

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

OF

41-45 FRANKLIN DRIVE

- - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
January 26, 2023
7:14 p.m.

BEFORE:

JAMES PURCELL, ACTING CHAIRMAN
KERRI ALESSI, BOARD MEMBER
ROLAND BIEHLE, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN PURCELL: Okay. Next, Franklin Avenue.

MR. LYNCH: Franklin Drive.

CHAIRMAN PURCELL: Franklin Drive.

MR. LYNCH: John Lynch, 24 Franklin Drive, Stony Point, New York. I'm the trustee of the trust that owns the house at 45 Franklin Drive, and we're looking for a simple lot change, line change of two feet that our neighbors agreed upon and us agreed upon selling to them, based on the fact that it will solve a driveway dispute that we're having with them based on the fact that they park the trailer in the driveway that's split between both properties.

And from the TAC meeting, I know you don't have an updated survey yet. That's because the surveyor is on vacation in Florida. At least that's what I've been informed. So attorneys have been informed. We're waiting on the survey to be updated. And if you have any questions for me.

CHAIRMAN PURCELL: Actually, I just was

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2 going to ask you, John, the consultants have
3 been helpful, right, in moving forward. So
4 we had a good TAC meeting. So we're just
5 waiting for the survey and that's it?

6 MR. LYNCH: That's what I'm waiting for.

7 CHAIRMAN PURCELL: Okay.

8 MR. LYNCH: All right. And a resolution
9 of some, short of knowing where I stand, what
10 I do. Okay.

11 CHAIRMAN PURCELL: Yeah. Okay. Thanks,
12 John. So I need a motion to read the
13 resolution for lot line change, located on
14 the west side of Franklin Drive, 41 to 45.

15 BOARD MEMBER FERGUSON: I'll make the
16 motion.

17 BOARD MEMBER JASLOW: Second.

18 CHAIRMAN PURCELL: Mary, please call the
19 roll.

20 THE CLERK: Sure. Mr. Biehle?

21 BOARD MEMBER BIEHLE: Yes.

22 THE CLERK: Mr. Jaslow?

23 BOARD MEMBER JASLOW: Yes.

24 THE CLERK: Mrs. Alessi?

25 BOARD MEMBER ALESSI: Yes.

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THE CLERK: Mr. Ferguson?
BOARD MEMBER FERGUSON: Yes.
THE CLERK: Mr. Rogers?
BOARD MEMBER ROGERS: Yes.
THE CLERK: Chairman Purcell?
CHAIRMAN PURCELL: Yes. Okay.

Whereas -- excuse me. Resolution granting a lot line change for the project 41-51 Franklin Drive by application of Josephine C. Lynch Irrevocable Trust, by Trustee John O. Lynch, as owner of 45 Franklin Drive and Romeo Alfredo Smith and Joseph R. Greenleaf, as owners of 41 Franklin Drive.

Whereas, an application dated July 5, 2022, and an amended application dated January 5, 2023, and a short EAF dated July 30, 2022, have been submitted to the Planning Board of the Town of Stony Point seeking approval for a lot line change and the relocation of a common property boundary line between two existing adjoining residential lots, both of which are improved with homes, the Lynch Lot consisting of 13,349.32 square feet, located at and

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2 commonly known as 45 Franklin Drive,
3 Stony Point, New York, and the
4 Smith-Greenleaf Lot consisting of 8,861.16
5 square feet, located at and commonly known as
6 41 Franklin Drive, Stony Point, New York,
7 upon a submitted plan entitled Lot Line
8 Revision, consisting of one sheet, prepared
9 by William E. James, P.E., P.L.S., dated
10 July 18, 2022, subject application, and
11 affecting premises designated as Section
12 15.19, Block 1, Lot 2 and Section 15.19,
13 Block 1, Lot 3, respectively, on the tax map
14 of the Town of Stony Point, County of
15 Rockland, which parcels are located in the R1
16 zoning district, subject premises; and it is
17 intended that this application seeks to move
18 the common boundary line between these lots
19 two feet to the north, and the lot line
20 change will result in an increase in the area
21 to the Smith-Greenleaf Lot, and a
22 corresponding decrease in the area of the
23 Lynch Lot, of 294.64 square feet, and for the
24 purpose of facilitating the settlement of a
25 boundary line dispute and resolve an existing

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encroachment upon the Lynch Lot; and

Whereas, pursuant to the New York State Environmental Quality Review Act, this application constitutes a Type II action under 6 NYCCR 617.5(16) for a lot line adjustment and accordingly no further environmental review is required; and

Whereas, no GML referrals were required pursuant to this application and none were made by this Board; and

Whereas, the adjusted lot dimensions produced by this application would not be in compliance with the bulk provisions in the R1 zoning district pursuant to the Town of Stony Point zoning code; and

Whereas, accordingly, the applicant proceeded to the Zoning Board of Appeals of the Town of Stony Point for an area variance relative to the subject application, and by a decision and resolution, dated December 1, 2022, and entered December 5, 2022, Application 22-15, the ZBA approved the application and granted the requested area variance with conditions; and

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Whereas, this application came before this Board's Technical Advisory Committee, TAC, for review on two occasions, at which times the applicant was provided guidance and comments in pursuit of the application; and

Whereas, by a memorandum, dated January 26, 2023, to the Planning Board by Max Stach, AICP, of Nelson, Pope and Voorhis, LLC, the consulting planner for the Town, and upon his review of the subject application and draft plat, made numerous recommendations and comments and has suggested amendments to the plat plan; and

Whereas, a duly noticed public hearing was not required on this application pursuant to the Town of Stony Point Code Section 191-7; and

Whereas, this application came before this Board as an agenda item and was heard and considered by this Board on January 26, 2023 at 7:00 p.m.; and

Now, therefore, be it resolved that the subject application and plat submitted for approval concerning the subject premises be

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and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk as a subdivision plat pursuant to the requirements of the Town of Stony Point Code Section 191-15, upon compliance with all provisions of the town code and payment of any and all outstanding fees to the Town, subject to the following conditions:

One, compliance with all the provisions and conditions contained in the ZBA decision and resolution dated December 1, 2022, Application 22-15.

Second, the deed transferring the property must be promptly filed and recorded in the Rockland County Clerk's Office to achieve the lot configuration indicated and to ensure the tax maps are properly updated, and the deed must be filed contemporaneous with the filing of the plat. A copy of the filed deed or the deed intended to be filed must be provided to the Planning Board prior to the Chairman signing the plat.

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Number Three, the plan/plat must be revised to add a note reflecting and identifying the ZBA area variance granted.

Number Four, the plan/plat must be revised to add the correct tax parcel identification numbers for each lot.

Number Five, prior to the Chairman signing the plat, the portion of the Smith-Greenleaf driveway encroaching/remaining upon the Lynch Lot shall be removed or, in the alternative, the parties shall submit an easement agreement between the lot owners for the continued presence and future use of the driveway encroachment. The easement agreement shall be filed in the Rockland County Clerk's office as part of, or contemporaneously with, the filing of the deed.

Number Six, the existing corner monuments along the common boundary line between the lots shall be removed and reset at the location of the new boundary line approved hereby.

Number Seven, the applicant shall comply

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with all comments and recommendations contained in the memorandum to the Planning Board of Max Stach, AICP, of Nelson, Pope and Voorhis, LLC, dated January 26, 2023, and shall submit a revised plat/plan in accordance therewith.

Number Eight, prior to the Chairman signing the final plat, John O'Rourke, P.E., as the Engineer for the Town of Stony Point, shall conduct a review of the final plat for completeness and compliance with all conditions and code provisions and shall advise the Chairman accordingly whether the plat is in a form which will permit the Chairman to sign same.

So I call the question of the adopted resolution. Mary, roll call, please.

THE CLERK: Mr. Biehle?

BOARD MEMBER BIEHLE: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mrs. Alessi?

BOARD MEMBER ALESSI: You know what, I do have one question first.

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2 CHAIRMAN PURCELL: Yes.

3 THE CLERK: Go right ahead.

4 BOARD MEMBER ALESSI: Maybe I'm just not
5 wrapping my head around it. So Number Five
6 says the encroachment has to be removed. But
7 we're changing the lot line, so why are --

8 CHAIRMAN PURCELL: So what was discussed
9 was it's actually over by two feet.

10 BOARD MEMBER ALESSI: Right.

11 CHAIRMAN PURCELL: So it's either we
12 move the two-foot to make the lot line change
13 in compliance.

14 BOARD MEMBER ALESSI: Right.

15 CHAIRMAN PURCELL: Or they could have an
16 agreement. Am I correct, Max? An agreement
17 between two property owners in order to have
18 the lot line change in compliance.

19 BOARD MEMBER ALESSI: Right, it wouldn't
20 be, wouldn't be both.

21 CHAIRMAN PURCELL: No.

22 BOARD MEMBER ALESSI: Okay. All right,
23 that's what --

24 MR. HONAN: Just for clarification. My
25 understanding is that once -- if this lot

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line is granted, there will still be an encroachment. So that has to be taken care of, either through a further easement agreement to allow the blacktop to remain on the neighbor's property, or in the alternative, have it removed before the plat is signed.

BOARD MEMBER ALESSI: Got it. Okay.

Okay. Yes.

CHAIRMAN PURCELL: Thank you.

THE CLERK: Okay. Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Chairman Purcell?

CHAIRMAN PURCELL: Yes.

(Time noted: 7:23 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