

STONY POINT TOWN BOARD MEETING – MARCH 10, 2015

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, March 10, 2015 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. Tom Basile	Councilman
	Mr. Karl Javenes	Councilman
	Mr. James White	Councilman
	Mr. Jim Monaghan	Councilman
	Mr. Geoffrey Finn	Supervisor

ABSENT: None

PUBLIC INPUT

George Fonseca, Lindberg Rd., spoke indicating that the situation with his neighbor on Lindberg Rd. is still continuing.

Susan Filgueras – Mott Farm Rd spoke giving an update on proposed activities for the 150th Stony Point Anniversary celebration.

Anita Babcock, Rosetown Rd spoke about her concerns with any type of building and expansion in the town and surrounding areas.

PURCHASE ORDER REQUEST

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

Highway		
PO#2695	Chemung Supply Corp	\$4,602.40
PO#2696	Ruscon Truck Service	\$2,717.16
PO#2697	McDonald & McDonald	\$2,031.38
Sewer		
PO#2628	Slack Chemical Co. Inc.	\$2,835.00

AUDIT OF BILLS

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Councilman Javenes and **carried** by a voice vote of all board members present, with Councilman Basile abstaining, to approve the bills as presented for payment.

Contractual General – March 10, 2015

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	226-269	\$ 395,437.62	\$ 395,437.62
<u>Highway</u>	73-83	\$ 26,139.46	\$ 26,139.46
<u>Sewer</u>	52-64	\$ 19,767.35	\$ 19,767.35
<u>Special Districts</u>			
Ambulance	7-7	\$ 1,007.08	\$ 1,007.08
Enterprise	47-60	\$ 15,445.63	\$ 15,445.63
Street Lighting	2-2	\$ 26,098.25	\$ 26,098.25
<u>General – March 10, 2015</u>			
<u>General</u>	270-333		\$ 158,002.14
<u>Highway</u>	84-118		\$ 80,151.84
<u>Sewer</u>	65-81		\$ 4,476.35
<u>Special Districts</u>			
Ambulance	8-8		\$ 27,346.06
Enterprise Fund	61-79		\$ 19,829.67

Solid Waste 5-5 \$ 3,577.64

MINUTES - A motion was made by Councilman Monaghan, seconded by Councilman Javenes and **carried** by a voice vote of those board members present (with Councilman Basile abstaining) to approve the minutes of February 10, 2015 and February 24, 2015.

SUPERVISOR'S REPORT

Supervisor Finn announced:

- 13th annual March for Meals campaign the week of March 16-20, 2015
- Celebration this week at the Stony Point Shoprite for participating in Hunger Awareness Month in September and raise \$11,000
- Congratulated Wayne Hose Co. for a great job at a major fire recently on Route 210
- Bagels with the Bunny sponsored by the Recreation Dept on April 4th at 10 am

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of February, 2015

Number of calls for service:	673
Number of reported accidents:	16
Number of arrests:	36
(3) Felonies (18) Misdemeanors (15) Violations	
Fuel usage:	1241.9 gallons
Sum total of all traffic enforcement action:	69
Number of Youth Officer sponsored events:	6
Number of child safety seat installations:	3
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	2
Number of training hours:	119:00hrs
Total fees collected:	\$119.25
	(\$4.00 for FOIL; \$80.00 for prints; \$35.00 for reports)

Miscellaneous:

Youth sponsored events: 4 Youth Court Training Sessions, 1 PAL meeting, 1 PAL Valentines Dance attended by 260 youths & we continued to conduct regular checks of schools.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE'S TIME RECORD**
A motion was made by Councilman Basile, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of February 2015 as presented.
- **OVERTIME & SICK LEAVE REPORTS**
A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to approve the overtime and sick leave reports as presented for the month of February 2015.
- **DECLARE POLICE VEHICLES AS SURPLUS**
A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to authorize the Police Dept to surplus a 2006 Ford Crown Victoria VIN#2FAHP71W06X146232 and a 2007 Ford Crown Victoria VIN#2FAHP71W67X148567, to sell the vehicles at auction and to deposit the proceeds from the sales into account # A2665B entitled Sale of Equipment Revenue, Restricted.

- NARCAN UPDATE**
 Chief Moore explained that NARCAN is a nose spray that can be administrated by police officers to reverse the effects of opiates. In the past nine months Stony Point police officers have saved three people by using this method.

DEPARTMENTAL REPORTS

Joan Skinner, Town Clerk offered the following reports for the record:

GOLF COURSE REPORT

February 2015:

• Green Fees	\$	0.00
• ID Cards	\$	0.00
• Merchandise	\$	0.00
• Misc.	\$	0.00
• Range Fees	\$	0.00
• Club Rental	\$	0.00
• Total	\$	0.00

Architectural Review Board

From:	02/01/2015	To:	02/28/2015
Applications Received			
Solar Panels	2		
Applications Approved			
Solar Panels	2		
Applications Pending			
Fees Collected:	\$	200.00	
Money in Lieu of Land	\$	0.00	

Building & Zoning Department

February 2015

Applications Received	13
Applications Returned/Withdrawn	0
Applications Denied	1
Building & Blasting Permits Issued	11
Applications Pending	72
Certificate of Occupancy	10
Certificate of Compliance	6
Fees Collected	\$3,855.00

Dog Control Officer

February 2015

Dogs seized and sheltered	1
Dogs returned to owner	0
Number of complaints received	2
Miles traveled patrolling the Town and transporting dogs	339

Fire Inspector

<u>February 2015</u>	Month	Total
Inspections Performed	17	27
Field Correction Issued	2	6
Violations Issued	0	0
Violations Outstanding	0	0
Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	6	10
Fires Investigated	0	0

Planning Board

From:	02/01/2015	To:	02/28/2015
Applications Received	0		
Applications Approved	0		
Applications Pending			
General Category	1		
Informal Discussion	1		
Site Plan	3		
Subdivision-Major	1		
Subdivision-Minor	1		
Fees Collected:	\$0.00		
Money in Lieu of Land	\$0.00		

Sewer Department**February 2015**

Overtime Hours	
Sunday	15 hrs.
Saturday	4 hrs.
Holiday	16 hrs.
Monday	5 hrs.
Camera	3 hrs.
Call In	4 hrs
Monthly Flow	
Plant	18,684,100 gallons
Kay Fries	9,000 gallons
Fuel Usage	244.4 gallons
Total to Sludge Compost Facility	31 Cu. Yds.
Solids	19.5%
Screenings	74.51 Cu. Ft.
Septage	2000 Gals.

Zoning Board of Appeals

From:	02/01/2015	To:	02/28/2015
Applications Received		1	
Applications Returned/Withdrawn		0	
Applications Denied		1	
Applications Pending		2	
Fees Collected		\$400.00	

Town Clerk**February**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 18.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 22.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 141.72
Amount Paid To Supervisor	\$ 1,557.02
TOTAL AMOUNT REMITTED	\$ 1,739.24

CORRESPONDENCE - None**PUBLIC HEARING: SEWER DISTRICTS NOS. 1, 2, AND 3**

The following public hearing notice was properly posted:

**NOTICE OF PUBLIC HEARING
TOWN OF STONY POINT – SEWER DISTRICTS NOS. 1, 2 AND 3**

PLEASE TAKE NOTICE that the Town Board of the Town of Stony Point, Rockland County, New York, on behalf of the Town's Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 (collectively, "Districts"), is considering whether to authorize

certain improvements to the Districts, consisting of (i) the reconstruction of an existing settling tank and (ii) costs associated with the reconstruction of another settling tank (collectively, the "Project").

The aggregate estimated maximum cost of the Project is \$83,640, of which the estimated maximum cost allocated to Sewer District No. 1 is \$5,614, the estimated maximum cost allocated to Sewer District No. 2 is \$39,013, and the estimated maximum cost allocated to Sewer District No. 3 is \$39,013.

The Town Board, by resolution dated February 24, 2015, ordered that a public hearing be held at the Town Hall, 74 East Main Street, Stony Point, New York 10980 on March 10, 2015 at 7:00 p.m. to consider whether it is in the public interest to approve the hereinafter described project:

All persons interested in the aforementioned Project and the subject matter thereof are invited to attend.

Joan Skinner, Town Clerk - Dated: February 24, 2015

- **OPEN MEETING**

A motion was made by Supervisor Finn, seconded by Councilman Basile and unanimously carried by a voice vote of all board members present to open this public hearing at 7:32 pm.

- **PUBLIC INPUT**

There was no public input.

- **CLOSE PUBLIC HEARING**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and unanimously carried by a voice vote of all board members present to close this public hearing at 7:33 pm.

- **ACTION**

The following resolution was offered by Supervisor, who moved its adoption, seconded by Councilman Basile, and **unanimously carried** by a voice vote of all board members present, to-wit:

RESOLUTION 2015/11

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S SEWER DISTRICTS NOS. 1, 2 AND 3

WHEREAS, the Town Board of the Town of Stony Point, Rockland County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Sewer District No. 1 ("District No. 1"), the Town's Sewer District No. 2 ("District No. 2"), and the Town's Sewer District No. 3 ("District No. 3" and, collectively with District No. 1 and District No. 2, the "Districts"), consisting of (i) the reconstruction of an existing settling tank and (ii) costs associated with the reconstruction of another settling tank (collectively, the "Project"); and

WHEREAS, the aggregate estimated maximum cost of the Project is \$83,640, of which the estimated maximum cost allocated to District No. 1 is \$5,614, the estimated maximum cost allocated to District No. 2 is \$39,013, and the estimated maximum cost allocated to District No. 3 is \$39,013; and

WHEREAS, by resolution adopted on February 24, 2015, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on March 10 at 7:00 p.m. at the Town Hall, 74 East Main Street, Stony Point, New York 10980; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Rockland County Times*, the official newspaper of the Town, on February 26, 2015 and a copy of such notice was posted on February 26, 2015 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

It is hereby determined that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(2)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution.

Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the aggregate estimated maximum cost of \$83,640, of which the estimated maximum cost allocated to District No. 1 is \$5,614, the estimated maximum cost allocated to District No. 2 is \$39,013, and the estimated maximum cost allocated to District No. 3 is \$39,013. The Town is hereby authorized on behalf of the Districts to undertake the Project at such estimated maximum cost, as so allocated among the Districts.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the Clerk of Rockland County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This resolution shall take effect immediately.

- **ACTION**

The following resolution was offered by Supervisor Finn, who moved its adoption, seconded by Councilman Basile, and carried by a voice vote of all board members present, to-wit:

RESOLUTION 2015/12
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$83,640 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S SEWER DISTRICTS NOS. 1, 2 AND 3

WHEREAS, the Town Board of the Town of Stony Point, Rockland County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Sewer District No. 1 ("District No. 1"), the Town's Sewer District No. 2 ("District No. 2"), and the Town's Sewer District No. 3 ("District No. 3" and, collectively with District No. 1 and District No. 2, the "Districts"), consisting of (i) the reconstruction of an existing settling tank and (ii) costs associated with the reconstruction of another settling tank (collectively, the "Project"); and

WHEREAS, by resolution adopted dated March 10, 2015, adopted immediately prior to the consideration of this resolution, the Board determined (i) that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution and (ii) in accordance with Section 202-b of the Town Law, the Town Board determined it to be in the public interest to undertake the

Project at an estimated maximum cost of \$83,640, of which the estimated maximum cost allocated to District No. 1 is \$5,614, the estimated maximum cost allocated to District No. 2 is \$39,013, and the estimated maximum cost allocated to District No. 3 is \$39,013; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$83,640 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$83,640, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$83,640 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board

relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

CONTINUED PUBLIC HEARING – PROPOSED AMENDMENTS TO THE PLANNED WATERFRONT (PW) ZONING DISTRICT

Max Stach, Town Planner addressed the board, reviewing all the steps taken since this matter first came before the board in September of 2014.

PUBLIC INPUT was opened at 7:43 pm.

George Potanovic read the following:

SPACE

Stony Point Action Committee for the Environment, Inc.

PO Box 100; Stony Point, NY 10980 • 845-429-2020

www.stonypointer.org

March 10, 2015

Geoff Finn, Supervisor

Town of Stony Point

74 East Main Street

Stony Point, NY 10980

Subject: Full EAF PW Zoning District Amendments

RE: Continued Pubic Hearing: Mixed-use waterfront development

Dear Supervisor Finn,

I support the idea of revising and improving town zoning along our local Hudson River waterfront for the viability of the marinas and for economic development. But, I do object to a process that shortcuts the review and updating of our Local Waterfront Revitalization Plan (LWRP) with proposed zoning that is not compatible with that plan and, instead, seems to largely cater to the request and financial benefit of a single land owner while ignoring constrained road width, flooding, water demand, sewer capacity and infrastructure issues that could later become a significant environmental and safety problem and expense passed along to the taxpayers of Stony Point.

I was a member of the Local Waterfront Revitalization Committee in 1994, so I have a personal understanding of what the intent and purpose of our LWRP is – to promote water-dependent or water-enhanced access and uses such as boating, fishing, pedestrian and bicycle trails, picnic areas and scenic overlooks.¹ The plan never called for the construction of condos or restaurants in the Protected Waterfront (PW) zone.

¹(see LWRP Section II-48)

In fact, in a memo sent by the Town Planner to the Stony Point Planning Board, the NYS Department of State Coastal Assessment form indicates that, “YES. The proposed action will be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program.”³(Memo to Stony Point Planning Board from Max Stach, Town Planner; February 13, 2015)

For the Town Planner and Town Planning Board to admit on one hand that residential (condo) development along the waterfront was not “specifically contemplated [allowed] in the LWRP”² but because condo development provides waterfront access, it is also not precluded [prevented], raises a “double standard” and questions whether or not the Town of Stony Point is simply bypassing the intent and purpose of the LWRP for its own convenience as lead agency instead of making the required updates.²(Stony Point Planning Board; letter from Chairman Tom Gubitosa; March 4, 2015)

While it is understood that the Planning Board will review a site plan for all proposed development on a site-by-site basis, I am suggesting that the town must first update its LWRP before amending the Protected Waterfront (PW) Zone to ensure a more comprehensive review that considers a number of significant issues not fully addressed in the current Environmental Assessment Form.

Traffic:

The potential for multiple restaurants and up to 350 condo units within the PW District, an area that regularly floods, could add significantly to the traffic impacts along the waterfront, as well as ingress/egress, especially during the summer boating season. Since the US Gypsum Plant and LJ Kennedy are not currently in operation, how would these properties, when eventually reused, impact future traffic patterns and volumes if this zone change is granted to permit a higher density of development in the area?

Financial:

While the marinas are important to the town and should be permitted in order to be economically viable, this proposed zone change would significantly increase the value of the marina property overnight for the benefit of the marina owners, while potentially shifting higher costs for taxes to the residential and business owner tax base in Stony Point to pay for necessary future road, sewer and infrastructure improvements.

Water Demand:

The Town's Environmental Assessment Form (EAF) does not address the potential water demand of multiple restaurants and up to 350 condo units to United Water's existing water supply. In light of the fact that NYS Public Service Commission recently rejected United Water's proposed Hudson River Desalination Plant in favor of greater demand-side management, which is currently under review by the Rockland County Task Force for Water Management, the question of this proposed zone change on existing water supply should have been addressed in the EAF and was not.

Sanitary Sewage Capacity:

Does the current capacity of Stony Point's sewer system allow for the projected capacity of additional multiple restaurants and up to 350 condo units? If the Town of Haverstraw does not renew our current contract with the Joint Regional Sewer Plant, would the town be able to handle the additional sewer capacity required to build higher density under the revised zoning?

Champlain Hudson Power Express & CSX Railroad:

How would this proposed zoning be affected by development in or near the right-of-way currently permitted for the construction of the 1,000 MW Champlain Hudson Power Express? When we combine the fact that this high voltage electrical cable will pass in close proximity to the CSX Railroad 'Bomb Trains,' which now haul volatile Bakken crude oil regularly through this area it raises safety concerns that a derailment could become the lit match that causes catastrophic devastation to property and loss of life in close proximity to what would be, under this zone change, higher density residential development. This potential impact has not been adequately addressed in the Environmental Assessment Form.

Summary:

While SPACE welcomes reasonable amendments to our town code that would allow new development along our town's waterfront, the scope and size of multiple restaurants and up to 350 condo units could be a significant impact that has not been fully considered and is not consistent with the current Local Waterfront Revitalization Plan. Issues concerning increased traffic, cost, water demand, sewer capacity and impact by the CSX rail, the CHPE electrical cable, along with possible future expansion along that industrial /transportation corridor needs to be considered and addressed now, before any zone change permits greater expansion in the PW zone. The Town of Stony Point needs to properly assess and protect our public access, development potential and existing tax base within the waterfront now, because it is one of our greatest recreational and commercial assets for the future of the town.

Thank you for the opportunity to comment.

Sincerely



George Potanovic, Jr.
President, SPACE

cc: Tom Basile, Stony Point Town Council
Karl Javanes, Stony Point Town Council
James Monaghan, Stony Point Town Council
James White, Stony Point Town Council
Joan Skinner, Stony Point Town Clerk
Tom Gubitosa, Stony Point Planning Board Chairman
Max Stach, Town Planning Consultant
Arlene Miller, Deputy Commissioner; Rockland County Department of Planning
SPACE Board of Directors

Barnaby Joyce, 2 Joyce Plaza spoke in favor of the zone change.

Susan Filgueras – Mott Farm Rd spoke regarding the existing homes and the roadway that runs in front of them.

Supervisor Finn indicated that there has been no mention of building a wall in front of anyone's house. The Town is looking to improve the area.

CLOSE PUBLIC HEARING

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to close this public hearing at 7:54 pm.

ACTION

The following Resolution was duly offered by Councilman Basile and seconded by Supervisor Finn, to wit:

RESOLUTION 2015/13

RESOLUTION ADOPTING A LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING THE TOWN ZONING ORDINANCE REGARDING THE PLANNED WATERFRONT District (PW)."

WHEREAS, the Town Board of the Town of Stony Point ("Town Board") previously received and reviewed a proposed local law amending the Town Zoning Ordinance regarding the Planned Waterfront District ("PW") in the Town of Stony Point ("Local Law"); and

WHEREAS, the Town Board previously declared Lead Agency status ("Lead Agency") for the purposes of environmental review with respect to the review of the proposed Local Law, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617.6; and

WHEREAS, the Town Board hereby previously classified the action as a Type 1 Action under SEQRA and distributed Lead Agency notification, the proposed Local Law and Part 1 of the Environmental Assessment Form ("EAF") and other documents related thereto; and

WHEREAS, the Town Board reviewed the Part 2 EAF submitted with respect to such proposed Local Law, and issued a Negative Declaration on February 24, 2015 with respect to such proposed Local Law amendments; and

WHEREAS, by letter dated December 16, 2014, the Stony Point Planning Board reviewed the proposed Local Law and determined that the Planning Board recommended adoption of the Proposed Local Law recommending reduction of the minimum lot area from the original proposed 10 acres to 5 acres; and

WHEREAS, the Rockland County Planning Department, by letter dated December 1, 2014 recommended certain modifications to the proposed Local Law; and

WHEREAS, on February 13th the proposed Local Law was revised in response to comments by the Planning Board and Rockland County Planning Department and the proposed local law was made available for public review at the Town Clerk's office and on the Town website;

WHEREAS, a public hearing was duly noticed, and opened with respect to such proposed Local Law by the Town Board on February 24, 2015 at 7:00 p.m.

at the RHO Building, 5 Clubhouse Lane, Stony Point, NY 10980 and appropriate notice was issued to the Rockland County Planning Department and other municipalities, boards and agencies entitled to notice thereof as set forth herein; and

WHEREAS, by letter dated March 10, 2015, the Stony Point Planning Board acting as the Waterfront Advisory Commission reviewed the proposed Local Law and determined that the local law was consistent with the Local Waterfront Revitalization Plan; and

WHEREAS, such public hearing on the proposed Local Law to the Town Zoning Code was continued on March 10, 2015 at 7:00 p.m. at the RHO Building, 5 Clubhouse Lane, Stony Point, NY 10980 and all interested parties were provided with an opportunity to speak on behalf of or in opposition to said Proposed Local Law; and

WHEREAS, such public hearing was closed on March 10, 2015; and

WHEREAS, no material changes were proposed to the proposed Local Law as previously presented to the Town Board and no modifications were made to the Local Law during or after such public hearing; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The above WHEREAS clauses are incorporated herein by reference.
2. The proposed modifications set forth in the December 1, 2014 response of the Rockland County Department of Planning are hereby incorporated or overridden as noted below for the reasons set forth below:
 - a. With respect to Rockland County comments # 1,2,5,6,9,10,11,12 and 13: The proposed local law was amended as directed and suggestions incorporated.
 - b. With respect to Rockland County comment #3 (width of public use area): Members of the Town Board deliberated this issue with members of the Planning Board at a workshop meeting and it was decided to intentionally provide the Planning Board with discretion to vary the width as necessary. It is noted that the Town has a hard setback from River requirement of 50 feet that will likely also impact the width of the esplanade.
 - c. With respect to Rockland County comment #8 (sufficiency of off-street parking): One parking space per 0.4 dwellings is equivalent to 2.5 parking spaces per dwelling, which is in excess of the recommended parking rate.
 - d. With respect to Rockland County comment #4 (Inclusion of Restaurants): It is the Town's intention to allow restaurants in all PW zoning districts regardless if no Mixed -Use Development is being proposed.
 - e. With respect to Rockland County comment #7 (Retail Kiosks): Retail kiosks were kept twice to make it clear that retail kiosks could be permitted as an accessory to a principal retail or restaurant use or as a principal standalone use.
 - f. With respect to Rockland County comment #14 (applicability of Bulk Table Notes): The notes are intended for all property as they are written.
 - g. With respect to Rockland County Planning comment #15 (Rationale for not including Maximum Floor Area Ratio): The rationale for not providing a Floor Area Ratio revolves around the Boatel structures that are likely to allow for this type of mixed-use development. Such structures are comprised of rack systems, upon which boat hulls are stored. Each vertical layer of such racks may or may not constitute what would be considered to be "floor area." Similar interpretational issues may surround such uses as parking under structures (which may or may not be enclosed by walls due to flood implications.) Also complicating matters may be high-ceilinged restaurants or restaurants that include loft areas for storage as part of a wet flood proofing

scheme. Because the bulk of buildings is likely to be guided by the height requirements and the coverage requirements, FAR was determined to be unnecessary and impractical for this type of use.

- h. All other suggestions of the Rockland County Planning Department have been incorporated.
3. The Town Board of the Town of Stony Point hereby adopts said Local Law No. 2 of 2015 entitled "A Local Law amending the Town Zoning Ordinance regarding the Planned Waterfront District ("PW")", a copy of which is attached hereto and made a part of this Resolution.
4. Such Amended Local Law shall amend the current Zoning Code (Chapter 215 of the Town Code).
5. Such Local Law shall be effective immediately upon filing with the Secretary of State.
6. The Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and the New York State Department of Environmental Conservation.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Finn	[x]	[]	[]	[]
Councilman White	[x]	[]	[]	[]
Councilman Javenes	[x]	[]	[]	[]
Councilman Basile	[x]	[]	[]	[]
Councilman Monaghan	[x]	[]	[]	[]

The Resolution was thereupon duly adopted.

APPOINTMENT OF POLICE OFFICER

A motion was made by Supervisor Finn and seconded by all other members of the Town Board to appoint Vincent Agovino to the position of Full Time Police Officer for the Stony Point Police Dept, effective March 13, 2015.

The following roll call vote was taken and the motion was **unanimously carried**:

	Yea	Nay	Abstain	Absent
Supervisor Finn	[x]	[]	[]	[]
Councilman White	[x]	[]	[]	[]
Councilman Javenes	[x]	[]	[]	[]
Councilman Basile	[x]	[]	[]	[]
Councilman Monaghan	[x]	[]	[]	[]

HIRE – PART TIME COMMUNICATIONS & SECURITY AIDE

A motion was made by Supervisor Finn and seconded by Councilman Basile to appoint Douglas Mann to the part time position of Communications & Security Aide for the Stony Point Police Dept, effective March 16, 2015.

The following roll call vote was taken and the motion was **unanimously carried**:

	Yea	Nay	Abstain	Absent
Supervisor Finn	[x]	[]	[]	[]
Councilman White	[x]	[]	[]	[]
Councilman Javenes	[x]	[]	[]	[]
Councilman Basile	[x]	[]	[]	[]
Councilman Monaghan	[x]	[]	[]	[]

EMPLOYEE PAYOUT

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to authorize the retirement payout submitted by Finance Director for Det. George Zayas.

DECLARE WEAPON AS SURPLUS

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to authorize the request of the Chief of Police to surplus Glock Model 23, .40 caliber semi-automatic handgun, and serial #RTV789 to be presented to Detective George O. Zayas.

AUTHORIZE MAINTENANCE SUPERVISOR – SKILLPATH CONFERENCE

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve the request of the Maintenance Supervisor to attend a workshop given by SkillPath, on May 13, 2015, in Middletown, NY at a cost to the town of \$99.00.

APPROVE EXTENDED EQUIPMENT WARRANTY

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to extend a warranty on the KUBOTA Excavator for a cost to the town of \$4400.00

APPROVE REHIRE SEASONAL WORKERS – GOLF COURSE OPERATIONS

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to rehire the attached list of employees for the operations of the Golf Course submitted by Dave Fusco, Golf Director:

Starters	2013	2014	2015	Cart Attendants / Range	2013	2014	2015
Al Standish	\$10.08	\$10.28	\$10.54	Brian McFadden	\$7.91	\$8.23	\$8.75
Anthony Losquadro	\$10.08	\$10.28	\$10.54	Chris Filor Brandon	\$7.91	\$8.23	\$8.75
Rich Sloboda	\$10.08	\$10.28	\$10.54	Gubitosa Evan	\$7.91	\$8.23	\$8.75
Frank Schultz	\$10.08	\$10.28	\$10.54	O'Connor	\$7.91	\$8.23	\$8.75
Sean Murray	\$10.08	\$10.28	\$10.54	Daniel Gizzi	\$8.07	\$8.23	\$8.75
				Kyle Sullivan	\$8.07	\$8.23	\$8.75
				James White	\$7.91	\$8.23	\$8.75
Pro Shop				Chris Pagano	\$7.75	\$8.00	\$8.75
Hughann Limpert	\$10.61	\$10.82	\$11.09	Troy Feniger Anthony	\$7.75	\$8.00	\$8.75
Sooky Welsh	\$13.16	\$13.42	\$13.76	Mezzio Michael	\$7.75	\$8.00	\$8.75
John Sottile	\$10.61	\$10.82	\$11.09	Bennis	\$7.60	\$8.00	\$8.75
Ralph Felice	\$8.07	\$10.82	\$11.09	Vincent Greco	\$7.60	\$8.00	\$8.75
				Thomas Bahrs	\$7.60	\$8.00	\$8.75
				Ryan Tobin		\$8.00	\$8.75
				John Tobin		\$8.00	\$8.75
				Rob			
Rangers				McFadden Jr		\$8.00	\$8.75
Gary Dwyer	\$8.07	\$8.23	\$8.75	Brian Murphy		\$8.00	\$8.75
Nicholas Loucas	\$7.91	\$8.23	\$8.75	Ryan O'Grady		\$8.00	\$8.75

Pat Sullivan	\$8.07	\$8.23	\$8.75
Bob Rennie	\$8.07	\$8.23	\$8.75
Paul Tirc	\$8.07	\$8.23	\$8.75
Frank			
Capolupo	\$7.75	\$8.00	\$8.75
Ed Murray	\$7.60	\$8.00	\$8.75
Bruce Cloer	\$7.60	\$8.00	\$8.75
Bill Morris		\$8.00	\$8.75
Hollis Griffin		\$8.00	\$8.75
Tony			
D'Ambrosio		\$8.00	\$8.75

APPROVE TELEPHONE SYSTEM – GOLF COURSE PRO SHOP

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to approve Centurion Telephone Sales and Service’s quote for \$4,800.00 for new Phone installation/training and a 2 year service agreement on all parts and labor.

DISCUSS BELGIUM BLOCK & PAVING FOR GOLF COURSE

ACTION

A motion was made by Councilman Javenes, seconded by Supervisor Finn, and **unanimously carried** by a voice vote of all board members present to authorize Alpha Paving Corp to furnish and install 1200 lineal ft of jumbo-gray belgium blocks at Patriot Hills Golf Course, at a cost to the town of \$22,000.00.

ACTION

A motion was made by Councilman Javenes, seconded by Supervisor Finn, and **unanimously carried** by a voice vote of all board members present to authorize Alpha Paving Corp to resurface existing asphalt driveway at a cost to the town of \$34,900.00.

APPROVE ELECTRICAL INSPECTOR

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve the request from New York Electrical Inspections, Inc .d/b/a Inspections on Time, to perform electrical inspections in the Town of Stony Point.

NJPA PARTICIPATING MEMBERSHIP AGREEMENT

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to enter into a membership agreement with National Joint Powers Alliance (NJPA) at no cost to the town. This will further enhance the Town’s procurement abilities.

AUTHORIZE ADVERTISING FOR BIDS – DAY CAMP BUS TRANSPORTATION

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to authorize the Town Clerk to advertise for bids for the Day Camp Bus Transportation.

REQUEST OF NR CREW TEAM

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve the use of Riverfront Park by the NR Crew Team from April 1, 2015 – May 30, 2015.

SET PUBLIC HEARING – GARAGE SALE

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to set a public hearing on April 14, 2015 to amend the Code of the Town of Stony Point to consider adding Chapter 101 “Garage and Yard Sales”.

150TH ANNIVERSARY CELEBRATION

A motion was made by Councilman Basile, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to designate the Rockland County Times as the newspaper of record for the Town's yearlong sesquicentennial anniversary celebration.

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session at 8:07 pm to discuss personnel matters. Supervisor Finn announced that no further votes would be taken.

ADJOURN

The March 10, 2015 Stony Point Town Board meeting adjourned at 8:50 pm and no further votes were taken.

Respectfully submitted

Joan Skinner – Town Clerk