

STATE OF NEW YORK : COUNTY OF ROCKLAND  
TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER  
OF  
THE BREAKERS

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Town of Stony Point RHO Building  
Thursday  
January 28, 2016  
7:00 p.m.

MEMBERS:

THOMAS GUBITOSA, CHAIRMAN  
PETER MULLER, VICE-CHAIRMAN  
EUGENE KRAESE, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
PAUL JOACHIM, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER

APPEARANCES:

STEPHEN M. HONAN, ESQ., Planning Board Attorney  
MAX STACH, Town Planner  
AMY MELE, ESQ., Attorney for Applicant  
RYAN A. NASHER, P.L.S., Engineer  
JOHN O'ROURKE, P.L.S., Engineer  
DRAZEN CACKOVIC, DCAK Architecture  
JULIA KHOMUT, DCAK Architecture  
WAYNE CORTS, Applicant  
BOB TORGESEN, Landscape Engineer  
MARY PAGANO, Clerk to the Planning Board

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CHAIRMAN GUBITOSA: Please stand for  
the Pledge of Allegiance.

(Pledge of Allegiance)

CHAIRMAN GUBITOSA: Mary, call the  
roll please.

PLANNING BOARD CLERK: Mr. Jaslow.

BOARD MEMBER JASLOW: Here.

PLANNING BOARD CLERK: Mr. Joachim.

BOARD MEMBER JOACHIM: Here.

PLANNING BOARD CLERK: Mr. Muller.

VICE-CHAIRMAN MULLER: Here.

PLANNING BOARD CLERK: Mr. Ferguson.

BOARD MEMBER FERGUSON: Here.

PLANNING BOARD CLERK: Mr. Kraese.

BOARD MEMBER KRAESE: Here.

PLANNING BOARD CLERK: Chairman  
Gubitosa.

CHAIRMAN GUBITOSA: Here. All right,  
before we start the meeting tonight, if you  
have a cell phone just put it on vibrate for  
me or silence.

Tonight this is our normal Planning

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Board meeting. And also we do have a public hearing. Once we get to the public hearing part I'll just go over some of the guidelines.

Before that, right now we have The Breakers. This is a site plan conditional use located on the north end of Hudson Drive, 600 feet north of Tompkins Avenue. This is a redevelopment of an existing marina for a waterfront mixed use development consisting of, in the last plan I looked at, 250 boat slips, approximately 210 units of mixed housing, restaurants and some public walkways.

So what I'll do now is I'll just introduce, bring up for The Breakers and I'll have the applicant come up and just give a brief presentation or overview of the project.

MS. MELE: Good evening, Mr. Chairman, members of the board, members of the public. My name is Amy Mele. I'm working with the Law Office of Ira Emanuel and I represent the applicant this evening.

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With me tonight is the applicant, Mr. Wayne Corts; Ryan Nasher from Atzl, Nasher & Zigler; Bob Torgesen of Torgesen Landscape Architectural Services; Drazen Cackovic and Julia Khomut from DCAK Architecture.

As you can see they have put some boards around for the Board's viewing and the public's viewing.

I just have a brief statement if I may. As you know, the applicant is proposing to revitalize the marina by building a multi-family residential complex with a commercial component. The residential component consists of approximately 200 units consisting of both condominiums and townhouses. The proposal is consistent with the town's planned waterfront development and zoning.

The applicant is also proposing a two-story building located at the southern end of the site which will house a restaurant with a terrace, commercial and office space and 250 boat slips.

The proposed plan includes a proposed

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esplanade which would be dedicated to the town for use by the public. The cost for both public and private improvements will be borne by the applicant.

The applicant has submitted a proposed scope pursuant to the provisions of SEQRA. The scope is basically the outline that the applicant will use in preparing an Environmental Impact Statement.

The purpose of tonight's meeting is to hear what issues the board and the public would like to see addressed in the scope and ultimately in the Environmental Impact Statement.

The applicant is aware of the environmental impacts implicated by this project. As such, the draft scope that we have already provided to you proposes to address at a minimum a draft of the following:

Traffic: The impact on local roads, traffic patterns, etcetera.

Access: Emergency access, parking for both the residential use which will be

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underground and the public parking for the public spaces.

Visual resources: Including the impact of the project on the surrounding residences and their views as well as the view from the Hudson River.

Lighting and landscaping will also be considered and addressed.

The impact on community services such as the water supply, sewer system, emergency responders, the school district and the fiscal impact including the taxes generated by the development.

Flooding and drainage: We understand this is an issue. We will address how the project will address and mitigate flooding, drainage and stormwater issues at the site.

The impact of ecological and historical resources including the Hudson River, of course, and the historical battlefield site to the north.

Thank you very much for your consideration this evening.

CHAIRMAN GUBITOSA: Thank you. Before

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we get to the public hearing, I just had some things I had written down so I'll go over. Tonight the applicant is going to be preparing a detailed Environmental Impact Statement or an EIS that describes the potential impacts associated with this project and how they plan to mitigate them. The primary goal of tonight's scoping meeting is to focus this EIS on potentially significant adverse impact and to eliminate the consideration of those impacts that are irrelevant and not significant.

The draft scope was prepared by the applicant and was circulated to the involved agencies on December 11th, 2015 at which time it was made available to the Planning Board at the Planning Board Office. This notice was published in the newspaper on the 14th and the scoping document was made available on the town website on the 21st.

In a moment I'm going to have Max Stach, the town planner, go over some of the SEQRA process in more detail. But tonight I just want to stress, tonight is really the

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first step of the preparation of the Environment Impact Statement or EIS as you will hear us refer to it as. We will discuss what's going to go in the EIS.

This meeting tonight, it's not a public hearing on the proposed development itself. It's not a question and answer forum for comments on the development. It's to establish the table of contents for the EIS so the applicant can begin work on that. A public hearing is going to be held after the EIS is completed.

Like I said in the beginning, there's a sign-up sheet up front. If you would like to speak, place your name on the sheet and we will call your name.

For tonight's meeting, since it is a regular Planning Board meeting, we have a lot of applications, each speaker is going to be given three minutes to voice their concerns and we just ask that if you can be concise in your comments and speak clearly so that the court reporter can hear you. You can address your comments to the Board. As the Board is



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going -- we are going to go through the comments and decide what is going to be heading or be put on the final scope. Any questions or comments tonight are not going to be answered tonight, but they will be incorporated into the EIS.

This is like I said a regular Planning Board meeting and there's other people in the audience that wish to have their applications heard so in that three minutes if you couldn't -- if there are things that you couldn't relay, you can always provide these comments in writing to the Planning Board and the comment period for the written comments is going to be open until February 9th. Just to be mindful of the other applicants ahead of you or the other applications, we ask that you not cede your time to anyone else.

After Max provides the brief description, we are going to open the public hearing.

Max, if you would just give a quick overview.

MR. STACH: As Chairman Gubitosa said,

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tonight is really the first step in the environmental review process. This is a very detailed process. It's going to take months. You're going to have an opportunity to really go over these documents, review the impacts, review the project as it is proposed, understand what is proposed in terms of the construction, in terms of what public amenities are being proposed, in terms of what these buildings are going to look like and you are going to have another opportunity to really give us your thoughts on how this construction is proposed and what impacts it might have and what you feel about the development.

This is really the first step. This first step or scoping is really about establishing what needs to be in this Environmental Impact Statement. Does it need to consider traffic? At what intersections do we need to consider traffic? Does it need to consider lighting impacts? Where is it appropriate to consider the impact of lighting? Do we need to look at the

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residential areas? Do we need to look at the battlefield? Those type of subjects are what we are here to gather tonight.

After this hearing tonight, the Planning Board will take your comments, they will consider them and they will revise the draft scope that was prepared by the applicant into a scope that they are comfortable with, give it back to the applicant and say write your document to hit all these points. The applicant will go off, they will prepare their EIS, they'll come back to the board and say is this sufficient? Did we hit all these subjects? Did we do an adequate job? The Board will review it and they will either make the applicant go back and make changes or they will accept it.

Once that document is accepted as complete to the Board's satisfaction, they will announce a public hearing and a public hearing will be held here or at another advertised location. Again, you will be given opportunity to give us your full thoughts on the development and on its

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environmental impacts.

After that, the fourth step will be for this Board to look at the Draft Environmental Impact Statement that was prepared by this applicant, consider your comments and adopt or prepare what's called a Final Environmental Impact Statement which is that same document as accepted by this Board. So they consider what the applicant gave them. They consider the input that you provide and they create an Environmental Impact Statement that it believes accurately represents the impacts that are likely to occur.

Only until that is done can this Board adopt its findings on whether or not to approve this project, disapprove it, approve an alternative, require mitigations, so this is a very lengthy process that you will have input. The FEIS has to be made available. It will respond directly to any comments that you received on the DEIS. You will have an opportunity to review those. Not until ten days after that FEIS which comes well at the end of the process can this Board make a

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decision on the application before it.

So with that, I think we are ready.

CHAIRMAN GUBITOSA: Thank you, Max.  
Before we get to the actual public hearing,  
I'm just going to -- I know there's some  
public officials in house, if they would just  
like to make a quick comment. Anyone? All  
right. I know Mary, the document is there  
for the speakers.

I'm going to open the public hearing  
now for the scoping session. I would just  
ask that when the person is up there speaking  
that the audience be respectful. The sound  
in this room isn't so good, the acoustics,  
and we have a court reporter, so we want to  
make sure that he gets everything. We just  
ask that if you speak, you address the Board.  
Any side comments please try to kind of keep  
low. Otherwise, you know, and like the cell  
phones, put them on silent.

I just want to thank everyone for  
coming out. This is the first step in the  
process. We want public input. And I'm very  
happy to see this many people. Usually I

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don't see this many people at our meetings.  
This is important for us to get your input on  
the project.

So what I'll do now is I'm going to  
open the public hearing, the public scoping  
meeting. The first person is David Stedge.  
Come on up.

MR. STEDGE: I did have a long list of  
concerns, but since this is only the  
environmental impact, I'll address only the  
number of automobiles and the pollution.

Now, I'm sure you are familiar with  
Mirant and that whole thing. I don't  
understand why they will destroy a power  
plant and put more automobiles on the road  
that probably makes more pollution.

Also in that fact about the public  
parking and that, it's my understanding from  
previous board meetings in other towns that  
when they do condominiums and townhouses they  
allocate one and a half cars per unit. Now,  
since most of us are commuting, the people  
that don't get parking, where are they going  
to park? Will they then park in public

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spaces and then limit the public areas for  
the rest of the public?

So that's as far as the environment  
that I would have. The rest is yet to come.

CHAIRMAN GUBITOSA: Thank you, Mr.  
Stedge. We appreciate it. Next up is Tom  
Spinelli.

MR. SPINELLI: My name is Tom Spinelli.  
I live on Sloan Court. I've been here  
twenty-five years next month.

I just think it's a great idea from a  
resident standpoint as far as growing a  
family up in Stony Point. I think it would  
have been a nice thing to have my for  
children. It will be a beautiful project I'm  
sure. And I just think it's a good thing for  
the town. That's really just what I wanted  
to say.

CHAIRMAN GUBITOSA: Thank you. Next  
up Kevin Maher. Mr. Maher.

MR. MAHER: Kevin Maher, 130 Central  
Highway, former town engineer, current member  
of the Water Management Task Force for  
Rockland County and Environmental Management

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Council for Rockland County.

Three points I'd just like to make is storm water impact to the Hudson River. The water demand and sewer capacity. Those are all concerns of the EMC and also the Water Management Task Force. That's about it for now.

CHAIRMAN GUBITOSA: What was the second one?

MR. MAHER: Water demand. Because the desal plant has been taken off the project list right now. The county is being forced to do conservation measures and other sources of drinking water. The demand for this project could impact that.

CHAIRMAN GUBITOSA: Thank you, Mr. Maher. Next up is Danica Adler.

MS. ADLER: Hi. I'm from Tompkins Cove. I think it will be a great thing for our town, but 200 units seems a lot. I just want to say that. Thank you.

CHAIRMAN GUBITOSA: Thank you. Next up is Geoff Finn.

MR. FINN: Geoff Finn, 37 Buckberg



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Road, Tompkins Cove, New York. Former supervisor for the past four years. I've worked along with our Board to bring rateables to this community. This is something that I feel would be a great asset to the town. This is something that would bring jobs to our town. There are certainly some issues that need to be taken care of, whether they are visual or infrastructure, but these are things that will be taken care of hopefully through this Board or through the planners and attorneys and the builder himself.

But just the jobs alone this could bring here, the opportunity to bring and make Stony Point a destination. That's what we've been trying to do for so many years. It's a great rateable.

To bring a beautiful restaurant. My son had to drive to Westchester to go to one of these beautiful waterfront restaurants to treat his girlfriend, I never had to do that, treat his girlfriend for an anniversary or birthday or something. How nice would it be

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to do that right here in our own town of  
Stony Point.

I was born and raised on the Hudson  
River. I love the Hudson River. I don't  
want it to change, but sometimes things  
change for good reasons. And if it can be  
done properly I think this is a great asset  
for the Town of Stony Point. Thank you.

CHAIRMAN GUBITOSA: Thank you Mr.  
Finn. Next up is Nick Guerra.

MR. GUERRA: There are a lot of good  
comments about parking, that it's good for  
the environment. There are things on both  
sides. But speaking for a resident, I live  
up on Lincoln Oval, all our surrounding roads  
over there. A lot of us bought our homes for  
the view of the Hudson and feel that this  
will deeply impact us and cause our property  
values to go lower. That in turn having it  
cleaned up down there would probably raise  
it. So there's a flip side on both sides.  
So if the heights and the separations of the  
buildings could be justified for us to be  
able to still retain our views, I think you

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would have a lot of people going for it because it would definitely clean up the area.

CHAIRMAN GUBITOSA: Thank you. Mr. Potanovic. I'll just show that George submitted comments that we will put into the record.

MR. POTANOVIC: George Potanovic, 597 Old Gate Hill Road, and the President of the Stony Point Action Committee for the Environment.

First I want to commend the Board on being the lead agency for this project. Lead agency is an important role in holding a scoping on a Type 1 action on a project like this. Because it's an opportunity at the beginning stage, it's for the public to identify the questions and issues that they think should be addressed by the applicant in the environmental review.

However, I'm a bit dismayed by the fact that you are limiting people to three minutes. I prepared -- I spent quite a bit of time preparing comments that I think will

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be important for the public and I can't begin to even identify what those are in three minutes.

          This is a scoping hearing. This is an important thing. This isn't just get up and talk about one thing that you are interested in. This is a number of issues. We are not coming out against this project. In fact, we think it could be a good project for the town, but there's a number of issues that have not been addressed and I think it's important when people come out to a meeting that they can hear a more full discussion about these issues, not just a very short, brief three minutes or up to three minutes presentation.

          So I'll talk about some of the issues I have listed. SPACE first of all is a twenty-six year incorporated nonpartisan organization, it started in 1990. One of our purposes is to advocate for those things in the town that we think are important, to protect the town. We come to a lot of Planning Board meetings and Town Board

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meetings for that purpose. We encourage people to get involved and participate in their own town government.

I'll skip ahead to some of the individual issues.

Below is some topics concerning The Breakers that we believe warrant a more hard look and that is required by SEQRA. There was some missing, incomplete and application information as identified by the Rockland County Department of Planning Commissioner in his letter to you on December 23rd indicating that several deficiencies in the town's draft scope including missing identification of parcels on the tax map, missing identification of zoning district in which the parcels are located, an incomplete listing of involved agencies and interested agencies as well as nongovernmental agencies that must be included in the required approval. I'm not sure if that has been remedied or not. The actual legal notice that you published did not identify the tax lots that were a part of this discussion

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tonight which I don't think is proper.

Identifying parcels and acreage and tax lot numbers, this is important. What other tax lot parcels that are combined to form the acreage? You know, the zoning amendments that were done to the PW district require a number parcels be put together to represent a certain area that can only be entertained for this kind of proposal and it was never identified in your documentation what those number of parcels were.

What's the total number of acreage provided by this project and what's minimum combined acreage required by The Breakers?

Does the applicant currently own all legal title necessary for the contiguous lots to make up this parcel?

CHAIRMAN GUBITOSA: George, I have two more people and then I'll let you come back.

MR. POTANOVIC: It's good that you are holding this meeting. I don't think this should have been held on a night that you are doing other business. I just think that this is important -- obviously other people showed

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up tonight -- (interrupted)

CHAIRMAN GUBITOSA: We are going to have public hearings after this.

MR. POTANOVIC: The public hearings after the SEQRA review, after the DEIS is made up. I realize that.

CHAIRMAN GUBITOSA: All right.

MR. POTANOVIC: This is at an early stage, an early beginning stage.

CHAIRMAN GUBITOSA: All right.

MR. POTANOVIC: People came out tonight to be able to hear at least some of the issues that we think should be addressed and what you're doing is you're combining this with other -- (interrupted)

CHAIRMAN GUBITOSA: We are going to address them, George, we are.

MR. POTANOVIC: You are not addressing them if you are limiting the time for people to speak.

VICE-CHAIRMAN MULLER: Mr. Chairman, can I comment please?

CHAIRMAN GUBITOSA: Yes.

VICE-CHAIRMAN MULLER: Okay.

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Tonight's purpose is for the public to come and express their concerns. And as it was stated earlier, you have three minutes which is standard in any public forum, especially on a large event. You are also told that you can submit your comments in writing which will be incorporated in what we are going to do which will be published on the website and you will have a chance to see what the concerns are. Tonight is not a time for grandstanding. It's not a time for grandstanding.

MR. POTANOVIC: Excuse me, I am not grandstanding.

VICE-CHAIRMAN MULLER: Excuse me, I am speaking.

MR. POTANOVIC: No one was grandstanding. I resent that remark.

CHAIRMAN GUBITOSA: George, just so you know, it's my meeting, not yours.

MR. POTANOVIC: I understand.

CHAIRMAN GUBITOSA: I'm being respectful of you.

MR. POTANOVIC: No one is



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grandstanding.

CHAIRMAN GUBITOSA: We're gonna go through this.

VICE-CHAIRMAN MULLER: It's not a time for the public to state their case and what they want to do to the public. This is for people to address the Board. We can take your concerns.

George, you are more than welcome to pass out your e-mail address and your website address and people can reach out to your website.

MR. POTANOVIC: That's not our job.

VICE-CHAIRMAN MULLER: You can do whatever you want to educate the people on your own time. You can educate the people on your own time. Tonight is an organized meeting so we can run it organized, field the questions, incorporate it into the documents. It will be posted. There will be future dates where public comment can be had. But it's not a time for grandstanding.

CHAIRMAN GUBITOSA: Mr. Dave Oherbei, come on down.

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MR. OHERBEI: Good evening. Dave Oherbei. I live up at 54 Jackson Drive, I've been there about six years now, right above the marina. And we think it would be a great thing. It would be a lot better looking. Views I think will not be a problem for most houses. And I think they will probably mitigate that for the people that it will be a problem. So I think for us it would be a wonderful thing to see. It would be great rateables for the town and be an improvement for the town. I think it will be great.

CHAIRMAN GUBITOSA: Thank you. Mr. Collyer.

MR. COLLYER: Frank Collyer, 10 Knapp Road, Stony Point. I have three minutes to grandstand. We spent probably three or four days, he and I and Susan putting this together, a document for you.

VICE-CHAIRMAN MULLER: We have it.

MR. COLLYER: Yes, I'm glad you do. But you know what, it would be nice for all the people to hear what we have to say, not you telling people to go to our website or

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something like that.

VICE-CHAIRMAN MULLER: Well, that's your opportunity to reach out to people.

MR. COLLYER: No, our opportunity is here tonight.

VICE-CHAIRMAN MULLER: To address the Board, not the people in the audience.

MR. COLLYER: That is correct.

VICE-CHAIRMAN MULLER: You have your format, SPACE, you have your format to reach out to the people and do what you want to do at any point. Tonight is for you to address the Board. You submitted them, it will be incorporated. It's not your opportunity to grandstand either. Address the Board with your concerns. You submit them in writing and do what you want with SPACE to educate the people, but not here tonight. That's not the forum.

MR. COLLYER: Okay. I thought it was a public hearing.

CHAIRMAN GUBITOSA: No, it's a public hearing, but not public input. It's not question and answer. Just continue. We are

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going to look at your document, we're not saying we're not.

MR. COLLYER: Okay. I have some concerns about this. Primarily among many of the concerns that are here and we will have posted on our website for those people who are interested other than you, is what about shipping? Nobody is even talking about this.

CHAIRMAN GUBITOSA: I didn't hear that.

MR. COLLYER: The Canadian Champlain Hudson.

CHAIRMAN GUBITOSA: Okay.

MR. COLLYER: It's coming right down the railroad track and veering off at a slight bend and going right through the property. Now, that's gonna probably have an open area of about seventy-five feet that it's going to impact. What is going to happen in that area? What is going to -- if they come in and they take part of that land by eminent domain which they can, we have no idea what they are going to do, what's going to happen to this whole thing? I mean I

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understand what can happen. The applicant can make a lot of money on it if they do that. What's going to be the impact if part of the job gets done and the whole thing is left? What kind of impacts are we going to be left with? You have to elucidate in some of those things in here.

But there's a lot of things to look at. I mean it's a good (indiscernible) no objection to it. We think it's a good idea, but we think it's a good idea that bears a lot of looking at, so I just ask that you all do that. Take a good hard look at it. Thank you.

CHAIRMAN GUBITOSA: Thank you, Frank. George, go ahead, I'll give you another three.

MR. POTANOVIC: I just want to show you -- there's a photograph up here that Frank was talking about for everybody including the Board. You have a picture of it in your packet. What Frank was talking about was the Champlain Hudson Power Express (inaudible -- speaker's back is to the Board

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and reporter) is an electric line coming down the Hudson River and it's going to come on land just north of the Stony Point Battlefield and it's gonna follow the right of way along the CSX line all the way through Stony Point, all the way to Haverstraw, parts back into the river again. What we wanted to raise a point was with this development, this is in the path of that Champlain Hudson Power Express. You can see the orange area here and the yellow line. That should actually come down this way and come in within about seventy-five feet or so onto the property that we are talking about. The point we were trying to make is how is that going to effect this development? This development going through a process of review and then we find out that the Champlain Hudson Power Express which has been on the books now for several years -- (interrupted)

CHAIRMAN GUBITOSA: George, just face this way so I can see.

MR. POTANOVIC: Sure, I understand. You have it in the back page.

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CHAIRMAN GUBITOSA: Just address us.  
I want to make sure that the court  
stenographer gets you.

MR. POTANOVIC: Right. So what is  
that impact going to be for this development  
and future use of that property? It may be  
minimal, it may not be minimal. It's a  
significant project going through our town.  
We are not only concerned about this parcel  
of property, but also our entire industrial  
area on Kay Fries Drive as well.

That's considered a cumulative impact.  
Because it's not a relationship directly to  
this project. It's another project that's  
happening simultaneously that could interfere  
with this project.

What about sewer capacity? Do we have  
the sewer capacity? We saw a presentation at  
the Town Board meeting the other night about  
the fact that we have plenty of sewer  
capacity. But what is the condition of those  
pipes down by the water? We know that area  
gets flooded out continuously. What is the  
actual condition of the sewer pipes

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themselves and will it cause any type of water infiltration if there's flooding in that area?

The roadway and emergency access, we know that Beach Road floods out continuously. There's very limited emergency access to this area. The only way that you can get a fire truck down there is go down Main Street, go on Beach Road and come in that way. And we know that entire area floods out during any storms. What is going to be done as part of the review of the project to address the amount of flooding that occurs on a regular basis? That is access to that property. That has to be addressed in order for this project to be done. You cannot fit a fire truck under the trestle at Tompkins Avenue. That's an important thing. The question is who's going to pay for that? Is that going to be a cost to the town or the taxpayers for the town for the right of the developer to develop this property? Is this going to be a cost?

What about the height of Beach Road?



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Beach Road is kind of low. The water comes in from the Hudson River and also comes down from what I understand from the mountains to the west and you get a lot of storm water runoff into those properties. Steven Beckerle is here, he knows certainly what I am talking about. People have gotten flooded out and stranded there. So how is that going to be addressed and who is going to pay for that? Who is going to pay for those improvements to the road?

CHAIRMAN GUBITOSA: Thank you. All right, George -- (interrupted)

MR. POTANOVIC: There's a number issues. If you want to get a copy of this send an e-mail to Info@stonypoint.org and we will e-mail it to you. Info@stonypoint.org. And there should be more time for this meeting tonight. I'm sorry, I'm disappointed.

CHAIRMAN GUBITOSA: If there is anyone that came in late, if anyone -- I apologize, if anyone came in late and would like to speak that I didn't get, just sign the sheet

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so that -- we have a court reporter so they  
get your address and name right.

MR. BECKERLE: I'm Steve Beckerle from  
49 Beach Road. It seems to be a little  
impacted by this project. I'm just going to  
grandstand for second. I'm sorry.

Wayne Corts' benefit. Wayne Corts has  
been in Stony Point for thirty-seven years I  
found out today. And God bless him. God  
bless him. He's been doing this project,  
dreaming of building mixed development usage  
since the late '80s believe it or not. I've  
seen plans back from the late '80s where the  
Keon's (proper noun subject to correction)  
old property is now Clark Park was drawn  
mixed use development. This plan, I applaud  
his tenacity, Mr. Corts, amazing. Since the  
'90s Mr. Steven Hurley bought the land for  
the town, 1993 for \$400,000. Wayne's  
location hasn't changed. He has been  
dreaming of a marina and mixed use  
development for quite awhile. It's a great  
dream. It's great for the Town of Stony  
Point. As Mr. Finn says, it has to be done

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right. It's the Planning Board's job to do it right. There is a lot of details here. There's a lot of details. The devil will be in the details. Your job is going to be very hard if you do it right.

One of the details from my perspective, my selfish perspective is I live at 49 Beach Road in a house that was built in 1883 -- 1835, before the Civil War. It's been there before the railroad, before Mr. Corts came with his marinas. Before Sandy and stands still. It's still there. And I fear that this project, it might be for the betterment of all the town, but my house will be gone. One of the things that we have to do is fix the county road, Beach Road somehow. It's complicated. There's drainage issues, there's sewer issues. It's off site, but it's part of the planning process. This off site development has to be part of the planning process. I think I disagree with Max when he says the traffic capacity is sufficient for the planned development. Even if he's right with his plan, the increased

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2 zoning that you gave to Miss Giando (proper  
3 noun subject to correction), to Panco, all of  
4 the protective waterfront areas will be  
5 developed, mark my words. I will be dead,  
6 but they will be developed residential. They  
7 will be developed mixed usage. You have to  
8 plan now for infrastructure improvements and  
9 who will pay? If you look down the river at  
10 Haverstraw, the Village of Haverstraw is  
11 paying. Ginsberg is not paying. Don't make  
12 the same mistake here.

13 CHAIRMAN GUBITOSA: Thank you, Mr.  
14 Beckerle. Lynn Teger.

15 MS. TEGER: I just have two questions.  
16 If the town -- I want to know if the town has  
17 or will apply for any HUD grants for this  
18 project? If so, specifically which ones?  
19 Because some of them require the town to  
20 affirmatively further fair housing. The  
21 other question is whether the developer will  
22 be applying for a PILOT agreement? Thank  
23 you.

24 CHAIRMAN GUBITOSA: Thank you. Is  
25 there anyone else from the public that wishes

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to comment? I know of one of the public officials who didn't speak. Anyone else?

MR. JOBSON: Good evening everybody. Like you said, this is going to be the first step in a long, long process. It's a great thing if this can come to the Town of Stony Point, but there's a lot of things that have to fall into place and a lot of things that have to take place. Infrastructure, sewage, so many things that have been mentioned already. If there's anything that I can do to help or be apart of representing this community, please keep me abreast of everything. I talk to you already all the time, Tom, keep me abreast of things. Anything I can do to help with the project, the community at large, please keep me involved.

CHAIRMAN GUBITOSA: Thank you, Mr. Jobson.

VICE-CHAIRMAN MULLER: I have one question. Beach Road is your main concern? Is that -- I know you mentioned a couple roads.

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MR. BECKERLE: A selfish concern. I live there. One of the things you talk about raising the road. There's major league drainage. The Hudson River is a wonderful machine for draining the whole highlands. Behind my house is a big retaining pool. There's a major runoff. There's buried pipes that are way off land. There's major water issues both from the Hudson flooding and from inland.

VICE-CHAIRMAN MULLER: But it is the road that meets the shoreline is what we are speaking of that you are speaking of?

MR. BECKERLE: Yes.

VICE-CHAIRMAN MULLER: I just want to be sure. Thank you.

CHAIRMAN GUBITOSA: Mr. Basile, I saw you come in late. Come on up.

MR. BASILE: Thank you, Mr. Chairman. Sorry about that. I got stuck in traffic and then I ended up dumping coffee all over myself in the cab this afternoon in mid-town so I had to run home and get changed. Otherwise I'd be covered in coffee.

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I'd like to echo many of the comments that have already been made and what I've heard has been excellent and very well thought out. I want to thank you for hosting this and for holding this scoping session.

As a town we look to attract investment and attract development resources, but transparency is vital and public participation is vital.

As you proceed, as Mr. Jobson said there, this is the first step in a process. Your continued involvement of the public is really critical.

I just want to point out a couple things. As you know, we have an under-utilized asset here that comes with it, because we have probably the largest stretch of underutilized waterfront, undeveloped waterfront between New York and Albany. Along with that comes infrastructure, come the infrastructure issues that have been raised by a number of the speakers. What I would like you to also consider is that it is really critical in order for us to be able to

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2 fix our very substantial infrastructure  
3 issues, whether it's the seawall, whether  
4 it's raising roadways, widening roadways,  
5 protecting residents down there in order for  
6 us to be able to go together with the county,  
7 to the state and to the federal government,  
8 it is really important for us to be able to  
9 demonstrate our ability to attract economic  
10 development and investment into the  
11 waterfront.

12 I've had the opportunity to meet with  
13 Mr. Corts over the last several years a  
14 number of times including his designers and  
15 architects. We have made very clear to them  
16 that view shed protection is critical. I  
17 know that's something that will be addressed  
18 in the SEQRA as well as providing green space  
19 and public access so that we can bring people  
20 back to the waterfront.

21 With each successive meeting that we  
22 have had with Mr. Corts and with the  
23 designers, the site plan has taken shape in a  
24 way that I believe respects many of the  
25 concerns that have been raised as Mr.



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Beckerle says about this development over quite a number of years. So in terms of the infrastructure, I think that it is important for us as a community to look at this as an opportunity not just for the development of that site, but also to have access to potential resources that could solve some of the other infrastructure issues that we face down there.

I urge you to continue to act in an inclusive manner in this process. But also ensure that our process does not cause unnecessary delay and increase the cost that make -- that damage the economic liability of this site. And it should also be pointed out that this site alone will generate between 3 and \$3.5 million in tax revenue for the town just on the residential side, not even on any of the commercial. And we all know how important that is. But to do it of course in a way that respects the historic character of the town and the natural beauty of the town.

I thank you very much again for hosting this session and for everybody coming out.

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CHAIRMAN GUBITOSA: Thank you, Mr.  
Basile.

MR. POTANOVIC: Mr. Gubitosa, can you  
have somebody explain that map? You have a  
map back there that shows -- there was no  
presentation at all as to what this is.  
People don't even know what this project is  
about. Nothing was really presented tonight.  
You have a map back there that shows a map.  
What's it doing way back there?

CHAIRMAN GUBITOSA: George, hang on.

MR. POTANOVIC: So people can see it.  
People came tonight to learn something about  
this project.

CHAIRMAN GUBITOSA: George, just so  
the public knows how our meetings go. The  
public hearing, we go over the scoping  
document. Once we get the application it's  
going to be in front of everyone. This is  
how we do all our meetings.

MR. POTANOVIC: You've never done a  
scoping hearing before. Excuse me.

CHAIRMAN GUBITOSA: What was that?

MR. POTANOVIC: You've never done a

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scoping hearing before.

CHAIRMAN GUBITOSA: We've done --  
George -- (interrupted)

MR. POTANOVIC: You've never done one.

CHAIRMAN GUBITOSA: George, this is  
our hearing. The D.E.C. does the same thing.  
They do their three minutes, they do their  
presentation.

MR. POTANOVIC: I've been to scoping  
hearings.

CHAIRMAN GUBITOSA: I've been there.  
I was up at the D.E.C. I met with them. The  
only difference between our meeting and their  
meeting is we don't have the D.E.C. police  
hanging out by the door. That's what they do  
at their meetings. This is just the scoping  
session. We're gonna go over the actual  
application. This is just the EIS. It was  
on the website, a draft. Public notices went  
out. It's the scoping session. Once we get  
the EIS we are going to go through the  
application. The maps are going to be up.  
There's going to be a presentation. If  
there's issues we are going to address them.

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This is the very beginning.

MR. POTANOVIC: You should show people what you have so people know what you are talking about.

VICE-CHAIRMAN MULLER: Excuse me, George. We've had many meetings so far. This is not the first meeting on this project. The public is welcome at every one of those meetings. We have posters up. We have people.

MR. POTANOVIC: We don't feel real welcome, I'll tell you that.

VICE-CHAIRMAN MULLER: You are welcome to come and listen and look, raise your questions. Tonight would be the night to air your questions so we can incorporate them. This is not the first time we are talking about this. It won't be the last. Everybody is invited to come to all the meetings. Come to the Town Board meetings. These things are being discussed. We want participation. The focus of tonight's meeting is for people to come to the podium and air their concerns. SPACE has issued a very big document with

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their concerns. That falls within the guidelines. We welcome that. But you can look at this after the meeting, you can still submit your questions until February 9th. So if tonight is raising more questions for you, if you go home and more questions come to your mind, submit them. We take them until February 9th. Two days later we have a workshop where we will work on all this. So after the meeting if people would like to look at this, if they have some questions, submit them in writing please. I have to leave that to the chairman.

MR. COLLYER: Mr. Gubitosa, one question. He says you have until February 9th.

CHAIRMAN GUBITOSA: February 9th.

MR. COLLYER: You had said that you weren't going to close it before February 9th. That means for another week you're gonna leave it open?

CHAIRMAN GUBITOSA: We will close the public hearing, but written comments will be taken until the 9th. People can still send

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in written comments up until February 9th.

MR. POTANOVIC: That's not much time.

MR. COLLYER: That's not much time. I mean you won't even explain what's going on here. People come to find out about it. Contrary to what Peter says, we don't go to every meeting.

(Public Cross Talk)

CHAIRMAN GUBITOSA: Frank, hang on.

VICE-CHAIRMAN MULLER: You are welcome too.

CHAIRMAN GUBITOSA: Max is going to explain. We talked about we had a meeting in September on this project. We had a meeting in December on this project.

MR. STACH: The Board is actually bound as you know by SEQRA time frames. From the time they receive the draft scope from the applicant, they have sixty days to adopt a final scope. This is not a process that SEQRA allows to go on indefinitely. This applicant has actually already extended the time period for this Board to adopt the final scope because of the holidays to February

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28th -- (interrupted)

MR. COLLYER: It was never on the town website.

CHAIRMAN GUBITOSA: Frank --  
(interrupted)

MR. STACH: The item that was released for the involved agencies and that was put on the town website said that it would be extended at least to the 7th. By extending it to the 9th allows this Board to give all the comments tonight proper consideration so that we can meet the applicant's deadline which they have extended to the 28th. SEQRA does not allow this Board to act with impunity and override time frames that are set in the statute. Again, by permission of the applicant, they have been extended to the February 28th meeting and in order to fairly consider the comments and to adopt a final scope requires a certain amount of preparation time. That gives the amount of time necessary to do that.

MR. COLLYER: Not to debate you --  
(interrupted)

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CHAIRMAN GUBITOSA: Thank you, Max.

MR. COLLYER: Not to debate you, but nobody knows what you are talking about.

CHAIRMAN GUBITOSA: Frank, all right. We've had the public scoping. Any more comments from the public? Just sign this one.

MR. LYNCH: I'm Kevin Lynch from 145 West Main Street, Stony Point. I'm a local business owner. I'm happy that the town is at least looking at these issues. Obviously as a taxpayer and as an owner we know we pay a lot of money in taxes. I agree with what Geoff Finn said. There are a lot of issues and there are a lot of problems. I'm glad that this town is at least moving in a forward position that will make the town much more presentable to other people. The way things are going, it's not great. If you wanted to buy a house here it's very hard to buy a house because of all the uncertainty that we have. So having something like this, a project like this coming on board, I think that helps all of us. Yes, there are issues.



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I know. I don't even want to address them.  
That's your job. At the end of the day this  
project -- I know Wayne. I actually had a  
restaurant down there many years ago before  
the fire. It's a great location. I know  
Wayne will do a great job with it. Hopefully  
you guys can work through all the problems  
and make it a good project for all of us.  
Thank you.

CHAIRMAN GUBITOSA: Thank you. Any  
other comments? Sign in so we'll have your  
name for the record for the court  
stenographer.

MS. FURLONG: Hi. I'm Mary Ellen  
Furlong. I have two points. One, I don't  
know too much about this project or whatever,  
but we've got a whole coastline along the  
river and we are getting a lot of haphazard  
development, not just along this area, but  
all along the river. I think before this  
proceeds, my question is this: Do we have a  
master plan so that we don't have over-  
development?

This is a small town. That's why I

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moved here twenty-eight years ago. I liked the small town. Okay. A small town that can sustain itself with businesses and we have lost of a lot of businesses and industries. So a lot of taxpayers are absorbing that difference. But we don't want a lot of over-development.

It's proposed that there's going to be somewhere between 205 to 210 homes or townhouses or condos or apartments plus whatever else is going in there because I only saw a small blurb in the paper. I didn't get a lot of information. But to me that's a lot of housing and a lot of people for that small, small area.

Now, if that's what's going in there, then what about the other property of owners along the river? Are they going to be able to put in five and six story buildings or whatever on their small pieces of property? We need a master plan for the whole area so we don't overdevelop it, we don't lose the character of our town, but we have a project that we can be proud of. Okay. Those are my

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two points.

The other thing I know like from Super Storm Sandy, FEMA and everybody else, all this flood control and everything, a lot of houses had to be built up on pilings. Are these buildings going to be up on pilings? So that when the water comes in are they going to be ten or twelve feet high above the flood plain so that people don't lose? And then where is that water going to be able to go? Is there going to be some kind of control mechanism for it? These are all points that I don't know if they have been addressed or not, but as an observer, I think they need to be. Thank you.

CHAIRMAN GUBITOSA: Thank you. Any other comments? Does the Board have any comments? Bill, do you have any comments on the scoping?

MR. SHEEHAN: No. You addressed it. It's only a scoping session. Most of these obviously will be addressed during the process.

VICE-CHAIRMAN MULLER: Mr. Chairman,

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I'd like to make a motion to close the public hearing on the scoping.

CHAIRMAN GUBITOSA: All right, a motion to close this public scoping session.

BOARD MEMBER FERGUSON: Second.

CHAIRMAN GUBITOSA: I have a second. All in favor?

(Board in favor)

CHAIRMAN GUBITOSA: Opposed? This public scoping session will be closed. We are going to take comments up until the 9th.

Just so everyone knows, this is the very first step. The applicant came last month, might have been December and might have been September with the plan. They presented it at a Planning Board meeting. We saw it. It's just the first steps. Once we get to a public hearing then people can voice their concerns. We are not holding anyone back. I'm not telling you that you can't do this. This is just for the scoping document. We have everyone's comments. We are going to

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take your comments.

MR. POTANOVIC: Embarrassing.

CHAIRMAN GUBITOSA: George, I have your comments.

MR. POTANOVIC: This is embarrassing. Excuse me, it's embarrassing.

CHAIRMAN GUBITOSA: George, you're embarrassing because I'm trying to hold a meeting.

MR. POTANOVIC: It's embarrassing.

CHAIRMAN GUBITOSA: It's my meeting. You do the same at your meetings. I understand. I'm not disrespecting you. When you disrespect this Board, I can't -- you know how my meetings run. When there's a public input or public hearing you can speak. Public input is different from a public hearing. It's not a question and answer period. I understand people's concerns. I have the same concerns. It's not just us looking at this application. There are other agencies. It's not just the Stony Point Planning Board. There's other agencies down the line looking at this. The D.E.C., we

## PROCEEDINGS

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2 work with them all the time, they are looking  
3 at this. The county, there are other  
4 agencies, not just this Board. Go to any  
5 other meetings and see how they run. I think  
6 we're a little lenient on how we run our  
7 meetings.

8 If anyone wants an agenda sent to them,  
9 just ask Mary and she will get your e-mail  
10 address. What I usually do is when I get  
11 information, I post it on our website. We  
12 are going through some restructuring of the  
13 website. Townofstonypoint.org, it's our  
14 website, it's a planning page. We post  
15 documents on the planning page. I've got a  
16 scoping document. I put agendas, I put  
17 meetings, everything is out there. Like  
18 people say, this is the age of technology.  
19 Everything is on the website. If it's not  
20 there you can e-mail the office. You can  
21 e-mail Mary. You can e-mail me. We answer  
22 questions. We live here. We are watching  
23 this application. You know, people make it  
24 seem like we are letting things fly by. No,  
25 we are looking at things. Things are on the

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website.

MR. POTANOVIC: The draft scope was  
only up a week ago. A week ago.

CHAIRMAN GUBITOSA: All right, thank  
you, George.

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7 and correct transcription of the original  
8 stenographic minutes to the best of my  
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