

**STONY POINT TOWN BOARD MEETING – FEBRUARY 26, 2013**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, February 26, 2013 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoffrey Finn called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk Joan Skinner called the following roll:

PRESENT: Mr. Karl Javenes Councilman  
Mr. James McDonnell Councilman  
Ms. Luanne Konopko Councilwoman  
Mr. Geoffrey Finn Supervisor

ABSENT: Mr. James White Councilman

**PUBLIC INPUT**

Alan Levin spoke regarding the Indian Point Nuclear plant.

Amy Licari spoke regarding the certification from NYS needed to repair manufactured homes.

Timothy Waldron spoke regarding the current situation with the homes at Ba Mar Trailer Park.

Benjamin Reid spoke regarding upcoming programs at the Rose Memorial Library.

George Potanovic spoke about Ba Mar Trailer Park, his support for agenda item #3 and publicizing continuing public hearings.

Susan Filgueras thanked the Stony Point Police Department, Stony Point Ambulance Corp and the Haverstraw Ambulance Corp for their help during her recent illness.

John Fox gave an update on the Polar Plunge indicating that \$37,000 was collected and will be given to victims of Hurricane Sandy.

**PURCHASE ORDER REQUEST**

A motion was made by Councilman McDonnell, seconded by Councilman Javenes and **unanimously carried** by a roll call vote of all board members present (Councilman White was absent) to approve the following purchase orders:

Golf Course Pro Shop			
PO#2458	Acushnet Company		\$5,676.00
PO#2459	Destinations of NY State		\$1,190.00
PO#2460	Technology Consulting Services		\$2,870.00
Police			
PO#2466	Beyer Warnock Fleet		\$659.00
Sewer			
PO#2449	Clean Waters Inc.		\$1,594.00
PO#2450	Slack Chemical Co. Inc.		\$1,634.70

**AUDIT OF BILLS**

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present (Councilman White was absent) to approve the bills as presented for payment.

**Contractual General – February**

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	201-262	\$ 230,376.52	\$ 230,376.52

<u>Highway</u>	70-97	\$ 209,405.79	\$ 209,405.79
<u>Sewer</u>	56-71	\$ 57,899.19	\$ 57,899.19
<u>Special Districts</u>			
Ambulance	4-5	\$ 27,826.06	\$ 27,826.06
Enterprise	50-62	\$ 11,785.52	\$ 11,785.52
Solid Waste	5-5	\$ 21,356.25	\$ 21,356.25
Street Lighting	3-4	\$ 27,946.04	\$ 27,946.04
<b><u>General – March</u></b>			
<u>General</u>	263-291		\$ 53,886.12
<u>Highway</u>	98-101		\$ 1,459.44
<u>Sewer</u>	72-75		\$ 505.15
<u>Special Districts</u>			
Enterprise Fund	63-67		\$ 1,367.28

## **MINUTES**

A motion was made by Councilman McDonnell, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the minutes of February 5, 2013.

## **POLICE DEPARTMENT REPORT/BUSINESS**

Chief Brian Moore reported on the following:

- **ACTIVE SHOOTER INITIATIVE**

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present (Councilman White was absent) to authorize Chief Moore to utilize specialized training for all police officers to attend Tactical Active Shooter training during their annual In Service training held at the Rockland County Police Academy and to use Asset Forfeiture Funds to purchase the following equipment; Readiness/Go Bags containing additional rifle and handgun magazines with ammo, medical trauma kits, tourniquets, 7 Bushmaster AR15 patrol rifles, new optic sights and additional ammunition at a total cost of \$17,500.

## **ECONOMIC DEVELOPMENT COMMITTEE**

Councilwoman Konopko gave the following update:

- Frank Collyer is simplifying the interactive Flow Chart with the assistance of the Building Inspector.
- The Film Commission is still working on a proposed budget and draft of its website and will reschedule its presentation to the Town Board on completion.
- Kevin Adames has volunteered to help Councilwoman Konopko complete the database of the Town's commercial vacancies that will be forwarded to the Rockland Economic Development Corporation and the Hudson Valley Economic Development Corporation.
- The Beautification Committee has successfully found sponsors for the first 6 benches. They are: the Stony Point Seniors Clubs 1 & 2; The Humphrey family; the Cusano family; the Morlang family; the Eggers family; and the Mingone family. Lilly Ann Wilson and Kathy Leroy presented a sample of the sponsorship plaques that will be affixed to the benches and acknowledged the following for their help in completing the first step of the project: Supervisor Finn; Councilman Javenes; Superintendent of Highways Larry Brissing and his staff; Frank Collyer; Finance Director Jennifer Sciscente; Anco Trophies; and Councilwoman Konopko for her vision and encouragement. The subcommittee will next be looking to install planters along 9W.

## **SUPERVISOR'S REPORT**

Supervisor Finn spoke on the following:

- There will be only one meeting in March on March 19, 2013.
- Answers to some of the questions raised at the last Champlain Hudson Power Express meeting have been posted on the Town's website. They are willing to come back to a future meeting.

- The Town is working with Stony Point PAL, Sgt. George Zayas and Michael Ehlers looking into the possibility of a skate board park.
- Thanked George Potanovic for the DVD of the February 5<sup>th</sup> Town Board meeting.
- Thanked Gary Duda for the DVD of the dedication of the new fire house.
- Encouraged everyone to keep attending the board meetings.

**GOLF COURSE REPORT** – None

**AMBULANCE REPORT** – None

**ASSESSOR’S REPORT** - None

**DEPARTMENTAL REPORTS** – None

**CORRESPONDENCE** - None

**CONTINUED PUBLIC HEARING – MASTER PLAN**

This continued public hearing opened at 7:55 pm.

Max Stach of the Turner Miller Group spoke, reviewed the steps taken thus far, and indicated that he will provide responses to comments.

Frank Collyer of SPACE provided the commentary annexed to the end of these minutes, which reflect the opinion of the Stony Point Action Committee for the Environment. He discussed several of the points outlined in the commentary.

Susan Filgueras indicated that the master plan is in a state of flux which makes it easy for groups such as the Champlain Hudson Power Express to attempt to do whatever they wish to. We need to determine where we are going as a town.

George Potanovic of SPACE spoke regarding several of the points outlined in the commentary provided by SPACE.

William Sheehan – Building Inspector spoke urging that we concentrate on the concept of the master plan and not zoning, which can be done at a later date.

**ACTION**

At 9:00 pm it was decided that the public hearing would be held open to the March 19, 2013 Town Board meeting.

**REQUEST FOR USE OF RIVERFRONT PARK**

A motion was made by Supervisor Finn, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the request of the North Rockland Crew Team’s use of Riverfront Park. A certificate of insurance must be supplied by the Crew Team.

**CONTACT INFORMATION FOR VACANT STRUCTURES – NYS ASSEMBLY A.88 & A.824**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the following resolution:

TOWN OF STONY POINT  
RESOLUTION  
SUPPORT FOR NEW YORK STATE  
CONTACT INFORMATION FOR VACANT STRUCTURES

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Stony Point Town Board supports the passage of said Bills; now, therefore, be it

RESOLVED that the Town of Stony Point hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Stony Point support the passage of said Bills.

### **PUBLIC HEALTH AND SAFETY REGARDING INDIAN POINT NUCLEAR PLANTS**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the following resolution:

#### **RESOLUTION FOR PUBLIC HEALTH AND SAFETY REGARDING INDIAN POINT NUCLEAR PLANTS**

WHEREAS, the nuclear disaster at Fukushima has resulted in widespread dispersal of radioactive material in the air, land and water, and President Obama of the United States and then Nuclear Regulatory Commissioner Jaczko have called for the evacuation of all Americans within a 50 mile radius of the stricken plants; and

WHEREAS, radiological contamination from Fukushima has extended 140 miles to Tokyo reservoirs, and the Indian Point Nuclear Power Plants are situated within twenty miles of the New Croton and Kensico Reservoirs which supply large parts of New York City's drinking water; and

WHEREAS, the New York State of Emergency Evacuation Plans were thoroughly evaluated by former FEMA director and evacuation expert James Lee Witt and found to be inadequate to protect the public from radiological exposure; and that evacuation plan flaws and deficiencies remain unresolved; and

WHEREAS, the spent fuel rods at both Indian Point reactors are stored in warehouse-type buildings with commercially available steel roofs, have no independent electricity or cooling systems and are not constructed with the same containment capabilities and back-up systems used to protect the reactors; and

WHEREAS, new techniques and advances in seismology have disclosed additional information about the two fault lines near Indian Point and plant construction standards fall far below potential earthquake magnitude;

NOW, THEREFORE, BE IT RESOLVED, that in order to safeguard the health and safety of United States citizens, we the undersigned call for the emergency evacuation zone around Indian Point to be extended from 10 to 50 miles; and be it further

RESOLVED, that the flaws and deficiencies identified in the James Lee Witt report be remedied; and be it further

RESOLVED, that full containment, as well as independent back-up electricity and cooling for the spent fuel pools be established and spent fuel rods be moved as quickly as possible into hardened dry cask storage which is more secure than the spent fuel pools; and be it further

RESOLVED, that the seismological data be taken into consideration and infrastructure upgraded accordingly for the continued operation of Indian Point, including its spent fuel storage facilities; and be it further

RESOLVED, that these Resolutions be transmitted to Governor Andrew Cuomo of the State of New York; Commissioner Jerome M. Hauser, New York State Division of Homeland Security and Emergency Planning; and to Commissioner Allison Macfarlane, Chairwoman, Nuclear Regulatory Commission.

### **GOLF COURSE – PORTABLE RESTROOM TRAILER**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to authorize purchasing a mobile restroom trailer to be located on the golf course for an amount not to exceed \$20,000.

### **NYS ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the Superintendent of Highway's request to attend the New York State Association of Town Superintendents of Highways, Inc. in Albany, NY at a cost to the town of \$142.00.

### **SEASONAL REHIRS – PATRIOT HILLS MAINTENANCE**

A motion was made by Councilman Finn, seconded by Councilman McDonnell, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to re-hire the following eleven employees for Maintenance at the Patriot Hills Golf Club; Jose Deleon - \$12.41, Rafael Moncion \$12.41, Pedro Delosangles \$16.00, Odelis Veras - \$11.44 , Pedro Taveras - \$16.00, Andre Vasques - \$12.41, Richard Hernandez - \$12.41, Manny Ortiz - \$11.22, Elvis Estrella - \$11.22, Nelson Lopez - \$11.22, and Jose Liz – \$11.22.

### **SEASONAL REHIRS – PATRIOT HILLS OPERATIONS**

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve re-hiring the following employees for operations at the Patriot Hills Golf Club: Starters @ \$10.08-Al Standish, Anthony Losquadro, Rich Sloboda, Frank Schultz, Sean Murray; Pro Shop @ \$10.61-Hughann Limpert, Jeri Meany and John Sottile; Pro Shop @ \$13.16-Sooky Welsh; Rangers @ \$8.07-Gary Dwyer, Pat Sullivan, Kevin Twibell, Rich Coyne, Bob Rennie and Paul Tirc; Rangers @ \$7.91-Nicholas Loucas and Ralph Felice; Rangers @ \$7.75-Frank Capolupo; Cart Attendants/Range @ \$8.07-Daniel Gizzi, Neal O'Sullivan and Kyle Sullivan; Cart Attendants/Range @ \$7.91-Brian McFadden, Chris Filor, Brandon Gubitosa, Evan O'Connor, and James White; Cart Attendants/Range @ \$7.75-Chris Pagano, Troy Feniger and Anthony Mezzio.

### **EZ LINKS SOFTWARE – PATRIOT HILLS GOLF COURSE**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the renewal of the agreement with EZ Links Golf Inc. for a period of three years for software at the Patriot Hills Golf Club.

### **RHO BUILDING – HEATING SYSTEM MODIFICATION**

A motion was made by Councilman Javenes, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve hiring Berry Burners of Nyack to repair the heating system in Rho Building in the amount of \$34,860.00 as per their estimate dated 1/11/2013. (Three written quotes were obtained for this work).

### **ELM AVENUE DRAINAGE BID**

After brief discussion, this matter was put over to the March 19, 2013 Town Board meeting so that the Town can ascertain the feasibility of doing only Phase 1 of the project.

### **USE OF COMMUTER PARKING LOT**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to approve the request of the Catholic Daughters of the Americas to use the commuter parking lot on Saturday April 20, 2013 for a tag sale.

### **PATRIOT HILLS GOLF COURSE - ISSUE BID – CHEMICALS, FERTILIZER, GRASS SEED**

A motion was made by Supervisor Finn, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to authorize the Town Clerk to go out to bid for chemicals for the 2013 season at the Patriot Hills Golf Course.

### **SEA-LEVEL RISE, STORM SURGE AND WATERFRONT FLOODING**

A motion was made by Councilwoman Konopko, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members (Councilman White was absent) to authorize the Town of Stony Point to submit a proposal to the New England Interstate Water Pollution Control Commission in cooperation with New York State Department of Environmental Conservation's Hudson River Estuary Program for the organization and implementation of collaborative local task forces in communities bordering tidally-influenced shoreline of the Hudson River Estuary. The purpose is to assist communities in preparing for sea-level rise, storm surge and waterfront flooding, and to facilitate technical assistance from appropriate state agencies.

### **EXECUTIVE SESSION**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present (Councilman White was absent) to adjourn into executive session for the purpose of discussing personnel matters at 9:30 pm.

### **ADJOURN**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present (Councilman White was absent) to adjourn the February 26, 2013 Stony Point Town Board meeting at 8:56 pm.

Respectfully submitted,

Joan Skinner – Town Clerk

### **APPENDIX – SPACE COMMENTARY – PROPOSED COMPREHENSIVE PLAN**

Dear Town Council Members,

We thank you for the opportunity to provide commentary on the proposed Comprehensive Plan. We are highly supportive of a great many of the changes indicated in the proposed plan, but we have concerns about some, and are opposed to one - the provision for townhouses in the RR Zone. We would like to mention that under SEQRA, the proposed changes contain provisions that indicate it is a Type 1 Action [617.4 (b) 1 & 2] requiring a full EIS or an equivalent review. The DGEIS provided by the Planner falls far short of this. The items listed in the DGEIS are hard to correlate with the proposed changes. Each change should be more clearly dealt with in the DGEIS. This is our town, we want to understand why these changes are being made and what the ramifications actually are. The planner lists nearly every item as having no need of mitigation. This boggles the mind - the entire RR Zone opened up for condo development - no impacts?

- Regardless of what information he may have garnered from reports, there is a strong likelihood that this will produce an increase in the North Rockland School District population. There is no possible way to guarantee over time that those apartments will not be used by families with children. We would present SOPKO here in Stony Point as an example of how “proposed” usage will change over time.
- Has the Planner considered the impacts of such a down-zoning on possible uses not yet considered? Look what happened in Ramapo when they did a similar down-zoning. How vulnerable will Stony Point be to this sort of problem?
- Has the Planner considered the cost in services: police, fire, ambulance, road maintenance of existing roads when hundreds of people are suddenly plunked down in a heretofore hilly, remote area?

- What services will this new “rural” population require? Will they want shopping in those areas? How will this impact existing businesses who would like to have an increase in their business?
- What will be the impact (he hints in his DGEIS that there will be one) on traffic on winding, hilly roads and intersections that could be considered by modern traffic-management as “inadequate”?
- And what is the “upside” of such a radical change to the people of Stony Point? We know the developers will be happy, but what will be the benefits accruing to all the other Stony Point residents?
- The Unknown. We need far more input on possible, unforeseen scenarios. We need foresight and imagination here. There will be no turning back once we do this!

If we want townhouses/apartments/condos, we believe that building them in the center of town along the 9W corridor makes far more sense. Services, transportation and shopping already exist there, and our business community would be much happier having them so close.

It is our recommendation here to remove the “Townhouse” items from this version of the Master Plan Update, re-convene the Master Plan Committee (with additional resident-members) to consider further how - and where any attached housing should be permitted. We believe that attached housing at or very near the town center/9W corridor will be of far greater benefit to the future of Stony Point than a gift to some developers who are sitting on parcels of land that they have been so far unable to sell.

Additionally, we note in our commentary on (**§ 215-67 B) Tree Preservation** that the Conservation Advisory Committee (CAC) noted there does not currently exist. We recommend that this committee, named in the town code, be created and used as indicated; and that its use be expanded in the implementation of the **Viewshed Overlay District** outlined in proposed **§ 215-18 B**.

Although this is not part of the proposed Master Plan Update, we ask that the town board finally resolve the impossible situation created by the “Kitteredge” court decision that currently prohibits public input into the SEQRA hearing process prior to the SEQR Determination. Additionally, We were unable to review those documents labeled Appendix I, II, and III as they were not posted; and we would like to review these as well as any changes subsequent to this public hearing.

Thank you, Stony Point Action Committee for the Environment February 26, 2013

#### **PROPOSED ADDITION/CHANGE:**

*LI-2 Holt Drive Light Industrial/Commercial District (see **Article III. Districts; Map in the Proposed Changes**)*

#### **SPACE COMMENTARY:**

While we are very happy to see this initial attempt to repair the serious damage done to Stony Point’s planning by (illegally) creating that “Special Permit” for the LI zone that allows unsuitable, incompatible USUS, there is no mention here of removing that existing problem from the town code. SPACE recommends that the “Special Permit” be repealed, and any consideration for changing the allowable use of any specific lot(s) go through the standard planning process, *i.e.* reviewed by both the Planning and Zoning Boards. If the town sees that the change will be positive for the town, primarily, and not as a giveaway to a developer, it should be able to pass on its own merits.

#### **PROPOSED ADDITION/CHANGE**

**(§ 215-17)**

A. The Town Board may hereby authorize the Planning Board, simultaneously with the approval of a subdivision plat in accordance with § 278 of the Town Law and the provisions of the average density zoning resolution heretofore and hereafter adopted by the Town Board, to modify the applicable bulk and area provisions of this chapter.

### **SPACE COMMENTARY**

It appears that the Planner evaluated this in “III. MASTER PLAN RECOMMENDATIONS, ZONING AMENDMENTS, POTENTIAL IMPACTS AND PROPOSED MITIGATION S. Removal of Prohibitions on Average Density from Zoning “ in the Planner’s DGEIS. He recommends that we accept that under Town Law 278, the minimum effective lot size should be 25,000 sq. ft. This basically throws out our heretofore recognized lot size requirements so that his plan to change the RR Zone to allow “townhouses” (apartments/condos) will be easier to effect. This is a change of enormous magnitude; one that changes permanently the character of Stony Point. This unprecedented change is so great that the State Environmental Quality Review Act indicates that it qualifies as a Type I Action (617.4.4) requiring a review on the scale of an EIS. This proposal needs much further exploration before we open up a substantial part of Stony Point to the development of apartment buildings, which will be an irreversible change to the look and character of our town. This may be good for developers who have been stymied in the current real estate market, but disastrous for Stony Point.

### **PROPOSED ADDITION/CHANGE**

(§ 215-18A)

A. For any lot or any portion of a lot, those areas characterized by slopes in excess of 25% shall not be developed, regraded or stripped of vegetation, except that up to 2,500 square feet of slopes greater than 25% may be disturbed except for construction of a principal structure on any lot created before April 9, 1996.

B.(1) To the greatest extent practicable every attempt should be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation. The Planning Board, may require supplementary plantings where, in the Board’s opinion, the proposed structure may have a negative visual impact on surrounding properties or the protected viewsheds.

### **SPACE COMMENTARY**

We don’t understand the reasoning here. It appears to “grandfather” in possible negative development in certain areas, like the Blanchard Estates” proposal dating back to the 1990’s and later. We ask for a clearer explanation with accompanying maps to show how this is a plus for Stony Point.

Additionally, Item B.(1) here makes some recommendations pertaining to the removal and replanting of trees. While we certainly applaud ideas for a better tree law, an entire tree law that encompasses cutting, replanting, and maintenance should be developed.

### **PROPOSED ADDITION/CHANGE**

(§ 215-61. *Procedure.*)

A. Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be secured from the Planning Board. The applicant has the option of choosing between to submit a formal application directly to the Planning Board or to submit an informal plan for discussion to the Technical Advisory Committee (TAC) for approval and an informal submission for review. For purposes of an informal submission, the applicant should provide as much information as possible, keeping in mind the specific requirements of Chapter A220 of the Town Code.

### **SPACE COMMENTARY**

This entire Procedure section is a great idea, too often applicants come to the Planning/Zoning Boards unprepared, at considerable cost and delay for them. It might be better to mandate that all new applications be scheduled to first appear before the TAC, which can direct them at that time, which documents they will be needing at each subsequent step in the planning process. The accompanying DGEIS states that one of the most important parts of this Update is a streamlining of the planning procedure, to make the process quicker and less expensive, so this will be an integral part of that!



## **PROPOSED ADDITION/CHANGE**

*(§ 215-67 B) Tree Preservation*

### **SPACE COMMENTARY**

This section is pointless as Tree laws have rarely been enforced in the past. It calls for decisions from a “Conservation Advisory Council” which is listed nowhere on the Town’s website and appears not to exist. SPACE calls for much stricter tree laws and an effective enforcement of all of them. Town Engineer Kevin Maher has submitted a more effective proposal that appears not to have been considered. We ask the Planner to obtain a copy of these recommendations from Mr. Maher and use them to formulate a more complete and enforceable tree law.

## **PROPOSED ADDITION/CHANGE**

*§ 215-72.1.A.(2) a & b: Stream protection.*

### **SPACE COMMENTARY**

This is one of those areas in the proposal where it is hard to associate the proposed change with the language in the DGEIS. We feel greater explanation is required here so we can more accurately comment on the changes indicated. We also believe that the DGEIS should be revamped to more closely follow the specific items proposed in the Master Plan Update document submitted for adoption by the Town Board; each of the items submitted for change should have its own explanation and rationale. It is too difficult to precisely identify each change in the proposal with its corresponding DGEIS documentation.

## **PROPOSED ADDITION/CHANGE**

*§ 215-83. Gasoline service stations and/or auto repair: G. Discontinuance of use.*

G. Discontinuance of use. In the event that a gasoline service station is abandoned, as determined by the Building Inspector, the owner, lessee and/or motor fuel supplier of said gasoline service station shall remove the tanks, gasoline pumps, all identification signs and lighting poles. In lieu of removing the tanks, said owner and/or lessee shall remove the flammable liquids therefrom and fill all tanks with water for a three-month period only and thereafter with a solid material. The owner and/or lessee shall also provide adequate protection against unlawful entry into the buildings and onto the property and shall close all vehicular entrances to the property to prevent the storage of abandoned vehicles thereon.

### **SPACE COMMENTARY**

We don’t understand why the requirement to remove gasoline storage tanks is being removed from a closed gas station. There is still the possibility of gas or its by-products leaking into the aquifer. We understand that the DEC now regulates petroleum bulk storage, but we don’t see why we can’t have our own requirements, such as those currently existing, made part of the town code. Belt and suspenders for a town where a great many people still have water wells!

## **PROPOSED ADDITION/CHANGE**

*§ 215-86.1 Townhouse Developments (entire)*

### **SPACE COMMENTARY**

We believe that this is a terrible idea which, if enacted, will permanently change the face and character of Stony Point; it is, at best, a giveaway to developers who have been having difficulties during the current economic downturn. Whatever you want to call them, “townhouses”, “condos”, “apartments” have no place in what we call “Rural Residential”. The planner thinks that allowing this kind of development can preserve open space by “clustering” the apartments together so less land is developed; he also claims, based on information from some surveys, that this will produce less children than conventional “detached” housing. This is his opinion. We can drive to other areas near us, like Kennedy Drive off Railroad Avenue in West Haverstraw and see something quite different. He will suggest that requirements can be made that there be only one or two bedrooms, but there is no assurance that over time, walls won’t be moved and more bedroom space added. We don’t believe that anyone in Stony Point would vote for that

density of housing in our rural areas. Some years ago, a “senior” community was constructed in Stony Point, called “SOPKO”, with restraints created to keep it seniors only. Today it is anything but. People live in houses, not in laws or restrictive deeds, and will do what they need to do to be accommodated. If we want “townhouses”, “condos”, “apartments”, we need to place them where it makes sense for the growth and future of our town. The Federal Government through HUD makes guidelines for senior housing: it must be near public transportation, near medical care and near shopping. This makes sense for any attached housing. The proposed Comprehensive Plan lays out a great structure for our Business Zone, where multiple uses will be allowed, permitting apartments over stores. Any townhouse development should be kept here, where there is public transportation, shopping and medical care is more readily available. Any efforts by the town should go not to accommodating apartment development in rural areas, but to attracting better public transportation, shopping and medical services to the town center where most people live. SPACE asks that this terrible idea be removed from an otherwise laudable plan.

### **PROPOSED ADDITION/CHANGE**

*Article XVII Board of Appeals Article XVIIA Planning Board*

### **SPACE COMMENTARY**

We are pleased to see stricter training requirements for appointment to these boards, but also, we believe that anyone seeking appointment to one of these boards should have attended at least half the meetings for that board in the year prior to their appointment. While the proposed training is obviously necessary, the candidate should be familiar with the issues currently before the board, so that upon appointment, he or she will be “up to speed” on issues they will be voting on immediately. Candidates for these boards come, with rare exception, from the local political parties, so the parties can indicate to those seeking board positions, that they will be required to gain adequate familiarity with issues before those boards.

### **MISSING**

*Development in the APRP District (Ambrey Pond)*

### **SPACE COMMENTARY**

We don’t understand why there is no outline for the development in this district, -only language in **§ 215-86.1 C. (4) Townhouse Developments** that provides for twice density increase in density in the R-1, SRC or R-W zones as a reward for leaving open space or setting aside a percentage of units for “affordable housing”. United Water, the current owner of the land in the APRP District already has a reputation for residential development of watershed land it obtained by eminent domain in the Lake DeForest area. Rather than instituting giveaways in this or any district, a policy that controls any development in the district should be developed first. This policy should reflect the likelihood that UW will soon look to sell this land at as great a profit as possible to pay for it’s proposed desalination plant. It will surely seek the highest density of development possible, so the town should quickly look to secure the rights of the residents of Stony Point over the monetary interests of UW.