

FINAL SCOPE (3-10-16)

Identifying the Potentially Significant Adverse Environmental Impacts, Mitigation Measures and Alternatives Pursuant to State Environmental Quality Review Act ("SEQRA") 6 NYCRR 617.8.

Name of Proposed Action

The Breakers Site Plan and Conditional Use Permit

Location	Town of Stony Point, Rockland County, NY
Existing zoning	Planned Waterfront District (PW)
Tax Lots -	15.04-6-3 15.04-6-4 15.04-6-6
SEQRA Classification	Type 1
Draft Scope Submitted	December 9, 2015
Public Scoping Hearing	January 28, 2016 at 7:00 PM RHO Building 5 Clubhouse Lane Stony Point, NY 10980
Acceptance of Comments Date:	February 9, 2016, subsequently extended by applicant to February 22, 2016
Adoption of Final Scope:	March 10, 2016

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A. INTRODUCTION

A Draft Environmental Impact Statement (DEIS) will be prepared in accordance with the requirements of 6 NYCRR Part 617.9, to assess the potentially significant adverse environmental impacts of a waterfront mixed-use development including residential dwelling units in multi-unit structures, townhouses, retail buildings, a restaurant, structured parking, boat slips and public esplanade. The proposed development site is located on Hudson Drive approximately 600 feet north of the intersection with Tomkins Avenue in the Town of Stony Point, Orange County, New York. Consistent with 6 NYCRR 617.8, the primary goals of this scope are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant and/or insignificant.

The Project Sponsor declared his intent to prepare a DEIS upon submission of his application site plan and conditional use permit applications and therefore pursuant to 6 NYCRR 617.6(a)(4) no Environmental Assessment Form (EAF) will be required. Additionally, pursuant to 6 NYCRR 617.8 the Project Sponsor initiated public scoping with the submission of a Draft Scoping Document on December 10, 2015.

The Planning Board announced its intent to declare lead agency status on December 10, 2015 and preliminarily classified the action as Type 1 under SEQR (over 62 units to be connected to existing public water and sewer on lands substantially contiguous to publicly owned or operated parkland). The Project Sponsor initiated public scoping by submitting the scope with its application, and thus the SEQR timeframes required that a final scope be adopted by February 6, 2016.

The Planning Board held a Public Hearing on the Draft Scope on January 28, 2016 at which public comment was transcribed. At the conclusion of the public hearing, the Planning Board unanimously voted to close the public hearing and extended the public comment period to February 9, 2016.

The applicant subsequently agreed to extend the time period for adopting a Final Scope until February 25, 2016. In addition, to accommodate the request of Involved Agencies, the applicant agreed to extend the time period to submit written comments until no later than February 22, 2016. The Planning Board held a meeting to review the draft scope on January 28, 2016, at which time the applicant agreed to extend the time period for adopting a Final Scope to March 10, 2016, in order to address comments received from the New York State Department of Environmental Conservation (NYSDEC) that were received after the deadline for written comments but that the applicant acknowledged should nonetheless be addressed in the final scope. The Planning Board unanimously voted to hold a Special Meeting on March 10, 2016 to discuss the contents of the Final Scope.

Potentially significant adverse environmental impacts of the project identified by the Planning Board at the time of this Draft Scope include but are not limited to the following:

1. The proposed construction is located in a FEMA designated 100-year flood zone;
2. The proposed action is proposed adjacent to State and Federal Jurisdictional wetlands;
3. The proposed construction is located in an area with limited access to emergency vehicles;
4. The proposed construction has the potential to impact traffic at area intersections;
5. The proposed construction has the potential to impact limited water and sewer resources;
6. The proposed construction has the potential to result in visual impacts to public viewpoints, including the Hudson River and the Stony Point Battlefield Historic Site (included on National Registry of Historic Sites), and to neighboring residences; and

7. The proposed construction has the potential to impact the Hudson River and Haverstraw Bay Significant Coastal Fish and Wildlife Habitat.

B. PROJECT DESCRIPTION

The project site is bound by private properties on the south; the CSX Railroad Corporation right-of-way to the west; the Stony Point Battlefield State Historic Site and lighthouse to the north; and by the Hudson River on the east. The site is currently occupied by a marina and its various industrial buildings and boat yards, used for offices, boat repair, and storage. Redevelopment of the site is proposed to include the demolition of existing buildings and the investigation and cleaning of environmental hazards that may be associated with its current use. The total combined acreage of the site is 41 acres, with 20.6 acres located within the Hudson River.

The property is proposed to be redeveloped as a multi-family residential complex with a commercial component concentrated on its south end and a public esplanade along the entirety of its Hudson River frontage. It is designed for approximately 210 units of proposed housing in accordance with the density standards promulgated by the Stony Point Zoning Local Law for mixed-use waterfront developments. Residential units will be divided into at least four buildings to break up the bulk of a single monolithic structure.

In accordance with the Stony Point Zoning Local Law, height of the buildings is to be measured from the higher of existing grade or the FEMA 100-year storm elevation of 12 feet plus two feet, and will not exceed 45 feet above base flood elevation.

The design of these residences will maximize views and reflect the Colonial and Victorian styles characteristic of Stony Point's historic architectural patrimony. Proposed building materials will be in keeping with the project site's setting and neighborhood character, using durable low-maintenance materials for exterior finishes. A pool, lawns and patios for use of residents will be situated on the north end of the development.

The project will include an esplanade walkway along the Hudson River which will be open to the public.

A 2-story building located at the south end of the site (accessed through Hudson Drive) will contain a restaurant with terrace, commercial and office spaces. The existing boat slips and docks are proposed to be rebuilt and reconfigured into a total of approximately 250 boat-slips. Existing marina services will be eliminated and boats docked on-site will need to seek services from other surrounding marinas. Parking for the public spaces, such as the restaurant and esplanade, will be provided as per the Town's code.

The project does not contemplate dredging or the importation of fill material. The action does not include modifications to the bulkhead or the breakwater, and any modification to the docks will be done utilizing existing pilings

In addition, the applicant is aware that Champlain Hudson Power Express (CHPE) is proposing a 5 inch electric transmission line in the CSX Railroad Right of Way adjacent to the westerly end of the site. The DEIS will discuss this proposed project and its impact, if any, on the Project.

C. REQUIRED APPROVALS

a. Involved Agencies

It is anticipated that the following approvals will be required:

Site Plan -	Stony Point Planning Board;
Conditional Use -	Stony Point Planning Board;
Waterside Improvements - and Water Quality Certification	US Army Corps of Engineers; NYSDEC
Sewer Hookups -	Stony Point Town Board; (Joint Regional Board?)
Sewer Main Extension -	Rockland County Health Department;
Water Main Extension -	Rockland County Health Department;
Acceptance of Esplanade -	Stony Point Town Board;
Certificate of Compliance - (LWRP/CMP)	New York State Department of State, Division of Coastal Zone Management.
Mosquito Control Permit -	Rockland County Department of Health
NYSDEC certification for - wetland delineation; SPDES GP-0-15-002, Storm Water Management Plan and Report for MS4, Docks, Moorings and Platform Permit	New York State Department of Environmental Conservation
LWRP Compliance-	Stony Point Waterfront Commission

b. Interested Agencies

Additionally, the following interested agencies have been identified that may have interest in the proposed development:

Town of Stony Point Fire District
Town of Stony Point Ambulance Corps
Town of Stony Point Police Department
North Rockland Central School District
Stony Point Battlefield State Historic Site
Palisades Interstate Park Commission
New York State Office of Parks, Recreation, and Historic Preservation
Town of Cortlandt
Rockland County Department of Highways

Rockland County Department of Planning
Rockland County Office of Fire and Emergency Services
Stony Point Architectural Review Board
Orange and Rockland Utilities
SUEZ
CSX Railroad

D. GENERAL SCOPING CONSIDERATIONS

The Draft Environmental Impact Statement (“DEIS”) shall address all items in this Scoping Document and conform to the format outlined in this Scoping Document. If appropriate, impact issues listed separately in this outline may be combined in the DEIS, provided all such issues described in this Scoping Document are addressed as fully in a combined format as if they were separately addressed.

The document shall be written in the third person. The terms "we" and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of the “Project Sponsor,” “Applicant” or “the Developer.”

Narrative discussions should be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can most effectively be described or illustrated in graphic format, the narrative discussion should summarize and highlight the information presented graphically.

The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections. The document will be concisely written and information will be cross-referenced rather than repeated.

Environmental impacts should be described in terms that the lay person can readily understand (e.g., truck-loads of fill and cubic yards rather than just cubic yards).

All discussions of proposed mitigation measures should consider at a minimum those measures outlined and described in the Scoping Outline. Where reasonable and necessary, proposed mitigation measures should be incorporated into the Proposed Action if they are not already included.

The DEIS is to convey general and technical information regarding the potential environmental impacts of the proposed project to the Lead Agency, as well as identified Interested and Involved agencies involved in the review of the proposed project. Enough detail will be provided in each subject area to ensure that lay readers of the document will understand, and be able to make decisions based upon, the information provided. Highly technical material will be summarized and, if it must be included in its entirety, will be referenced in the DEIS and included as an Appendix.

To the greatest extent practicable, the DEIS will contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is

inconclusive or subject to opinion will be prefaced by statements indicating that “It is the Applicant’s opinion that...”. The Lead Agency reserves the right, during review of the document, to require that subjective statements be removed from the document or otherwise modified to indicate that such subjective statements are not necessarily representative of the findings of the Planning Board acting as Lead Agency for the Proposed Action.

Full scale plans will be included with the DEIS as an appendix and reduced copies of such plans will be included in the text of the DEIS. Interested and Involved agencies will be given all appendices in Adobe Portable Document Format (.pdf) on a CD-ROM. The entire document will be provided in .pdf format, for posting on the Town’s website, once it has been deemed “complete” by the Planning Board acting as Lead Agency.

E. PRIOR ENVIRONMENTAL REVIEW

The Town of Stony Point adopted a Negative Declaration of Environmental Significance at the time that the zoning for mixed-use waterfront developments was added to the PW District. This negative declaration was based on a generic impact analysis of the type of development that could proceed under the zoning that was adopted.

It is not necessary that analyses and investigations conducted for that SEQR be repeated or duplicated within the DEIS. To the extent that potential impacts have been previously considered the DEIS may instead:

1. Identify the considerations upon which the Town Board based their Negative Declaration;
2. Verify that the proposed development is within the thresholds established for consideration of potential impacts (e.g. height and bulk for visual impact, anticipated schoolchildren for school impacts, trip generation for traffic, etc.);
3. Update and provide more detail on the proposed project to establish that impacts would not result from the specific development as proposed in comparison with the generic development envisioned or anticipated when the zoning was adopted;
4. Update information that may have changed since the adoption of the zoning, or that may have been generic or dated when the zoning was adopted (e.g. traffic counts at area intersections).

F. DEIS SCOPE AND CONTENT

I. COVER SHEET

The cover sheet of the DEIS will include the following information:

- (a) Identify that the document is a draft EIS;
- (b) Identify the Project as: The Breakers Site Plan and Conditional Use Permit;
- (c) Identify the parcel by location (county and town, village or city), street address(es), and tax ID;
- (d) Identify the Lead Agency as the Stony Point Planning Board along with address of the lead agency and the name and telephone number of the Planning Board Chairman who can provide further information;
- (e) the names of individuals or organizations that prepared any portion of the DEIS;
- (f) the date of the DEIS's acceptance by the lead agency; and
- (g) the date by which comments on the DEIS must be submitted.

II TABLE OF CONTENTS AND SUMMARY

A. Table of Contents

The DEIS will include a table of contents identifying major sections and subsections of the document. Table of contents must also include a list of figures, tables, and a list of appendices and a list of any additional volumes if necessary.

B. Project Summary

An Executive Summary shall be required and will provide a précis of the more comprehensive information included within the document. No information will be included in the Executive Summary that is not found within the body of the

document. The executive summary will include the following elements at a minimum:

1. Description of Action
2. Significant, Beneficial, and Adverse Environmental Impacts
3. Proposed Mitigation Measures
4. Alternatives to the Proposed Action
5. Regulatory Requirements: List of required Permits and Approvals

III. PROPOSED DESCRIPTION AND NEED

A. Project, Sponsor, Objective, and Public Need

1. Background and History of Sponsor and Project
2. Public Need for Project
3. Objectives of Sponsor
4. Benefits of Proposed Action
 - a. Social
 - b. Economic/Fiscal
 - c. Housing

B. List of Involved and Interested Agencies

C Location

1. Geographic Boundaries of Site with map
2. Access to Site
3. Existing Land Use and Zoning
4. Easements, fee ownership of any utility installation on the site, or private agreements that may affect the proposed use of the site

D. Design and Layout

1. Environment Character of Site and Adjacent Land
 - a. Description of Site
 - b. Description of Stony Point Battlefield State Historic Site, a National Landmark

The Breakers Draft SEQR Scope, Stony Pont, NY (Rev. 3/10/16)

c. Description of Surrounding Waters, including the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat to the east, and the Stony Point Bay

2. Total Site Area

- a. Proposed Impervious Surface
- b. Amount of Land to be Cleared
- c. Open Space and Wetlands
- d. Proposed Facilities – General discussion of number and size of buildings, proposed uses, number of units and general layout including public esplanade. General discussion of proposed utilities. Include concept plan.
- e. Building Envelopes
- f. Littoral zone uses

3. Design consideration and construction methods relative to location within a FEMA 100-year floodplain (A and V zones);

E. Construction and Operation

- 1. Total Construction Period Anticipated and hours of daily operation.
- 2. Construction Schedule and Associated Factors (i.e. employment)
- 3. Phasing, including description of how phasing will avoid, minimize or reduce impacts to Significant Coastal Fish and Wildlife Habitat
- 4. Staging area – location(s) and description of proposed area

IV. PHYSICAL ENVIRONMENTAL SETTING AND IMPACT/MITIGATION ANALYSIS

A. Geology

Existing Conditions:

- 1. Summary of existing site geology
- 2. Description of the depth to bedrock;
- 3. Geotechnical Investigation/Report conducted on site borings to determine soil characteristics and depth of any unsuitable or bedrock, depth to any water should also be noted

Potential Impacts:

1. An assessment of potential impacts to site geology based on proposed grading plans, what impacts will result if adverse geology is encountered.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

B. Soils and Topography**Existing Conditions:**

1. Soil Types based on the Rockland County Soil Survey and distribution on the site.
2. Soil Characteristics – potential for erosion or other limiting factors of soil types, if any.
3. General description of site topography, identification of slopes over 15% and 25% and discussion of the amount of proposed disturbance within these slope categories.

Potential Impacts:

1. Impacts from disturbance of soils based on conceptual grading plans and discussion of amount of soil to be imported or exported from the site.
2. Impacts from proposed retaining walls.
3. Ability of soil to support proposed structures. A discussion of the extent of soil borings/testing to be provided.
4. Historic Fill – discuss potential for historic waste. A phase 1 environmental site assessment shall be provided documenting any known contamination issues on the site.
5. A discussion of rules and regulations pertaining to the importation of fill to be included if applicable. The cut and fill analysis will describe town regulations.

Proposed Mitigation:

1. Mitigation of impacts including but not limited to conceptual Erosion Control and Sediment Control Plan in Accordance with the “New York State Guidelines for Urban Erosion and Sediment Control.

C. Ecology

Existing Conditions:

1. Identify and catalog species of plants and fauna found on site or potentially to be found on site, including those within the tidal area in the Hudson River. Include correspondence with the DEC Natural Heritage Program.
 - a. Identify species which are included on federal and/or state lists of endangered, threatened, protected/invulnerable species which may be found on the site or in the immediate vicinity, including the Shortnose sturgeon (*Acipenser brevirostrum*) and the Bald Eagle (*Haliaeetus leucocephalus*).

Potential Impacts:

1. Impacts to Plant and Animal life as a Result of the Proposed Construction Activity and Post Development Impacts on both a long and short term basis. Habitat loss, lighting and noise impacts, etc.
2. Impacts to habitat for identified species included on federal and/or state lists of endangered, threatened, and protected/invulnerable species and the likelihood of the habitat being located on the project site.
3. Impacts to Regulated Wetlands or Watercourses
 - a. Identify size and jurisdiction of wetland areas and any required regulated areas.
 - b. Site construction impacts including the amount of disturbance and whether disturbance will be temporary or permanent.
 - c. Impacts from stormwater runoff.
 - d. Hudson River aquatic impacts, including submerged aquatic vegetation (SAV) and a description of Haverstraw Bay Significant Coastal Fish and Wildlife Habitat , including reference to NYS Office of Planning and Development Standards and conduct of Habitat Impairment Test as required by Stony Point LWRP:
http://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Haverstraw_Bay_FINAL.pdf
 - e. Protection of Waters – Article 15, Title 5 of ECL- Identify work waterward of Mean High Water. Discuss any modification, replacement or expansion of existing bulkheads as well as pilings for proposed docks. Provide underwater bathymetry. Discuss intended use of docks and impact on boat draft.

- f. Discuss whether repair, replacement or modification to shoreline is contemplated and if so reference DEC guidance on Shoreline Stabilization Techniques and Hudson River National Estuarine Research Reserve, Hudson River Sustainable Shorelines Project.
- g. Include discussion of whether there is an existing water grant and whether any portion of the docks will be constructed on State-owned land under water.
- h. Include discussion justifying size, location, number and use of structures over water in relation to current and historic marina.
 - i. Address impact from lawn fertilizer, pesticides, and herbicides which might be applied to lawn areas, plus pool chemicals on wetlands and the Hudson River

Proposed Mitigation:

- 1. Discuss how identified impacts are proposed to be mitigated.

D. STORM WATER MANAGEMENT

Existing Conditions:

- 1. Existing Drainage Patterns shall be described and presented on maps and in a SWPP.
 - a. Pre-construction drainage calculations.
- 2. Beach Road review and analysis of existing conditions, flooding history and existing issues.

Potential Impacts:

- 1. Proposed Stormwater Drainage Plans shall be described and presented on maps and in a SWPP.
 - a. Long and short term impacts.
 - b. Post construction drainage calculations – include relevant water quantity and/or water quality provisions as per the most up-to-date NYS DEC regulations.
- 2. Evaluation of stormwater impacts to Beach Road as a result of the Proposed Action.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

V. SOCIOECONOMIC SETTING AND IMPACT ANALYSIS

A. Land Use and Zoning

Existing Conditions:

1. Existing Zoning of the Site and Surrounding Areas. Reference existing zoning and the analysis that was done during the adoption thereof. .
2. Description of the existing land use of the project site and surrounding area.

Potential Impacts:

1. Compliance with current Town Comprehensive Plan.
2. Compliance with Town Zoning. and other applicable Town regulations. Discuss the need for any variances or waivers.
3. Compliance with the Stony Point Local Waterfront Revitalization Program (LWRP) and the New York State Coastal Management Program (CMP) and consistency with LWRP policies.
4. Compliance with NY Communities Rising Stony Point: Community Reconstruction Plan
(http://stormrecovery.ny.gov/sites/default/files/crp/community/documents/stonypoint_nyrcr_plan.pdf)
5. Description of New York Rising with regard to the Waterfront Resiliency Plan.
6. A discussion of the AT&T easement on the project site is to be included.
7. Any proposed affordable housing will be identified.
8. Description of the minimum combined acreage required for the Proposed Action under the new PW zoning code amendments.
9. Discuss application for HUD grants if applicable.
10. Discuss how the Proposed Action has the potential to impact neighborhood character.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

B. Historical and Archaeological Conditions

Existing Conditions:

1. A Phase 1A Archaeological site investigation analysis will be provided identifying the potential for encountering archeological resources based on a literature search and sensitivity study. The potential presence of archeological resources will consider the extent to which previous site construction and disturbance precludes the presence archeological resources.

Potential Impacts:

1. Any Phase 1B investigations should be limited to those areas of impact that are likely to contain archeological resources and do not have a record of previous site disturbance for site grading and building construction. If items of historic significance are located, the appropriate agency will be contacted to ensure proper preservation.
2. Impacts on the visual effect of the proposed development on the neighboring historical sites (the Stony Point Battlefield and Stony Point Lighthouse), and the visual appearance from the Hudson River, and the adjoining residential community will be evaluated and discussed.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

C. Transportation

Existing Conditions:

1. The traffic capacity analysis performed for the mixed-use waterfront development zoning amendments shall be updated with more recent counts on all intersections considered in the EAF Part III of that analysis, including an update of the capacity analysis of the North area of the PW District. Capacity analysis will be conducted at the following intersections which are likely to be impacted by the Project:

The Breakers Draft SEQR Scope, Stony Pont, NY (Rev. 3/10/16)

- Route 9W/East/West Main Street;
- Route 9W/Tompkins Avenue;
- Wood Avenue/Farley Drive/Tompkins Avenue;
- Beach Road/Tompkins Avenue/Hudson Drive;
- Beach Road/East Main Street.

Counts shall be taken during morning and evening hours when school is in session and during summertime (between June 1st and September 30th). Additionally the update shall address the eight identified limitations to the EAF Part III analysis (under "Discussion".) Any new developments not considered by that analysis and anticipated to be constructed prior to build year of the proposed project shall be considered. The analysis shall describe the current alignment of roads, any traffic control devices, posted speed limits for approaches and indicate the current ownership of all roads.

2. Identify current levels of use, weight limits and potential traffic safety concerns at the impacted intersections as well as along Beach Road;
3. Describe any pedestrian amenities, trails, crosswalks, means of pedestrian safety. Describe any available public transportation.

Potential Impacts:

1. Potential adverse impacts to capacity and or safety of vehicular, non-motorized or public transportation shall be identified. The potential need for the improvements described in the traffic capacity analysis for the project will be evaluated and discussed.
2. Describe the impact of the Project on Hudson Drive north of Tomkins Avenue, currently a private road. Discuss whether public dedication is appropriate.
3. Discussion of parking to support anticipated uses.
4. Microscale CO analysis screening using NYSDOT's screening tools at <<https://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/envtools.html>> and if potential significant air quality impacts are proposed to occur, further analysis consistent with DOT protocol.
5. Traffic analysis will use rates for boat slips and public promenade consistent with peak season.
6. Traffic report should analyze any impacts due to potential flooding of Beach Road as it relates to not only site but also emergency services during construction and operation of the site.

7. Identify potential truck routes, delivery hours of operation, anticipated truck trips sequencing and time frame in which impacts could be expected.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

D. Visual Resources

Existing Conditions:

1. 1. This section should discuss the existing visual character of the area.

Potential Impacts:

1. This section should discuss any change in visual character of the area as a result of the Proposed Action by presenting architectural elevations and/or renderings of the proposed structures and public open space. Additionally a visual analysis illustrating the topographic and roof-height relationship of the Proposed Action to surrounding properties will be prepared. A balloon test shall be conducted during leaf-off months and photographed (using 35mm to 50mm focal length) from vantage points identified in the EAF Part 3 for the mixed-use waterfront development zoning amendments:
 - a. View from Riverfront Park toward the project site and Stony Point Battlefield;
 - b. View from Beach Road looking north across Clark Park toward the project site and Stony Point Battlefield;
 - c. View from Beach Road at Tomkins Avenue north across the site toward the Stony Point Battlefield;
 - d. View from Hunter Place at railroad underpass;
 - e. View from Farley Avenue at Nordica Circle (northerly intersection) looking east to Hudson River
 - f. View from Stony Point Battlefield looking south toward project site (contact PIPC to discuss prominent vantage points for consideration);
 - g. Views from Jackson Drive just east of Lincoln Oval looking southeast over the project site;
 - h. Views from the Hudson River in the Stony Point Bay/Haverstraw Bay looking toward the project site from 1/4 and 1/2 mile east of site; and
 - i. Views from the Town of Cortlandt looking toward the project site and Stony Point Battlefield.

2. Involved Agencies shall be notified at least seven (7) days prior to the balloon tests. Advertisement of the tests will be published in the newspaper of record and on the Town website in advance of the test. Computer generated simulations shall depict pre-and post-development conditions. This visual analysis to be provided by the applicant will exceed NYSDEC regulations for assessing visual impacts.
3. Describe site lighting in terms of proposed fixture locations, spacing and wattage for building-mounted lighting, parking area lighting and lighting of the public esplanade and boat slips. Potential impacts to neighboring uses and night sky shall be assessed.
4. Describe proposed landscaping plan including the use of native plants and proposed irrigation plan including any proposed water conservation measures.
5. Describe building architecture including building colors materials and texture.
6. Appropriate reference shall be made to *Revitalizing Hudson Riverfronts*, and other relevant visual resource guides.
5. Potential adverse impacts and proposed mitigations shall be identified.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

E. Community services.

Existing Conditions:

1. Describe existing domestic water supply system.
2. Municipal sewer system. Describe existing system and proposed improvements. Investigate existing capacity of public system.
3. Interview the plant operator to ascertain any potential limitations to support the proposed development. Interview Town Engineer with regard to existing conditions of conveyance system including pipe size, slope, carrying capacity, pump stations, infiltration, permitting and impacts of flooding and impacts from project, during both wet and dry weather flows.
4. Emergency services (fire, police, ambulance and paramedics and mutual aid services). Identify and describe existing service (day and evening) from each department and response time to protect site. Describe areas prone to flooding.
5. This section shall discuss any relevant town and/or county plans and policies regarding the management of solid waste.

6. School district. Identify existing public school facilities that will be impacted by future residents of the project.

Potential Impacts:

1. Domestic water supply.
 - a. Central water system. Describe proposed improvements. Calculation of anticipated usage and describe and provide plan of proposed system with sizing calculations. Include analysis of potential conservation measures including irrigation methods, use of drought resistant plant species, low-flow and water-sense fixtures and appliances.
 - b. Evaluate the source of water for fire department requirements based on the proposed housing size, type, and style. Include a description and analysis of fire flow rates.
2. Municipal sewer system. Describe proposed improvements. Evaluate possible impacts of the proposed development including impacts on existing pump stations. Calculation of anticipated usage and provide plan of proposed system and sizing calculations.
3. Emergency services (fire, police, ambulance and paramedics and mutual aid services). Based on department interviews, discuss the ability of each department to provide service and demonstrate coordination with each department. Emergency access by firefighting equipment during 100-year flood events should be discussed. Examine interior and exterior fire access roads including underpass on Tompkins Avenue and Hunter Place.
4. This section shall discuss the anticipated volume of solid waste and proposed method of collection or disposal.
5. School district. The project shall revisit the consideration to school impacts made during the SEQRA review of the proposed PW zoning amendments allowing mixed-use waterfront developments and update and discuss as appropriate based on more detailed project considerations available.
6. Fiscal Impact. Based on the per capita multiplier average costing method, a fiscal impact analysis shall be provided that predicts the per capita cost of the proposed development to the Town of Stony Point and North Rockland School District. Tax revenues shall be predicted based on proposed sales prices taking into account the fee-simple or condominium ownership of proposed residential units. Assessed value of proposed non-residential uses shall be estimated using area

comparables on a square footage or other appropriate basis. Cost for nonresidential uses shall be based on the proportional valuation average costing method. Discuss whether applicant will be applying for any tax relief such as a PILOT program. The fiscal implications of units being rented or owned as fee-simple or condominium units shall be discussed and the calculations shall account for the project proposal.

7. Evaluate the possible impacts of the proposed Champlain Hudson Power Express (CHPE) installation of underground DC cable presently planned within the CSX railroad R.O.W. on the proposed site development with regard to public safety.
8. Describe the size, design and proposed amenities for public spaces, including the proposed esplanade, and access and parking associated with public spaces.

Proposed Mitigation:

1. Discuss how identified impacts are proposed to be mitigated.

VI. ALTERNATIVES

A. Alternative Design and Technologies – Applicant is seeking less than maximum density under current zoning regulations. In addition, the following alternatives will be discussed:

1. No Build/Action
2. Maximum-density proposal under PW District provision.

VII. CUMULATIVE IMPACTS

A. Potential Impacts Resulting from the Proposed Project with Respect to Existing Land Uses and Other Projects/Development in the Area.

B. Discuss how the proposed CHPE project could impact the proposed development.

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT ON RESOURCES

A. Human or Natural Resources that will be Consumed, Converted, or Made Unavailable for future Use as a Result of this Project.

IX. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

A. Adverse Environmental Impacts associated with the Project that cannot be Avoided Despite any Proposed Mitigation.

X. IMPACTS OF THE PROPOSED USE ON THE USE AND CONSERVATION OF ENERGY.

This discussion is required by SEQR regulations. The energy service provider should be identified and any improvements required for service. Any energy saving techniques should be discussed.

XI. GROWTH INDUCING ASPECTS.

This section will describe the potential growth aspects the proposed project may have.

XII. APPENDIX

- A. List of consultants with addresses and telephone numbers
- B. List of references
- C. Copies of correspondence relating to this project.
- D. Copies of all technical reports and documentation in their entirety.

THE FOLLOWING APPENDICES ARE ANTICIPATED:

- Underlying studies, reports and information considered and relied on in preparing the DEIS
- Traffic technical analyses and report
- Stormwater Calculations, including all supporting technical data
- Water Supply data and supporting technical reports
- Sewage technical data
- Fiscal Impact technical analyses
- Emergency responders study – access and services to be provided
- Visual impact analysis – riverfront, neighboring community, historic sites

G. Responses to Comments on the Draft Scoping Document

The following is provided in response to the written and oral comments received in response to the Draft Scope dated December 9, 2016. All received comments are listed in chronological order. A "Response" immediately follows each verbatim or paraphrased comment. The response refers the reader to the section of the Final Scope which addresses the comment, or, if the comment is not addressed, provides the reader with an explanation as to why the comment is not addressed. Following these comments are the actual written comments received by the Lead Agency annotated to where the response may be found. Comments received at the public hearing. Comments are listed in chronological order. In some cases where a comment was received that is similar to a previous comment, it refers to that previous comment and response.

Some of the commentators also remarked upon the applicant's Notification of Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA). During the scoping process, additional involved and/or interested agencies were identified. It is not uncommon that additional involved agencies are identified during scoping. While newly identified involved agencies were not included in the original Lead Agency Notification, all of the involved agencies that were identified in comments on the draft scope have been identified, notified, and provided an opportunity to comment on the Draft Scope. Although there is no requirement that the lead agency identify interested agencies, the lead agency did identify several and mailed copies of the draft scope to possible interested agencies. Additionally any additional interested agency suggested by commentators on the Draft Scope were similarly notified and provided an opportunity for comment.

The applicant agreed to three extensions of time to adopt the final scope, and agreed to extend the timeframe for written comments twice. Thus, all involved and interested agencies have had the opportunity to comment on the scope, and the lead agency has considered all comments received.¹

Rockland County Department of Planning Comments dated December 23, 2015

1. Comment: *The Public Scoping Hearing date, listed on page 1, must be corrected to be January 28, 2016.* Response: The listing of 2015 was a typo and would have been evident to all readers giving the notices mailing in December of 2015.
2. Comment: *The tax parcels to be included in the proposed project should be stated on the Lead Agency Notice.* Response: Tax parcels need not be identified in the lead agency notice. A physical location was included based on distance to intersection. The tax parcels are identified in the Final Scope page 1.

¹ The NYSDEC's comments were received on February 24, 2016, after the deadline for submission of written comments. However, since the NYSDEC's comments will undoubtedly be considered in the DEIS, the lead agency has addressed them in the final scope.

3. Comment: *The Zoning District in which the parcels are located should be included in the Lead Agency Notice.* Response: The zoning district in which the project is located is not a required inclusion to the lead agency notice. The final scope identifies zoning districts on page 1.
4. Comment: *The Required Approvals list should be expanded to include the New York State Department of State, Division of Coastal Zone Management for review of compliance with the Local Waterfront Revitalization Plan, and permits needed for construction within the Hudson River and shoreline of the River.* Response: The final scope on page 5, "Required Approvals" – lists New York State Department of State (NYSDOS) as an involved agency. The Department of State was contacted and provided an opportunity to comment on the draft scope.
5. Comment: *The listing of interested Agencies on Page 4 of the Draft Scope should be expanded to include the Rockland County Department of Planning, the Rockland County Department of Highways, the New York State Office of Parks, Recreation, and Historic Preservation, CSX Railroad, SUEZ, and Orange & Rockland Utilities.* Response: All agencies requested have been added as interested agencies. It is noted that an interested agency must request that status directly to the lead agency and the project sponsor may recoup the cost of printing and mailing from any agency requesting such status. In recognition that these agencies were included at the request of another agency, at the time that the DEIS is distributed, these agencies will receive notices of completion and instructions on where the online document is posted along with instructions on how to request a printed copy of the document. Further it is noted that only state and local agencies may be interested agencies and while it is not clear that the last three organizations can be interested agencies under SEQR, they will be treated as such by courtesy.
6. Comment: *The Ecology section should include not only plants and fauna found on site, but also those living within the tidal area of the Hudson River. The impacts to marine plant and animal life must be provided.* Response. See Final Scope at Chapter F. Section IV.C. Ecology; Existing Conditions 1
7. Comment: *The section on Traffic indicates that capacity analysis will be done when school is in session. The counts should also include counts during the summertime, when the boat slips, restaurants, and public promenade will be more highly used; In the DRAFT Scope and Content, p.10, C Traffic, C4 has an incomplete sentence. Please supply us with a complete document.* Response: See Final Scope at Chapter F. Section V.C. Traffic; Existing Conditions 1 and Potential Impacts 1.

8. Comment: *The intersections to be studied should be identified in the Draft Scope to ensure that all roads that should be included are in fact.* Response: See Final Scope at Chapter F. Section V.C. Existing Conditions 1
9. Comment: *The Visual Resources section should include illustrations from the Hudson River looking towards the land, and from/to Stony Point Battlefield State Historic Site.* Response: See Chapter F. Section V.D. Visual Resources. Potential Impacts 1

SPACE Comments dated January 28, 2016

10. Comment: *We, therefore strongly urge you to use your authority as Lead Agency to extend the public comment period on the scope beyond the February 7, 2016 date by at least 45 days (March 15, 2016). This will allow interested agencies and citizens who may not have been notified or are just learning about the proposed project to have ample opportunity to submit scoping comments.* Response: The comment period was extended with the consent of the project sponsor to February 22, 2016. Further extension without the consent of the project sponsor would not comply with SEQR. No involved or interested agencies indicated the need for additional time although comments from DEC dated February 24th were received and accepted as if received prior to the deadline.
11. Comment: *In the interest of open public access, we request that you electronically post all pertinent documents and exhibits for the review of this application, including but not limited to scoping comments and official reports, maps and exhibits that you receive from the public, the applicant and involved governmental agencies and post these documents for easy public access and inspection on the Town of Stony Point website. Adequate public notification: Public notification should be a very important issue for the Stony Point Planning Board in its role as Lead Agency. (a) Public meetings: What additional means of communications and outreach has the Stony Point Planning Board used to notify the public above and beyond the mandatory legal notice printed in the back of the newspaper of record? (b) Have all of the homeowners from the surrounding area been notified by mail of the proposed project and this Public Scoping Hearing? (c) Have only adjoining property owners been notified by mail of this Public Scoping hearing?* Response: Notices and publication have and will continue to comply with SEQR and other relevant laws and statutes as well as Town policies for posting of documents on-line.

The Breakers Draft SEQR Scope, Stony Point, NY (Rev. 3/10/16)

12. Comment: *We wish to request that SPACE be added to the mailing distribution list to receive copies of documents as an Interested Non-Governmental Community Organization, just as we have been added to receive documents for the pending New Planet Energy application. Please mail documents and notifications to SPACE at PO BOX 100, Stony Point, NY 10980 and e-mail: info@stonypointer.org.*
Response: Any person may request a copy of the notice of completion of EIS, EIS, notice of hearing and findings, however the lead agency may charge a fee to persons requesting documents to recover its copying costs. All requesting persons will receive a copy of the notices of completions directing them to where EISs are posted on line and instructing persons on how to request a paper copy and any accompanying costs for the reproduction of such documents should the project sponsor elect to not provide additional copies of documents for interested persons and/or agencies.
13. Comment: *What is the total number of acreage provide and what is the minimum combined acreage required for “The Breakers” under the new PW zoning code amendments?* Response: See Final Scope at Chapter F. Section V.A. Zoning. Existing Conditions and Potential Impacts.
14. Comment: *Does the applicant currently own all legal title necessary on contiguous lots?* Response: The Applicant owns/controls all parcels comprising the site.
15. Comment: *The Champlain Hudson Power Express 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. This is in the path of that Champlain Hudson Power Express. That should actually come down this way and come in within about seventy-five feet or so into the property that we are talking about. The point we were trying to make is how is that going to effect this development? So what is the 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.* Response: See Final Scope at Chapter F. Section VII Cumulative Impacts and Chapter F. Section V.E. Community Services. Potential Impacts.

16. Comment: *How will sewer, water, view shed, schools, valuation of “The Breakers” assessed property value and amount of total taxes paid to the Town, county and North Rockland School district [with regard to CHPE]?* Response: See Final Scope at Chapter F. Section VII Cumulative Impacts and Chapter F. Section V.E. Community Services. Potential Impacts.
17. Comment: *If there is dredging after the CHPE project has begun, and there is runoff into the river from CHPE’s excavation, will “The Breakers” be responsible for dealing with that material and any potential environmental impacts? Is there a contingency plan?* Response: Any action by CHPE will be a separate action under SEQRA which would require independent review. The instant project is functionally independent from the proposed CHPE project and will be undertaken by a different project sponsor.
18. Comment: *Sewer system capacity: Please document the following: (a) What is the expected additional demand for sewer capacity from “The Breakers” 210 units, marina, restaurant, etc. at full build out? (b) What is the current capacity and condition of the Stony Point Sewer Plant and condition of the sewer pipe and pumps for the entire distance between the proposed project locations to the Stony Point sewer plant? (c) Are the capacity and condition of the existing sewer lines in the Beach Road/Hudson Drive area impacted by infiltration of floodwaters?* Response: See Final Scope at Chapter F. Section V.E. Community Services. Potential Impacts.
19. Comment: *Road/emergency access: Concerning safety and access by fire and ambulance emergency vehicles: (a) What is the applicant’s plan for dealing with access for fire and ambulance emergency vehicle access to “The Breakers” in light of the fact that the Beach Road area historically has become severely flooded and the railroad trestle at Tomkins Avenue does not provide enough height for fire truck to pass under it? (b) Will special emergency equipment be necessary for the Stony Point fire department and ambulance corps? (c) If yes, who will pay for the equipment – the applicant or the town’s taxpayers?* Response: See Final Scope at Chapter F. Section V.E. Community Services. Potential Impacts.
20. Comment: *Because of limitations on access to The Breakers site due to underpass and height restrictions associated with the CSX rail line, Beach Road will be the main, if not the only, vehicular entrance to The Breakers. As everyone in Stony Point knows, Beach Road floods many times a year, at times locking the residents into their homes for several hours over high tide periods. In fact, it is impassable as I write today. Beach Road is already in bad condition. The existing seawall along a*

section of the road has been severely undermined and appears ready to collapse and parts of the road itself are eroding. I realize that Beach Road is a county road, but one way or another, this road will need to be addressed before it can be burdened with considerable additional traffic. Beach Road will literally be the lifeline of the residents of the planned 200+ additional residences proposed by The Breakers. It seems to me a given that Beach Road will need to be remediated. As a resident of a particularly vulnerable stretch of Beach Road, I very much want to understand the likely consequences for my home or any remediation. Response: See Final Scope at Chapter F. Section V.C. Transportation. Potential Impacts and Chapter F. Section V.E. Community Services. Potential Impacts.

21. Comment: *Visual Impacts: Considering both aesthetic and safety issues: (a) Does "The Breakers" meet all current FEMA post-Super Storm Sandy height/structural requirements? (b) What will the actual, final foot-height of the buildings be, including the required 14-foot raised elevation in the flood zone? (c) Are there any other FEMA or coastal regulations that apply to this proposed project and does this project meet them? Response: See Final Scope at Chapter F. Section V.A. Land Use and Zoning. Potential Impacts.*
22. Comment: *Structural Soundness of flood zone: Considering that this area was, in an earlier time, all brickyards, and the soil may consist of brick debris: (a) what soils studies will be conducted to ensure that the soil and land is stable and will it support multistory buildings in a flood zone? Response: See Final Scope at Chapter F. Section IV.E. Geology. Existing Conditions.*
23. Comment: *Request that the prior Generic Impact Analysis conducted at the time that the PW District was amended to allow mixed-use waterfront development not be relied upon for the Breakers project. Response: The present action requires a site specific SEQRA review. Reliance on the EAF part 3 prepared in connection with the zoning amendment to the Planned Waterfront District will be limited to the extent that previous analyses or investigations need not be replicated. The Final Scope requires that where conclusions of fact from the previous EAF are relied upon, that they be updated to overcome any identified limitations of that prior study as well as updated to account for more detailed site-specific design aspects, not known when the EAF part 3 was prepared.*
24. Comment: *Will "the Breakers" required dredging of the Hudson River and what will be the impacts on Hudson River habitat? Response: See Final Scope Chapter B. "Project Description," page 4, paragraph 7.*

25. Comment: *Hudson River aquatic impacts should include a description of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat and a Habitat Impairment Test. The applicant should also include a map identifying the location of submerged aquatic vegetation (SAV), explanation of its importance, vulnerability, and potential impacts, particularly in its context in a shallow bay with a large marina nearby in Haverstraw Bay.* Response: See Final Scope at Chapter F. Section IV.C. Ecology. Potential Impacts.
26. Comment: *Request for water demand calculations, description of conservation measures and demand reduction through water management and conservation.* Response: See Final Scope at Chapter F. Section V.E Community Facilities. Existing Conditions and Potential Impacts.
27. Comment: *Is Hudson Drive public or private? Will Hudson Drive be removed from the map as part of this application?* Response: See Final Scope at Chapter F. Section V.C. Transportation. Potential Impacts.
28. Comment: *This area was likely involved in the Battle of Stony Point and a portion of it may have been used as Kings Ferry during the Revolutionary War. What is the plan for identifying historical items (from the dredging) and any soldier's remains or artifacts that may be encountered?* Response: See Final Scope at Chapter F. Section IV.B. Historic and Archeological Resources. Existing Conditions, Potential Impacts and Proposed Mitigations.
29. Comment: *The generic analysis claims that "The Breakers" will compare to "The Harbors," with reference to the number of additional students that might add to our school system. According to the PW Amendments Environmental Assessment Form (page 18), there 544 occupied units at The Harbors produced 35 school-aged children, and only TWO of which attended North Rockland Schools. Since the Harbors was promoted as 55+ housing, is "The Breakers" going to be limited to 59+ housing? Is the projected impact on the number of new students a fair and accurate comparison to "The Breakers?"* Response: The Harbors at Haverstraw was not limited to or promoted as age-restricted housing. See Final Scope at Chapter F. Section V.E. Community Services. Existing Conditions and Potential Impacts.
30. Comment: *Please explain the financial impacts of "fee-simple" or "rental units?"* Response: See Final Scope at Chapter F. Section V.E. Community Services. Potential Impacts.

31. Comment: *The project will provide public access to the river and to a promenade. To what extent will access by the public be available? Please describe the size width and access to the promenade.* Response: See Final Scope at Chapter F. Section V.E. Community Facilities. Potential Impacts.

32. Comment: *Please describe how the project is consistent with our Stony Point NY Rising Community Reconstruction Plan.* Response: See Final Scope at Chapter Chapter F. Section V.A. Land Use and Zoning. Potential Impacts.

Public Hearing Comments by David Stedge

33. Comment: *I don't understand why they will destroy a power plant and put more automobiles on the road that will probably make more pollution. Also in the 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 park in public spaces and then limit the public areas for the rest of the public?* Response: See Final Scope at Chapter F. Section V.C. Transportation. Potential Impacts and Chapter F. Section V.E. Community Facilities. Potential Impacts.

Public Hearing Comments by Kevin Maher

34. Comment: *...storm water impacts to the Hudson River. The water demand and sewer capacity. Those are all concerns of the EMC and also the Water Management Task Force. 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.* Response: See Final Scope at Chapter F. Section IV.. Ecology. Existing Conditions and Potential Impacts; Chapter F. Section IV.D. Stormwater Management Potential Impacts; Chapter F. Section V.E. Community Facilities. Potential Impacts.

Public Hearing Comments by Geoffrey Finn

35. Comment: *I've worked along with our Board to bring ratables 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.* Response: See Final Scope at Chapter F. Section V.E. Community Resources. Potential Impacts.

36. Comment: *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.* Response: See Final Scope at Chapter F. Section V.D. Visual Resources. Potential Impacts and Chapter F. Section V.E. Community Facilities. Potential Impacts.

Public Hearing Comments by David Guerra

37. Comment: *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 down. If the heights and the separation of the buildings could be justified for us to be able to still retain our views.* Response: See Final Scope at Chapter F. Section V.D. Visual Resources. Potential Impacts.

Public Hearing Comments by George Potanovic

38. Comment: *I'm a bit dismayed by the fact that you are limiting people to three minutes.* Response: This is not a comment on the draft scope. The time limitation was intended to allow all attendees an opportunity to speak in a timely fashion.

Public Hearing Comments David Oherbei

39. Comment: *I live up at 54 Jackson Drive. Views I think will not be a problem for most houses.* Response: See Final Scope at Chapter F. Section V.D. Visual Resources. Potential Impacts.

40. Comment: *It would be great rateables for the town and be an improvement for the town.* Response: See Final Scope at Chapter F. Section V.E. Community Resources. Potential Impacts.

Public Hearing Comments by Frank Collyer

41. Comment: *What about shipping?* Response: The river channel for shipping is approximately 1,000 feet east of the breakwater, docks and bulkhead, and thus no impact to shipping is anticipated.

Public Hearing Comments by George Potanovic

42. Comment: *What about sewer capacity? Do we have the sewer capacity? What is the condition of those pipes down by the water? What is the actual condition of the sewer pipes themselves and will it cause any type of water infiltration if there's flooding in that area?* Response: See Final Scope at Chapter F. Section V.E. Community Facilities. Potential Impacts.
43. Comment: *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.* Response: See Final Scope at Chapter F. Section V.C. Transportation Potential Impacts and Chapter F. Section V.E. Community Resources. Potential Impacts.

Public Hearing Comments by Steve Beckerle

44. Comment: *There's drainage issues, there's sewer issues. It's off site, but it's part of the planning process. This is off site development has to be part of the planning process. See Final Scope at Chapter F. Section IV.D. Stormwater Management. Existing Conditions and Chapter F. Section V.E. Community Facilities. Potential Impacts.*
45. Comment: *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 zoning that you gave to Miss Giando, to Panco, all of the protective waterfront areas will be developed, mark my words. I will be dead, but they will be developed residential. They will be developed mixed usage. You have to plan now for infrastructure improvements and who will pay?* Response: See Final Scope at Chapter F. Section V.C. Transportation; See also response to comment #20

Public Hearing Comments by Lynn Teger

46. Comment: *I want to know if the town has or will apply for any HUD grants for this project? The other question is whether the developer will be applying for a PILOT agreement?* Response: See Final Scope at Chapter F. Section V.E. Community

Facilities. Potential Impacts. The Town is not applying for HUD grants for this project.

Public Hearing Comments by Doug Jobson

47. Comment: *Infrastructure, Sewage.* Response: See Final Scope at Chapter V. Section C. Transportation. Potential Impacts and Chapter F. Section V.E. Community Facilities. Existing Conditions and Potential Impacts.

Public Hearing Comments by Mr. Tom Basile

48. Comment: *What I would like you to consider is that it is really critical in order for us to be able to fix our very substantial infrastructure issues, whether it's the seawall, whether it's raising roadways, widening roadways, protecting residents down there in order for us to be able to go together with the county, to the state and to the federal government, it is really important for us to be able to demonstrate our ability to attract economic development and investment into the waterfront.* Response: Comment noted.

49. Comment: *We have made it very clear to them that view shed is critical.* Response: See Final Scope at Chapter F. Section V.D. Visual Resources.

50. Comment: *I know that's something that will be addressed in the SEQR as well as providing green space and public access so that we can bring people back to the waterfront.* Response: See Final Scope at Chapter F. Section V.E. Community Resources.

51. Comment: *It should also be pointed out that this site alone will generate 3 and \$3.5 million in tax revenue for the town just on the residential side, not even on any of the commercial.* Response: See Final Scope at Chapter F. Section V.E. Community Resources.

Public Hearing Comments by Mary Ellen Furlong

52. Comment: *Do we have a master Plan so that we don't have over-development?* Response: See Final Scope Chapter B. "Project Description" para. 2 (proposal is in accordance with current zoning); Chapter F. Section V.A. Land Use and Zoning. (Project will be in compliance with existing zoning, Comprehensive Plan, Local Waterfront Revitalization Program and Community Reconstruction Plan).

53. Comment: *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?.* Response: Other developments would likewise have to comply with existing zoning or obtain variances.
54. Comment: *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.* Response: See Final Scope at Chapter B. "Project Description" paragraph 3.

Stony Point Architectural Review Board comments dated February 5, 2016

55. Comment: *The New York State Department of Conservation document, "The NYSDEC Policy System", Program Policy Title: "Assessing and Mitigating Visual Impacts." The pdf is dated July 31, 2000. DEP-00-2, and has 15 pages. The DEC document includes the procedure for visual and aesthetic concerns, impacts and assessments that will need to be addressed by the applicant.* Response: "The NYSDEC Policy System – Program Policy Title Assessing and Mitigating Visual Impacts" (DEP-00-2) provides less useful visual impact analysis than is required by this final scope and requested by this commentator hereafter. The balloon test and visual simulations will provide a far more robust analysis than the viewshed analysis and cross-sections required by the DEC policy document.
56. Comment: *Several very specific requests for inclusion of information in the Visual Resource impact analysis were requested. See Final Scope at Chapter F. Section V.D. Visual Resources. The requested specific information is more detailed than is necessary to establish whether the project will result in adverse impacts to visual resources. However, all the requested items by this commentator will be provided as part of the site plan submission to the Architectural Review Board.*
57. Comment: *Provide complete building cross and long sections of all structures with elevations noted – from lowest level to the highest point, and each floor in between. Minimum drawing size to be 1/8" scale for structures over 100'-0" long, and 1/4" scale for smaller structures.* Response: The requested specific information is more detailed than is necessary to establish whether the project will result in adverse

impacts to visual resources. However, all the requested items by this commentator will be provided as part of the site plan submission to the Architectural Review Board.

George Potanovic comments dated February 5, 2016 (email)

58. Comment: *Why didn't the Stony Point Planning Board, as Lead Agency for "The Breakers," require that Wayne Cortis, as the applicant, make this kind of presentation for the 100 people who showed up at the Public Scoping Hearing held on January 28 looking for more information?* Response: This is not a comment on the scope. The Applicant made previous public presentations to the Board and provided a brief five minute presentation of the project preceding the public hearing. The lead agency requested that the applicant keep the presentation brief as the purpose of the meeting was to solicit questions about the project and comments on the draft scope that would need to be addressed in the DEIS, not to provide detailed information to the public nor to solicit comments on the proposal itself. Due to the number of attendees at the scoping hearing it was felt that a lengthy presentation would reduce the amount of time allotted for public comment on the draft scope. Once the Final Scope is adopted, the project sponsor has indicated it will undertake further public outreach. When an adequate DEIS is developed that addresses all the details required in the Final Scope the lead agency will hold a public hearing on the project preceded by a more robust presentation of the project.

59. Comment: *I have recommended that the Stony Point Planning Board, as Lead Agency, to extend the public scoping for "The Breakers" from its current deadline of February 9, 2016 for an additional 45 days. This time can be used to properly re-notice the hearing, re-notice all interested agencies and a presentation in the public scoping hearing that would provide town residents with current information about "The Breakers" proposal. Otherwise, how can we reasonably expect the public to submit thoughtful scoping comments for a proposed project that they know little to nothing about?* Response: See Introduction to Chapter G above. Also see response to Comment 58.

Scenic Hudson comments dated February 5, 2016

60. Comment: *Scenic Hudson is writing to respectfully request that the Planning Board extend the public comment period for the Breakers Draft Scope by 30 days to March 7, 2016.* Response: The Applicant consented to an extension of the written comment period until February 22, 2016.

61. *Comment: Please add Scenic Hudson to the list of Interested Parties in order that we may review the DEIS and other materials as they become available. Response: Any person may request a copy of the notice of completion of EIS, EIS, notice of hearing and findings, however the lead agency may charge a fee to persons requesting documents to recover its copying costs. All requesting persons will receive a copy of the notices of completions directing them to where EISs are posted on line and instructing persons on how to request a paper copy and any accompanying costs for the reproduction of such documents should the project sponsor elect to not provide additional copies of documents for interested persons and/or agencies.*

Breda Beckerle comments dated February 8, 2016

62. *Comment: Flooding is not the only issue with Beach Road. There is also a tremendous amount of water that flows down onto Beach Road from the town. I understand that there are extensive and complex drainage systems in place under and through the train bed, some blocked up over time, that need to be considered in addition to the flooding from the river. Simply put, Beach Road has drainage issues from both sides, downwards from the town and upwards from the river. Response: See Final Scope at Chapter F. Section IV.D. Stormwater Management. Existing Conditions and Potential Impacts.*

Rebecca Casscles comments dated February 8, 2016 (email)

63. *Comment: There is a historical site north of the proposed Breakers condos. The Stony Point Battlefield is where some very significant battles of the Revolutionary War were fought. What plans, if any, are there should the remains of soldiers be found at this site? What agency will be responsible for handling this? What happens to any artifacts that are found on this site, i.e., arrowheads, bullets, dishes, etc.? What agency will be handling these items? Response: See Final Scope at Chapter F. Section V.B. Historic and Archeological Resources. Existing Conditions and Proposed Mitigations.*

64. *Comment: Was the Palisades Interstate Park Commission, located at Bear Mountain Park, caregivers of the Battlefield, notified of this project so they could have input? Response. See Final Scope at Chapter C. "Required Approvals" b. Interested Agencies. The Palisades Region of the New York State Office of Parks, Recreation and Historic Preservation at Bear Mountain, NY was notified.*

65. *Comment: Since the Planning Board declared itself Lead Agency for this project can you tell me which federal, state and county agencies were notified of this*
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project, as I am certain they will want to have input with regards to this project?

Response: See Introduction to Chapter G above regarding lead agency notification. See also Final Scope Chapter C. "Required Approvals"

66. Comment: *What will be the weight limits be on Beach Road when construction vehicles i.e., concrete trucks, blacktop trucks, etc. begin to travel north on our road? Who determines the weight limit and more importantly how will this determination be reached? Once the construction vehicles begin to use our road the effects could be devastating to those of us who live on Beach Road.* Response: See Final Scope at Chapter F. Section V.C. Transportation. Potential Impacts.
67. Comment: *Shouldn't there be a new traffic study done before any construction starts to determine current number of cars using Beach Road? There was a traffic study done many years ago when L.J. Kennedy Trucking Company used our road during the reconstruction of the East Main Street Bridge, which cause damage to the road surface. This study should address the impact on the intersections of Tompkins Avenue/Beach Road, Beach Road/East Main Street and Hunter Place, if this road is to be used for this project.* Response: See Final Scope at Chapter F. Section V.C. Transportation. Potential Impacts.
68. Comment: *The next issue is one regarding the existing sewer system. I have some concerns with regards to the ability of our sewer system being able to handle the additional sewage from The Breakers. How will the sewer pump station at the end of Beach Road be able to handle this? In regards to the sewer system you should be aware that the manhole covers located on Beach Road overflow with each and every storm, be it big or small. This sewage goes into the Hudson River after the storms. What are the current conditions of the sewer lines and most importantly what is the current condition of the pumping station located at the south end of Beach Road? If the pump station needs to be upgraded to accommodate the waste from The Breakers and the proposed restaurant who will pay for this, the developers or the taxpayers?* Response: See Final Scope at Chapter F. Section V.E. Community Facilities. Existing Conditions.
69. Comment: *With regards to the existing drainage in the area of The Breakers my concern is that these two areas are working fine now, will they be distributed or compromised by this project?* Response: See Final Scope at Chapter F. Section IV.D IV.D. Stormwater Management.
70. Comment: *Is the Planning Board aware that on the south end of this property there is a 20 foot AT&T easement for the underwater cable that goes across the Hudson River? Is this proposed project going to be built anywhere on this easement and is*

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it reflected on the maps? Response: All easements are required to be shown on the site plan, which will accompany the DEIS. The project sponsor will be instructed to investigate the easement.

71. Comment: *Will Mr. Corts be bringing fill in and if so who will be inspecting the fill with regards to contamination? Will all necessary fill permits be obtained for this project? Response: The does not include importing of fill to the site. The only soil contemplated is for final grading and will be topsoil quality with appropriate certification.*
72. Comment: *Is the developer planning on applying for any grants for mixed income housing? What will the ratio be if this happens? See Final Scope at Chapter F. Section V.E. Community Facilities. Potential Impacts.*
73. Comment: *In regards to the development since no presentation was made, what will the final height of these condos be? Response: See Final Scope at Chapter F. Section V.A. Land Use and Zoning. Existing Conditions and Potential Impacts.*
74. Comment: *The CHPE power line will be given a 75 foot right of way (eminent domain) that will be directly under the proposed Breaker parking lot alongside the CSX Railroad. Can Mr. Corts legally build on this right of way? Response: Yes. The project need not consider an easement that does not exist and may or may not exist in the future.*
75. Comment: *What impact will this project have on our school district? How will this affect taxpayers? Response: See Final Scope at Chapter F. Section V.E. Community Services.*

Kevin Maher comments dated February 8, 2016

76. Comment: *Area is subject to flooding and escape issues. How do local roadways in area function and how will they be impacted. How does US Gypsum impact traffic through reactivation or redevelopment. How will area be evacuated in emergency. Response: See Final Scope at Chapter F. Section V.C. Transportation.*
77. Comment: *Project may impact water pressures in area, especially at higher elevations and fringe of grid. Impact on Rockland County water supply must be considered as well as conservation and reuse measures. Response: See Final Scope at Chapter F. Section V.E. Community Facilities. Potential Impacts and Proposed Mitigations.*

78. Comments: *Existing Sewer Capacity is limited and project will generate sewerage flow. Significant infiltration issues exist. Recent low infiltration may be result of low rainfall and may not continue. JRSB is threatening to terminate agreement with Stony Point. Several informed comments regarding existing sewer collection and treatment capacity were made.* Response. See Final Scope at Chapter F. Section V.E. Community Facilities. Existing Conditions and Potential Impacts.
79. Comment: *Stormwater manual should be closely followed due to potential impacts to sensitive aquatic habitat.* Response: See Final Scope at Chapter F. Section IV.B. Soils and Topography; IV.C Ecology; IV.D. Stormwater Runoff.
80. Comment: *Project should incorporate recommendations of Waterfront Resiliency Plan.* Response: See Final Scope at Chapter F. Section V.A. Land Use and Zoning. Existing Conditions and Proposed Mitigations.

Town of Stony Point Office of Fire Inspector comments dated February 8, 2016

81. Comment: *Identify and list the services provided by the community such as Police, Fire Services and Emergency Response Services; Identify the location(s) and response time for each service; Identify available local fire facilities, equipment and personnel (day and evening); Identify available mutual aid services (day and evening). Demonstrate all applicable NYS Fire Codes can be met; Location of existing and proposed fire hydrants and flow rate; Review of interior fire access roads and staging areas; Review of exterior fire access roads including underpass on Tomkins Avenue and Hunter Place; Review of all emergency access roads during flood conditions.* Response: See Final Scope at Chapter F. Section V.E. Community Services. Compliance with applicable NYS Fire Codes will be set forth in site plan and construction drawings.

Palisades Interstate Park Commission comments dated February 9, 2016

82. Comment: *PIPC should be contacted during process of balloon testing to insure that all prominent vantage points from Stony Point Battlefield State Park are assessed. Provide photo simulations from all vantage points listed in Part 3 EAF during leaf-off conditions.* Response: See Final Scope at Chapter F. Section V.D. Visual Resources.

Sierra Club comments dated February 9, 2016

83. Comment: *The NYS Department of Environmental Conservation (DEC) suggests that in a reasonable scoping timetable, the lead agency would provide public notice*

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of the availability of the draft scope on Day 1 of the 60-day scoping period, and distribute the draft scope to interested parties (Item 34 at <http://www.dec.ny.gov/pennitsl6477.html>). In the present case, although the applicant submitted the draft scope on December 9, 2015, the only announcement of the scoping hearing was a small notice buried in the back of a newspaper on January 14, 2016, and the draft scope was not available on the Town website until a week before the hearing. Response: See discussion of notice and lead agency distribution, above in the introduction to Section G.

84. Comment: *Identify drainage issues resulting from proposed impervious surface and proposed mitigation. Identify the impact of new drainage pattern, on nearby area and the Hudson River. Describe proposed required or voluntary mitigations. Response: See Final Scope at Chapter F. Section IV.D. Stormwater Runoff.*

85. Intentionally left blank.

86. Comment: *Identify proximity to and impacts on open space, wetlands and the Hudson River and proposed mitigation. Additionally address impact from lawn fertilizer, pesticides, and herbicides which might be applied to lawn areas, plus pool chemicals on wetlands and the Hudson River. Identify required and voluntary mitigations to reduce or eliminate these impacts. Response: See Final Scope at Chapter F. Section IV.C. Ecology.*

87. Comment: *The draft scope identifies lawns and a pool at the north end of the project, adjacent to Stony Point Battlefield. Identify possible impacts of such proximity to a public park. Response: See Final Scope Chapter F. Section V.B. Historic and Archeological Resources.*

88. Comment: *Identify impacts from stormwater runoff from higher elevations to the west, and proposed mitigation. Response: See Final Scope Chapter F. Section IV.D. Stormwater Management ;*

89. Comment: *Identify impact of erosion of disturbed soils especially from steep slopes on water infrastructure, wetlands and the Hudson River. Response: See Final Scope Chapter F. Section IV.B. Soils and Topography and IV.D. Stormwater Management .*

90. Comment: *Include identification and cataloging of species in the Hudson and specify impacts to the life in this habitat as a result of this project. Identify whether dredging of the Hudson River will be required and its impact. What mitigations are proposed. Response: See Final Scope Chapter F. Section IV.C. Ecology.*

91. Comment: *Identify the liability of the Town if this project is flooded after the Town grants approvals of site plans. Identify the liability of the Town if nearby properties are flooded and damaged after the Town grants approvals of site plans, including possible road and drainage improvements to Beach Road to address flooding concerns. Identify parties responsible for the resulting environmental impact if soil, drainage and land around the project is disturbed by construction of CHPE.*
Response: Potential liability is not relevant to SEQR and is established by courts of law. CHPE will be responsible for its environmental impacts, which have no relation to this project. The impact of CHPE on this project is addressed in the Final Scope At Chapter F. Section VII. Cumulative Impacts.
92. Comment: *Fully describe the plan if archeological artifacts are discovered on site.*
Response: See Final Scope at Chapter F. Section V.B. Historic and Archeological Resources.
93. Comment: *In describing the proposed landscaping plan, identify use of native plants and drought tolerant species to reduce lawn area and prevent the need for lawn watering and fertilizers during summer. What required or voluntary mitigations will the applicant use to reduce or eliminate the environmental impact of landscaping and ensure the lowest impacts on water supply? What are the planned irrigation systems and estimated water usage of such systems?*
Response: See Final Scope at Chapter F Section IV.C. Ecology. and V.E. Community Facilities.
94. Comment: *Describe the anticipated need for potable water supply for all components of the project and specify mitigations such as water neutral development that would be adopted. These should include low flow fixtures and appliances meeting Water Sense standards within the complex, including in apartments and Laundromats.*
Response: See Final Scope at Chapter F Section IV.E. Community Facilities.
95. Comment: *In describing the existing municipal sewer system and anticipated usage at full build-out, include potential impacts and mitigations to the system from flooding.*
Response: See Final Scope at Chapter F Section IV.E. Community Facilities.
96. Comment: *In addition to calculating the anticipated volume of solid waste, describe any efforts at solid waste reduction and recycling which will be included by the applicant to reduce the impact of the solid waste stream.*
Response: See Final Scope at Chapter F Section IV.E. Community Facilities.

97. Comment: *Include in this section potential cumulative impacts from the CHPE project proposed to run through the area and the CSX trains which carry highly volatile crude oil along the western border of the property.* Response: See Final Scope at Chapter F Section IV.E. Community Facilities.
98. Comment: *This section should include calculation of the carbon and GHG footprints of anticipated energy use by this project once completed. Specify energy saving techniques which the applicant proposes to use, such as LED lighting, purchase of electric energy from wind or solar sources, and installation of Energy Star rated appliances.* Response: This is a medium-sized mixed-use pedestrian-friendly multifamily and single-family attached project and is therefore far more energy efficient than development under a sprawling single-family land use pattern, prevalent throughout Rockland County and which requires auto use for almost any basic human needs from shopping to healthcare. Greenhouse gas impacts are likely to be far lower than 200 units of typical Rockland County housing. Energy saving elements of the proposal are detailed in Final Scope at Chapter F. Section X. Use and Conservation of Energy.

SPACE comments dated February 9, 2016

99. Comment: *Requests soil borings to test for contamination.* Response: See Final Scope at Chapter F. Section IV.B. Soils and Topography.
100. Comment: *It appears from the site plan drawings that the CSX trestle from Hunter Place is going to be opened. Is this for vehicle traffic or pedestrian only? (b.) If vehicle traffic, neighbors have expressed concern that Hunter Place is a quiet, residential street where children play and that a significant increase of traffic from the proposed 210 condo units, restaurant and marina could have a significant adverse impact on that neighborhood, the families that live there and the children that play on that street.* Response: This connection will be for pedestrian traffic and emergency service vehicles only.
101. Comment: *What is the safe right of way distance? (b.) What is the safe proximity that residential buildings can be constructed?* Response: See Final Scope at Chapter F Section IV.E. Community Facilities.
102. Comment: *Do the current elevation drawings in the Planning Board file accurately represent the current, true, relative height of the proposed two and three-story buildings that must be placed on top of the required 14-foot elevation as per FEMA regulations?* Response: The current elevations have not been verified and do not show relationship to the surrounding area. The DEIS will include
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verifiable visual simulations and will be based on balloon tests indicating the height and length of buildings as permitted under current zoning including the provision that allows buildings heights to be measured from advisory base flood elevations plus two feet or existing grade, whichever is higher.

103. Comment: *Describe the projected demand for potable water supply for all components of the project, and specify mitigations such as water neutral development, that would be adopted. These should include low flow fixtures and appliances, meeting WaterSense standards within the complex, including in apartments, restaurant, marina, swimming pools and laundromats.* Response: See response to comment 94.
104. Comment: *In describing the proposed landscaping plan, (a.) please identify the use of native plants and drought tolerant species to reduce lawn area and prevent the need for lawn watering and fertilizers during summer. (b.) What required or voluntary mitigations will the applicant use to reduce or eliminate the environmental impact of landscaping and ensure the lowest impacts on water supply? (c.) What are the planned irrigation systems and estimated water usage of such systems?* Response: See response to comment 93.

New York State Department of State comments dated February 17, 2016

105. Comment: *We respectfully request that the NYSDOS, as the administrator of the New York State Coastal Management Program (NYSCMP), and the agency responsible for ensuring federal actions and permit decisions are consistent with the NYSCMP (including the Town's Local Waterfront Revitalization Program (LWRP), be Indicated as an involved agency for purposes of the review of this project. Furthermore, we would request that in addition to the US Army Corps of Engineers, the NYS DOS be Indicated as an agency from which approvals will be required for the waterside improvements.* Response: See Final Scope Chapter C. Required Approvals, a. Involved Agencies
106. Comment: *Under V. SOCIOECONOMIC SETTING AND IMPACT ANALYSIS we request that in addition to Compliance with the Stony Point Local Waterfront Revitalization Program (not Plan) that the scope specifically states that the DEIS will identify how the project will be consistent with the LWRP policies.* Response: See Final Scope Chapter F. Section V.A. Land Use and Zoning,
107. Comment: *Additionally, we request that Impacts to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat be considered under the Ecology section of the DEIS.* Response: See Final Scope Chapter F. Section IV.C. Ecology.
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New York State Department of Environmental Conservation comments dated February 19, 2016

108. Comment: *DEC should be listed as Involved Agency, not Interested Agency.*
Response: : See Final Scope Chapter C. Required Approvals, a. Involved Agencies
109. Comment: *Excavation and Fill in Navigable Waterway - The Hudson River is a navigable waterbody and any work waterward of Mean High Water requires a permit. Any modification, replacement, or expansion of the existing bulkheads or breakwaters may require an excavation and fill permit. Depending on the size and number proposed, pilings for the proposed docking facility may require an excavation and fill permit. No underwater bathymetry has been provided. This should be required in the Draft EIS to demonstrate whether any dredging will be needed for the proposed docking facility. Additional discussion of the intended use of the facility will also be needed to document the boat draft which be necessary for the vessels that will utilize the facility.* Response: See Final Scope Chapter F. Section IV.C. Ecology
110. Comment: *Staff recommend that any repair replacement or modification to shoreline stabilization utilize less hardened structures. For more information and examples, the applicant is directed to the DEC website pages on Shoreline Stabilization as well as the Hudson River National Estuarine Research Reserve, Hudson River Sustainable Shorelines Project pages. The Sustainable Shoreline Project includes links for various demonstration projects along the Hudson River.* Response: See Final Scope Chapter F. Section IV.C. Ecology
111. Comment: *Docks, moorings and platforms - The plans indicate that there is an existing water grant associated with the property. If a license is not required from Office of General Services (OGS), any work on the dock will not exempt from Protection of Waters Docks & Moorings regulation pursuant to §608.4(c)(1). Any modification or expansion to structures over waters of the state requires a permit. If any portion of the proposed docks is over state-owned lands underwater, then a license from OGS will be required in addition to the DEC permit.* Response: See Final Scope Chapter F. Section IV.C. Ecology
112. Comment: *Although this is a historic marina, it appears that the proposed docking facility is far greater in size than either the current marina or even the larger. historic marina. The proposal appears to include a number of non-docking structures over the water including extensive structures along the shore, completely covering the near-shore area. A central pier structure is proposed at a size*

approximately 30-feet in width and 350-feet in length, which is far in excess of what has typically been permitted. It also appears to have another structure proposed on top of it. The use of structures over navigable waters of the State for non-water-dependent uses and extensive shading of near-shore areas generally does not meet protection of waters permit issuance standards. Justification of the size, location, number, and use of structures over water will be required for DEC permits and should be included in the Draft EIS. Response: See Final Scope Chapter F. Section IV.C. Ecology

113. Comment: *Water Quality Certification - In addition to the Excavation/Fill Permit, if any proposed work requires a permit from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will also be required. Issuance of these certifications in NYS has been delegated to DEC. As indicated on the plans, this property includes portions of DEC-regulated freshwater wetland HS-2. Class I. Any disturbance to the wetland or 100-foot adjacent area will require a permit. Although wetland and adjacent area boundaries are shown on the plans, the boundary has not been validated by DEC staff. DEC requests that a validated boundary be required for the Draft EIS. It appears that this project will require a permit and may be eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity. This site is within the Coastal Management Zone and review by the NYS State Office of Planning & Development for coastal consistency may be required. Response: See Final Scope Chapter C. Required Approvals, a. Involved Agencies (permits listed).*

114. Comment: *Submerged Aquatic Vegetation (SAV) - There are extensive SAV beds mapped in the area of the proposed docking facility. Although not directly regulated, SAV beds provide important habitat for a variety of aquatic species, including the endangered shortnose sturgeon. Impact to these beds will be considered as part of any Protection of Waters permit review. Avoidance and minimization of impacts will be a requirement of meeting the Protection of Waters permit issuance standard pursuant to §808.8(c) - "proposal will not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the State". DEC staff request that specific consideration of SAV bed impacts be included in the Draft EIS. Response: See Final Scope Chapter F. Section IV.C. Ecology*

115. Comment: *Bald Eagle and Shortnose Sturgeon are known to exist in the vicinity of the project site. There are no other nearby records of state-listed species. The absence of data does not necessarily mean that rare or state-listed species, natural*

communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site further information from on-site surveys or other sources maybe required to fully assess impacts on biological resources. Response: See Final Scope Chapter F. Section IV.C. Ecology

116. Comment: *This site is categorized in the Soil Conservation Service Soil Survey Geographic Database as "Udorthents, wet substratum" which suggests that this area is historic fill. Excavation and relocation of historic fill is a regulated activity pursuant to 6 NYCRR Part 360, Solid Waste Management. Regulation section 6 NYCRR 360-1.7(b)(9) provides an exemption for the disturbance of old landfills and historic fill, but it is conditioned on DEC review and approval of the waste handling plan. DEC recommends that the potential for historic waste be included in the Soils and Topography section of the Draft EIS. The previous industrial use of the property suggests there may be site contamination. DEC recommends that the Draft EIS include the history of spills on the site and a description of the environmental conditions of structures to be demolished so that contaminated products such as asbestos or lead paint are appropriately identified. Response: See Final Scope Chapter F. Section IV.B. Soils and Topography*
117. Comment: *Invasive Species. Staff recommend that native plants be utilized as much as possible in the vicinity of the riverand under no circumstances should any plantings include any invasive species, as identtfied in 6 NYCRR Part 575,the Prohibited and Regulated Invasive Species Regulations. The regulations, including the lists of species. are available online at <http://www.dec.ny.gov/regs/2490.html>. Response: See Final Scope Chapter F. Section V.D. Visual Resources*
118. Comment: *The New York: State Museum and the New York State Office of Parks, Recreation, and Historic Preservation records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The action is also adjacent to two sites on the National/State Register of Historic Places, Stony Point Lighthouse and Stony Point Battlefield. Review of potential Impacts to these register sites will be required by DEC and should be included in the Draft EIS along with potential archaeological resources. A determination of impact on cultural and historic resources by New York State Office of Historic Preservation will be a requirement of a complete application for DEC permits pursuant to Uniform Procedures. 6 NYCRR §621.3(a)(8). For more*

information, the applicant can visit the SHPO website at <http://www.nysparks.com/shpo/>. Response: See Final Scope Chapter F. Section V.B. Historic and Archeological Resources

Scenic Hudson comments dated February 22, 2016

119. Comment: *The site is within the New York State Coastal Zone and since the Town of Stony Point has an adopted Local Waterfront Revitalization Program (LWRP), a Consistency Determination will be required.* Response: See Final Scope Chapter F. Section V.A. Land Use and Zoning
120. Comment: *The site is also along the shore of Stony Point Bay, which is part of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat Area, and adjacent to and visible from the Stony Point Battlefield State Historic Site, designated a National Historic Landmark in 1961. As a result of the above, the Planning Board should coordinate this review with the New York State (NYS) Department of State, NYS Department of Environmental Conservation, NYS Office of Parks, Recreation, and Historic Preservation, and Palisades Interstate Park Commission.* Response: Agencies have not requested official coordinated review but are involved
121. Comment: *The Introduction includes a list of six potentially significant adverse impacts of the project. The sixth, which relates to visual impacts, should be amended to read “The proposed construction has the potential to result in visual impacts to public viewpoints, including the Hudson River and Stony Point Battlefield State Historic Site, a National Historic Landmark.”* Response: See Final Scope Chapter A. Introduction #6
122. Comment: *In addition, this list should be expanded to include a seventh: “The proposed construction has the potential to impact the Hudson River and Haverstraw Bay Significant Coastal Fish and Wildlife Habitat.”* Response: See Final Scope Chapter A. Introduction #7
123. Comment: *The site plan indicates a more uniform shoreline extended out into the Hudson River than shown on aerial photographs of the site. However, neither the project description nor the site plan provide any detail regarding the existing bulkhead, proposed improvements to the bulkhead, or whether fill into the Hudson River would be required to construct the preferred alternative. Given the site’s location adjacent to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, the proposed shoreline treatment must be understood so that potential impacts can be identified and proper mitigation proposed. Therefore the scope should state that the DEIS will describe how the shoreline will be treated and*
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whether fill will be required to extend the shoreline into the Hudson River. If this is the case the amount, composition and location of proposed fill should be provided.
Response: See Final Scope Chapter B. Project Description paragraph 7

124. Comment: *The scope should be amended to include the New York State Department of State Office of Planning and Development as an Involved Agency.*
Response: See Final Scope Chapter C. Required Approvals, a. Involved Agencies

125. Comment: *The section should also include a description of the Stony Point Battlefield State Historic Site, a National Historic Landmark which lies to the north. The description should include the identification of places in the park from which the project site is visible. We recommend that the applicant work with the park manager to identify these key viewpoints. This section of the scope should be revised to also include an additional section describing "Surrounding Waters." The DEIS should describe the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat which lies immediately to the east, including mean low tide water depths at the existing marina, its approaches, and Stony Point Bay, as well as the location of submerged aquatic vegetation in the bay.* Response: See Final Scope Chapter F. Section III.D. Design and Layout.

126. Comment: *As stated earlier, much of the site lies within the 100-year floodplain and, in fact, New York State has projected that the current sea level will rise between 15 and 75 inches by the year 2100. Therefore, first floor elevations of all structures should be elevated above or be able to withstand the 500-year flood, anticipated sea level rise, and wave heights in order to avoid property damage from future storm events such as Superstorm Sandy.* Response: There is no regulatory requirement to meet the 500-year flood stage. Town zoning already requires: "Consistent with sound waterfront planning for rising sea levels and increasing storm severity, the height requirement for buildings proposed as part of waterfront mixed-use developments shall be measured from the higher of existing grade or two feet above the base flood elevation for the one-percent storm as shown on the most up-to-date FEMA Flood Insurance Rate Map (FIRM) or advisory base flood elevations if they have been adopted by the Town as part of the Flood Damage Protection Chapter.^[1] Additionally, the Planning Board should work with the applicant to make the proposed development more adaptive to future increases in flood elevations, including but not limited to incorporating such measures as infrastructure for the placement of deployable flood walls, dry floodproofing, wet floodproofing, installing utility infrastructure above flood elevations, and incorporating measures to allow for raising building first floor elevations in the future." Applicant will comply with this requirement.

127. Comment: *The New York State Community Risk and Resiliency Act (CRRRA) requires that New York State agencies will be reviewing this proposal in the context of the above referenced sea level rise projections. Therefore the scope should include a description of Involved Agencies' jurisdiction in the context of the CRRRA.*
Response: See SEQR Handbook, Ch. 5, Sec. C.5.v. The DEIS Summary should list "matters to be decided, including a list of each permit or approval required from every involved agency." The Revised Scope complies. To the extent that those agencies are required to review their permitting actions within the context of the Community Risk and Resiliency Act, that is within their purview.
128. Comment: *This section should include a requirement that the DEIS discuss the timing of construction in order to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat. (See comments below regarding Section IV.C.2.d, Hudson River aquatic impacts).* Response: See Final Scope Chapter F. Section III.E. Construction and Operation.
129. Comment: *Scope should include a description of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat. According to the description of the New York State Office of Planning and Development: "Any physical modification of the habitat or adjacent wetlands, through dredging, filling or bulkheading, would result in a direct loss of valuable habitat area. Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously altered by human activity would result in the loss of productive areas which support the fish and wildlife resources of Haverstraw Bay. Construction of structures in areas previously altered may result in a direct loss of valuable habitat. Habitat disturbances would be most detrimental during bird nesting, and fish spawning and nursery periods, which generally extend from April through August for most warm water and anadromous species, as well as bald eagle overwintering periods (December through March). Unrestricted use of motorized vessels, including personal watercraft, in shallow waters can have adverse effects on the benthic community, and on fish and wildlife populations through re-suspension of sediments and through shoreline erosion which may reduce water clarity and increase sedimentation. Use of motorized vessels should be controlled (e.g., no wake zone, speed zones, zones of exclusion) in and adjacent to shallow waters and adjacent wetlands. Docks, piers, catwalks, or other structures may be detrimental to submerged aquatic vegetation beds through direct or indirect effects from shading, mooring chain and propeller scarring, and other associated human uses. In particular, the submerged aquatic vegetation beds are especially vulnerable to impacts that decrease light penetration into the water."*Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, NYS Department of State.

Hence, even in places such as the Stony Point Marina which has experienced previous land alteration and disturbances, new dredging, filling, bulkheads, and/or unrestricted use of motorized vessels in shallow areas could cause habitat impairment and adverse effects on the benthic community and fish and wildlife populations. Given the site's location adjacent to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, the proposed shoreline treatment must be understood so that potential impacts can be identified and proper mitigation proposed. Therefore we recommend that the scope include provisions that ensure that the DGEIS identify any proposed dredging, filling, bulkheading, and unrestricted vessel access, the potential adverse impacts of these activities and propose mitigation measures to avoid, reduce, or mitigate these impacts. The scope should also include a discussion of the timing of construction to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat. Finally, a Habitat Impairment Test, as described on page 4 of the document found in the link below, is required as per the Stony Point LWRP (page III-15) http://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Haverstraw_Bay_FINAL.pdf. This document is also provided as Attachment A. Because the Breakers proposes a large marina at this location, Section IV.C.2.d should require that the DEIS includes a map identifying the location of submerged aquatic vegetation (SAV), explanation of its importance, vulnerability, potential adverse impacts as a result of the proposal, and mitigation necessary to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat. The DEIS should also describe mean low water depths at the marina and Stony Point Bay, issues related to siltation in these areas, and address the need for dredging.

Response: As the Final Scope is not really a document intended for public consumption, but rather to guide review of the DEIS for completeness, the above listed background was not included in the scope. The project sponsor would be well-advised to include it or similar in the DEIS. See Final Scope Chapter F. Section IV.C. Ecology. which requires much of the requested information be provided in the DEIS.

130. Comment: *The Scope should include a fifth section that requires the DEIS to describe and evaluate the proposal's consistency with NYCR Stony Point: Community Reconstruction Plan. This evaluation should include the Plan's goals and objectives as found on page I-16 as well as specific proposed actions that would impact the Breakers site. In addition, the DEIS should also explain how the other alternatives examined in the DEIS would relate to these goals/objectives and actions. See Attachment A for details regarding the NYCR Stony Point: Community Reconstruction Plan goals/objectives and actions.* Response: See Final Scope Chapter F. Section V.A. Land Use and Zoning/

131. Comment: *As written, the draft scope includes only two alternatives: No Build/No Action and Maximum-density proposal under PW District provisions. The scope should also require that the DEIS examine an alternative proposing a reduced number of residential units and boat slips in order avoid, reduce or mitigate the range of impacts anticipated as a result of the preferred alternative.* Response: Section VI. The preferred alternatives is already a reduced density alternative intended to reduce impacts.
132. Comment: *The visual analysis described in this section should include computer-generated visual simulations made with a 50mm lens (in 35mm format). This focal length is important because it replicates the field of view and perspective seen with the human eye. The simulations should depict the change in the site's appearance (pre- and post-development) as seen from public viewpoint. We suggest these include the Stony Point Battlefield State Park, two locations on Stony Point Bay (¼ and ½ mile from the site), Vincent Clark Park, and from Jackson Drive just east of Lincoln Oval.* Response: See Final Scope Chapter F. Section V.D. Visual Resources.
133. Comment: *Scope should be amended to require mitigation of visual impacts that include building color, materials, and texture. Guidance for mitigating visual impacts can be found in Chapter 5 of Scenic Hudson's Revitalizing Hudson Riverfronts* Response: See Final Scope Chapter F. Section V.D. Visual Resources.
134. Comment: *With respect to the building architecture, the Draft Scope indicates that project proposes buildings that would "reflect the Colonial, and Victorian style characteristics of Stony Point's historic architectural patrimony." However, neither Stony Point nor other Hudson Riverfront communities have a history of similarly-scaled Colonial or Victorian buildings on its waterfront. Therefore proposing such design could result in a contrived site that bears no semblance to any riverfront pattern book. The scope should include alternative architecture and building design that reflects a more industrial feel, including natural building materials, such as brick, stone and wood.* Response: While technically true, many developments including the nearby Harbor's at Haverstraw are designed with Colonial and Victorian features drawn from the upland residential areas. Stony Point's industrial waterfront was marked with heavy industrial uses such as brick yards, US Gypsum, and Panco Oil. There is no quaint industrial aesthetic in the history of Stony Point's waterfront as there was in other Hudson River small cities. Ultimately, the Stony Point Architectural Review Board will have fairly wide jurisdiction over the design of the project.



291A
ZCPLAN

COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Puzos, NY 10970
(845) 364-3434
Fax: (845) 364-3435

DOUGLAS J. SCHIETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 23, 2015

Mr. Thomas Gubitosa
Chairman
Town of Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Re: The Breakers Mixed-Use Waterfront Development - 15.04-6-3, 15.04-6-4, 15.04-6-6
Lead Agency Notification and Draft Scope

Dear Mr. Gubitosa:

As an ongoing interested party for the State Environmental Quality Review Act (SEQRA) process, the Rockland County Department of Planning has reviewed the Lead Agency Notification dated December 10, 2015 and the Draft Scope Document dated December 9, 2015 for the proposed Breakers Mixed-Use Waterfront Development project. This proposal will also be subject to the Planning Department's review as mandated in Sections 239-l and m of the New York State General Municipal Law (GML), as the site is within 500 feet of Stony Point Battlefield State Park. Below are our comments for the two documents.

Lead Agency Notification

1. The Involved Agency Circulation dates shown on page 2 must be corrected to indicate that the positive declaration and advertisement of the public scoping session will be done in January 2016.
2. The tax parcels to be included in the proposed project should be stated on the Lead Agency Notice.
3. The Zoning District in which the parcels are located should be included in the Lead Agency Notice.
4. The listing of Involved/Interested Agencies must be revised to include the New York State Department of State, Division of Coastal Zone Management as an Involved Agency and the Rockland County Department of Health to ensure compliance with the Mosquito Code. The following additional Interested Agencies should be added to the list: 1) Rockland County Department of Highways - for road hauling permits, since the major

See
note
regard-
ing
Lead
Agency
Notice

access to the site is off of Tomkins Avenue/Beach Road. Construction materials, and workers will use this route to access the site. In addition, this road will be used by the future users/residents of the site as one of two proposed ingress/egresses; 2) the Rockland County Office of Fire and Emergency Services to review firematic related issues; 3) CSX Railroad since the railroad line is directly adjacent to the subject property; 4) SUEZ for water supply; and 5) Orange & Rockland Utilities for utility supply.

Draft Scope Document

5. The Public Scoping Hearing date, listed on page 1, must be corrected to be January 28, 2016. #1
6. The tax parcels to be included in the proposed project should be stated on the Lead Agency Notice. #2
7. The Zoning District in which the parcels are located should be included in the Lead Agency Notice. #3
8. The Required Approvals list should be expanded to include the New York State Department of State, Division of Coastal Zone Management for review of compliance with the Local Waterfront Revitalization Plan, and permits needed for construction within the Hudson River and shoreline of the River. #4
9. The listing of Interested Agencies on Page 4 of the Draft Scope should be expanded to include the Rockland County Department of Planning, the Rockland County Department of Highways, the New York State Office of Parks, Recreation, and Historic Preservation, CSX Railroad, SUEZ, and Orange & Rockland Utilities. #5
10. The Ecology section should include not only plants and fauna found on site, but also those living within the tidal area of the Hudson River. The impacts to marine plant and animal life must be provided. #6
11. The section on Traffic indicates that capacity analysis will be done when school is in session. The counts should also include counts during the summertime, when the boat slips, restaurant, and public promenade will be more highly used. #7
12. The intersections to be studied should be identified in the Draft Scope to ensure that all roads that should be included are in fact. #8
13. The Visual Resources section should include illustrations from the Hudson River looking towards the land, and from/to Stony Point Battlefield State Historic Site. #9

Thank you for the opportunity to review and comment on the Lead Agency Notification and Draft Scope for this project. If you require additional information, please contact the Rockland County Department of Planning at (845) 364-3434.

Very truly yours,



Douglas J. Schmetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Pinn, Stony Point
Town of Stony Point Planning Board
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Planning Board
Rockland County Office of Fire & Emergency Services
New York State Department of Environmental Conservation
New York State Department of State, Division of Coastal Zone Management
New York State Office of Parks, Recreation, and Historic Preservation
Palisades Interstate Park Commission
United States Army Corps of Engineers
Atzl, Nasher & Zigler P.C.
Robert G. Torgersen, LS, CPESC
CSX Railroad
SUEZ
Orange & Rockland Utilities

Barbara Connor
7 Getty Road
Stony Point, NY 10980

January 25, 2016

Board Members
Town of Stony Point
East Main Street
Stony Point, NY 10980

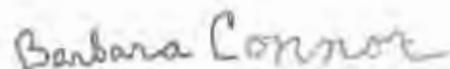
To Whom It May Concern:

I read with great interest the recent article in the Journal News with regard to improving our waterfront in Stony Point. It would be extremely beneficial to myself as a senior citizen to be able to enjoy the waterfront and any stores and restaurants that might be included in the plan.

It is my hope that you move forward on this project as soon as possible so we can enjoy the benefits and nature and our beautiful shoreline.

Please continue to keep making Stony Point beautiful.

Sincerely,



Barbara Connor

William and Shirley Gizas
175 Central Highway
Stony Point, New York 10980

January 27, 2016

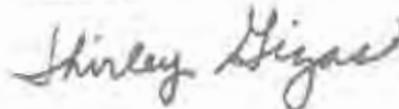
Town of Stony Point
Board Members
East Main Street
Stony Point, NY 10980

Dear Board Members:

We have been residents of Stony Point since 1950 and love our beautiful town. We believe that your approval for developing the waterfront for our access to walking along and enjoying the sights of Haverstraw Bay would be a wonderful addition to our town. It is adjacent to the Battlefield and we could enjoy the beauty of the coastline and nature as well.

We fully support the proposal by Wayne Cortis and we urge the board to move forward with this project so my golden years can be enjoyed by the waterfront. It can only be an asset to our town.

Sincerely,



Gus (Wm.) and Shirley Gizas



Frank and Rose Frontino
4 Mountainside Lane
Stony Point, New York 10980

January 27, 2016

Town of Stony Point
Town Board Members
East Main Street
Stony Point, NY 10980

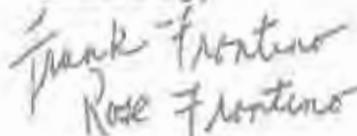
Dear Board Members:

As long-time residents of Stony Point we would like to take this opportunity to tell you how wonderful it is that you are moving forward with improving our beautiful waterfront in Stony Point. Hurricane Sandy definitely harmed the area and this is a great project to make the waterfront at Stony Point a place to enjoy for years to come.

We can enjoy the beauty of Haverstraw Bay and the eagles nesting near the Stony Point Battlefield. It will be great to have dinner on the waterfront and enjoy a stroll along the banks of the Hudson River.

It is our hope that you approve this proposal at your earliest convenience. We applaud the board for their efforts in this project to date.

Yours truly,

Handwritten signatures of Frank and Rose Frontino in cursive script.

Frank and Rose Frontino

SPACE

Stony Point Action Committee for the Environment, Inc.
PO Box 100; Stony Point, NY 10980 • 845-429-2020
Info@stonypointer.org • www.stonypointer.org

Preliminary Comments Regarding "The Breakers" Waterfront Development Scoping of the State Environmental Quality Review Act January 28, 2016

These comments have been prepared by SPACE – The Stony Point Action Committee for the Environment, Inc., on the scope of the environmental review of the proposed "The Breakers" waterfront development project, located in the Town of Stony Point in Rockland County, NY.

SPACE is 26-year old, incorporated, non-partisan, not-for-profit community organization.

- The purpose of SPACE is to promote and advocate for preservation of the natural resources in Stony Point (ie: soil, water, and air) and to protect the quality of life that is unique to our area.
- To promote and advocate for greater public awareness and action regarding issues that will adversely affect the natural resources and quality of life in Stony Point and adjoining communities.
- To promote and advocate for environmental awareness and education both in our schools and in our community.
- To build and support alliances with local government, other community organizations and individuals who are also involved in the advancement of environmental conservation, cultural/historical awareness and community action – using a non-partisan/political approach.
- To challenge and question government officials, agencies, private industry and individuals who do not act responsibly or follow proper legal procedures regarding the development of the environment and safety of the general public.

We want to commend the Town of Stony Point Planning Board for assuming the lead agency role for this Type 1 action, and for holding this scoping hearing, which provides the public the opportunity to learn about and identify environmental issues early in the review process, have those issues included in the final scoping document and directly addressed in the Draft Environmental Impact Statement by the applicant, which will be subject to additional public hearings.

Decisions made during the SEQRA review could be precedent-setting. As a result, the SEQRA scoping and comment opportunities should provide for complete transparency and sufficient time for the public to both be informed and allowed to participate.

SPACE – 26 years of environmental advocacy & education

- A. We, therefore, strongly urge you to use your authority as lead agency to extend the public comment period on the scope beyond the February 7, 2016 date by at least 45 days (March 15, 2016). This will allow interested agencies and citizens who may not have been notified or are just learning about the proposed project to have ample opportunity to submit scoping comments. #10
- B. In the interest of open public access, we request that you electronically post all pertinent documents and exhibits for the review of this application, including but not limited to scoping comments and official reports, maps and exhibits that you receive from the public, the applicant and involved governmental agencies and post these documents for easy public access and inspection on the Town of Stony Point website. #11
- C. In the interest of full public awareness, we request that you go beyond the mandatory, minimum posting of a legal notice in the newspaper and utilize additional, more accessible means of informing and alerting the public well in advance of any future public meetings – including press releases, social media postings, email blast and any other means to make communication accessible. #11
- D. We wish to request that SPACE be added to the mailing distribution list to receive copies of documents as an Interested Non-Governmental Community Organization, just as we have been added to receive documents for the pending New Planet Energy application. Please mail documents and notifications to SPACE at PO BOX 100; Stony Point, NY 10980 and e-mail: info@stonypointer.org. #12

Below is a list of topics concerning "The Breakers" that we believe warrant the "hard look" required under SEQRA. Please add these to those issues already identified and discussed in your DRAFT Scoping and Positive Declaration on this project.

1. Missing/incomplete application information; The County of Rockland, Acting Commissioner of Planning, in his letter dated December 23, 2015, indicated several deficiencies in the town's Draft Scope and Lead Agency notification for "The Breakers," including (a.) missing identification of parcels by tax map number (b.) missing identification of Zoning District in which the parcels are located and (c.) an incomplete listing of Involved/Interested Agencies as well as Non-Governmental Agencies that must be included in the Required Approval list and it needs to be expanded. See Comments 2, 3, 4 + 5
2. Identify parcels, acreage and tax lot numbers; "The Breakers" is a proposed development that is formed by a number of combined parcels. (a.) What are the tax lot parcels that, when combined, form the total acreage? (b.) What is the total number of acreage provide and what is the minimum combined acreage required for "The Breakers" under the new PW zoning code amendments? (c.) Does the applicant currently own all legal title necessary on contiguous lots? - #2 - #12/13 - #14

3. Adequate public notification: Public notification should be a very important issue for the Stony Point Planning Board in its role as Lead Agency. (a.) Pubic meetings: What additional means of communications and outreach has the Stony Point Planning Board used to notify the public above and beyond the mandatory legal notice printed in the back of the newspaper of record? (b.) Have all of the homeowners from the surrounding area been notified by mail of the proposed project and this Public Scoping Hearing? (c.) Have only adjoining property owners been notified by mail of this Public Scoping hearing? #11
4. Cumulative impacts: As you must know, the Champlain Hudson Power Express (CHPE) electric line from Quebec to NYC will leave the Hudson River and come onto land north of the Stony Point Battlefield and then travel south through the Town of Stony Point and Haverstraw. A trench for the electric line will be dug/drilled a minimum of 25 feet from the existing CSX railway right of way. In addition, there is a construction and deviation zone that will extend the ROW to at least 75 feet east of the current CSX railroad tracks in the direction of "The Breakers" proposed development. (a.) Since the CHPE right of way is being planned to go through a portion of "The Breakers" property, what does the applicant expect is the degree of impact CHPE could have on "The Breakers" proposed development plan? [SEE ATTACHED EXHIBIT] (b.) How will sewer, water, view shed, schools, valuation of "The Breakers" assessed property value and amount of total taxes paid to the town, county and North Rockland School district? (c.) If CHPE starts construction after "The Breakers" project were to start, and there is a "taking" of land from "The Breakers," assuming it is approved, who will be responsible for the resulting environmental impact, disturbance of the soil, drainage and surrounding land – the applicant for "The Breakers," CHPE, or Town of Stony Point taxpayers? (d.) If there is dredging after the CHPE project has begun, and there is runoff into the river from CHPE's excavation, will "The Breakers" be responsible for dealing with that material and any potential environmental impacts? (e.) Is there a contingency plan? #15 #16 #15 #17
5. Sewer system capacity: Please document the following: (a.) What is the expected additional demand for sewer capacity from "The Breakers" 210 units, marina, restaurant, etc. at full build out? (b.) What is the current capacity and condition of the Stony Point Sewer Plant and condition of the sewer pipe and pumps for the entire distance between the proposed project location to the Stony Point sewer plant? (c.) Are the capacity and condition of the existing sewer lines in the Beach Road/Hudson Drive area impacted by infiltration of floodwaters? #18
6. Road /emergency access: Concerning safety and access by fire and ambulance emergency vehicles: (a) What is the applicant's plans for dealing with access for fire and ambulance emergency vehicle access to "The Breakers" in light of the fact that the Beach Road area historically has become severely flooded and the railroad trestle at Tomkins Avenue does not provide enough height for a fire truck to pass under it? (b.) Will special emergency equipment be necessary for the Stony Point fire department and ambulance corps? (c.) If yes, who will pay for the equipment – the applicant or the town's taxpayers? #19

7. Road improvements: Since it is obvious that the condition and size of the local road infrastructure in this entire area is extremely lacking. Extreme flooding is not only due to rising river waters but also due to severe storm water drainage problems from extensive upland, higher elevations to the west. This directly impacts access and evacuation corridors through low-lying Beach Road and the current Hudson Drive. Since safe access for residential, commercial and emergency vehicles is a key factor for whether or not "The Breakers" is a viable project: (a.) What is the plan for necessary offsite road and drainage improvements and who will pay for it? (b) Who is going to fund the needed offsite road improvements in order to ensure safe and reliable road access to and from "The Breakers" proposed site? #20
8. Impact of traffic: The section on traffic indicates that capacity analysis will be done when school is in session. (a.) The traffic count should also be taken during the summertime, when the boat slips, restaurant, and public promenade will more highly used. (b.) In the DRAFT Scope and Content, p.10, C Traffic, C4 has an incomplete sentence. Please supply us with a complete document. #7
9. Visual impacts: Considering both aesthetic and safety issues: (a.) Does "The Breakers" meet all current FEMA post-Super Storm Sandy height/structural requirements? (b.) What will the actual, final foot-height of the buildings be, including the required 14-foot raised elevation in the flood zone? (c) Are there any other FEMA or coastal regulations that apply to this proposed project and does this project meet them? #21
10. Structural soundness of flood zone: Considering that this area was, in an earlier time, all brickyards, and the soil may consist of brick debris: (a.) What soil studies will be conducted to ensure that the soil and land is stable and will it support multistory buildings in a flood zone? #22
11. The Generic DEIS Negative Declaration for PW Zoning Amendments: The Town of Stony Point adopted a Negative Declaration of Environmental Significance (DEIS) when the zoning for mixed-use waterfront developments was added to the PW District. This negative declaration was based on a generic impact analysis, prior to "The Breakers" being proposed. (see page 5 of DRAFT Scope). The DRAFT Scope states, that it is not necessary that analyses and investigations conducted for that SEQR be repeated or duplicated within the DEIS for "The Breakers" and that, to the extent possible, can simply identify, verify or update information that may have changed. A number of boxes in the generic impact analysis were left blank and never checked YES or NO regarding potential impact. (a.) Does "The Breakers" pose environmental issues or questions that were never asked or fully addressed at the time when the generic EIS was conducted by the town when granting the PW Zoning Amendments in February 2015? (b.) We urge the Planning Board to not give the applicant a blanket pass on addressing "prior issues" supposedly already raised and addressed in the generic DEIS one year ago. (c.) Instead, require the applicant closely scrutinize any and all potentially environmental issues having to do with height and bulk for visual impact, anticipated schoolchildren for school impacts, trip generation for traffic, etc. and not assume any to be "duplicative" issues without documentation to be sure we are equally comparing "generic" issues and "actual" impacts. (d.) This scrutiny is especially important because current amendments to the PW District #23

have been a significant departure from the more passive and traditional, boat and water-related uses originally identified in the PW District and the Stony Point Local Waterfront Revitalization Plan (LWRP) over 20 years ago.

12. Impact on Hudson River habitat: The Hudson River's Haverstraw Bay is a significant fish and wildlife habitat and a scenic area of statewide significance as identified by the New York State Department of State. (a.) Will "The Breakers" require dredging of the Hudson River? (b.) If dredging is required, what impact will dredging have on local fish life, wetlands and adjacent marinas and the Haverstraw Bay? (c.) Hudson River aquatic impacts should include a description of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat and a Habitat Impairment Test. (d.) The applicant should also include a map identifying the location of submerged aquatic vegetation (SAV), explanation of its importance, vulnerability, and potential impacts, particularly in its context in a shallow bay with a large marina nearby in Haverstraw Bay. #24 #25 #25
13. Dredging removal and disposal: If dredging of the Hudson River is required for "The Breakers," it might uncover PCBs and other river contaminants from Indian Point or other points upriver. (a.) Where will the products of any required dredging be placed? (b.) How will any dredged material be stored onsite? (c.) How will it be removed from the site? #24
14. Demand for potable water: The County of Rockland has convened a Rockland County Water Task Force for the purpose of identifying means by which residential, business and municipal customers can reduce demand on our current water supplies through water conservation and efficiency. (a.) What is the expected total water demand projections for all components of "The Breakers?" (b.) What water management and conservation measures will "The Breakers" include in its project plan? (c.) Please include a comparison between water demand projections for potable water and how much of that demand can be reduced through water management and conservation. #26
15. Impact on local road - Hudson Drive: It appears that the current Hudson Drive would go through "The Breakers" and bisect the proposed development. (a.) Is Hudson Drive currently a town-owned or a private road? (b.) Will Hudson Drive be removed from the map as part of this application? #27
16. Archeological and cultural impacts: Historically, this area was likely involved in the Battle of Stony Point and a portion of it may have been used as Kings Ferry during the Revolutionary War. (a.) What is the plan for identifying historical items (from the dredging) and any soldier's remains or artifacts that may be encountered? #28
17. Impact on schools: The generic analysis claims that "The Breakers" will compare to "The Harbors," with reference to the number of additional students that might add to our school system. According to the PW Amendments Environmental Assessment Form (page 18), there 544 occupied units at The Harbors #29

produced 35 school-aged children, and only TWO of which attended North Rockland Schools. (a.) Since The Harbors was promoted as 55+ housing, is "The Breakers" going to be limited to 59+ housing? (b.) Is the projected impact on the number of new students a fair and accurate comparison to "The Breakers?"

18. Sale of condo units: (a.) Please explain the financial impacts of "fee-simple", or "rental units?"

#30

19. Public access: "The Breakers" will provide public access to the river and to a promenade. (a.) To what extent will access by the public be available? (b.) Please describe the size, width and access to the promenade.

#31

20. Regional waterfront planning: In March 2014, the Town of Stony Point published its "Rising Communities Reconstruction Plan." (a.) Please describe how "The Breakers" proposed waterfront development is consistent with our Stony Point NY Rising Community Reconstruction Plan.

#32

Thank you for your consideration.

Sincerely,



George Potanovic, Jr.
President, SPACE
Stony Point Action Committee for the Environment, Inc.
26 Years of Environmental Advocacy & Education
info@stonypointer.org
845-429-2020

File: 160128-TheBreakers_Scoping_SPACE_FINAL_DRAFT.pdf

SPACE - 26 years of environmental advocacy & education



25' ROW (25 ft. off the outside of the rail plus 50 ft. for a total of 75 ft.)

Construction Corridor (35' - 50 ft.)
(CNR's National definition map)

SPACE

Preliminary landscaping questions for the breakers application

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

----- X

IN THE MATTER
OF
THE BREAKERS

----- X

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

ROCKLAND & ORANGE REPORTING
2 Congers Road
New City, New York 10956
(845) 634-4200

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PROCEEDINGS

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

PROCEEDINGS

1
2 Board meeting. And also we do have a public
3 hearing. Once we get to the public hearing
4 part I'll just go over some of the
5 guidelines.

6 Before that, right now we have The
7 Breakers. This is a site plan conditional
8 use located on the north end of Hudson Drive,
9 600 feet north of Tompkins Avenue. This is a
10 redevelopment of an existing marina for a
11 waterfront mixed use development consisting
12 of, in the last plan I looked at, 250 boat
13 slips, approximately 210 units of mixed
14 housing, restaurants and some public
15 walkways.

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

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

1 PROCEEDINGS

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

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

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

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

25 The proposed plan includes a proposed

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PROCEEDINGS

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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PROCEEDINGS

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

PROCEEDINGS

1
2 we get to the public hearing, I just had some
3 things I had written down so I'll go over.
4 Tonight the applicant is going to be
5 preparing a detailed Environmental Impact
6 Statement or an EIS that describes the
7 potential impacts associated with this
8 project and how they plan to mitigate them.
9 The primary goal of tonight's scoping meeting
10 is to focus this EIS on potentially
11 significant adverse impact and to eliminate
12 the consideration of those impacts that are
13 irrelevant and not significant.

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

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

1 PROCEEDINGS

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

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

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

18 For tonight's meeting, since it is a
19 regular Planning Board meeting, we have a lot
20 of applications, each speaker is going to be
21 given three minutes to voice their concerns
22 and we just ask that if you can be concise in
23 your comments and speak clearly so that the
24 court reporter can hear you. You can address
25 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,

PROCEEDINGS

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

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

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PROCEEDINGS

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

1 PROCEEDINGS

2 environmental impacts.

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

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

1 PROCEEDINGS

2 decision on the application before it.

3 So with that, I think we are ready.

4 CHAIRMAN GUBITOSA: Thank you, Max.

5 Before we get to the actual public hearing,
6 I'm just going to -- I know there's some
7 public officials in house, if they would just
8 like to make a quick comment. Anyone? All
9 right. I know Mary, the document is there
10 for the speakers.

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

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

PROCEEDINGS

1
2 don't see this many people at our meetings.
3 This is important for us to get your input on
4 the project.

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

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

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

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

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PROCEEDINGS

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

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

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

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

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

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

22 MR. MAHER: Kevin Maher, 130 Central
23 Highway, former town engineer, current member
24 of the Water Management Task Force for
25 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.

#34

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.

} #35

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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.

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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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PROCEEDINGS

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

} #38

PROCEEDINGS

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

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

18 So I'll talk about some of the issues I
19 have listed. SPACE first of all is a
20 twenty-six year incorporated nonpartisan
21 organization, it started in 1990. One of our
22 purposes is to advocate for those things in
23 the town that we think are important, to
24 protect the town. We come to a lot of
25 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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See discussion re: lead agency notice

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PROCEEDINGS

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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PROCEEDINGS

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2 up tonight -- (interrupted)

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

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

8 CHAIRMAN GUBITOSA: All right.

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

11 CHAIRMAN GUBITOSA: All right.

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

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

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

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

24 CHAIRMAN GUBITOSA: Yes.

25 VICE-CHAIRMAN MULLER: Okay.

1 PROCEEDINGS

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

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

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

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

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

22 MR. POTANOVIC: I understand.

23 CHAIRMAN GUBITOSA: I'm being
24 respectful of you.

25 MR. POTANOVIC: No one is

PROCEEDINGS

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2 grandstanding,

3 CHAIRMAN GUBITOSA: We're gonna go
4 through this.

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

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

14 MR. POTANOVIC: That's not our job.

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

24 CHAIRMAN GUBITOSA: Mr. Dave Oberbei,
25 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.

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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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PROCEEDINGS

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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PROCEEDINGS

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.

} #41

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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PROCEEDINGS

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

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

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

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

PROCEEDINGS

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

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

24 MR. POTANOVIC: Sure, I understand.
25 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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PROCEEDINGS

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

#20

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

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

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

PROCEEDINGS

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

4 MR. BECKERLE: I'm Steve Beckerle from
5 49 Beach Road. It seems to be a little
6 impacted by this project. I'm just going to
7 grandstand for second. I'm sorry.

8 Wayne Corts' benefit. Wayne Corts has
9 been in Stony Point for thirty-seven years I
10 found out today. And God bless him. God
11 bless him. He's been doing this project,
12 dreaming of building mixed development usage
13 since the late '80s believe it or not. I've
14 seen plans back from the late '80s where the
15 Keon's (proper noun subject to correction)
16 old property is now Clark Park was drawn
17 mixed use development. This plan, I applaud
18 his tenacity, Mr. Corts, amazing. Since the
19 '90s Mr. Steven Hurley bought the land for
20 the town, 1993 for \$400,000. Wayne's
21 location hasn't changed. He has been
22 dreaming of a marina and mixed use
23 development for quite awhile. It's a great
24 dream. It's great for the Town of Stony
25 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 — 1885, before the Civil War. It's been there before the railroad, before Mr. Cortis 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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PROCEEDINGS

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2 zoning that you gave to Miss Giando (proper
3 noun subject to correction), to Fanco, 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.

#45

13 CHAIRMAN GUBITOSA: Thank you, Mr.
14 Backerle. 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.

#46

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

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PROCEEDINGS

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.

] #47

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.

PROCEEDINGS

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

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

15 MR. BECKERLE: Yes.

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

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

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

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PROCEEDINGS

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 underutilized 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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PROCEEDINGS

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

} #48

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

} #49
} #50

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

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PROCEEDINGS

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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PROCEEDINGS

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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PROCEEDINGS

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

1 PROCEEDINGS

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

15 MR. COLLYER: Mr. Gubitosa, one
16 question. He says you have until February
17 9th.

18 CHAIRMAN GUBITOSA: February 9th.

19 MR. COLLYER: You had said that you
20 weren't going to close it before February
21 9th. That means for another week you're
22 gonna leave it open?

23 CHAIRMAN GUBITOSA: We will close the
24 public hearing, but written comments will be
25 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

PROCEEDINGS

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2 28th -- (interrupted)

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

5 CHAIRMAN GUBITOSA: Frank --
6 (interrupted)

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

24 MR. COLLYER: Not to debate you --
25 (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?

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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 overdevelopment.

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.

#54

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

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

If anyone wants an agenda sent to them, just ask Mary and she will get your e-mail address. What I usually do is when I get information, I post it on our website. We are going through some restructuring of the website. Townofstonypoint.org, it's our website, it's a planning page. We post documents on the planning page. I've got a scoping document. I put agendas, I put meetings, everything is out there. Like people say, this is the age of technology. Everything is on the website. If it's not there you can e-mail the office. You can e-mail Mary. You can e-mail me. We answer questions. We live here. We are watching this application. You know, people make it seem like we are letting things fly by. No, 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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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my
ability.

x Patrick DeGiorgio



PATRICK M. DEGIORGIO

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and correct transcription of the original
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x Patrick DeGiorgio



PATRICK M. DEGIORGIO

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DRAFT SCOPING DOCUMENT COMMENTS

APPLICANT/PROJECT: THE BREAKERS, STONY POINT, NY

February 5, 2016

Comments from Barbara Hess
Chairwoman, Stony Point Architectural Review Board

The following items need to be incorporated into the scoping document:

Note: All references to "Project" include ALL of the following: proposed structures (buildings, gazebos, all enclosures and docks), materials, hardscape, landscape lighting.

- The New York State Department of Environmental Conservation document, "The NYSDEC Policy System," Program Policy Title: "Assessing and Mitigating Visual Impacts." The pdf is dated July 31, 2000. DEP-00-2, and has 15 pages. This DEC document includes the procedure for visual and aesthetic concerns, impacts and assessments that will need to be addressed by the applicant.
- Visual analysis: Document existing and proposed areas of the proposed Project within the context of the surrounding, describe relationship to surrounding areas, the type and level of lighting- and locations, proposed signage, location of proposed mechanical equipment and screening, garbage collection locations and enclosures. Show all proposed on site screening and locations. Describe the visual character of the project site environs, any potential changes to neighborhood character.
- Visual impact: Describe and illustrate the existing and proposed visual conditions of this Project and surrounding areas. Provide a description of the architectural concept of the Project. Describe impacts the Project will have on community character. Identify if Project will obstruct, diminish or eliminate significant views currently enjoyed by others.
- Viewshed analysis: Show the viewshed of the entire project from the Stony Point Battlefield, Lincoln Oval, and from the Hudson River- from

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eye level height (8'-0" above grade). This should be shown in a photorealistic rendering. Provide a site cross section indicating all building heights from viewshed locations. Show existing and proposed vegetation. Show actual and proposed grades. Provide a viewshed map showing important points from which this site can be viewed using the NYSDEC Program Policy, Assessing and Mitigating Visual Impacts, DEP-00-2 as a guideline. The analysis will describe:

- a) The existing visual character as viewed from different locations, as noted above.
- b) The change in visual character resulting from implementation of the proposed action, including components related to wastewater treatment, water supply storage and other visible infrastructure.
- c) Mitigation measures proposed to lessen the visual impact of the proposed action including but not limited to such matters as architectural design, landscaping, preservation of existing vegetation and woodlands, and preservation of existing topography
- d) Specific attention shall be paid to visual effects both during the day and night time conditions. Site lighting, including street lighting, walkways, gazebos, building lights and parking area lights shall be identified on a lighting plan/s. Mitigation measures related to sight lighting shall be identified

#56

- Provide complete building cross and long sections of all structures with elevations noted- from lowest level to the highest point, and each floor in between. Minimum drawing size to be 1/8" scale for structures over 100'-0" long, and 1/4" scale for smaller structures
- Provide a landscape plan showing the existing and proposed permanent and annual vegetation and screening for the Project. Indicate location of all proposed planting materials; species, maximum spread, maximum height, bed materials, etc. Show cross section of landscaping with grades and berms.
- Lighting plans shall include detailed drawings indicating location, size, type, coverage direction, exterior luminaries, lighting fixtures or other form of illumination. Footcandies shall also be noted, and shall conform with NY State and Stony Point Code requirements, whichever is more stringent.
- Provide all materials, colors, and name of manufacturer of said materials for the Project, proposed structures (buildings, gazebos, all enclosures and docks), materials, hardscape, landscape lighting.

#57

#56

Mary Pagano

From: Tom Gubitosa
Sent: Friday, February 05, 2016 2:51 PM
To: planning
Subject: FW: Stony Point: "The Breakers" waterfront development – Public scoping date needs to be extended
Attachments: Screen Shot 2016-02-05 at 11.18.53 AM.png
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Red Category

Can you forward to the rest of the board, Max, Bill and Steve

Tom Gubitosa
Chairman - Stony Point Planning Board
74 East Main St Stony Point, NY 10980
845-786-2716 Ext 113
tgubitosa@townofstonypoint.org
<http://townofstonypoint.org>

From: George Potanovic, Jr. [georgepl23@optonline.net]
Sent: Friday, February 05, 2016 5:27 AM
To: Tom Gubitosa; planning
Cc: Jim Monaghan Auto Reply; Karl Javenes; Mike Puccio; Thomas Basile; James B. White CPA; Douglas J. SCHUETZ; Martin D. Brand; James Skoufis; Joan Skinner; SPACE
Subject: Stony Point: "The Breakers" waterfront development – Public scoping date needs to be extended

To: Tom Gubitosa, Chairman, Stony Point Planning Board
Lead Agency, SEQRA review of "The Breakers"; Stony Point, NY

In the interest of providing a clear and concise description of both the intent and purpose of the SEQRA Public Scoping Process, below is a link to a description from the NYS DEC website:

NYS DEC – Scoping a Draft EIS
<http://www.dec.ny.gov/permits/6477.html>

As the NYS DEC document states, the purpose of the scoping process is to:

- 1) ensure public participation in the EIS development process [at the early stages];
- 2) allow open discussion of issues of public concern and
- 3) permit inclusion of relevant, substantive public issues in the final written scope.

In my prior letter to you re: the scoping hearing held for "The Breakers" on Thursday, January 28, 2016, I expressed my concern about the lack of public meeting notice, lack of project information and limited public participation in the process due to the limited project details provided. My comments also identify a number of scoping questions raised by the Rockland County Acting Commissioner of Planning, Douglas J. Schuetz, which include: 1) identification of tax parcels to be included in the proposed project should have been included in the Lead Agency Notice; 2) The Zoning District in which parcels are located

#2
#3
#4
#5

needs to be included in the Lead Agency Notice; 3) The list of Involved Agencies must be revised to include a number of missing agencies, including those with permitting authority.

↑
See
Comm
ent
re:
Lead
Agency
Notice

These issues expressed by the Rockland County Department of Planning raise questions concerning the completeness of the Lead Agency Scoping Notice. I am suggesting that these may also contain potential legal deficiencies concerning content and notice within the Lead Agency Notice of Scoping. That lack of specific information provided by the Stony Point Planning Board to the 100 town residents who attended the public scoping hearing held on January 28 seriously concerns me as a town resident and I hope it concerns you as well as our elected officials.

We currently find ourselves in a situation where we have started off on the wrong foot as we start the SEQRA review process. This is not yet a bad reflection on "The Breakers" project itself but on a SEQRA scoping process that is not meeting the number one NYS DEC objective of scoping - "to ensure public participation in the EIS development process." The good news is that we still have a window of opportunity to make corrections and get ourselves on the right path.

Below is a link to a 2012 YouTube video of an early presentation of "The Breakers" to the Stony Point Town Board. It is a very good presentation.

Why didn't the Stony Point Planning Board, as Lead Agency for "The Breakers," require that Wayne Cortis, as the applicant, make this kind of presentation for the 100 people who showed up at the Public Scoping Hearing held on January 28 looking for more information?

#58

I have recommended that The Stony Point Planning Board, as Lead Agency, to extend the public scoping for "The Breakers" from its current deadline of February 9, 2016 for an additional 45 days. This time can be used to properly re-notice the hearing, re-notice all interested agencies and a presentation in the public scoping hearing that would provide town residents with current information about "The Breakers" proposal. Otherwise, how can we reasonably expect the public to submit thoughtful scoping comments for a proposed project that they know little to nothing about?

#59

As chairman of the Stony Point Planning Board, you have the authority to make corrections now that support Town of Stony Point's expressed interest in an open and transparent government, remove any potential legal defects or doubts within the current scoping notice, and allow the SEQRA review and scoping process proceed as intended - ensuring that it best serves not only the interests of town residents, but also the long term interests of "The Breakers" as a project that can benefit our Hudson River waterfront and the future economic development of the Town of Stony Point.

Please include this correspondence as part of the public record.

Thank you for your consideration.

Sincerely,

George Potanovic, Jr.
President, SPACE
Stony Point Action Committee for the Environment, Inc.
26 Years of Environmental Advocacy & Education PO BOX 100; Stony Point, NY 10980
info@stonypointer.org<mailto:info@stonypointer.org>
845-429-2020

The Daily Voice: North Rockland - January 28, 2016 Stony Point Marina Owner Pitches Plans For Mixed-Use Development <http://northrockland.dailyvoice.com/news/stony-point-marina-owner-pitches-plans-for-mixed-use-development/620209/>

[cid:D8CDBCB1-CF52-4C07-8980-4DCBE95080E5]<<http://northrockland.dailyvoice.com/news/stony-point-marina-owner-pitches-plans-for-mixed-use-development/620209/>>

Scenic Hudson, Inc.
One Civic Center Plaza, Suite 300
Poughkeepsie, NY 12601-5156
Tel: 845 475 4440
Fax: 845 475 0740
email: info@scenic Hudson.org
www.scenic Hudson.org



February 5, 2016

By email: tgubitosa@townofstonypoint.org

Thomas Gubitosa, Chairman
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Subject: Request to Extend Scoping Comment Period
The Breakers Site Plan and Conditional Use Permit

Dear Mr. Gubitosa:

Scenic Hudson is writing to respectfully request that the Planning Board extend the public comment period for the Breakers Draft Scope by 30 days to March 7, 2016.]#60

This 44-acre site with 1/2 mile of riverfront is arguably the most important development site in Rockland County. As such, the site has the potential to greatly contribute to Stony Point's economic future. Well-planned development could provide economic opportunity, new housing, increase the tax base, and strengthen peoples' connection to the Hudson River. These are all goals expressed in the Town's recently completed plan, *New York Community Rising: Stony Point*.

The Draft Scope was only made available on the town's website on January 22nd, six weeks after the applicant submitted scope to the Planning Board. Due the limited availability of the Draft Scope and the importance of this site, Scenic Hudson believes that allowing the public more time to review and comment on the scope will result in a stronger scope, a more complete DEIS and a better project that will meet the Town's goals.

This request is made in the interest of providing all interested parties, including Town residents, interested parties, and involved agencies ample opportunity to provide comments that will strengthen the scope, resulting in a more thorough environmental review and a project that better achieves the goals of the Town.

Please add Scenic Hudson to the list of Interested Parties in order that we may review the DEIS and other materials as they become available.]#61

Thank you.

Sincerely yours,

Jeffrey Anzevino, AICP
Director of Land Use Advocacy

BREDA BECKERLE
49 Beach Road
Stony Point, NY 10980
(845) 429-7823
bredabeck@gmail.com

February 8, 2016

Mr. Tom Gubitosa
Chairman, Stony Point Planning Board
T.Gubitosa@townofstonypoint.org

Re: The Breakers

Dear Mr. Gubitosa,

This is not a letter opposing The Breakers. We have a beautiful riverfront and I will be very happy to see successful development that can enhance Stony Point both aesthetically and economically. However, The Breakers is proposed for a challenging site that will impact many surrounding homeowners.

I live at 49 Beach Road in a pre-civil war home built in 1835. Because of limitations on access to The Breakers site due to underpass and height restrictions associated with the CSX rail line, Beach Road will be the main, if not the only, vehicular entrance to The Breakers.

As everyone in Stony Point knows, Beach Road floods many times a year, at times locking the residents into their homes for several hours over high tide periods. In fact, it is impassable as I write today. Beach Road is already in bad condition. The existing seawall along a section of the road has been severely undermined and appears ready to collapse and parts of the road itself are eroding.

I realize that Beach Road is a county road, but one way or another, this road will need to be addressed before it can be burdened with considerable additional traffic. Beach Road will literally be the lifeline of the residents of the planned over 200+ additional residences proposed by the Breakers, and their need for emergency services in addition to routine, reliable access. It seems to me a given that Beach Road will need to be remediated. As a

#20

resident of a particularly vulnerable stretch of Beach Road, I very much want to understand the likely consequences for my home of any remediation.

Flooding is not the only issue with Beach Road. There is also a tremendous amount of water that flows down onto Beach Road from the town. I understand that there are extensive and complex drainage systems in place under and through the train bed, some blocked up over time, that need to be considered in addition to the flooding from the river. Simply put, Beach Road has drainage issues from both sides, downwards from the town and upwards from the river.

#62

It doesn't appear to me that conclusions reached so far have realistically assessed the added burdens this project will place on surrounding neighborhoods and infrastructure.

In closing, I request that the comment period be extended by an additional 45 days. A less than two week comment period on a project of this size and with this many open questions seems insufficient.

#60

Sincerely,



Breda Beckerle

Cc: Mary Pagano: mpagano@townofstonepoint.org
Supervisor: supervisor@townofstonepoint.org

Amy Mele

From: Mary Pagano <MPagano@townofstonypoint.org>
Sent: Monday, February 08, 2016 8:13 AM
To: Stephen Honan; Dave Zigler; Amy Mele; ira@emanuellaw.com; Eric Jaslow; Gene Kraese (skippy41p@gmail.com); Gerard Rogers; John O'Rourke PE; Max Stach (maxstach@turnermillergroup.com); Mike Ferguson; Paul Joachim; Peter Muller; Tom Larkin; Tom Gubitosa; Tom Gubitosa; William Sheehan
Subject: FW: The Breakers Condos

Mary Pagano
Planning Board Clerk
Town of Stony Point
845.786.2716 Ext 113

From: becky.casscles@aol.com [mailto:becky.casscles@aol.com]
Sent: Sunday, February 07, 2016 3:46 PM
To: planning; Supervisor
Subject: The Breakers Condos

Dear Chairman Gubitosa,

I have been a resident of Beach Road for over 46 years and I am currently a member of the New York Rising Committee. I have quite a few questions regarding The Breakers project located at Hudson Drive; this road is directly north of Beach Road. This condo project has been an ongoing effort of Wayne Corts.

I attended the Planning Board meeting on January 28th, 2016 in hopes of seeing what the plans for The Breakers were. I was very disappointed that Mr. Corts seemed to have everything ready to make a presentation and then suddenly no presentation was made. Can you explain why no presentation was done given the public attendance at this meeting? It seemed odd to me that after pushing for this condo complex for so long and with so much public interest in it nothing happened. Did something changed with this application since 2015? I felt the time constraint did not allow for me to ask the many questions I have since my road will be directly affected by this project. I will now list my concerns in this e-mail and I want to thank you in advance for reading them.] #58

1. There is a historical site north of the proposed Breakers condos. The Stony Point Battlefield is a where some very significant battles of the Revolutionary War were fought. What plans, if any, are there should the remains of soldiers be found at this site? What agency will be responsible for handling this? What happens to any artifacts that are found on this site, ie. arrowheads, bullets, dishes etc.,? What agency will be handling these items?] #63

2. Was the Palisades Interstate Park Commission, located at Bear Mountain Park, caregivers of the Battlefield, notified of this project so they could have input?] #64

3. Since the Planning board declared itself lead agency for this project can you tell me which federal, state and county agencies were notified of this project, as I am certain they will want to have input with regards to this project?] #65

4. Currently the south end of Beach Road is undermining just passed the Vincent Clark Town Park's northern border. The County of Rockland has no money available to repair the road at this time. They have attempted to repair the problem to no avail. The constant ebb and flow of the tides does not allow for remediation of this problem. Who will pay for any improvements needed to make Beach Road safe to travel on? What effect will 400 - 500 additional vehicles each day traveling this road do to the infrastructure of the road?] #20

5. What will the weight limits be on Beach Road when construction vehicles (ie., concrete trucks, blacktop trucks, etc.) begin to travel north on our road? Who determines the weight limit and more importantly how will this determination be reached? Once the construction vehicles begin to use our road the effects could be devastating to those of us who live on Beach Road.

#66

6. Shouldn't there be a new traffic study done before any constructions starts to determine current number of cars using Beach Road?

#67

There was a traffic study done many years ago when L. J. Kennedy Trucking Company used our road during the reconstruction of the East Main Street Bridge, which caused damage to the road surface.

7. This study should address the impact on the intersections of Tomkins Avenue/Beach Road, Beach Road/East Main Street and Hunter Place, if this road is to be used for this project.

#67

8. The next issue is one regarding the existing sewer system. I have some concerns with regards to the ability of our sewer system being able to handle the additional sewage from the Breakers. How will the sewer pump station at the end of Beach Road be able to handle this?

#68

9. In regards to the sewer system you should be aware that the manhole covers located on Beach Road overflow with each and every storm, be it big or small. This sewage goes into the Hudson River after the storms.

10. What are the current conditions of the sewer lines and most importantly what is the current condition of the pumping station located at the south end of Beach Road?

11. If the pump station needs to be upgraded to accommodate the waste from the Breakers and the proposed restaurant who will pay for this, the developers or the taxpayers?

12. Beach Road floods constantly. On bright sunny days, if conditions are right, the road floods. During any storm that comes our way Beach Road will definitely flood. At these times the residents are cut off from any type of emergency vehicles reaching them. This is a huge problem as anyone on Beach Road or the marinas on Hudson Drive, cannot be accessed by fire trucks or emergency vehicles as most do not fit under the railroad trestle located at Tomkins Avenue. How is this problem going to be addressed?

#20

13. Beach Road was flooded during Super Storm Sandy as far north as the south entrance to Patsy's Marina located on Beach Road. The marinas on Hudson Drive were also severely flooded. There was a medical emergency on Hudson Drive and it took 15 - 20 minutes for help to arrive which resulted in the loss of a life. How will this problem be abated in the future?

#20

14. With regards to the existing drainage in the area of the Breakers my concern is that these two areas are working fine now; will they be disturbed or compromised by this project?

#69

15. Is the planning board aware that on the south end of this property there is a 20 foot AT&T easement for the underwater cable that goes across the Hudson River? Is this proposed project going to be built anywhere on this easement and is it reflected on the maps?

#70

16. Will Mr. Corts be bringing fill in and if so who will be inspecting the fill with regards to contamination? Will all necessary fill permits be obtained for this project?

#71

17. Does the Town know for sure if the developer legally owns all the property necessary to build these condos?

#14

18. Is the developer planning on applying for any grants for mixed income housing? What will the ratio be if this happens?

#72

19. In regards to the development since no presentation was made, what will the final height of these condos be?

#73

20. The CHPE power line will be given a 75 foot right of way (eminent domain) that will be directly under the proposed Breaker parking lot along side the CSX Railroad. Can Mr. Corts legally build on this right of way?

#74

21. According to the CHPE power line maps they show encroachment on his property, does this affect his project on any way?

#74

22. What impact will this project have on our school district? How will this be determined? How will this affect taxpayers?

#75

I want to thank you for allowing me to air my concerns, I appreciate your reading them. Please do not hesitate to contact me with any questions you may have.

I would like my comments to be placed as part of the public record with regards to the scoping project.

I strongly urge the Planning Board to carefully review everything regarding The Breakers. Please keep in mind you will be setting a precedent for all future development of the waterfront area. Once a precedent is set for this type of development it will forever and irrevocably change the face of the Town of Stony Point.

Sincerely,
Rebecca J. Cassies
69 Beach Road
Stony Point, NY 10980
(845)788-2416

130 Central Highway
Stony Point, NY 10980

February 8, 2016

Thomas Gubitosa, Chairman
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Re: Scoping Comments for "The Breakers"

Dear Tom:

I would like to thank you and the Board for allowing me to comment at the Scoping Meeting. I am expanding on the comments that I made, as well as adding additional information that I have found since the meeting.

TRAFFIC: As a result of Supersorm Sandy, everyone knows that this section of the waterfront is exposed to serious flooding and escape issues. There were numerous photographs posted to social media evidencing the flooding conditions that occurred as a result of the rainfall and tidal storm surge. The tunnel under the CSX rail line is a dangerous choke point that will not be upgraded by CSX.

While it is important to address traffic issues at Tomkins Avenue/Route 9W and East Main Street/Route 9W, there should have also been a look at how the local roadways in the entire area are working now and how they will be impacted by the proposed development. A reasonable man can see that traffic will increase with the proposed development of all of the marina areas. There is also one sleeping giant in the mix as well: US Gypsum. What happens with the traffic patterns if US Gypsum either comes back online, or is sold and converted into another industrial use, or possibly into a major residential development (with proper variances)? Most if not all environmental impact statements refer to "worse-case scenarios", which in this case should show, at least in a projected manner, what traffic would look like at these key intersections not only with this development but also for a full build-out of the area according to the amended code. A similar traffic study was done when Shop Rite was proposed, which included the same kind of traffic projections.

Since this Board should be concerned about hashing out all of the possible safety issues involving this project, shouldn't traffic be one of them? When you consider the number of people that may eventually live on the property, as well as visitors to the site, one should be cognizant of the inability of the roadways as currently configured to allow the people to safely evacuate should a disaster happen, such as a Bakken Crude train derailment. As it stands right now, there are only two roadways that might possibly get

#76

anyone quickly away from the scene of any accident that could affect the safety of individuals at the site. One is the underpass (under the CSX tracks) and Tomkins Avenue up to North Liberty Drive (Route 9W). But we already know that this is not a safe intersection due to its narrowness (which prevents fire trucks from getting into the site). The other legal point of retreat would be via Beach Road to East Main Street and eventually up to its intersection with Route 9W (North & South Liberty Drive), or to drive in a southerly direction toward River Road and into Haverstraw. But that has its inherent problems as well. Needless to say, traffic flow should be a key review point for this project.

BEACH ROAD: When Superstorm Sandy struck this area, it basically swamped many coastline roadways like Beach Road. There were several photographs posted in social media showing the Hudson River basically swallowing up the waterfront, including Beach Road. The redesign and reconstruction/rehabilitation of Beach Road, which should be the responsibility of this developer based on the enormous profit that will be gained from building this project (or at least selling it to another entity), should make it a high-priority for approval.

Based on the Advisory Flood Elevation Map which was issued by FEMA after Superstorm Sandy struck the tri-state area, the flood elevation that would be controlling building elevations in the area is elevation 14.00, which is substantially higher than many of the properties along the waterfront. Just take a drive along not only Beach Road but River Road as well and you can see the impact on new construction, especially since the Town Board voted to accept the new mapping information.

If we need to rebuild Beach Road such that at least a fire truck could make it through as a rescue vehicle during another Sandy-like event, the minimum road elevation in my professional opinion would have to be at least 13.00 in order for the fire trucks to at reach any people at "The Breakers" who did not want to or may not be able to evacuate (see attached "Apparatus Dimensions" chart in Appendix "A") since the average pumper truck has a ground clearance of approximately 11". This should not appear to be a problem at the intersection of Beach Road, Hudson Drive and Tomkins Avenue, since the ground elevation there, according to Google Earth, is approximately elevation 17.00.

As we all know, the necessary improvements to Beach Road have been slated to be covered by the Sandy Relief money that was granted to the Town. If the Town Board is not interested in changing the focus of the grant money, then perhaps it could be encouraged to seek funding from the developer to cover equivalent total costs of the other projects that were not being covered.

WATER DEMAND: This project will obviously create an increase in water use far beyond what is currently happening at the site. Recently, Suez New York (formerly United Water New York) agreed to drop the construction of the Desalination Plant (planned to be situated in the Town of Haverstraw near its common border with Stony Point) that was proposed to address a perceived potable water shortfall in Rockland County. A reasonable man can see that this project will increase water demand in the

#20

immediate area, as well as generate a need for effective water pressure for fire-fighting purposes.

Since Stony Point is for the most part at the northern fringe of the service network of Suez New York, it follows that any increase in demand would affect the users in the immediate area as an increase in demand without a matching increase in supply (and with it additional pumping efforts to maintain reasonable main line pressures of 80 psi to 80 psi) will cause a concomitant drop in normal pressures, especially at the higher points in the system toward the northern fringe of the Stony Point grid. It would be reasonable for Suez New York to issue a letter of supply capacity for a single-family home, or even a small subdivision or strip mall as the demand would not have that significant of an impact on the delivery system.

But when you add upwards of 210 one to possibly three bedroom homes/apartments to the mix, it is easy to see how the impact could be significant. Since these newer homes would be situated along the waterfront at obviously the lowest ground elevations in the Town, it is logical that their water pressure would be substantially higher than someone living, let's say, up in Dunderberg Estates. And as the normal demand associated with these waterfront homes kicks in, it will decrease the water pressure up in areas like Dunderberg Estates unless Suez finds a way to increase the overall pressure in the delivery system. With all of the leaks that they have yet to find (besides the recent one on Woodrum Drive), this could put an enormous strain on the watermain grid, and possibly lead to more leaks and line breaks due to the age of the system. And this doesn't even account for pressure and demand variations due to the commercial components of the development as well.

The Rockland County Water Management Task Force, of which I am a member (Stormwater & Groundwater and Conservation Sub-Committees), is actively looking for ways to decrease water demand at this time, as well as finding new sources for future development. It may take some time before new, viable sources are available for use. Therefore, this project will have a negative impact on the water supply for Rockland County (more specifically, Stony Point and its immediate environs) and should be addressed completely in the Scoping Document as well as any future editions of the environmental impact statements for the project.

One of the objectives of the Water Management Task Force is to encourage water conservation throughout the project. Since this is located along the waterfront, the idea of using "Green Infrastructure" to save on water usage for irrigation may seem a bit overhanded. But the design of the buildings should encompass some forms of water-reuse if possible, or at least the usage of water-conserving plumbing fixtures. Since the County recently signed on as a "Water Sense" Partner, I believe that this project should try and embrace this idea to the maximum extent practicable.

SANITARY SEWERAGE: There is no doubt that this project, and any future developments along the waterfront spurred on by the PW Zone amendment previously approved by the Town Board, will have an adverse impact on the Town's wastewater

#77



conveyance and treatment systems. At the present time, the Town has in place a by-pass pump station that is set to go into action when the total wastewater flow in the collection system reached 0.80 MGD, which is 80% of the Town's current treatment plant capacity (1.00 MGD). NYSDEC had been harping on Stony Point for at least the past ten years to get its Infiltration and Inflow program up to speed because there is adequate evidence that unnecessary flows are entering the system on a regular basis.

While the Town has completed smoke testing of the sanitary sewers and found negligible roof connections and some missing cleanout caps on service laterals, there is yet to be any serious attempts other than some manhole repairs and a watermain repair on Woodrum Drive that were done to eliminate some water into the system. So how can the Town accept any additional flow into its system without addressing the major problem? Based on the numbers mentioned in regard to the northern marina area (210 housing units, 8,000 sf of restaurants and 3,000 sf of office space), there is the potential for approximately 9,000 to 10,000 gallons per day of additional wastewater being introduced into the Town's sewer system just for this project. What about the rest of the waterfront? Has anyone done a prediction as to what that flow would be? Is the Town in a position to answer questions from NYSDEC in regard to how this additional sewerage will be handled?

Carl Gilpatrick, Aast. Sewage Treatment Plant Operator, put on an interesting presentation at the January 26th Town Board meeting. According to his presentation, the total amount of inflow and infiltration to the sanitary sewer network has dropped significantly, allowing the Town to literally lower its by-pass flow to the Joint Regional Sewerage Board (JRSB) in Haverstraw to almost nothing. It appeared from his slide presentation that the total flow for calendar year 2015 was 3,000 gallons total. Seeing that infiltration (which is underground leakage into the system from groundwater) was more than likely due to the obviously low rainfall during 2015, how can we be assured that this would not be a reoccurring problem in the future should rainy seasons happen again?

Another item not addressed was the problem of sump pumps tied into the sanitary sewer system, probably because there were no storm drains near particular homes in low-lying segments of the Town's sanitary sewer districts. It may have also been standard practice "back in the day" to attach sump pumps to sanitary service laterals because there was so much capacity at the treatment plant that it didn't seem likely that the added groundwater from the pumps would have had any impact. While looking for a home here in Town when I first became the Town Engineer in 2009, I focused my attention on those areas of the Town where sanitary sewers were installed. I did not want to inherit an old septic system that would need to be repaired or replaced as I am well aware of the costs associated with that kind of work. Of the seven homes that I looked at, five had sump pumps tied into their service laterals. These homes were located in various areas of the Town (in other words, not in the same neighborhood or development). Just do the math; that equates to a significant flow when the ground is saturated with runoff.

#78

As you can see from the map shown on Page 6 from the Paul Heisig report "Water Resources of Rockland County, New York, 2005-07, with Emphasis on the Newark Basin Bedrock Aquifer" (Appendix "B"), which was prepared in cooperation with Rockland County and the New York State Department of Environmental Conservation, the average annual precipitation (rainfall) in Rockland County is approximately 48.42", while the website Sperling's Best Places (Appendix "C") lists the amount at 48.7". For arguments sake, let's say that the total annual rainfall for Rockland County is 48.56". If you examine the isometric map from the NOAA (Appendix "D"), you will see that Stony Point had a 2015 annual reported rainfall amount of 89 mm, which is equivalent to 35.04". So with the severe lack of rainfall this past year (at least a deficit of 13.5"), a reasonable man would expect that infiltration into and sump pump discharges to the sanitary sewage collection system would be down significantly. Also, it would be easy to conclude that it appears that "repair" work had an impact, while the data says otherwise.

And let's not forget the threat from the JRSB to discontinue the agreement that allows the Kay Fries By-Pass Pump Station to work. That is the same pump station referenced previously. They have the legal right to not only terminate the agreement with notice, but also not to extend it any further than it had under Supervisor Sherwood. If the JRSB refuses to renew the contract, it will place the Town of Stony Point in a position that it must prepare a Flow Management Plan (which Dayo Adewole from NYSDEC had been threatening the Town with recently) as well as placing the Town in violation of its SPDES permit for the plant (exceeding its rated capacity). This is another reason why I believe that the effects on the Town's wastewater conveyance and treatment systems must be looked at in conjunction with this project.

Carl also implied during his presentation that NYSDEC is willing to grant an increase of the Town's plant capacity from its current status of 1.0 MGD to 1.4 MGD. That may be true, but with my previous discussions with Manju Cherian and Dayo Adewole from NYSDEC Region 3, the Town would be required to first of all prove via a hydraulic study to prove that the plant can handle the extra flow without topping or overflowing the existing tanks. Secondly, the existing treatment train would have to be examined to see if it could handle the extra flow with an influent concentration of 250 mg/l BOD₅ (5-Day Biological Oxygen Demand) and 250 mg/l of TSS (Total Suspended Solids). The plant normally receives waste flows at less than 50% of these values due to the regular influx of inflow and infiltration, which significantly dilutes the incoming sewage flow to the plant.

An increase in rated plant capacity may also require a higher effluent treatment capacity. I would not be surprised if the effluent rating would be lowered from 30 mg/l BOD₅ and 30 mg/l TSS to 20 mg/l BOD₅ and 20 mg/l respectively. In my professional opinion, that would require a redesign of the treatment system as it is currently configured, which would lead to significant capital expenditures to accomplish. If that is necessary, perhaps the developer can be encouraged to contribute toward the cost as his project would be adding to the base flow into the plant.

#78

To avoid the requirement of redesigning the plant, the Town could actively pursue a plan of replacing/upgrading/lining sections of the sanitary sewer system that were flagged by H2M when they did their I & I Report for the Town. For example, I remember standing on one of the sanitary manholes which is located on the north side of Central Drive about 200'-300' west of the Police Headquarters with Jimmy Forzano from the Sewer Department at roughly 1:00 AM. The water flow we both heard at that point sounded like a waterfall, which shouldn't be happening at that time of the day. It basically intercepts the flow from the sewer line from Covati Court and the other upstream lines to the west and transfers that total flow to the beginning of the Cedar Pond Brook Interceptor Sewer Line (the same one which is in dangerous condition underneath the CSX Bridge over the same brook). Obviously, there was a high flow in the pipeline at that time, which more than likely was caused by high levels of infiltration, especially from the sewer line which travels along the unnamed creek from Covati Court area. This is another "off-site" improvement that this developer should at least be partially responsible for as the increase in total system wastewater flow attributable from "The Breakers" is a significant amount.

#78

STORMWATER RUNOFF: While the control of the quantity and peak rate of discharge of stormwater runoff is not required nor sensible with "The Breakers" due to the fact that it lies up against the Hudson River, water quality should be addressed. As was noted in the filings for the Champlain Hudson Power Express (CHPE), Haverstraw Bay is a listed spawning area for sturgeon, which are a protected species in New York State. As such, runoff from this site should not add pollutants that would denigrate the water quality in the bay.

Therefore, it is obvious that some forms of runoff treatment must be installed on the site. There will be a massive increase in parked vehicles on the site, due both to future residents as well as those visitors who may come to enjoy the amenities at the site. The NYSDEC Stormwater Design Manual as well as its "sidekick" the "Blue Book" otherwise known as the Soil Erosion and Sediment Control Manual of New York State, should be closely followed not only during the design and construction phases of this project, but also with the post-construction use of the site. Of particular concern for the Planning Board should be any maintenance easements and agreements that would go with any of the water quality devices that are made a part of the project. It is imperative that all of these items be clearly called out on the plans and qualified maintenance entities be required to be disclosed in any post-construction agreements.

#79

CHPE AND FUTURE ELECTRIC LINES: The plan as submitted with the Draft Scoping Document, does not appear to show the route of the CHPE underground power lines that will be coming through the waterfront area per the approved plans that have been circulated for at least the past two years. It is my understanding that CHPE will be taking a 75' wide utility easement along the eastern side of the CSX Railroad ROW, which means that this site will, in the very near future lose a strip of its land 75' in width along its westerly boundary, which coincides with the CSX Railroad ROW. At a minimum, this "taking" should be shown on the schematic site plan and its impact to the site development be taken into account. The developer's site engineer should see what

#15

restrictions in use will be mandated by the placement of the utility easement along this side of the property. CHPE may have use restrictions regarding what can be placed on the easement due to maintenance requirements, especially when they must install cooling stations along the cable run to keep the lines from overheating.

But there is also a sleeping giant that has not been addressed as well. When the PSC granted CHPE its approval, it inadvertently created a monopoly in energy transmission. Based on the reviews that were done while representatives from CHPE made their sales pitch in Town to garner support for their project, it appears that there are four additional power lines that will be following the same path that CHPE has chosen to run through on its way to NYC. Since Westchester County vehemently opposed CHPE on their side of the Hudson River, we got stuck with it. In the same fashion, we will again be stuck with the additional powerlines. If we take the conservative approach that they are similar in nature (high-voltage DC powerlines) and therefore require the same separation distances between cables and competing lines, then we can assume that they will each require a 75' wide easement for construction and maintenance, which would therefore add an additional 300' of easement width to the site. If these plans are in fact being reviewed by the PSC and other interested agencies like NYSDEC and ACOE, then it would be in the best interest of the developer and his designers to check into it and address any impacts on the site plan.

WATERFRONT RESILIENCY PLAN: I was a part of that committee and making the waterfront resilient to any future storms like Superstorm Sandy was the main focus ("build back better & stronger"). There was a directive given to the consultants that were working with the committee to come up with a plan of action for this area of the Town. I think it would be a wise move on the part of the Planning Board to incorporate the findings of that report and to make that same document available to the public for their review and comment as well. Perhaps there may be suggestions from that consulting firm that may or may not contradict what the developer is proposing to do with "The Breakers". Especially when waterfront wave protection is seen as necessary to soften or possibly eliminate damage from storm surge.

When looking at River Road, it was agreed in principle that some form of stone groins or floating barriers would be appropriate to at least absorb the impact of waves that would be accompanying any future Sandy-like storm events. While the volume and elevation of future tidal surges cannot be stopped, at least the physical impacts of waves crashing into structure on land causing the devastation that was wrought by Sandy could be reduced or even eliminated by installing such devices.

If we look at these issues either separately or in conjunction with the other impacts in the Part 3 of the EAF, they still show a negative impact that need to be addressed. It has been my experience in presenting land development projects in both New Jersey and New York that when there are significant impacts to off-site infrastructure as a result of the proposed project(s) that it is the responsibility of the developer(s) to come up with appropriate upgrades/changes to either eliminate or mitigate such adverse impacts to the maximum extent practical.

#15

#80

While the redevelopment of the waterfront should be a high if not the highest priority at this time, there should also be a sensible review of all of the potential impacts of a project of this size so that everyone is fully aware before there is a major problem that needs to be fixed. At that point it may well become the responsibility of the Town to remediate any problems if they could be linked to the review process. The waterfront is a gem to Stony Point and as such should be redeveloped in a sensible way. There is room for error here that may lend itself to lawsuits for damages in the future, so to err on the side of caution when reviewing this application is a sensible and prudent thing to do for the Town and its residents.

Sincerely,



Kevin P. Maher, P.E., M.ASCE

cc: Hon. Harriet Cornell, Chairwoman, Rockland County Water Management Task Force
Natalie Patasaw, Chairwoman of the Rockland County Environmental Management Council
Arlene Miller, Deputy Commissioner, Rockland County Planning Department

TOWN OF STONY POINT

Office of the Fire Inspector

74 EAST MAIN STREET
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www.fireinspector@townofstonypoint.org

WILLIAM J. SHEEHAN
BUILDING & ZONING INSPECTOR

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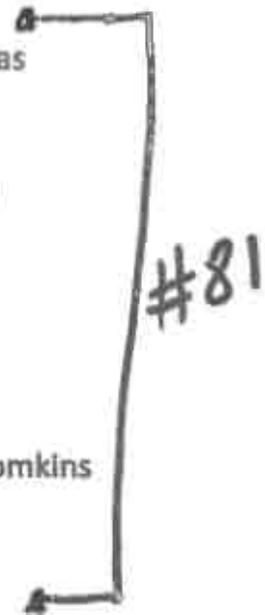
THOMAS W. LARKIN
FIRE INSPECTOR

February 8, 2016

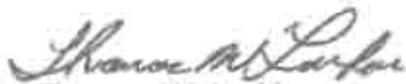
Thomas Gubitosa
Chairman, Stony Point Planning Board

Comments regarding "The Breakers" community services page eleven (11)
Section E-3 the following should be incorporated to this section.

- Identify and list the services provided by the community such as Police, Fire Services and Emergency Response Services.
- Identify the location(s) and response time for each service.
- Identify available local fire facilities, equipment and personnel (day and evening).
- Identify available mutual aid services (day and evening).
- Demonstrate all applicable NYS Fire Codes can be met.
- Location of existing and proposed fire hydrants and flow rate.
- Review of interior fire access roads and staging areas.
- Review of exterior fire access roads including underpass on Tomkins Avenue and Hunter Place.
- Review of all emergency access roads during flood conditions.



Very truly yours,


Thomas W. Larkin
Fire Inspector

Palisades Interstate Park Commission
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Tel: 845-786-3701
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Michael Teak
Capital Facilities Regional Manager I
Telephone: 845-786-3701 x 225
Fax: 845-786-5367

February 9, 2016

Town of Stony Point Planning Board
74 East Main Street
Stony Point, New York 10980

Re: The Breakers
Mixed-Use Waterfront Development - DEIS

Members of the Board:

The Palisades Interstate Park Commission (PIPC) has reviewed the Draft Scoping Document and plans prepared by Atzl, Nasher & Zigler P.C., last revised 11/30/2015, for the above referenced proposal. We provide the following comments for your consideration:

1. The applicant states that visual impacts, including views from Stony Point Battlefield State Historic Site will be analyzed and vantage points will be identified in a Part 3 EAF. PIPC staff has not been informed of a date for a balloon test or which vantage points are to be evaluated. Please contact PIPC to ensure all prominent vantage points are analyzed during this review process. #82
2. Please include before and after photo simulations for all vantage points identified in the Part 3 EAF. It is noted that the scoping document states that vantage points will be photographed in leaf-off conditions.
3. It is unclear what the maximum building height will be. If the maximum building height is to be measured 45 feet above the FEMA 100 year flood elevation plus 2 feet, please state the FEMA flood elevation in the report. #73

Thank you for providing us with the opportunity to review and comment on this proposal. We look forward to providing further comments as this project moves through the review process.

Sincerely,

Kari B. Roecker
Landscape Architect
Palisades Interstate Park Commission

cc: Jim Hall, PIPC
Julia Warger, OPRHP
Rockland County Planning Dept.



Rockland Sierra Club's Comments on "The Breakers" DRAFT Scope
February 9, 2016

Rockland Sierra Club has approximately 850 members living in Rockland County, NY, including in the Town of Stony Point, who are concerned with protecting the local and global environment. Sierra Club offers these comments on the scope of the environmental review of "The Breakers," a proposed waterfront development in the Town of Stony Point.

It is our hope that the applicant will address the following items in a Draft Environmental Impact Statement (DEIS) to ensure that this project, should it go forward, will be constructed with minimal adverse impacts to the environment. This will create a win-win situation, as an applicant who includes conservation of resources and best construction practices into the project plans from the beginning will face less opposition from the public, and the Town's present and future residents will not have to face impacts in the future that could be expensive or damaging to health and natural resources.

Public involvement needs to be better enabled by the Town

The purpose of a New York State review under the State Environmental Quality Review Act (SEQR) is to involve the public in the early stages of a project so they can identify public concerns which should be addressed by an applicant before a project begins construction. We feel that several reasons warrant an extension of the scoping comment period to 45 days to give residents and interested and involved agencies an adequate chance to comment meaningfully.

#60

The NYS Department of Environmental Conservation (DEC) suggests that in a reasonable scoping timetable, the lead agency would provide public notice of the availability of the draft scope on Day 1 of the 60 day scoping period, and distribute the draft scope to interested parties (Item 34 at <http://www.dec.ny.gov/permits/6477.html>). In the present case, although the applicant submitted the draft scope on December 9, 2015, the only announcement of the scoping hearing was a small notice buried in the back of a newspaper on January 14, 2016, and the draft scope was not available on the Town website until a week before the hearing.

See #83

In addition, the draft scope does not list all the involved or interested agencies from which approvals will be needed, so more time is needed for them to review the draft scope and comment.

Therefore, Sierra Club requests that the scoping comment period be extended to 45 days and that in the future, all relevant documents relating to the project be available on the Town website in enough time for the public to read and meaningfully comment on them. The Town should also inform the public through social media and other methods (suggestions available in Items 24 and 25 at <http://www.dec.ny.gov/permits/6477.html>). Providing adequate and timely information to the public will go a long way towards the kind of transparency that shows residents their government is looking out for their best interests.

#60 #83

Issues to be addressed in the DEIS

(Note: item numbers included in parentheses after each issue refer to the Draft SEQR Scope provided by the applicant)

1. Incomplete list of agencies. Revise list of required approvals and of interested and involved agencies to include NYS Department of State, Division of Coastal Zone Management; Rockland County Departments of Health, Highways and Office of Fire and Emergency Services; CSX Railroad; Suez; and Orange & Rockland Utilities, as specified in Acting Commissioner of the Rockland County Planning Department Douglas Schuetz's December 23, 2015, letter to Mr. Gubitosa. (III B of draft scope)

#4
#5

2. Incomplete site description. Include identification of parcels by tax map number and zoning district in which the parcels are located. Include the total acreage for the project and the minimum combined acreage under the new PW zoning code amendments. (III C 1)

#3
#13

3. Access to site. Address safety issue of site access by emergency vehicles during flooding of Beach Road; describe plan for providing such emergency access. Indicate whether the public will have access to the esplanade. (III C 1; III C 2; IV D 1a; V E 3)

#20,
#31

4. Drainage issues. Identify drainage issues resulting from proposed impervious surface and proposed mitigation. Identify the impact of new drainage patterns on nearby areas and the Hudson River. Describe proposed required or voluntary mitigations. (III D 2a, IV D 1a))

#84

5. Open space and wetlands. Identify proximity to and impacts on open space, wetlands and the Hudson River, and proposed mitigation. Additionally address impacts from lawn fertilizer, pesticides, and herbicides which might be applied to lawn areas, plus pool chemicals on wetlands and the Hudson River. Identify required and voluntary mitigations to reduce or eliminate these impacts. (III D 2c, IV C 2)

#86

6. Impact on public land. The draft scope identifies lawns and a pool at the north end of the project, adjacent to Stony Point Battlefield. Identify possible impacts of such proximity to a public park. (III D 2d)

#87

7. Location in FEMA 100-year floodplain

Identify impacts of flooding and stormwater runoff from higher elevations to the west, and proposed mitigation. (III D 3)

#88

8. Erosion of disturbed soils. Identify impact of erosion of disturbed soils, especially from steep slopes, on water infrastructure, wetlands, and the Hudson River. (III D 2c, IV B)

#89

9. Impacts on Hudson River species. Include identification and cataloging of species in the Hudson, and specify impacts to the life in this habitat as a result of this project. Identify whether dredging of the Hudson River will be required and its impact. What mitigations will the applicant carry out to reduce these

#90

10. Financial impacts to Town residents. Identify the liability of the Town if this project is flooded after the Town grants approvals of site plans. Identify the liability of the Town if nearby properties are flooded and damaged after the Town grants approvals of site plans, including possible road and drainage improvements to Beach Road to address flooding concerns. Identify parties responsible for the resulting environmental impact if soil, drainage and land around the project is disturbed by construction of CHPE. (VII A; V E 3)

#91

11. Historical artifacts. Fully describe the plan if archaeological artifacts are found in this historical area. (V B)

#92

12. Landscaping impacts. In describing the proposed landscaping plan, identify use of native plants and drought tolerant species to reduce lawn area and prevent the need for lawn watering and fertilizers during summer. What required or voluntary mitigations will the applicant use to reduce or eliminate the environmental impact of landscaping and ensure the lowest impacts on water supply? What are the planned irrigation systems and estimated water usage of such systems? (V D 3)

#93

13. Demand for potable water. Describe the anticipated need for potable water supply for all components of the project, and specify mitigations such as water neutral development that would be adopted. These should include low flow fixtures and appliances meeting WaterSense standards within the complex, including in apartments and laundromats. (V E 1)

#94

14. Have other measures to reduce water use been incorporated into the plans, such as rainwater harvesting and waste water recycling? If so, please detail the technologies and techniques that will be used and the reduced demand that will result.

#93

14. Impact to sewer system. In describing the existing municipal sewer system and anticipated usage at full buildout, include potential impacts and mitigations to the system from flooding. (III D 3; V E 2)

#95

15. Solid waste stream impacts. In addition to calculating the anticipated volume of solid waste, describe any efforts at solid waste reduction and recycling which will be included by the applicant to reduce the impact of the solid waste stream. (V E 4)

#96

16. Cumulative impacts. Include in this section potential cumulative impacts from the CHPE project proposed to run through the area and the CSX trains which carry highly volatile crude oil along the western border of the property. (VII A)

#97

17. Impacts of energy use. This section should include calculation of the carbon and GHG footprints of anticipated energy use by this project once completed. Specify energy saving techniques which the applicant proposes to use, such as LED lighting, purchase of electric energy from wind or solar sources, and installation of Energy Star rated appliances. (X)

#98

In summary, Rockland Sierra Club asks that the scoping period be extended 45 days to allow sufficient opportunity for the public to comment, and that the issues outlined above be addressed in the applicant's DEIS.

#60

We are particularly concerned about the impacts of a large development on water supply and will be looking for a project that incorporates water neutral planning.

SPACE

Stony Point Action Committee for the Environment, Inc.
PO Box 100; Stony Point, NY 10980 • 845-429-2020
info@stonypointer.org • www.stonypointer.org

Additional Comments Regarding "The Breakers" Waterfront Development Scoping of the State Environmental Quality Review Act February 9, 2016

This document has been prepared by SPACE – The Stony Point Action Committee for the Environment, Inc., in addition to the original 20 numbered comments previously submitted on January 28 to the Stony Point Planning Board, as Lead Agency for the scoping of the environmental review for the proposed "The Breakers" waterfront development project, located in the Town of Stony Point in Rockland County, NY.

Below is an additional list of topics concerning "The Breakers" that we believe warrant the "hard look" required under SEQRA. Please add these to those issues already identified and discussed in your DRAFT Scoping and Positive Declaration on this project.

21. Soil testing: (a.) The property along Hudson Drive has long been used to store, repair and maintain boats. Since the 1960's, the area was also used for scraping down and repainting the bottom of the boats. Now illegal, the paint has mixed with the soil for decades. Soil borings should be conducted to test for paint and other toxic substances under the soil. (b.) The area on the north end of the proposed development is where the old Total Paper Warehouse was located. It was built on a landfill site, which was filled in during the late 1970's or early 1980's. This area was originally wetlands and needs to be tested.] #99
22. Traffic study: (a.) It appears from the site plan drawings that the CSX trestle from Hunter Place is going to be opened. Is this for vehicle traffic or pedestrian only? (b.) If vehicle traffic, neighbors have expressed concern that Hunter Place is a quiet, residential street where children play and that a significant increase of traffic from the proposed 210 condo units, restaurant and marina could have a significant adverse impact on that neighborhood, the families that live there and the children that play on that street.] #100
23. CSX & CHPE right of way: (a.) What is the safe right of way distance? (b.) What is the safe proximity that residential buildings can be constructed?] #101
24. Transportation, traffic & access: Beach Road provides main vehicle and emergency access to the proposed development. But, the area is constantly flooding and crumbling into the Hudson River. (a.) How will necessary offsite road improvements be studied, evaluated and constructed and who will pay for this work?] #20

25. Elevation drawings: (a.) Do the current elevation drawings in the Planning Board file accurately represent the current, true, relative height of the proposed two and three-story buildings that must be placed on top of the required 14-foot elevation as per FEMA regulations?

#102

26. Demand for potable water. Describe the projected demand for potable water supply for all components of the project, and specify mitigations such as water neutral development, that would be adopted. These should include low flow fixtures and appliances, meeting WaterSense standards within the complex, including in apartments, restaurant, marina, swimming pools and laundromats.

#103

27. Landscaping impacts. In describing the proposed landscaping plan, (a.) please identify the use of native plants and drought tolerant species to reduce lawn area and prevent the need for lawn watering and fertilizers during summer. (b.) What required or voluntary mitigations will the applicant use to reduce or eliminate the environmental impact of landscaping and ensure the lowest impacts on water supply? (c.) What are the planned irrigation systems and estimated water usage of such systems?

#104

28. Water conservation - drainage: (a.) Please evaluate the possibility of constructing a holding tank to collect stormwater runoff from roofs, gutters and downspouts as a secondary water source for possible use as irrigation or for fire suppression.

In summary, the Stony Point Action Committee for the Environment (SPACE) requests that the Stony Point Planning Board, as Lead Agency, extend the scoping period for at least 45 days to allow time to notice another public hearing so the applicant can make an informed presentation to the town residents, provide sufficient opportunity for the public to identify questions, and that all of the issues submitted be included in a Final Scoping document and addressed in the applicant's DEIS.

#60

Please add SPACE to the list of Interested Parties in order that we may review the DEIS and other materials as they become available. Thank you.

Sincerely,



George Potanovic, Jr.
President, SPACE
Stony Point Action Committee for the Environment, Inc.
26 Years of Environmental Advocacy & Education
info@stonypointer.org
845-429-2020

SPACE - 26 years of environmental advocacy & education

February 17, 2016

Thomas Gubitosa, Chairman
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Re: The Breakers Draft SEQR Scope

Dear Chairman Gubitosa:

I offer the following comments on the draft State Environmental Quality Review Act (SEQRA) Scope for the Breakers development project on behalf of the NYS Department of State's Office of Planning and Development (DOS OPD). As the DOS OPD was only made aware of the opportunity to review and comment upon the draft scope late last week we appreciate that the Town Planning Board extended the comment period until February 22nd. This has provided us with an opportunity to more thoroughly review the draft scoping document.

We respectfully request that the NYS DOS, as the administrator of the New York State Coastal Management Program (NYS CMP), and the agency responsible for ensuring federal actions and permit decisions are consistent with the NYS CMP (including the Town's Local Waterfront Revitalization Program (LWRP)), be indicated as an involved agency for purposes of the review of this project. Furthermore, we would request that in addition to the US Army Corps of Engineers, the NYS DOS be indicated as an agency from which approvals will be required for the waterside improvements.

Under "V. SOCIOECONOMIC SETTING AND IMPACT ANALYSIS" we request that in addition to "Compliance with the Stony Point Local Waterfront Revitalization Program (not Plan)" that the scope specifically states that the Draft Environmental Impact Statement (DEIS) will identify how the project will be consistent with the LWRP policies. Additionally, we request that impacts to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat be considered under the "Ecology" section of the DEIS.

Thank you for this opportunity to comment on this draft SEQR Scope.

Sincerely,



Jaime Ethier
Coastal Resources Specialist

#105
#106
#107

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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February 19, 2016

Tom Gubitosa, Chairman
Town of Stony Point
74 East Main Street
Stony Point, NY 10980

Re: The Breakers, 22, 31, & 36 Hudson Drive
CH 6224
Town of Stony Point, Rockland County

Chairman Gubitosa:

The NYS Department of Environmental Conservation (DEC) has reviewed the State Environmental Quality Review (SEQR) Lead Agency Request and the SEQR Draft Scoping Document. The reviewed documents include the "The Breakers" plan sheets 1-4 dated September 30, 2015; a SEQR Environmental Assessment Form (EAF) was not included with the Lead Agency request. The proposal consists of 205 residential housing units, commercial space, and a large marina providing 230 boat slips and a fishing pier with kiosk.

Please note that the Draft Scope incorrectly lists DEC as an interested agency; it is an involved agency. As currently proposed, this project will at minimum require a Docks, moorings, platform permit and State Pollutant Discharge Elimination System (SPDES) permit for stormwater from construction activities; freshwater wetland, excavation and fill in navigable waters, and incidental taking of endangered/threatened species permits may also be required. DEC jurisdiction over this project, with reference to the Environmental Conservation Law (ECL), is as follows and includes DEC comments on the proposed content of the Draft Environmental Impact Statement (EIS):

#108

Protection of Waters – Article 15, Title 5 of the ECL

Excavation and Fill in Navigable Waters - The Hudson River is a navigable waterbody and any work waterward of Mean High Water requires a permit. Any modification, replacement, or expansion of the existing bulkheads or breakwaters may require an excavation and fill permit. Depending on the size and number proposed, pilings for the proposed docking facility may require an excavation and fill permit.

#109

No underwater bathymetry has been provided. This should be required in the Draft EIS to demonstrate whether any dredging will be needed for the proposed docking facility. Additional discussion of the intended use of the facility will also be needed to document the boat draft which be necessary for the vessels that will utilize the facility.



Re: The Breakers, 29 & 31 Hudson Drive
CH 8224
Town of Stony Point, Rockland County

Staff recommend that any repair, replacement, or modification to shoreline stabilization utilize less hardened structures. For more information and examples, the applicant is directed to the DEC website pages on Shoreline Stabilization <http://www.dec.ny.gov/permits/60534.html> and Shoreline Stabilization Techniques <http://www.dec.ny.gov/permits/67096.html>, as well as the Hudson River National Estuarine Research Reserve, Hudson River Sustainable Shorelines Project pages at <http://www.hmeri.org/hudson-river-sustainable-shorelines/>. The Sustainable Shoreline Project includes links for various demonstration projects along the Hudson River.

#110

Docks, moorings and platforms - The plans indicate that there is an existing water grant associated with the property. If a license is not required from Office of General Services (OGS), any work on the dock will not exempt from Protection of Waters Docks & Moorings regulation pursuant to §608.4(c)(1). Any modification or expansion to structures over waters of the state requires a permit. If any portion of the proposed docks is over state-owned lands underwater, then a license from OGS will be required in addition to the DEC permit.

#111

Although this is a historic marina, it appears that the proposed docking facility is far greater in size than either the current marina or even the larger, historic marina. The proposal appears to include a number of non-docking structures over the water, including extensive structures along the shore, completely covering the near-shore area. A central pier structure is proposed at a size approximately 30-feet in width and 350-feet in length¹, which is far in excess of what has typically been permitted. It also appears to have another structure proposed on top of it.

#112

The use of structures over navigable waters of the State for non-water-dependent uses and extensive shading of near-shore areas generally does not meet Protection of Waters permit issuance standards. Justification of the size, location, number, and use of structures over water will be required for DEC permits and should be included in the Draft EIS.

Water Quality Certification - In addition to the Excavation/Fill Permit, if any proposed work requires a permit from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will also be required. Issuance of these certifications in NYS has been delegated to DEC.

#113

Submerged Aquatic Vegetation (SAV)

There are extensive SAV beds mapped in the area of the proposed docking facility. Although not directly regulated, SAV beds provide important habitat for a variety of aquatic species, including the endangered shortnose sturgeon. Impact to these beds will be considered as part of any Protection of Waters permit review. Avoidance and minimization of impacts will be a requirement of meeting the Protection of Waters permit issuance standard pursuant to §608.8(c) - "proposal will not cause unreasonable,

#114

¹ Measures are approximate as the plans provided were not at the state scale of 1":50', but approximately 1":112.

Re: The Breakers, 29 & 31 Hudson Drive
CH 6224
Town of Stony Point, Rockland County

uncontrolled or unnecessary damage to the natural resources of the State". DEC staff request that specific consideration of SAV bed impacts be included in the Draft EIS.

Freshwater Wetlands – Article 24 of the ECL

As indicated on the plans, this property includes portions of DEC-regulated freshwater wetland HS-2, Class I. Any disturbance to the wetland or 100-foot adjacent area will require a permit. Although wetland and adjacent area boundaries are shown on the plans, the boundary has not been validated by DEC staff. DEC requests that a validated boundary be required for the Draft EIS.

#113

Endangered & Threatened Species - Article 11, Title 5 of the ECL

Shortnose sturgeon (Acipenser brevirostrum)

The Hudson River is habitat for the state-listed endangered species shortnose sturgeon. In-water work has the potential to impact this species and prohibition timeframes on work may be required to avoid a taking of a protected species pursuant to 6 NYCRR Part 182.

- Impact driving of piles is a danger to sturgeon, particularly the young. If there is a need to install piles, the preferred method for installation is vibratory. If impact driving is required, then the project may be subject to a limited work window of August 15th to October 30th to avoid a taking of sturgeon.
- Any proposed dredging may also be subject to a restrictive work window to avoid impact to sturgeon.

Bald eagle (Haliaeetus leucocephalus)

There are known bald eagle nests in the vicinity of the project. Currently, two nests are known within ~ 0.25 mile of the site, but a new nest could be established in closer proximity this season or in future seasons. Potential impacts must be assessed in accordance with the National Bald Eagle Management guidelines; available online at <https://www.fws.gov/southdakotafieldoffice/NationalBaldEagleManagementGuidelines.pdf>. If impacts to bald eagles cannot be avoided, a taking permit may be required.

#115

There are no other nearby records of state-listed species. The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

State Pollutant Discharge Elimination System (SPDES) - Article 17, Title 7, 8 of the ECL, stormwater

For construction disturbing more than one acre, stormwater discharges require a State Pollutant Discharge Elimination System (SPDES). It appears that this project will require a permit and may be eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

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Re: The Breakers, 29 & 31 Hudson Drive
CH 6224
Town of Stony Point, Rockland County

For information on stormwater and the general permit, see the DEC website at <http://www.dec.ny.gov/chemical/8468.htm>. As this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department.

#113

Other Issues

Solid Waste and Environmental Remediation

This site is categorized in the Soil Conservation Service Soil Survey Geographic Database as "Udorthents, wet substratum" which suggests that this area is historic fill. Excavation and re-location of historic fill is a regulated activity pursuant to 6 NYCRR Part 360, Solid Waste Management. Regulation section 6 NYCRR 360-1.7(b)(9) provides an exemption for the disturbance of old landfills and historic fill, but it is conditioned on DEC review and approval of the waste handling plan. DEC recommends that the potential for historic waste be included in the Soils and Topography section of the Draft EIS.

#116

The previous industrial use of the property suggests there may be site contamination. DEC recommends that the Draft EIS include the history of spills on the site and a description of the environmental conditions of structures to be demolished so that contaminated products such as asbestos or lead paint are appropriately identified.

Invasive Species

Staff recommend that native plants be utilized as much as possible in the vicinity of the river and under no circumstances should any plantings include any invasive species, as identified in 6 NYCRR Part 575, the Prohibited and Regulated Invasive Species Regulations. The regulations, including the lists of species, are available online at <http://www.dec.ny.gov/regs/2490.html>.

#117

Historic Resources

The New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The action is also adjacent to two sites on the National/State Register of Historic Places, Stony Point Lighthouse and Stony Point Battlefield. Review of potential impacts to these register sites will be required by DEC and should be included in the Draft EIS along with potential archaeological resources.

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A determination of impact on cultural and historic resources by New York State Office of Historic Preservation will be a requirement of a complete application for DEC permits pursuant to Uniform Procedures, 6 NYCRR §821.3(a)(8). For more information, the applicant can visit the SHPO website at <http://www.nysparks.com/shpo/>.

Coastal Resources

This site is within the Coastal Management Zone and review by the NYS State Office of Planning & Development for coastal consistency may be required. In addition, the

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proposed docking facility is located in the DOS Significant Coastal Fish & Wildlife Habitat Area, Haverstraw Bay. This should be include the Draft EIS under "Ecology". For more information, the applicant can visit their website at <http://www.dos.ny.gov/npd/>.

By copy of this letter, the applicant is made aware of these issues. For the freshwater wetland validation and questions on the Hudson River SAV beds and impacts sturgeon, the applicant may contact Heather Gierloff, NYSDEC Bureau of Habitat, at (845) 256-3086. Questions on impact assessment for bald eagle can be directed to Lisa Masi, NYSDEC Bureau of Wildlife, at (845) 256-2257. If the applicant has questions on regulation of historic fill excavation and meeting the Part 360 exemption, they can contact Steve Parisio, NYSDEC Division of Materials Management at (845) 256-3128.

If there are any questions, please feel free to contact me at (845) 256-3014 or by email at rebecca.crist@dec.ny.gov.

Respectfully,



Rebecca S. Crist
Deputy Regional Permit Administrator

Cc: Wayne Corts, Hudson Marina LLC
Dave Zigler PLS, Atzl, Nasher, & Zigler, P.C.

Ecc: Army Corps of Engineers
NYSDOS Office of Planning & Development
NYS Office of General Services, Land Management
Heather Gierloff, NYSDEC Bureau of Habitat
Gregg Kenney, NYSDEC Hudson River Fisheries
Lisa Masi, NYSDEC Bureau of Wildlife
Steve Parisio, NYSDEC Division of Materials Management



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February 22, 2016

By email: tgubitosa@townofstonypoint.org

Mr. Thomas Gubitosa, Chairman
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Subject: The Breakers Site Plan and Conditional Use Permit Scoping Comments

Dear Mr. Gubitosa:

Scenic Hudson is writing to submit scoping comments on the above-referenced Site Plan and Conditional Use Permit. The Scope will identify issues to be addressed in the environmental review of The Breakers, a waterfront, mixed-use development that proposes 210 residential units in at least four 45-foot tall buildings, a two-story building that will contain a restaurant with terrace, commercial and office space, and a 250-slip full service marina.

Background: Opportunities and Challenges

This is arguably the most important development site in Rockland County. As such, the site has the potential to greatly contribute to Stony Point's economic future. Well-planned development could provide economic opportunity, new housing, increase the tax base, and strengthen peoples' connection to the Hudson River. These are all goals expressed in the Town's recently completed plan, *New York Community Rising: Stony Point* (see Attachment A).

The site also poses certain challenges, particularly with respect to its vulnerability to flooding and storm surge—and this vulnerability will only increase in the future as sea levels continue to rise. The New York Community Risk and Resiliency Act (2014) projects that the Lower Hudson River Valley will experience a 15- to 75-inch sea level rise by the year 2100. Scenic Hudson's Sea Level Rise Mapper indicates that much of the site east of Beach Road would be permanently inundated with a four-foot (48-inch) rise in sea level (www.scenichudson.org/slr).

These opportunities and challenges require—as does SEQRA—that the Planning Board, as Lead Agency, ensures the scope and content of the draft EIS and considers the relevant concerns of the involved agencies and the public. Scenic Hudson offers these scoping comments in the spirit of cooperation and in hopes that the development of this important site is resilient to flooding and storm surge and provides economic benefit and a strong connection to the Hudson River without harming the critical environmental and historic resources adjacent to the site.

Comments

Our specific comments on the draft scope follow:

Location

The site is within the New York State Coastal Zone and since the Town of Stony Point has an adopted Local Waterfront Revitalization Program (LWRP), a Consistency Determination will be required. The site is also along the shore of Stony Point Bay, which is part of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat Area, and adjacent to and visible from the Stony Point Battlefield State Historic Site, designated a National Historic Landmark in 1961. As a result of the above, the Planning Board should coordinate this review with the New York State (NYS) Department of State, NYS Department of Environmental Conservation, NYS Office of Parks, Recreation, and Historic Preservation, and Palisades Interstate Park Commission.

#119

#120

Introduction

The Introduction includes a list of six potentially significant adverse impacts of the project. The sixth, which relates to visual impacts, should be amended to read "The proposed construction has the potential to result in visual impacts to public viewpoints, including the Hudson River and Stony Point Battlefield State Historic Site, a National Historic Landmark."

#121

In addition, this list should be expanded to include a seventh: "The proposed construction has the potential to impact the Hudson River and Haverstraw Bay Significant Coastal Fish and Wildlife Habitat."

#122

Project description

The site plan indicates a more uniform shoreline extended out into the Hudson River than shown on aerial photographs of the site. However, neither the project description nor the site plan provide any detail regarding the existing bulkhead, proposed improvements to the bulkhead, or whether fill into the Hudson River would be required to construct the preferred alternative. Given the site's location adjacent to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, the proposed shoreline treatment must be understood so that potential impacts can be identified and proper mitigation proposed. Therefore the scope should state that the DEIS will describe how the shoreline will be treated and whether fill will be required to extend the shoreline into the Hudson River. If this is the case the amount, composition and location of proposed fill should be provided.

Required Approvals

The scope should be amended to include the New York State Department of State Office of Planning and Development as an Involved Agency.

#124

Section III. D. Design and Layout

III.D.1. Environmental Character of the Site and Surrounding Land

The section should also include a description of the Stony Point Battlefield State Historic Site, a National Historic Landmark which lies to the north. The description should include the identification of places in the park from which the project site is visible. We recommend that the applicant work with the park manager to identify these key viewpoints.

#125

This section of the scope should be revised to also include an additional section describing "Surrounding Waters." The DEIS should describe the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat which lies immediately to the east, including mean low tide water depths at the existing marina, its approaches, and Stony Point Bay, as well as the location of submerged aquatic vegetation in the bay.

III.D.3. Design consideration and construction methods relative to location within a FEMA 100-year floodplain (A and V Zones)

As stated earlier, much of the site lies within the 100-year floodplain and, in fact, New York State has projected that the current sea level will rise between 15 and 75 inches by the year 2100. Therefore, first floor elevations of all structures should be elevated above or be able to withstand the 500-year flood, anticipated sea level rise, and wave heights in order to avoid property damage from future storm events such as Superstorm Sandy.

#126

The New York State Community Risk and Resiliency Act (CRRA) requires that New York State agencies will be reviewing this proposal in the context of the above referenced sea level rise projections. Therefore the scope should include a description of Involved Agencies' jurisdiction in the context of the CRRA.

#127

III.E.2. Construction Schedule and Associated Factors

This section should include a requirement that the DEIS discuss the timing of construction in order to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat. (See comments below regarding Section IV.C.2.d, Hudson River aquatic impacts).

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Section IV. C. Ecology

IV.C.2. Impacts to Wetlands and Watercourses

IV.C.2.d. Hudson River aquatic impacts should include a description of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat.

According to the description of the New York State Office of Planning and Development:

"Any physical modification of the habitat or adjacent wetlands, through dredging, filling or bulkheading, would result in a direct loss of valuable habitat area.

Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously altered by human activity would result in the loss of productive areas which support the fish and wildlife resources of Haverstraw Bay. Construction of structures in areas previously altered may result in a direct loss of valuable habitat. Habitat disturbances would be most detrimental during bird nesting, and fish spawning and nursery periods, which generally extend from April through August for most warm water and anadromous species, as well as bald eagle overwintering periods (December through March).

#129

Unrestricted use of motorized vessels, including personal watercraft, in shallow waters can have adverse effects on the benthic community, and on fish and wildlife populations through re-suspension of sediments and through shoreline erosion which may reduce water clarity and increase sedimentation. Use of motorized vessels should be controlled (e.g., no wake zone, speed zones, zones of exclusion) in and adjacent to shallow waters and adjacent wetlands. Docks, piers, catwalks, or other structures may be detrimental to submerged aquatic vegetation beds through direct or indirect effects from shading, mooring chain and propeller scarring, and other associated human uses. In particular, the submerged aquatic vegetation beds are especially vulnerable to impacts that decrease light penetration into the water."

Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, NYS Department of State

Hence, even in places such as the Stony Point Marina which has experienced previous land alteration and disturbances, new dredging, filling, bulkheads, and/or unrestricted use of motorized vessels in shallow areas could cause habitat impairment and adverse effects on the benthic community and fish and wildlife populations. Given the site's location adjacent to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, the proposed shoreline treatment must be understood so that potential impacts

can be identified and proper mitigation proposed. Therefore we recommend that the scope include provisions that ensure that the DGEIS identify any proposed dredging, filling, bulkheading, and unrestricted vessel access, the potential adverse impacts of these activities and propose mitigation measures to avoid, reduce, or mitigate these impacts.

The scope should also include a discussion of the timing of construction to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat.

Finally, a Habitat Impairment Test, as described on page 4 of the document found in the link below, is required as per the Stony Point LWRP (page III-15)
http://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Haverstraw_Bay_FINAL.pdf.
This document is also provided as Attachment A.

Because the Breakers proposes a large marina at this location, Section IV.C.2.d should require that the DEIS includes a map identifying the location of submerged aquatic vegetation (SAV), explanation of its importance, vulnerability, potential adverse impacts as a result of the proposal, and mitigation necessary to avoid, reduce, or mitigate impacts to the Significant Coastal Fish and Wildlife Habitat.

The DEIS should also describe mean low water depths at the marina and Stony Point Bay, issues related to siltation in these areas, and address the need for dredging.

Consistency with NYCR Stony Point: Community Reconstruction Plan

The Scope should include a fifth section that requires the DEIS to describe and evaluate the proposal's consistency with *NYCR Stony Point: Community Reconstruction Plan*. This evaluation should include the Plan's goals and objectives as found on page I-16 as well as specific proposed actions that would impact the Breakers site. In addition, the DEIS should also explain how the other alternatives examined in the DEIS would relate to these goals/objectives and actions. See Attachment A for details regarding the *NYCR Stony Point: Community Reconstruction Plan* goals/objectives and actions.

D. Visual Resources

The protection of visual resources, including views to and from the Hudson River on the Breakers site are identified as important concerns in the town's LWRP. For example, the Explanation of Policy 1 (page III-5) states: Preservation of views of Stony Point Bay and the Westchester Highlands are also development considerations for both parcels (at the intersection of Main Street, Beach Road and at the end of Hudson Drive.

V.D.1 The visual analysis described in this section should include computer-generated visual simulations made with a 50mm lens (in 35mm format). This focal length is important because it replicates the field of view and perspective seen with the human eye.

The simulations should depict the change in the site's appearance (pre- and post-development) as seen from public viewpoint. We suggest these include the Stony Point Battlefield State Park, two locations on Stony Point Bay (¼ and ½ mile from the site), Vincent Clark Park, and from Jackson Drive just east of Lincoln Oval.

V.D.4 should be amended to require mitigation of visual impacts that include building color, materials, and texture. Guidance for mitigating visual impacts can be found in Chapter 5 of Scenic Hudson's *Revitalizing Hudson Riverfronts* www.revitalizinghudsonriverfronts.org.

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Section VI. Alternatives

As written, the draft scope includes only two alternatives: No Build/No Action and Maximum-density proposal under PW District provisions.

The scope should also require that the DEIS examine an alternative proposing a reduced number of residential units and boat slips in order avoid, reduce or mitigate the range of impacts anticipated as a result of the preferred alternative.

With respect to the building architecture, the Draft Scope indicates that project proposes buildings that would "reflect the Colonial, and Victorian style characteristics of Stony Point's historic architectural patrimony." However, neither Stony Point nor other Hudson Riverfront communities have a history of similarly-scaled Colonial or Victorian buildings on its waterfront. Therefore proposing such design could result in a contrived site that bears no semblance to any riverfront pattern book. The scope should include alternative architecture and building design that reflects a more industrial feel, including natural building materials, such as brick, stone and wood.

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Conclusion

Stony Point stands at an important juncture in its history. Recovery from recent devastating storms is fresh on peoples' minds and the consensus opinion is that a more resilient waterfront is required in order to both protect against future damage and provide economic activity to offset the loss of the town's industrial base.

In fact, the community, through the *NYCR Stony Point: Community Reconstruction Plan* public process has identified the following as its Vision Statement:

"Stony Point is a vibrant and connected riverfront and hillside community. Our Vision is to preserve our town's history and protect our people and our natural resources while making the community more resilient in the face of future hazards and attracting visitors to ensure an ecologically sound and economically strong future for the people of Stony Point."

NYCR Stony Point: Community Reconstruction Plan, Page I-16

Therefore, and for reasons provided throughout these comments, the proposed Breakers site is critical to Stony Point's future and careful planning will be required in order to achieve the Town's economic, resilience, sustainability, and public access goals.

Scenic Hudson appreciates the opportunity to submit comments on the draft scope for the Breakers. These comments are provided in hopes that the DEIS will result in a better project that meets the town's goals.

Thank you.

Sincerely yours,



Jeffrey Anzevino, AICP
Director of Land Use Advocacy