

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

OF

THE BREAKERS

- - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
March 10, 2016
7:00 p.m.

BEFORE :

THOMAS GUBITOSA, CHAIRMAN
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

APPEARANCES :

STEPHEN M. HONAN, ESQ., Special Counsel
MAX STACH, Town Planner
AMY MELE, ESQ., Attorney for Applicant
JOHN O'ROURKE, P.L.S., Town Engineer
WILLIAM SHEEHAN, Building Inspector
MARY PAGANO, Clerk to the Planning Board

ROCKLAND & ORANGE REPORTING

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3 CHAIRMAN GUBITOSA: Please stand for the
4 Pledge.

5 (Whereupon, the Pledge of Allegiance was
6 recited.)

7 CHAIRMAN GUBITOSA: Mary, just call the
8 role.

9 PLANNING BOARD CLERK: Mr. Jaslow?

10 BOARD MEMBER JASLOW: Here.

11 PLANNING BOARD CLERK: Mr. Ferguson?

12 BOARD MEMBER FERGUSON: Here.

13 PLANNING BOARD CLERK: Mr. Rogers?

14 BOARD MEMBER ROGERS: Here.

15 PLANNING BOARD CLERK: Chairman
16 Gubitosa?

17 CHAIRMAN GUBITOSA: Here.

18 All right, tonight is the scoping
19 meeting for the Breakers. If you just -- one
20 thing. If you have a cell phone, just put it
21 on silent or vibrate.

22 And just to go over some things, tonight
23 what we're going to be doing is, we're going
24 to be reviewing the comments for the draft
25 scoping document prepared by the project

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2 sponsor. And during this period, the public
3 was given 42 days to review the document at
4 the Planning Board Office, and 32 days to
5 review it online and submit comments.

6 To date, the Board has received more
7 than a hundred pages of comments on the draft
8 scope prepared by the applicant. The Board
9 has been keeping up to date on comments as
10 they have come in, and have also been
11 considering the oral comments received at the
12 public scoping session on January 28th.

13 Additionally, the Board met here on
14 February 25th to schedule this special
15 meeting given the receipt of significant
16 comments from the DEC after the close to the
17 written comment period. The sequence we
18 prepared in the document final scope was also
19 discussed at that meeting.

20 Subsequent to that meeting, the Planning
21 Board asked the project sponsor to take a
22 first shot at amending the draft scope,
23 incorporate relevant comments from the public
24 and interested agencies. The Planning Board
25 then asked the Town Planner and the Engineer

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2 to review the documents and provide further
3 comments.

4 The purpose for the meeting tonight will
5 be the Planning Board, as lead agency, to
6 review the document as prepared by the Town's
7 consultant, and ensure that it appropriately
8 incorporates all the comments and concerns by
9 the public and interested agencies.

10 Tonight is not a public hearing. So
11 unfortunately, no public input will be
12 permitted tonight. There will only be
13 dialogue among the Planning Board and its
14 advisers, and we may need to ask the
15 applicant a question or two to finalize the
16 document. But tonight, there's not going to
17 be any presentation by the project sponsor to
18 the public for this meeting.

19 Once the DEIS is prepared, and peer
20 reviewed, and verified, and found to be --
21 adequately to reflect the project's potential
22 impact, the Board will schedule a public
23 hearing on the DEIS including a full
24 presentation of the project by the sponsors.

25 We understand that the project sponsor

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2 is interested in providing information needed
3 to the public, which is their right. So they
4 may have their own presentation meeting to
5 the public at their own time separate from
6 us.

7 But however, the Planning Board will
8 ensure that only when the information from
9 the applicant is verified as a true
10 representation of the proposal will -- the
11 information will be released to the public,
12 because that's when we'll deal with it.

13 So what I'm going to ask tonight is that
14 our Planner Max Stach just go over and take
15 us through the final scope.

16 MR. STACH: Thank you, Mr. Chairman,
17 Members of the Planning Board.

18 We have been working cooperatively, the
19 Town Engineer, and myself, and the project
20 sponsor, to try and incorporate all the
21 comments that we received, and that are
22 relevant and appropriate to incorporate into
23 the final scope. What you have before you
24 tonight in this document here is the
25 culmination of that effort.

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2 As you had mentioned, there are more
3 than a hundred pages of comments and public
4 hearing transcript that had to be reviewed,
5 gone through. You have received these over
6 time.

7 In addition to sitting through the
8 public hearing and hearing those comments
9 firsthand, you've received these comments
10 again since, you know, starting back in early
11 February. I'm sorry, early January through
12 to February 22nd, when the comment period was
13 closed, and then again on February 24th, when
14 DEC provided their comments after that
15 timeframe.

16 What I'm going to suggest we do tonight
17 since the majority of comments that we
18 received were, in fact, incorporated into the
19 document is to answer any questions you may
20 have on the document you have in front of
21 you, but also to go through those issues
22 which we believe did not require an amendment
23 to the draft scope.

24 So again, to reiterate that so it's
25 clear, if we received a comment requesting

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2 more information be included in the DEIS, by
3 and large, we put that instruction into the
4 final scope and are going to require the DEIS
5 to include that.

6 So tonight, what we're going to do is
7 we're going to talk about those comments
8 which sort of are borderline on the scope,
9 because we did receive a lot of comments on
10 the project, on the project sponsor, on other
11 elements that aren't really relevant to the
12 scope. And then we received some that were
13 borderline that might not be about it.

14 So we're going to go over the borderline
15 ones, and we're going to go over those
16 comments which we believe didn't require
17 amendment to the final scope just to make
18 sure that you agree with those before we move
19 forward and adopt this.

20 With that said, I would like to request
21 that you go to Page 23 of the final scoping
22 document. So the second paragraph addresses
23 a number of commentators who have remarked
24 that the lead agency notice did not include
25 all interested and involved agencies.

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2 It's not uncommon when you go through
3 scoping that that process actually identifies
4 additional involved agencies during that
5 process. When you start considering all the
6 potential impacts, all the potential aspects
7 of a project, often you come to the
8 conclusion that an additional involved agency
9 may be involved.

10 That did, in fact, happen through this
11 process. And those agencies were contacted
12 and given an opportunity to review the scope
13 and to provide comments. And all of them
14 did, in fact, provide comments.

15 The other thing was with regard to
16 interested agencies. There's sort of -- it's
17 not clear, or it can be confusing what an
18 interested agency is.

19 First, the term interested agency or
20 agency has to be a state or local agency.
21 However, an interested agency is really given
22 the same level of involvement in the SEQRA
23 process as any other member of the public.
24 So any interested person, or interested
25 agency can request in writing to the Planning

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2 Board that they're copied on future
3 correspondence or future documents that this
4 Board releases.

5 That being said, they're not entitled to
6 get those documents sort of at the expense of
7 the project sponsor. If the project sponsor
8 wants to provide the cost of those documents
9 to interested agencies, they're allowed to.
10 Or if they don't want to cover that cost,
11 then this Planning Board can offer to provide
12 those paper copies at your cost to the
13 interested persons and agencies.

14 So it's noted that one of the first
15 comments we received was actually from the
16 Department of Planning who suggested that
17 several other agencies be included as
18 interested agencies to this action. And so
19 what we're suggesting is that you provide
20 them a letter, whenever you do a mailing or a
21 distribution of documents, identifying where
22 the document can be reviewed for free online.
23 And then offer whatever the price would be
24 for the document to be reproduced.

25 And we think that's a fair way because

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2 technically, in order to be an interested
3 agency, for example, one of the agencies that
4 Rockland County Planning suggested is the
5 Rockland County Department of Highways,
6 CSX Railroad, Suez, Orange and Rockland
7 Utilities. They really have to request that
8 status from you.

9 So what I think the right way to
10 approach that is send them notices. That's a
11 minimal cost to the lead agency. And offer
12 them copies of the paper documents, if they
13 so choose. Otherwise, they can get it for
14 free like everybody else on the website and
15 review it there.

16 There were several comments by
17 Rockland County Planning noting what they
18 felt were insufficiencies, not including the
19 zoning district, not including tax parcel
20 numbers. None of those things are required
21 by SEQR.

22 There was a description of where the
23 parcel is located. But more importantly, it
24 really didn't make sense to go backwards
25 after that point when you already started the

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2 process. So there was -- there was really,
3 in our opinion, no need to go back and do the
4 lead agency notice as they suggested, nor was
5 there a need to go back and redo the draft
6 scope, which is really the responsibility of
7 the project sponsor, not this lead agency.

8 So the next comment I think we need to
9 address is actually on Page 25. And if you
10 have any other comments, the comments that
11 we're not touching here obviously have been
12 incorporated into the document. And if you
13 feel that some of them require discussion,
14 please stop me along the way.

15 On Page 25, there was a comment
16 regarding extending the public comment
17 further than it was. So the public comment
18 was originally scheduled to end on
19 February 9th, and then it was extended to
20 February 22nd. And there was some request to
21 schedule it further.

22 We noted here that further extension
23 without the consent of the project sponsor
24 would not comply with SEQR. We also noted
25 that no involved or interested agencies

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2 indicated the need for additional time, and
3 that DEC, in fact, did come in after the
4 timeframe and their comments were admitted.

5 Additionally, there was a request for
6 notification, or public notification above
7 and beyond what is required by SEQOR going
8 forward. And really, I think the response
9 there is that the rules govern what this
10 Board has to do in terms of notification.
11 You know, I think you can suggest that the
12 project sponsor provide further notification.

13 But I think you have to realize that at
14 the end of this process, you'll have to
15 defend whatever decision you make. And so if
16 you are overly onerous on the project
17 sponsor, and you have a decision that does
18 not favor the project sponsor, all of that
19 additional requirement, you know, will
20 reflect on you in that instance. So I would
21 just suggest that if you do, in fact, require
22 additional public notification, that it be
23 sort of blessed, or approved, or --

24 CHAIRMAN GUBITOSA: By the sponsor.

25 MR. STACH: Yeah, by the project

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2 sponsor, yeah.

3 The next one was with regard to --
4 actually, I think on Page 26, Comment 12. We
5 sort of already touched upon this. This has
6 more with non-for-profit organizations
7 requesting interested organization status.
8 Or interested entity status.

9 And again, that is absolutely within
10 their right. If they want to request that
11 again, the treatment will be you will notify
12 them when a document is available online and
13 offer them an opportunity to purchase that
14 document. Unless the project sponsor wants
15 to provide that at cost to lead agency.

16 On Page 27, this has to do with the CHPE
17 project. Specifically, there was a comment
18 with regard to whether this project sponsor
19 would be responsible for impacts that CHPE
20 might have.

21 And it's just noted that any action by
22 CHPE is really a separate action under SEQRA.
23 This is not a related action. This is not an
24 action that, you know, you have to consider.
25 This is not a case where you're improperly

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2 segmenting review.

3 You have two different projects that are
4 functionally independent of each other that
5 aren't being proposed by the same entity.
6 And CHPE is really responsible for mitigating
7 their impacts.

8 That being said, there were other
9 comments regarding CHPE and how they may
10 impact this project. Those have been
11 included into the scope. They do need to --
12 the project sponsor will need to review how
13 that project could impact their project in
14 terms of making it untenable, for example.

15 That will be dealt with in the
16 cumulative impact section. And potential
17 impacts that that project may have on public
18 safety will be dealt with in the community
19 facilities section.

20 With regard to Page 28, Comment 23, this
21 was a comment that really sort of suggested
22 that you disregard the previous SEQRA that
23 was already completed. It's noted that this
24 present action require a site-specific SEQR
25 review, and that any reliance on the previous

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2 Part 3 SEQOR review prepared in connection
3 with the zoning amendments will be limited to
4 the extent that the previous analyses or
5 investigations don't need to be investigated
6 and replicated.

7 The final scope requires that where
8 conclusions of fact from the previous EAF are
9 relied upon, that the project sponsor needs
10 to verify that those conditions are still, in
11 fact, relevant, and that they update that
12 data that was included for the previous
13 study, where more detailed site-specific
14 design aspects provide more information and
15 more up-to-date existing conditions
16 information may be available.

17 Also, there were several limitations,
18 especially with regard to the traffic study
19 for that previous report that said that there
20 were limitations on the accuracy of that
21 study. Those also have to be overcome.

22 With regard -- the next one is on
23 Page 31. There was a question about how this
24 project could impact shipping, presumably on
25 the Hudson River. Here we note that the

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2 river channel for shipping is approximately a
3 thousand feet east of the breakwater, docks,
4 and bulkheads.

5 It's additionally noted that there
6 actually is no proposal as part of this
7 action to move, change, or remove, or install
8 any new pilings, or bulkheads, or any
9 in-water infrastructure. And then I believe
10 that that is something that the applicant is
11 going to have to reflect on their plans. I'm
12 not sure that was the case on the current
13 plan set.

14 The next comment to go over is on
15 Page 34. Are there any questions up to this
16 point from the Board?

17 CHAIRMAN GUBITOSA: No. Just, Max, just
18 to let sort of the public know, everything
19 that's included in those hundred pages was
20 everything from the public hearing, to
21 letters, to emails, to correspondence, any
22 kind of correspondence that we got.

23 MR. STACH: That substantive comments on
24 this application. I mean, there were some,
25 to be honest, there were some letters of

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2 support that we got that really weren't
3 substantive on the scope.

4 CHAIRMAN GUBITOSA: Right.

5 MR. STACH: Those weren't, for example,
6 included in this.

7 CHAIRMAN GUBITOSA: Thanks, Max.

8 MR. STACH: You're welcome.

9 BOARD MEMBER ROGERS: Let me just back
10 up to Page 26, Number 15. They're talking
11 about the Hudson Power Express coming into
12 development within 75 feet. Do we know that
13 to be a fact, or is that just --

14 MR. STACH: That was something that was
15 offered by the commenter in this instance.

16 BOARD MEMBER ROGERS: Okay.

17 MR. STACH: So what really needs to
18 happen here is in the cumulative impact
19 section, the scope is going to require the
20 applicant to address that and determine what
21 those conditions are.

22 BOARD MEMBER ROGERS: Thank you.

23 MR. STACH: So with regard to Page 34,
24 these were actual comments by the ARB
25 Chairwoman. The first was a comment that the

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2 DEIS adhere to a DEP policy document that
3 dealt with assessing visual impacts.

4 It's actually noted that the scope
5 requires much more rigorous visual impact
6 analysis than this document. What this
7 document requires is a viewshed analysis to
8 determine who can see the project site, to
9 identify any sensitive receptors. Scenic
10 roads, for example; parks; we know the
11 battlefield, for example. And then to
12 require cross sections be drawn from those
13 locations to the project site.

14 In this instance, what you're actually
15 requiring goes above that. You're going to
16 be requiring a balloon test, and you're going
17 to be requiring existing conditions
18 photographs, and you're going to be requiring
19 simulation of the build-out condition. So
20 you're going to actually ask the applicant to
21 provide an impact of what this is going to
22 look like on the context of the site in
23 verifiable fashion.

24 And you've identified, you know, half a
25 dozen to a dozen locations where that's going

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2 to have to be done from, including the
3 battlefield, where the battlefield identifies
4 sensitive viewpoints; from the river; from
5 the neighboring residential neighborhood to
6 the west; and from areas on Beach Road and on
7 Grassy Point Road; from the parks, notably
8 from the parks. So you're sort of already
9 exceeding what's required of that document.

10 There were also a number of documents
11 that discussed the level of detail that is
12 going to be required to be developed in
13 assessing visual impact before that ARB.
14 These are very high levels of details that
15 are going to be required, including the
16 fittings of the buildings. The reality is,
17 that is all going to be required in the site
18 plan, but it's not necessary for the scope.

19 So the DEIS is going to have to provide
20 the design to a level of detail that this
21 Board can determine whether or not there's
22 going to be a visual impact. That's not the
23 same level that's going to be required for
24 the ARB to determine that the architecture is
25 going to be consistent with the existing

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2 community, and all the other tests that they
3 have to make.

4 So the answer is yes, all that
5 information will be required. But the
6 applicant may not include all that
7 information in the EIS, or at least this
8 Board is not going to require them to. If
9 they have it, they may end up putting it in
10 anyway.

11 With regard to Page 35, the next comment
12 had to do with why the applicant had not
13 provided a more robust presentation at the
14 last meeting, or the public scoping session.
15 I think there were several comments in this
16 manner, and I think there may have been some
17 misunderstanding, or some feeling that there
18 was some underhanded and nefarious reason why
19 that didn't happen.

20 The reality is that, I was there. I
21 believe the Chairman had asked the applicant
22 to keep their presentation brief in light of
23 the fact that this was a packed house and
24 there were a lot of people that wanted to
25 speak on the project. Also, in

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2 acknowledgment of the fact that the meeting,
3 the scoping hearing was intended for the
4 purpose of soliciting comment on the DEIS,
5 not on the project. So what we needed to get
6 at that meeting were all the questions that
7 need to be answered with regard to the
8 project, and they have to be included in the
9 DEIS.

10 Once that's done, that's the instance
11 where the public really provides their
12 opinion, their feelings, their concerns,
13 their issues with regard to the actual
14 project. What was provided at that meeting,
15 the overview, was intended to solicit
16 comments that ask questions so that those
17 questions could be answered in the DEIS in a
18 verified fashion.

19 The next comment is on Page 41. This
20 had to do with the liability of the Town.
21 For example, if the project is flooded.

22 The liability of the Town with regard to
23 any aspect of this project is not really
24 relevant to SEQOR, but I think it was
25 necessary to actually address it here. Such

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2 liability would be established by courts
3 after, you know, the merits of the case was
4 heard.

5 CHPE was also raised here again. And
6 whether or not the Town would be, or the
7 project sponsor would be responsible for
8 resulting environmental impacts caused by
9 CHPE.

10 And again, it's noted that CHPE will be
11 responsible for its environmental impacts,
12 which don't have any relation to this
13 project. But again, we're going to be
14 addressing those impacts on this project in
15 the cumulative impact section of the DEIS.

16 Page 42 -- any other questions from the
17 Board on this so far?

18 CHAIRMAN GUBITOSA: No. Just note,
19 there are other comments. We're just going
20 over some of --

21 MR. STACH: That's right. So if we're
22 skipping a comment, again, it goes back to
23 the fact that the requested information was
24 put into the scope.

25 CHAIRMAN GUBITOSA: Okay.

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2 MR. STACH: The next one has to do with
3 a request for carbon and greenhouse gas
4 footprints of anticipated energy use. And to
5 specify energy saving techniques, wind, solar
6 sources, installation of Energy Star rated
7 appliances.

8 There is a requirement in the scope that
9 the applicant address impacts on energy and
10 the potential for incorporating energy saving
11 devices. But with regard to the greenhouse
12 gas analysis, it's noted that this is a
13 medium-sized mixed-use pedestrian-friendly
14 multifamily and townhouse development. And
15 in that, it is more energy efficient than the
16 traditional development throughout
17 Rockland County, which is a sprawl pattern
18 where you have to get in your car to do
19 anything.

20 In this instance, there will be mixed
21 uses, there will be retail on the site, there
22 will be restaurants on the site. It will be
23 a pedestrian-friendly environment, walkable,
24 and located in relative proximity to the
25 developed portion of downtown.

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2 With regard to the next comment, sort of
3 on the bottom of Page 42 going to Page 43, it
4 was just a question on whether the current
5 elevation drawings in the Planning Board file
6 accurately represent the true relative height
7 of the proposed buildings.

8 It's just noted here that the
9 submissions so far to the Planning Board has
10 not been peer verified by the Planning Board.
11 That's part of the purpose of the EIS, is
12 that the applicant provide the information,
13 it be verified, and then it be released to
14 the public.

15 Additionally, it's noted that those
16 elevations are not in context on the site, so
17 there's really nothing to compare it to. You
18 cannot say this is how it looks from this
19 area, or this point of view. That's what the
20 EIS will do. And that's the information that
21 is going to be forthcoming from the applicant
22 based on the balloon test, based on the
23 visual digital simulations.

24 The next point is on Page 48. This had
25 to do with a request that first floor

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2 elevations be actually lifted above the
3 500-foot flood elevation, rather than the
4 hundred-year flood elevation.

5 Right now, the law says that the
6 building should be constructed, or may be
7 constructed two feet, so that the height is
8 measured two feet above the advisory based
9 flood elevation. This one suggests that they
10 really should be built above the 500-year
11 flood elevation, which is higher than that.

12 It's noted that that is not a regulatory
13 requirement by any agency. And the town
14 zoning already provides -- and just as
15 background, this comment was made in
16 reference to studies that sea level rise will
17 continue to proceed and get higher, which is
18 actually the basis for what is in the code
19 now, for the two feet of freeboard above the
20 hundred-year elevation.

21 Additionally, the zoning code for the
22 PW district actually requires, in addition to
23 the location or the height being measured
24 above the hundred-year flood elevation, that
25 the Planning Board work with the applicant to

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2 make the proposed development more adaptive
3 to future increases in flood elevation,
4 including but not limited to incorporating
5 such measures as infrastructure for the
6 placement of deployable flood walls, dry
7 flood proofing, wet flood proofing,
8 installing utility infrastructure above flood
9 elevation, and incorporating measures to
10 allow for raising building first floor
11 elevations in the future.

12 So that's going to be something that the
13 applicant has to address going forward in the
14 planning review, is how they are going to
15 incorporate measures to make the building
16 more resilient to future sea level rise. So
17 with that said, I did not think it was
18 necessary to put the suggestion for locating
19 it above the 500-year flood elevation in the
20 scope.

21 With regard to Comment -- on Page 49,
22 Comment 127, this talks about the New York
23 State Community Risk and Resiliency Act that
24 requires all New York State agencies to
25 review this proposal in the context of sea

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2 level rise projections, and ask that the
3 scope include a description of involved
4 agencies' jurisdiction in the context of
5 CRRA, which is that act.

6 Those -- the jurisdiction of those
7 agencies and the responsibility of those
8 agencies is to meet that act. This Board
9 does not need to tell those agencies how to
10 do it.

11 So essentially what this says is that
12 the DEIS summary lists matters to be decided,
13 including a list of each permit or approval
14 required from every involved agency. That's
15 something that this final scope complies
16 with. And that those agencies will need to
17 meet the requirements of that act.

18 The next comment is Comment 129 on
19 Page 49. This is a very lengthy comment
20 regarding the Haverstraw Bay Significant
21 Coastal Fish and Wildlife Habitat.

22 They -- really, most of this was
23 actually incorporated into the scope. There
24 has to be a discussion in the DEIS of this
25 habitat, and the potential impacts is

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2 actually required by the LWRP for the Town as
3 well.

4 What we're noting here is there was
5 actually a request that this exact verbiage
6 about this estuary be included in the scope.
7 And it's just really a clarification that the
8 scope, the final scope is not really a
9 document for public review or for public
10 dissemination. It's really a document to
11 guide this Board in determining whether or
12 not the applicant has done a good enough job
13 in preparing the DEIS.

14 It's noted that the project sponsor is
15 well-advised to actually look at this text
16 and maybe include it in the DEIS. But
17 there's no need to put it in the scope, so.

18 In that, the comments in the scope, it
19 will be there. But I don't think you need to
20 actually write that into the scope.

21 With regard to Page 51, this was
22 actually a comment by one of the commentators
23 that the architecture of the buildings, which
24 is proposed to be Colonial and Victorian,
25 actually be built to resemble an industrial

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2 building. Which was a unique sort of
3 recommendation. And I think it was based on
4 the fact that if you go up and down the
5 Hudson River, there are areas, small cities,
6 for example, where there are a lot of these
7 large, brick, old historic industrial
8 buildings that might look more fitting in
9 those areas.

10 So what I really suggested here is that
11 that's not really appropriate to Stony Point.
12 Stony Point is not that community that had a
13 historic, brick building, industrial look to
14 their waterfront. The industry that they had
15 were brickyards, and then followed by heavier
16 industry. And that really, what was more
17 appropriate here is that the architecture fit
18 with the neighborhoods in the area, and
19 directly behind, more specifically.

20 That's sort of all the comments that we
21 didn't incorporate. If I didn't go over a
22 comment here and it was relevant to the DEIS
23 and the scope, it means it was included in
24 the DEIS, or the scope was amended to require
25 them. Any further questions?

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2 CHAIRMAN GUBITOSA: Just let me say, I
3 mean, I've looked at the document. You guys
4 did a great job. I mean, this is like a
5 hundred and --

6 MR. STACH: Fifty-nine pages.

7 CHAIRMAN GUBITOSA: It was 159 pages,
8 with everything --

9 MR. STACH: But a hundred pages is
10 comments, to be fair.

11 CHAIRMAN GUBITOSA: It is comments. But
12 you know, you did have all the emails I
13 received, the planning received; all the
14 comments from the public; all the letters.
15 You know, I did see everything in there.

16 Does the Board have any questions for
17 Max right now?

18 MEMBER OF THE PUBLIC: Who decides to
19 prep all this?

20 CHAIRMAN GUBITOSA: Frank, it's not a
21 public place. I have the court reporter and
22 I want her to get everything.

23 John, any comments for Max right now?

24 MR. O'ROURKE: No. More importantly,
25 Max and I agree, Max did an excellent job.

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2 CHAIRMAN GUBITOSA: So Max, what's our
3 next step here?

4 MR. STACH: Well, if you agree that all
5 the comments have been incorporated
6 adequately, and you agree with me the ones
7 that we went over have been dealt with
8 appropriately in not being incorporated, then
9 what you would do is you could adopt the
10 final scope tonight.

11 The next step would be to post this for
12 review by the public. You have to make it
13 available for review by anybody who submitted
14 a comment.

15 I would suggest in order to do that,
16 since you have comments that you only got at
17 the public hearing, that you put it on the
18 website and you put a notice in the
19 newspaper. I also suggest that anybody who
20 submitted a written comment that had a return
21 address be given a letter to say that this
22 document is available for review online.

23 The document in its entirety, any
24 involved agency has to receive the document
25 in its entirety. So with that said, we would

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2 work with Mary to get this done either
3 tomorrow or Monday.

4 CHAIRMAN GUBITOSA: So it would be --
5 which one would we give to the public or post
6 on, the one you just --

7 MR. STACH: You would post this entire
8 document on the website.

9 CHAIRMAN GUBITOSA: The final scope one,
10 right?

11 MR. STACH: The final scope, correct.

12 CHAIRMAN GUBITOSA: And basically, what
13 this is --

14 MR. STACH: Because the comments are
15 annotated. So if somebody submitted a
16 written comment, they'll be able to go to
17 their comment letter, and there will be a
18 note in the margin that refers them back to
19 their comments.

20 CHAIRMAN GUBITOSA: Right.

21 MR. STACH: Which will refer them, which
22 will answer their comment and show them where
23 in the scope whatever they're requesting was
24 addressed.

25 CHAIRMAN GUBITOSA: It's being

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2 addressed.

3 BOARD MEMBER ROGERS: Just a point I
4 should have brought up when you were talking
5 about it. On Page 42, Number 100, it's good
6 to see that the Hunter Place thing would be
7 only used for pedestrian traffic and
8 emergency vehicles. I just thought that
9 would be good to throw out, that it won't be
10 used by anything else.

11 MR. STACH: Okay.

12 CHAIRMAN GUBITOSA: Does the Board
13 have -- I guess there was something I marked
14 down. Just give me a second, I'll go
15 through. Hold on.

16 MR. STACH: So the project sponsor is
17 asking whether you want to know, I guess
18 they're already scheduling their visual
19 simulations, Tom. So maybe after we sort of
20 get through this step, it seems like they
21 want to talk about that.

22 CHAIRMAN GUBITOSA: Bill, do you have
23 any comments, Bill?

24 MR. SHEEHAN: No. Like John and Max
25 said, we went through this several times.

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2 Max did a great job, so I'm fine with it.

3 CHAIRMAN GUBITOSA: All right. Does the
4 Board have anything?

5 All right. So what I'll do, what we'll
6 do is that we need a motion to adopt this,
7 the final scope.

8 MR. STACH: Yeah, and to distribute it.

9 CHAIRMAN GUBITOSA: To distribute it.
10 And basically, once we do that, it goes back
11 to the applicant and then they use --

12 MR. STACH: They have to prepare a DEIS.

13 CHAIRMAN GUBITOSA: They have to prepare
14 the DEIS.

15 MR. STACH: And the DEIS will have to
16 address everything in this scope, as well as
17 the general requirements of SEQR.

18 CHAIRMAN GUBITOSA: Right. And then
19 when we do the DEIS, that's when they'll have
20 a public hearing?

21 MR. STACH: That's right. Once the
22 DEIS -- so the next step will be in I assume
23 a couple months.

24 CHAIRMAN GUBITOSA: Right.

25 MR. STACH: When you get a DEIS

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2 submitted to you. You're going to need to
3 submit it to your consultant. You'll
4 probably have to retain, for example, a
5 traffic engineer, unless you want John Sarna
6 to do it, who has to peer review all the
7 technical analyses that the applicant has put
8 in their report, because you have to make
9 sure that the analyses were done correctly,
10 that actually reflects what's being proposed.

11 Once you believe that that is the case
12 and all the information that you requested is
13 in it, then you set a public hearing. And at
14 that point, that's when the Planning Board
15 would ask the applicant to provide the
16 presentation to the public.

17 CHAIRMAN GUBITOSA: They'll do the full
18 presentation of what the project is going to
19 be. He'll have --

20 MR. STACH: Yeah.

21 CHAIRMAN GUBITOSA: Like we did two
22 months ago. You know, the display pictures
23 like you did on the wall up on the screen of
24 what the place is, what's it going to look
25 like, what's going to be where, what's going

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2 to be here. And then at that meeting is when
3 we'll have a public hearing, and the public
4 then can comment.

5 MR. STACH: That's right. And they
6 will -- before that public hearing occurs,
7 they will have access to the document.

8 CHAIRMAN GUBITOSA: Correct.

9 MR. STACH: So they can come to the
10 meeting prepared.

11 CHAIRMAN GUBITOSA: All right. All
12 right, so if there's no objections from the
13 Board, I motion to adopt this, the draft
14 scope. Is it the draft scope or the final
15 scope?

16 MR. STACH: This is the final scope.

17 BOARD MEMBER ROGERS: I'll make that
18 motion.

19 BOARD MEMBER FERGUSON: I'll second it.

20 CHAIRMAN GUBITOSA: Seconded. Any
21 discussion?

22 All right, I have a motion and a second.
23 Mary, just poll us.

24 PLANNING BOARD CLERK: Mr. Jaslow?

25 BOARD MEMBER JASLOW: Yes.

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2 PLANNING BOARD CLERK: Mr. Ferguson?

3 BOARD MEMBER FERGUSON: Yes.

4 PLANNING BOARD CLERK: Mr. Rogers?

5 BOARD MEMBER ROGERS: Yes.

6 PLANNING BOARD CLERK: Chairman
7 Gubitosa?

8 CHAIRMAN GUBITOSA: Yes. All right, so
9 we will do that for the draft. The final.

10 MR. STACH: Do you want to maybe get
11 their update on the visual?

12 CHAIRMAN GUBITOSA: Yes.

13 MS. MELE: Thank you, Mr. Stach. I just
14 wanted to let the Board and the public know
15 that with the adoption of the final scope
16 tonight, now that we have our parameters for
17 our visual tests, we're trying to set it up,
18 I think we were looking at the 19th, 20th,
19 21st, a Friday to Monday timeframe.

20 We'll be sending notification as
21 required in the final scope tomorrow. We
22 wanted to try and get that done before the
23 leaves started coming back on the trees. So
24 we will let you know, and we'll notify all
25 the agencies, and I assume that information

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2 will be made available on the website for the
3 public.

4 CHAIRMAN GUBITOSA: Once you give us
5 those dates, what's going to happen, we'll
6 post everything on the planning page.

7 MS. MELE: Thank you very much.

8 MR. STACH: You know, it actually dawned
9 on me -- can you hear me? Actually, it
10 dawned on me that you have to do summer -- as
11 part of the scope, you have to do summertime
12 traffic counts. So that DEIS can't really be
13 here until school's out at the earliest.

14 MS. MELE: Well, I think that the
15 summertime counts, I think were to account
16 for the potential traffic at the recreation
17 facilities in the parks, which I believe your
18 Parks and Recreation had said starts in June.
19 So it may be that it could start a little
20 before school is out.

21 But we're going to try and obviously get
22 this done quickly, but not cut any corners.
23 Thank you.

24 CHAIRMAN GUBITOSA: We don't have
25 anything else, right? That's it, right,

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2 nothing else?

3 We're due the final scope. Once we get
4 all that information, we'll post it on the
5 website, and put the notices in the paper.
6 And like Max said, he'll go out to -- if you
7 had an email address, they'll go out. I
8 think that's it, right?

9 All right. Motion to close?

10 BOARD MEMBER ROGERS: I'll make that
11 motion.

12 CHAIRMAN GUBITOSA: Second?

13 BOARD MEMBER FERGUSON: I second.

14 CHAIRMAN GUBITOSA: All in favor?

15 (Response of aye was given.)

16 CHAIRMAN GUBITOSA: Thank you, guys.
17 You did a great job on that.

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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

