
16 December. And what's the date of that?

17 THE CLERK: December 12th.

18 CHAIRMAN JOHNSON: 12th. December 12th  
19 is the next Planning Board meeting. I'm  
20 sorry, Bill.

21 MR. SHEEHAN: I'm sorry. I don't  
22 believe you ever -- you spoke about referring  
23 them to the Zoning Board, but I don't think  
24 you took a motion to do that.

25 MR. HONAN: We haven't yet. But we're

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going to refer them to the Zoning Board of Appeals.

CHAIRMAN JOHNSON: Yeah. We're going to refer them there. We're just not going to do the neg dec yet.

MR. SHEEHAN: Right, right.

CHAIRMAN JOHNSON: Do you have any questions or comments before we make a motion to refer them?

MR. HAGER: I don't.

CHAIRMAN JOHNSON: John?

MR. QUEENAN: No.

CHAIRMAN JOHNSON: All right. I'll make a motion to refer them to the ZBA.

BOARD MEMBER BIEHLE: I'll second.

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

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? Motion carries.

Yeah. And again, if you have, you know, questions or comments, please put them in writing and send them to the Planning Board at Town Hall, all right. Thank you very

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much.

MR. HONAN: All of your comments were taken down by our court reporter, and they'll be given to the applicant to address.

CHAIRMAN JOHNSON: As will be any written comments as well.

(Time noted: 7:49 p.m.)

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2 DeCamp Court  
Stony Point, NY 10980  
October 15, 2024

Stony Point Planning Board Members,

My name is Albert Istorico and I reside at 2 DeCamp Ct.  
My property is adjacent to Alan's property to the south.

I am writing this letter as I will be out of town the night of the public hearing. I would like this letter to be put on record in my absence.

I am sure the board is aware that the water ponds on Alan's property (lot 2) at certain times of the year and has no natural way to drain. I have the same situation on my property. I get the water ponding and it has no way to drain.

Alan has approached me about correcting his water issue and mine. Alan and his engineer have proposed picking up the water on his property and mine through a pipe system, draining both properties into the Rockland County drainage system on Wayne Ave. I believe this should help with some water issues my neighbors have on DeCamp Ct. To accomplish this a drainage easement



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would be required through my property which I will be granting to Alan.

Adding one additional home on Mccarthy Circle would be in keeping with the neighborhood and as I understand the function of the new drainage system would alleviate some of the existing water issues.

For the record I have no objection to the proposed subdivision and new drainage system and in fact I am in favor of it.

Thank you for your consideration.


Albert Istorico

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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.

  
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Jennifer L. Johnson

