



# ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

Web: www.anzny.com

May 21, 2021

Town of Stony Point  
74 East Main Street  
Stony Point, NY 10980  
Att: Thomas Gubitosa, Chairman  
Tel: 845-786-2716

RE: Eagle Bay Mixed Use Development

Dear Mr. Gubitosa,

The following is our response to comments received at the Public Hearing for the Eagle Bay Site Plan Review held on April 22, 2021:

## 1. TRAFFIC

**Comment 1.1 (Susan Filgueras, Public Hearing, April 22, 2021):** I would like the Board to verify that there will not be a traffic study done. Rather, the applicant has stated they will place two traffic lights, and I'm not exactly sure of the location. If that can be answered and if, in fact, were it in lieu of the traffic study, we're going to have two traffic lights. I'd like the justification for why, and then the justification for why we feel we don't need the traffic study.

**Response:** *A detailed Traffic Impact Study (TIS) was undertaken for the Eagle Bay development by Maser Consulting (doing business as Colliers Engineering & Design). A summary of the TIS was provided in Section 4.3 of the DEIS with the complete TIS contained in DEIS Appendix N. Additional Traffic Studies Information was also provided in FEIS Appendix D. Based on the results of the DEIS Traffic Impact Study and additional FEIS traffic information, similar levels of service and delays will be experienced at the area intersections under future No-Build and future Build conditions. Thus, the proposed Eagle Bay mixed-use development is not expected to cause any significant impact in overall operation.*

*As part of the DEIS and FEIS review by the Town and Town's Traffic Consultant, the Project Sponsor will install traffic signals at the Tomkins Avenue/Hudson Drive/Beach Road/Depot Place/CSX overpass intersections which will operate under a single*

*controller (with all approached operating as separate to improve the operation, safety and sight distance. A Conceptual Design Traffic Signal Plan (TS-1) was included in the FEIS and has been attached here as Exhibit A. See also responses to comments 1.2, 1.3, 1.4, 1.5 and 1.6.*

**Comment 1.1-1 (Susan Filgueras, Letter, May 11, 2021):** Please explain the reasoning or justification for not doing a Traffic Study, The Planning Board simply accepted the Developer's offer to place two traffic lights.

- a. Who will pay for the Traffic Lights?
- b. Who will pay for the ongoing maintenance and electric bills that are generated by their acceptance of the traffic lights?
- c. There has been mention of a traffic study, what is the date of the referred to traffic study?

**Response:**

*a) As discussed in response 1.1 above, the Project Sponsor will install traffic signals at the Tomkins Avenue/Hudson Drive/Beach Road/Depot Place/CSX overpass intersections which will operate under a single controller (with all approaches operating as separate to improve the operation, safety and sight distance.*

*b) The Town will be responsible for the maintenance of the traffic signal system.*

*c) A detailed Traffic Impact Study dated August 2, 2019 was contained in the DEIS dated December 11, 2019 with addition Traffic Studies Information contained in the FEIS dated September 24, 2020.*

*See also response to comment 1.1.*

**Comment 1.2 (Kevin Maher, Public Hearing, April 22, 2021):** With the traffic signal, which one of the traffic signals will control the intersection of Tomkins Avenue, Beach Road, and Hudson Drive? With the high volume of cars and buses leaving the site during the morning rush, which signal will dictate the flow of traffic?

**Response:** *The proposed traffic signals will operate under a single controller with the Tomkins Avenue, Beach Road, Hudson Drive and Depot Place approaches operating as separate (protected) phases. See also responses to comments 1.1 and 1.8.*

**Comment 1.3 (Jeffrey Tew, Public Hearing, April 22, 2021):** The people who live there right now who are going to be severely impacted, those people on Tomkins and River Road and particularly East Main Street, the traffic is going to be horrendous. And to not have a traffic study I think is unconscionable in this matter.

**Response:** *Based on the expected trip distribution and analysis of the U.S. Route 9W/West-East Main Street intersection (LOS "C"), the Eagle Bay development would not have a significant impact along West Main Street. See also response provided in the FEIS to comment 4.3-45. See also responses to comments 1.1, 1.2, 1.4, 1.5, 1.6, 1.7 and 1.8.*

**Comment 1.4 (Jeffrey Tew, Public Hearing, April 22, 2021):** We put up traffic lights, but the traffic continues. And I don't think a traffic light is going to fix the problem there. I think people already go too fast on that road. You're going to have lots of traffic coming in. And the children and the local communities where people will now go through to bypass the main roads, I think can be in danger with this issue.

**Response:** *As discussed in response to comment 1.1, a detailed Traffic Impact Study (TIS) was undertaken for the Eagle Bay development by Maser Consulting (doing business as Colliers Engineering & Design) as well as additional Traffic Studies Information provided in FEIS. Based on the results of the DEIS Traffic Impact Study and additional FEIS traffic information, similar levels of service and delays will be experienced at the area intersections under future No-Build and future Build conditions. Thus, the proposed Eagle Bay mixed-use development is not expected to cause any significant impact in overall operation.*

*In addition to the proposed traffic signals at the Tomkins Avenue/Hudson Drive/Beach Road/Depot Place/CSX overpass intersections (See response to comments 1.1 and 1.2), the Project Sponsor as part of the Post Implementation/Post Construction Monitoring Study will conduct a speed study along Tomkins Avenue to determine if future traffic calming measures are needed. See also responses to comments 1.1, 1.2, 1.3, 1.5, 1.6, 1.7 and 1.8.*

**Comment 1.5 (Jeffrey Tew, Public Hearing, April 22, 2021):** I would like to see more about the traffic study.

**Response:** *Please see responses to comments 1.1, 1.2, 1.3, 1.4, 1.6, 1.7 and 1.8.*

**Comment 1.6 (George Potanovic, Public Hearing, April 22, 2021):** My understanding is, that the applicant decided not to do the full traffic study, but said they agreed to put a light in. Okay, maybe two lights. I know the original plan was to put a light in I guess at Tomkins Avenue, and only put it up on 9W at Tomkins if the State -- which is a state road, 9W - required them to do it. Is the light going to be the answer to that problem of traffic? We got 600 parking spaces, and probably close to that number of cars. Is that traffic light going to answer the traffic issues? And I think the only way you're going to understand that is if you know, and you do a traffic study.

**Response:** *Please see responses to comments 1.1, 1.2, 1.3, 1.4, 1.5, 1.7 and 1.8.*

**Comment 1.7 (Kevin Maher, Letter, May 19, 2021):** I got the distinct impression that his position was that there was not going to be any significant increase in traffic at the site after development. There will never be a traffic signal at Tomkins Avenue and Route 9W for the same reason that there will never be a regular traffic signal at the intersection of Washburns Lane and Central Highway (instead of the flashing one there today) in order to control traffic flow to reduce the number of accidents that have occurred there recently. The new signals will be too close to existing ones (at both locations).

**Response:** *As discussed in response to comment 1.4, a detailed Traffic Impact Study (TIS) was undertaken for the Eagle Bay development by Maser Consulting (doing business as Colliers Engineering & Design) as well as additional Traffic Studies Information provided in FEIS. Based on the results of the DEIS Traffic Impact Study and additional FEIS traffic information, similar levels of service and delays will be experienced at the area intersections under future No-Build and future Build conditions. Thus, the proposed Eagle Bay mixed-use development is not expected to cause any significant impact in overall operation.*

*In addition to the proposed traffic signals at the Tomkins Avenue/Hudson Drive/Beach Road/Depot Place/CSX overpass intersections (See response to comments 1.1 and 1.2), the Project Sponsor as part of the Post Implementation/Post Construction Monitoring Study will conduct a speed study along Tomkins Avenue to determine if future traffic calming measures are needed. See also responses to comments 1.1, 1.1-1, 1.2, 1.3, 1.5, 1.6 and 1.8.*

**Comment 1.8 (Kevin Maher, Letter, May 19, 2021):** Mr. Reiman also did not address how the signal system will be prioritized. In other words, which turning maneuver or path will be given priority in the signal system (i.e., which one will get the most “green time”)? Between school buses/vans and residents leaving from Eagle Bay to get to work on a weekday morning, one would expect that the high surge of traffic attempting to leave Hudson Drive would need some “consideration” in order to avoid vehicles standing in line for a long period of time.

**Response:** *The proposed traffic signals will operate under a single controller with the Tomkins Avenue, Beach Road, Hudson Drive and Depot Place approaches operating as separate (protected) phases. The traffic signals will be actuated and the resulting green*

*time for each approach will be based on traffic volume demand. The traffic signal system will operate at an overall LOS "C" or better during peak hours. See also response to comment 1.7.*

**Comment 1.9 (Kevin Maher, Letter, May 19, 2021):** Considering that the new intersection will be controlled by a traffic signalization system I also cannot understand Mr. Reiman's reluctance to allow two turning lanes from Hudson Drive into the intersection. The right turn lane would be controlled by a "No Turn on Red" sign, thereby preventing any conflicts with vehicles leaving Hudson Drive and heading onto Tomkins Avenue with those coming down Tomkins Avenue and heading toward Beach Road.

**Response:** *It was noted that based on the anticipated traffic volumes and analysis, there was no need for an additional exit lane from Hudson Drive.*

## 2. CODE INTERPRETATION

**Comment 2.1 (Susan Filgueras, Public Hearing, April 22, 2021):** In the description of the project, Ms. Mele was going in and out. The audio was exceptionally poor. And she said there was a law and named. I'd like to understand what it was she was referring to, whether it was a law or zoning code or amendment.

**Response:** *Please see the public hearing transcript (page 3 thru 7) for the requested details.*

**Comment 2.2 (Susan Filgueras, Letter, May 11, 2021):** Please provide in writing the Law/Zoning/ that Amy Miele referred to when describing the project on April 22, 2022, Planning Board Meeting.

**Response:** *Please see above response to comment 2.1.*

## 3. PUBLIC ACCESS

**Comment 3.1 (Susan Filgueras, Public Hearing, April 22, 2021):** I have heard this project referred to as a gated community. In the context of having a public fishing pier and a public esplanade, how does a gated community and/or a public esplanade and a fishing pier work? Because if it's gated, generally that means it's closed and you need permission to get on to the property. If that could be clarified.

**Response:** Please see response to comment 2.4-5 provided in the FEIS. Eagle Bay will not be a gated community and has been designed to encourage and invite public visitors for passive recreation along the esplanade, the gazebo, the eagle overlook and the fishing pier (Exhibit B: Signage Plan).

*Wayfinding Signage would be placed to help all people on the west side of the site access as well as the residents to understand that the access to the water is for everyone. The plan has walks for pedestrians, roads for cyclists all of which will follow existing regulations. All crosswalks at buildings will be regulated by a speed table to make movement of pedestrians safer. A more direct route to the waterfront has been discussed with the Project Sponsor which will connect the Hunter Place access with the sidewalk system on the right as people enter from Hunter Place. This will make pedestrian movement more efficient. There may be a check in kiosk located near the entrance to the residences where visitors will be further guided to access the eagle overlook to the north of the site.*

#### 4. CSX

**Comment 4.1 (Susan Filgueras, Public Hearing, April 22, 2021):** I'm not sure who it was had stated we had no real information from CSX, but their comments to us – and they appeared to be verbal, I would prefer to know if they were verbal or in writing – was that once the Town Board has approved the project, we will discuss with you. That raises several concerns. One, have you ever heard of CSX allowing an independent developer to work on their infrastructure?... we're talking about both the oval court, and then Tomkins Ave overpasses, which were both built in the late 1800s. So, what happens if CSX refuses to allow you to do that?

**Response:** Please see response to comments 2.3-3 and 2.3-8 provided in the FEIS. The Town has been working with CSX to obtain necessary permits to regrade the Hunter Place underpass and undertake sewer pipeline improvements. Applications were submitted by the Town with assistance from the Project Sponsor on May 20, 2020. Please note that site plan approval for Eagle Bay would be conditioned on acquiring necessary permits from CSX. The Project Sponsor is not working on CSX infrastructure, but merely installing a drainage pipe underneath the trestle on Hunter place.

**Comment 4.1-1 (Susan Filgueras, Letter, May 11, 2021):** Please provide the communication, writing/letters/emails/texts between CSX and the Developer and the Town of Stony Point, both Planning and Town Boards.

- a. Should CSX deny the Developer the right to make any changes to the CSX overpasses, what are/is the Developer, Town and or Planning Boards Plans in this situation,
- b. If CSX says NO, and the project proceeds what are the legal ramifications to the Town residents.

**Response:** *Please see above response to comment 4.1.*

**Comment 4.2 (Walter Cintron, Public Hearing, April 22, 2021):** Regarding the emergency access as was already said with the underpass at Hunter Place. Specifically with regards to CSX and what they're going to be doing, I understand that they're going to get involved after there's some sort of approvals that are going to be made. But there's a lot of questions about the stability of the work that's going to undermine the overhead pass at Hunter Place. In addition, if any of the work has to go on to Tomkins Avenue. And we all know that the current Hunter Place underpass is currently too small to accommodate a fire truck.

**Response:** *Please see above response to comment 4.1. Permits by CSX will be issued only after evaluating the structural feasibility of such improvements.*

**Comment 4.3 (Donna Jessie, Public Hearing, April 22, 2021):** My main concern is to jump off of Ms. Filgueras's earlier question regarding CSX. If they do not allow the reconstruction or alterations on their overpasses, do we still go forward? And if we do, what is the liability to the Town, and insurance-wise to our Town?

**Response:** *Please refer the above responses provided in this section. There is no alteration proposed on a CSX structure. Again, there are no alterations to the overpass itself and the project sponsor will comply with any conditions of the permit including insurance if required.*

**Comment 4.4 (George Potanovic, Public Hearing, April 22, 2021):** And I'm not sure if CSX is going to give you the approval. David Zigler said on a previous workshop meeting that they would not consider whether or not they would give an approval until this Board approves a site plan. Well, then you already approved the site plan. Then they're going to decide whether or not they're going to give you the approval.

What happens if they don't give the approval and you've already given the approval to the site plan? Where do you go from there?

**Response:** *Please refer the above responses provided in this section.*

**Comment 4.5 (Kevin Maher, Letter, May 19, 2021):** CSX's refusal to review and comment on the plans to me seems to be a violation of the SEQRA process, as Applicants are required to get approvals from all outside agencies impacted by the work. Is someone at CSX trying to tell us that there will be no impact?

**Response:** *Please see response to comment 4.1.*

## 5. FIRE DEPARTMENT AND EMERGENCY ACCESS

**Comment 5.1 (Susan Filgueras, Public Hearing, April 22, 2021):** Are we going to be forced to build a fire station?

**Response:** *Please see response to comment 4.5-7 provided in the FEIS. Development of Eagle Bay does not create a demand which reach the threshold for additional police and fire staff based on typical levels indicated on national surveys by Federal Agencies and National Associations.*

*The Current Stony Point Fire Department staffing also falls within the National Fire Protection Association (NFPA) survey staffing level for a volunteer department serving communities with a similar population size.*

**Comment 5.1-1 (Susan Filgueras, Letter, May 11, 2021):** Will a Fire Station have to be built on site and if so, who pays for it?

**Response:** *Please see above response to comment 5.1.*

**Comment 5.2 (Deirdra O'Connor, Public Hearing, April 22, 2021):** Given that it is a high density area in the location, you know, have the evacuation routes been closely looked at, especially with 600, you know, anticipated parking spaces, and the impact that has on the community, the residential homes, the school districts, and staffing, as well to be able, should there be any needs for emergency evacuations, as we've seen with, you know, super storms or, you know, Indian Point or all the other areas that are concerns.

**Response:** *Please see response to comments 2.3-12, 4.3-15 and 4.5-64 provided in the FEIS. Also, please refer to Figure 25 in the DEIS for access routes of emergency and medical services pertaining to Eagle Bay development. Please refer these documents for the other general areas of concerns noted in this comment (impacts on school district, community etc.). Comments regarding development density have been addressed in these documents as well, in addition to section 8 in the later section of this document.*



*Hunter Place access will be restricted to pedestrian movement and for emergency services. Approvals from the Fire Inspector of the Town of Stony Point, who has been involved in this project since its inception, will ensure adequacy of the access route, and turning radius on access road and location.*

*In addition, traffic to/from Beach Road/Grassy Point Road would be able to access the Site by alternate routes such as East Main Street/Woods Road/ Tomkins Avenue. Lastly, In the event the Project Site is cut off from emergency services, residents of Eagle Bay Development will evacuate via ferries and boats from the dock area of the site. This plan will be incorporated into the Proposed Action.*

*Also, in the event of an emergency at the Project Site, emergency responders will provide service to those in need. Drivers in New York State have an obligation to yield to emergency vehicles. Adhering to this, emergency responders will reach the site faster, and potential collisions can be avoided. Please note that emergency responders such as police, fire department, and ambulance are trained personnel. This is not unique to the Eagle Bay development.*

**Comment 5.3 (Deirdra O'Connor, Public Hearing, April 22, 2021):** It's really important to clarify and distinguish between a traffic study and an emergency response plan. So, the comprehensive emergency response plan, you know, for the town, as well as for the county, and the requirements that are needed to be met for that, as well as how that impacts the whole picture, with the golf course and the possibility of another huge hotel going in. Has that been, well thought out in the larger plan to meet not only the town requirements, but state requirements and federal requirements for those emergency response plans. Especially, you know, in fire situations and storms and all of those things.

So, on a larger scale, you know, unfortunately that's an area that floods significantly and has done major damages in destroying houses and homes and roads and, you know, what the impact is on the cost on the roads as well over time with that many people. So, you know, just making sure the traffic study goes hand in hand with the emergency response plan study and that it's well, you know, looked at from a, from a bird's eye view, including all the components, especially any new ones that are coming in planning, you know, for the next presently five, ten, 20 years.

**Response:** *Please see the above response to comment 5.2. Also, please refer response 2.3-20 in the FEIS which explains the various emergency response mechanisms in place at a County, State and Federal level for derailments, some of which are also applicable for flooding, fire and other emergencies.*

*The Proposed Action will address applicable NYSDEC stormwater standards and will also address any potential runoff and drainage issues. The proposed development and properties will be constructed in accordance with the requirements of the Flood Damage*

*Prevention ordinance (Chapter 12) for the Town of Stony Point and above the base flood elevation. The proposed development is not expected to result in additional flooding within the neighboring areas. The proposed development has been designed to account for a 100-year coastal flooding event.*

**Comment 5.4 (George Potanovic, Public Hearing, April 22, 2021):** I had put in a FOIL request for a copy of the Fire Inspector's report on Eagle Bay and that access, that emergency access route under Hunter Place. The response that I received was that the Fire Inspector's report was -- there was no formal Stony Point Fire Inspector's report on file. I would have expected that we would have had that on file, and if it's not been done, I would think that this Board would want to have that report from the Fire Inspector.

What does the Fire Inspector think about the plan for emergency access? I mean, we all know what happens on Beach Road and the flooding. Beach Road floods out frequently. And oftentimes, you can have several feet of water on that road. That's going to be one of the main access points into this property. We know we can't put a fire truck under Tomkins Avenue. So this is going to be your fire entrance, if you go under Hunter Place, and you're all banking on that access which has not been approved by CSX. I think that's an important question that should be answered before you proceed to a final site plan.

**Response:** *Please refer the above responses in this section. Also, as noted in FEIS response 2.3-12, Approvals from the Fire Inspector of the Town of Stony Point will ensure adequacy of the access route, turning radius on the access road and location and numbers of fire hydrants on site etc.*

**Comment 5.5 (Kevin Maher, Letter, May 19, 2021):** I think it will be a big mistake to count on Hunter Place to address any of the emergency access questions since it is plainly obvious that CSX is hiding behind the approval process in place which says that they'll address it once final approval is granted by the Planning Board.

**Response:** *Please see response to comment 4.1.*

**Comment 5.6 (Susan Filgueras, Letter, May 11, 2021):** Should CSX deny the Applicants access to CSX infrastructure, what would be the next step for the Stony Point Fire Department, Planning Board and the Ambulance Corps solutions to the unique problem, there is only ONE way in and it is flooded at least 7 days a month, each month.

**Response:** *Please see response to comment 4.1. In addition, please also refer to the above responses in this section of the document.*

## 6. HISTORIC RESOURCES

**Comment 6.1 (Jeff Anzevino, Public Hearing, April 22, 2021):** Scenic Hudson is suggesting to the Planning Board that since the 606 and 110F processes have not yet been conducted by the Army Corps of Engineers, and Scenic Hudson, Palisades Interstate Park Commission, the group SPACE, at least those three groups will be participating as consulting parties to ensure that the visual impacts from the Stony Point State Battlefield Historic Park, which is a national historic landmark, are properly addressed. We would recommend highly to the Planning Board that you would defer the site plan approval process until that Section 106 and 110 is complete so that changes aren't, won't be necessary to the, to the site plan in the future.

**Response:** *Site Plan approval would be conditioned upon obtaining permits from all agencies to construct the project as approved.*

**Comment 6.2 (George Potanovic, Public Hearing, April 22, 2021):** SPACE made an application to the Army Corps of Engineers, along with Scenic Hudson and the PIPC, and possibly the Rockland County Historical Society, to be a consulting parties to this Section 106 and 110F review. So, we plan on participating in that. And I agree with Scenic Hudson. The Planning Board should not proceed with any approval of a site plan until that, that review is completed.

**Response:** *Please see above response to comment 6.1.*

**Comment 6.3 (Jeffrey Tew, Public Hearing, April 22, 2021):** The impact upon the history is my, one of my primary concerns.

**Response:** *Please see the above response to comment 6.1.*

**Comment 6.4 (Scenic Hudson, Letter, April 21, 2021):** As you know, the New York State Historic Preservation Office (SHPO) submitted a December 9th letter to the US Army Corps of Engineers (ACOE) stating that Eagle Bay will have an adverse effect upon the setting of the adjacent Stony Point Battlefield State Historic Park. SHPO's determination has triggered a Section 106 review under the National Historic Preservation Act of 1966.

Further, since the Stony Point State Battlefield Historic Park is a National Historic Landmark, a separate Section 110(f) review must also be conducted. The ACOE has granted requests by Scenic Hudson, the Palisades Interstate Parks Commission, and SPACE (Stony Point Action Committee on the Environment) to participate as Consulting Parties in the federal review. It is also our understanding that the Rockland County Historical Society has requested similar status.

Scenic Hudson urges the Planning Board to defer Site Plan approval until the Section 106 and 110(f) review processes are complete.

**Response:** *Please see the above response to comment 6.1.*

**Comment 6.5 (Scenic Hudson, Letter, April 21, 2021):** It should be noted that the standard for Section 110(f) process is more rigorous than a Section 106 review. According to the Advisory Council on Historic Preservation:

*“Section 106 requires agencies, prior to approval of an undertaking, to take into account effects of the undertaking on historic properties. NHLs designated by the Secretary of the Interior are included in this group. Section 110(f) of the NHPA (54 U.S.C. 306107) also outlines the specific actions that an agency must take when NHLs may be directly and adversely affected by an undertaking. Agencies must, “to the maximum extent possible . . . minimize harm” to NHLs affected by undertakings. Both Sections 106 and 110(f) also require agencies to afford the ACHP a reasonable opportunity to comment on the undertaking.”*

Approving a site plan before the conclusion of the Section 106 and 110(f) processes risks subsequent amendments to the site plan that may be required to avoid visual impact on the Stony Point Battlefield State Historic Site.

**Response:** *Please see the above response to comment 6.1.*

**Comment 6.6 (Scenic Hudson, Letter, April 21, 2021):** SHPO December 9th letter cites Eagle Bay’s adverse visual impact as a function of the “large-scale marina and commercial/residential upland project.”

Eagle Bay’s four-story buildings are within 1,000 feet of the Hudson River Water Trail site at the Stony Point Battlefield State Historic Park. This is an important element of the Park. Further, this is near the location where on July 16, 1779 Brigadier General “Mad Anthony” Wayne mounted a nighttime assault on British forces defending the fortifications at Stony Point (see Figure 1, attached). The applicant did not simulate this viewshed in its visual analysis. As a result, Scenic Hudson will be preparing simulations from this vantage point for use during the historic reviews.

**FIGURE PROVIDED ON THE FOLLOWING PAGE**

**Figure 1**



Source of base map  
[https://www.wikiwand.com/en/Battle of Stony Point](https://www.wikiwand.com/en/Battle_of_Stony_Point)



Source of satellite image: Google Maps

**Response:** *The Stony Point Battlefield State Historic Site provides a trail map (attached here as Exhibit C) noting all areas of historic significance by locating interpretive kiosks in these areas and providing gazebos to view the Hudson River from the Battlefield site.*

*The location identified in the image provided with this comment is not identified as historic in this trail map, but marks it as a location for kayak launches. Nevertheless, this location identified in the above picture is more than 1000 ft. away from the fourth building located north of the site, closest to the Stony Point Battlefield and there are considerable amount of wetlands between these two locations.*

*The Project Sponsor has submitted simulations analyzing any visual impacts that arise due to the Eagle Bay development from all notable locations of kiosks and gazebos to SHPO in response to their review letter dated December 9, 2020.*

## 7. PERMITS AND REVIEWS

**Comment 7.1 (Jeff Anzevino, Public Hearing, April 22, 2021):** I'd like to ask whether or not the applicant has had a consistency review from the New York State Department of State Coastal Management Program that would determine that the project is consistent with all of New York State's coastal management policies.

**Response:** *Correspondence from New York State Department of State has been attached with this document as Exhibit D.*

**Comment 7.2 (Scenic Hudson, Letter, April 21, 2021):** Scenic Hudson is not aware of a determination made by the New York State Department of State finding that application is consistent with New York State's Coastal Management Policies. Likewise, moving ahead with Site Plan Review without such a Consistency Determination risks the need for subsequent amendments to the site plan.

**Response:** *Please see above response.*

## 8. DEVELOPMENT DENSITY

**Comment 8.1 (George Potanovic, Public Hearing, April 22, 2021):** This development density for Eagle Bay is too much, too dense, and unsustainable for this location. There are two main reasons for this. The Building Inspector's interpretation of the Town Code Section 215-16, special requirements, granted the landowner a 50 percent credit applied towards the

buildable acres and their dry land, on their dry land. And this was intended to apply to land underwater within a stream bank, according to that statute, and freshwater wetlands located within the property or dry land.

This code did not mention the Hudson River. By applying Section 215-16 to the riverfront properties, the Town has significantly added greater residential development density potential to our waterfront, and sets a precedent, an expectation for future waterfront development.

In the case of Eagle Bay, which only has 17 acres of dry land and 20 acres underwater, with 50 percent credit bonus, it adds about a hundred additional units of condos for Eagle Bay, more than the ten units per acre granted under the Town's zoning provisions of the Hudson River waterfront PW district in 2014. This is an overreach from the Building Inspector, in our view, that sets a bad precedent for our remaining waterfront properties that will assume entitlement to some 50 percent bonus for underwater lands by other property owners. The statute 215-16A states that the application of 50 percent credit is the responsibility of the Planning Board, not the Building Inspector, at the time of subdivision and site approval. To date, we have not seen a resolution.

One was the 50 percent credit, which I believe is an issue. The Building Inspector may have that authority to make that decision. But the way the law reads, and I'd encourage you all to go back and look at it, the 215-16, it actually says that the Planning Board is supposed to make that decision as to whether or not you give that credit to the applicant.

I had not seen any resolution on the part of the Planning Board to say that you are indeed giving that 50 percent credit based on that law. Which is usually applied just to things on land, not on the river. So, the, the issue, the big issue with the river is once you do it to one property on the river, the next one's going to expect the same thing.

We're counting underground acreage. You're going to add highly to the density along our waterfront.

**Response:** *Please refer response to comment 2.4-30 provided in the FEIS. Per the Town of Stony Point code §215-16 and §215-92.3 the PW District allows residential density of 10 units per acre. It also permits up to 50% of underwater acreage to be counted in the density calculations. When the Town Board established the density for this Site, it reviewed this particular Site and other eligible sites in the PW District and was fully aware that eligible lots contained approximately half of their lot area underwater. The Town Board was aiming for a net dry density between the Harbors at Haverstraw of 26 units per dry acre, and Tarrytown and Hudson Harbors in Tarrytown at 10 units per acre. The proposal at 9.1 units per acre, not exceeding 10 units per acre, as shown on the drawing set is consistent with the desired range.*

**Comment 8.2 (George Potanovic, Public Hearing, April 22, 2021):** The second had to do with the Town Board in 2018 gave this developer a credit to the number of buildings, because when Eli Hershkowitz successfully convinced them to do a reduction in the boat slips, in effect what that did is it increased the number of the condos, because originally, they had to build one to one, and now they could build three condos for every boat slip, thereby building less boat slips. We know that they would have had a very difficult time putting in the number of boat slips that originally, they wanted for condo units at 264. So he would not have been able to build the number of 264 units if he had to build a boat slip for each one. It increased the number of boat slips by about 64 units.

**Response:** *Per FEIS response 2.4-29, the number of slips and parking provided in the Proposed Action are in accordance with the PW District zoning code of the Town of Stony Point.*

**Comment 8.3 (George Potanovic, Public Hearing, April 22, 2021):** My big concerns about this is that there's other marina property below this, south of this, that the same thing could happen, I suppose, if that marina owner wanted to do a similar kind of thing and drop the idea of being a functioning marina and turn it into another condo unit. So, we have to think about the future of our waterfront as well as when we're looking at this project.

**Response:** *Please see above response to comment 8.1.*

**Comment 8.4 (Walter Cintron, Public Hearing, April 22, 2021):** With regards to the density of the project being put in place, I echo what George said regarding the Building Inspector's interpretation of the Town Code.

**Response:** *Please see above response to comment 8.1.*

**Comment 8.5 (Walter Cintron, Public Hearing, April 22, 2021):** I'm concerned that the Rockland County Department of Planning also had some concerns. And they stated that the Eagle Bay significantly overstates the amount of land area suitable for development.

**Response:** *Please refer the FEIS to see responses to the concerns raised by the Rockland County Department of Planning among other agencies who commented on this development during the DEIS review period.*



**Comment 8.6 (Jeffrey Tew, Public Hearing, April 22, 2021):** It's much too dense a property. The problem with the 50, the extra acreage underwater, I think that should be addressed.

**Response:** *Please see above response to comment 8.1.*

**Comment 8.7 (Jeffrey Tew, Public Hearing, April 22, 2021):** The site plan is right now, it's too dense. It needs to be altered.

**Response:** *: Please see above response to comment 8.1.*

## 9. SOCIOECONOMIC IMPACTS

**Comment 9.1 (Deirdra O'Connor, Public Hearing, April 22, 2021):** Has a demographic, demographer reports done that, you know, anticipates the future births over time. Usually you do five, ten, 20 year report. And what the anticipated number of children coming in at the present time so that the district can be well prepared for that. And if there's any need for additional schooling, or buildings, or classrooms, or staffing, and how that impacts the community as a whole as well.

**Response:** *Please refer FEIS response to comment 4.5-7 which details the impacts on population, school aged children. As noted in response to comment 4.5-32 of the FEIS, the estimates provided for school age children generated from the development are maximum projections offering insights into worst case scenarios. The Proposed Action is expected to produce far fewer students than what has been projected as a higher end estimate in the DEIS.*

*The above noted response along with response to comment 4.5-12 note that \$2.36 million of annual revenue generated by the Proposed Action goes towards the NRCSD which is projected to offset any impact that school children generated from this development may have. Other impact associated with this development, including fiscal impacts to the community, have also been detailed out in these above referenced responses.*

**Comment 9.2 (Nina Aguilar, Public Hearing, April 22, 2021):** My concern as a parent, and someone who follows the school district budget and Mirant, and I know there was a cost benefit analysis provided in regard to the impact of the school district. However, from what I recall, those costs were from enrollment I believe 2016 to 2018. Those costs have extremely changed since Covid. And to me, this is a future (inaudible). So that data is completely

outdated. The enrollment is a lot lower than what it shows to be now. So again, that's another outdated concern that I have.

**Response:** *Please refer above response to comment 9.1. The fiscal impacts noted in the FEIS were studied again in 2020 during the onset of Covid-19 and verified by the Tax Assessor of the Town.*

**Comment 9.3 (George Potanovic, Public Hearing, April 22, 2021):** Don't forget we saw Wayne Corts came by with The Breakers originally in 2015, and he had planned 200 condo units, a restaurant, commercial office space, 250 slips, boat slips, a service marina. This applicant says they couldn't make money doing it that way. That, to me, is a concern because I think that we've shifted from waterfront usage now just more to residential uses along our waterfront.

**Response:** *As noted in response to comment 5.0-2 in the FEIS, other development alternatives studied in the DEIS are not fiscally feasible for the Project Sponsor. The zoning allows for 290 units as of right; the Project Sponsor is asking for 10% less than what the zoning allows. Additionally, please see above response to comment 8.1 and 8.2.*

**Comment 9.4 (Jeffrey Tew, Public Hearing, April 22, 2021):** What is our community going to be? And a lot of people can't live here. it's being turned into, you know, expensive condos on the river. And I think that's not a proper use. I mean, you know, economic reasons. They've lived here for years, paid taxes, raised their children. And all of a sudden, you can't even find affordable housing. It used to be down by the river, and that's gone now, too, with Ba Mar. We don't want to impact and drive away the people who built this community and are the backbone of this community.

**Response:** *Please see response to comment 2.1-4 in the FEIS. As noted here, The Town Board of the Town of Stony Point did not call for the inclusion of, or create a method for the creation of, affordable housing in the Planned Waterfront (PW) District.*

**Comment 9.5 (Susan Filgueras, Letter, May 11, 2021):** Please provide an updated Cost analysis for the North Rockland School System.

**Response:** *Please see response to comment 9.2.*

## 10. OFFSITE IMPROVEMENTS AND FLOODING

**Comment 10.1 (Kevin Maher, Public Hearing, April 22, 2021):** Design of the CSX underpass project lacks sufficient information such as soil conditions, depth of seasonal high ground water, and construction details such as shading and cross sections of the area.

**Response:** *Please refer the response to comment 4.1 in this document.*

**Comment 10.1-1 (Kevin Maher, Letter, May 19, 2021):** It's not just a trench for a new water main; it's also going to be a lowering of the existing ground by roughly 2', which means the excavation will actually be 3' minimum to account for the pavement cross-section (2" top course, 4"-6" binder course and 6"-8" crushed stone). Chances are the top of the footings for the overpass are roughly 3' below the existing surface, so whatever work is being done it will definitely have an impact on the structural stability of the overpass.

**Response:** *Please see response to comment 4.2.*

**Comment 10.2 (Kevin Maher, Public Hearing, April 22, 2021):** Who is the structural engineer involved, and the geotechnical engineer to (inaudible) impacts to the overpass.

**Response:** *Please refer the response to comment 4.1 in this document. Town consultants and CSX will review all necessary improvements proposed for the Hunter Place underpass.*

**Comment 10.3 (Kevin Maher, Public Hearing, April 22, 2021):** Hydraulic analysis of the new Hunter Place sanitary sewer needs to be performed due to the change in the pipe from an asbestos concrete pipe with a Manning's coefficient of 0.015 to PVC with 0 – a Manning's coefficient of 0.010. Smoother pipe means fast flow conditions when flowing full, which will not necessarily be so if the pipe doesn't flow full, or even half full. The velocity could be such that solids will drop out and eventually cause a blockage and possible overflow of the sewer line. So, you need to do an analysis of that pipe.

**Response:** *Replacement of sewer line will be in kind slope and current areas of concern are under water. All areas of concern are less than 1.5% as existing slope.*

**Comment 10.4 (Kevin Maher, Public Hearing, April 22, 2021):** The drainage for the Hunter Place underpass must clearly show all inverts to ensure that the runoff will drain out, and also be above not only the seasonal high water table, but also the 100-year flood elevation. Water will otherwise back up, which doesn't, it doesn't do right now, thereby placing the overpass in danger.

**Response:** *Please refer response to comment 2.3-8 provided in the FEIS. Figure 9 of the FEIS shows how modification of the grade of the underpass will tackle issues of drainage, runoff and snowmelt. The existing and proposed plans show a positive drainage to the river.*

**Comment 10.5 (Nina Aguilar, Public Hearing, April 22, 2021):** The second thing that I wanted to point out was the benchmark of elevation. You know, there's clear scientific evidence of rising sea levels, river levels. And I know right now the requirement has these units above sea level.

However, in 50 years, when that sea level requirement changes, these residents that either live there or purchased there are going to be required for flood insurance by their lender, unless they're paying cash. So, what does that do to this development when those requirements change from -- So basically, one of the points is for development, or even for flood insurance cases from being on the river and experiencing Sandy, you have to be above a certain point of sea level in order to obtain that insurance. And that's why the whole River Road area was forced to raise if they wanted to rebuild. You can't -- to reraise something that's already raised, in 50 years, that river requirement may be different from what it is now.

**Response:** *Please see response to comment 5.3 in this document.*

**Comment 10.6 (Walter Cintron, Public Hearing, April 22, 2021):** I think for the Zoning Board to look into the Town's facility with regards to the sewage treatment plant. Currently, the sewer capacity is about a million gallons per day, is my understanding. And I think that number is going to be approachable with regards to what I heard on your meetings about a month and a half ago, I thought it was.

And my concern is we don't know the condition of the plant with regards to its ability to handle that type of flow. And with the applicant coming in and putting in the additional flow to the pipe could bring it to a point where it could be overflowing in its capacity. There's been some discussions that have been made with regards to the divergent pipe going down to Haverstraw in need of major repairs.

**Response:** *Please refer response to comment 4.5-70 provided in the FEIS. The effluent from the Project will flow directly to the Stony Point treatment plant. There is sufficient capacity at the plant to process the additional sewerage generated by the Project. The Project Sponsor agrees to remediate adverse impacts, if any, on the sewer system as a result of the Project. The Project Sponsor has voluntarily agreed to perform three off-site sewer improvements as follows: between SMH 27 and 36, SMH 37 and 38 and SMH 107 and 125. The Project Sponsor has also voluntarily offered to donate \$40,000 to the Town of Stony Point to be utilized towards a sewer study. The offsite sewer improvements will*

*be incorporated into the Site Plan and the \$40,000 donation will be memorialized in map notes.*

**Comment 10.7 (George Potanovic, Public Hearing, April 22, 2021):** The limited sewer capacity. The applicant said they would contribute towards the sewer capacity. This development can't be built without improving the sewer capacity because it's not a capacity issue as much as it is an infiltration, water infiltration problem with the town sewer. There's even a hundred feet of missing pipe down by Tomkins Avenue. So they're agreeing to do that work...because we gave them all these extra condo units, and they're going to pay for it that way, and give \$40,000 that they're, that they're contributing to a, to a study? The Town is now negotiating off, offsite, the Town Board is negotiating with them. What is the Town agreeing to exactly with this applicant as to what kind of sewer improvements should be made?

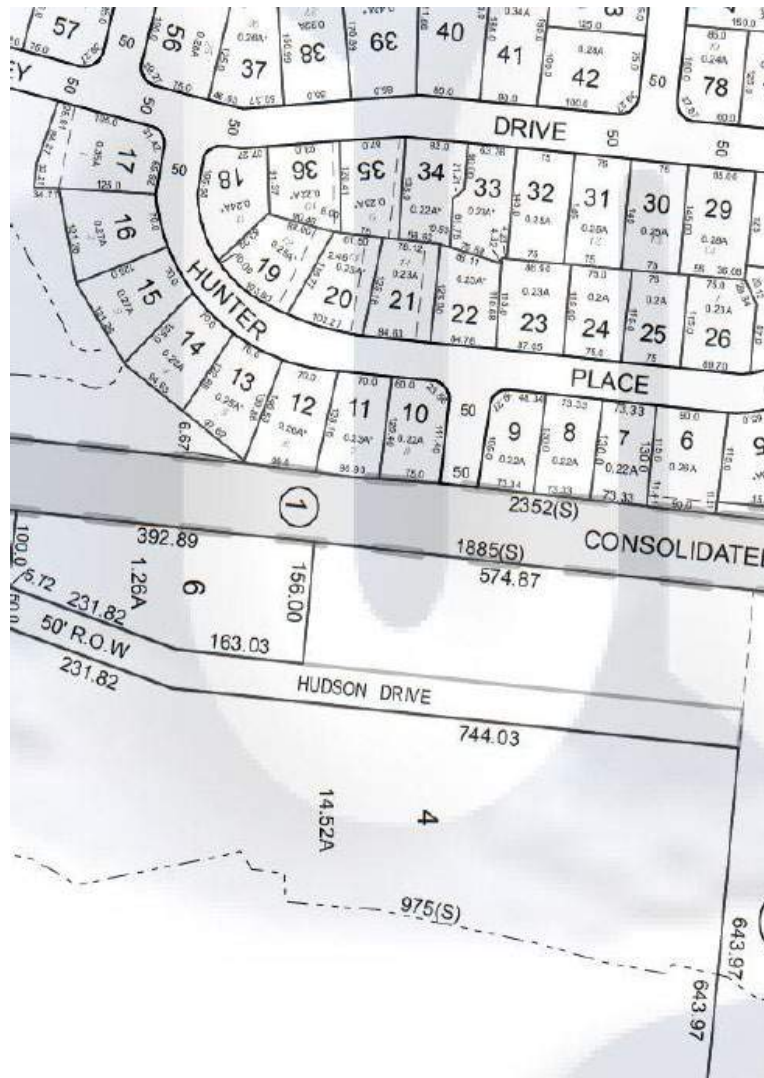
**Response:** *Please refer above response to comment 10.6.*

**Comment 10.8 (Susan Filgueras, Letter, May 11, 2021):** It has been stated within the Planning Board meetings that the Town Board and the Applicant are in private negotiations for monies to be spent for the improvement of the Town's Sewer Plant. Will those monies pay for ALL of the additional sewage needs of this development?

**Response:** *Please refer response to comment 10.6.*

**Comment 10.9 (Kevin Maher, Letter, May 19, 2021):** All the Town has is a sewer easement by adverse possession to cover what is noted on the profile for the crossing as a 10" PVC sanitary sewer. That means the Town can dig a 3' wide trench to repair or replace the existing sewer line, just like SUEZ, NY can with the watermain through the CSX Right-Of-Way.

#### **Portion of Tax Map 15.04**



**Response:** *Please see response to comment 4.1 and 4.2.*

**Comment 10.10 (Kevin Maher, Letter, May 19, 2021):** In photograph #1 we can see what appear to be the test pits that Dave Zigler referred to in previous meetings. If those are the pits, then the data is flawed in that no attempt was made to locate and at least uncover the top of the footings of the overpass walls.

**PHOTO #1**



**Response:** *Information regarding boring and soil tests pertain to an active/draft study and is confidential.*

**Comment 10.11 (Kevin Maher, Letter, May 19, 2021):** The fill material placed over the footings is not there for visual enhancement; it is part of the stabilizing force to prevent the walls from sliding. There should be roughly 3' of fill above the footings for the walls so that they won't be impacted by seasonal freezing of the soils (usually 2' deep). Concrete does not respond well to freeze-thaw actions; even more so when there is steel reinforcement included in the footings. Considering that this structure is over 100 years old, it would be foolish on anyone's part to expose the footings to the stresses associated with freeze-thaw cycles.

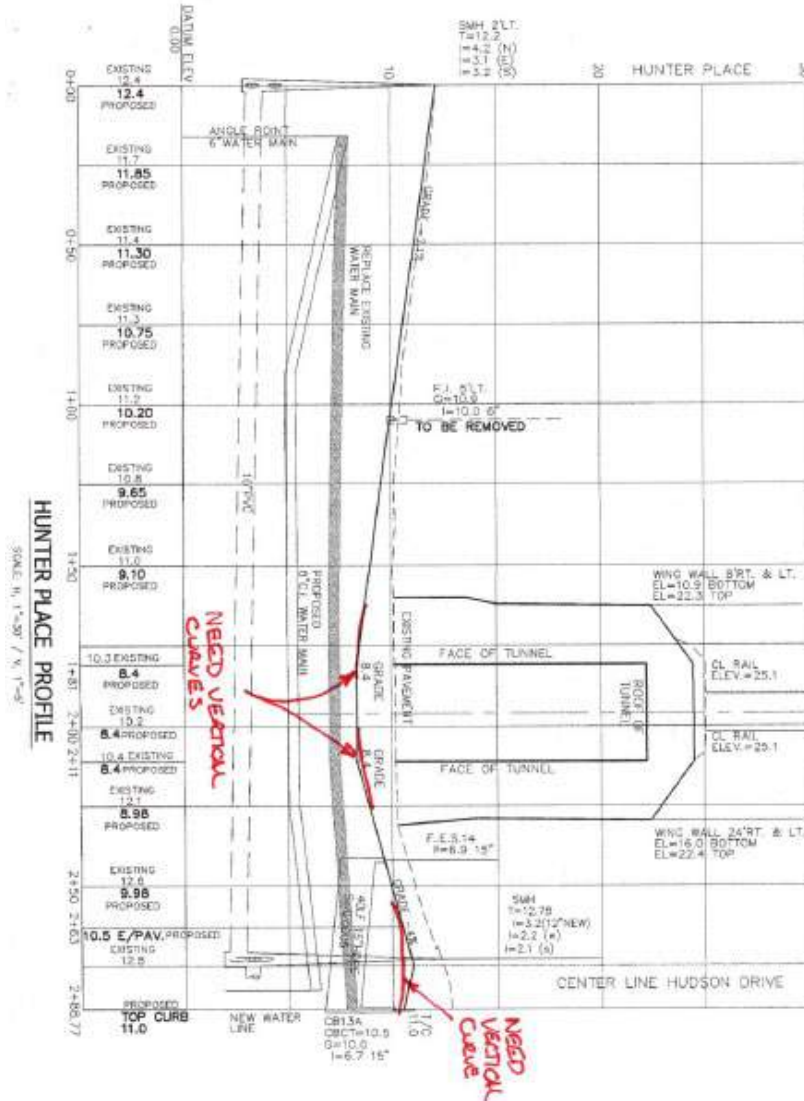
**Response:** *Please see response to comment 4.2.*

**Comment 10.12 (Kevin Maher, Letter, May 19, 2021):** We should also be seeing ALL of the off-site improvements that will be built with this project and not what seems to be promises of the same. That is true of the allegedly missing sections of sanitary sewer lines on Tomkins Avenue and any other improvements to the sanitary sewers on Beach Road and Hudson Drive. These will cause traffic delays in the area and will impact the local residents.

**Response:** *Offsite sanitary sewer improvements will be included as a part of the site plan.*

**Comment 10.13 (Kevin Maher, Letter, May 19, 2021):** The red markings show where vertical curves are needed in the roadway profile so that vehicles, especially the fire trucks and ambulances, don't bottom out and get hung up.

### HUNTER PLACE UTILITY PROFILE



**Response:** Please see response to comment 4.1 and 4.2.

### 11. MISCELLANEOUS GENERAL COMMENTS



**Comment 11.1 (Jeffrey Tew, Public Hearing, April 22, 2021):** I'm talking primarily about the impact upon the historical site. I'm very concerned about the noise, the density of the housing, and the impact upon traffic. Also, you know, the history of the site in terms of flooding and those type of things.

**Response:** *This is not a substantive comment. Please refer the above responses along with the DEIS and FEIS prepared for this development with regard to the general issues noted in this comment.*

**Comment 11.2 (Jeffrey Tew, Public Hearing, April 22, 2021):** The high density residential thing is the river is more than just expensive condominiums, you know. People worked; a lot of people worked to clean up the river. Scenic Hudson, the Riverkeeper, and all these things I was involved with.

**Response:** *This is not a substantive comment. Please refer the DEIS and FEIS prepared for this development with regard to this general issue noted in this comment.*

**Comment 11.3 (Kevin Maher, Letter, May 19, 2021):** When are revised plans going to be put up on the webpage so that the residents can see if there have been any changes made?

**Response:** *Please continue to check the Town website for updates:*  
<https://www.townofstonypoint.org/departments/planning-board>

## **Exhibit A: Conceptual Design Traffic Signal Plan**



## **Exhibit B: Eagle Bay Signage Plan**

# EAGLE BAY - SIGNAGE PACKAGE

HUDSON DRIVE  
STONY POINT, NY 10980



# EAGLE BAY

O N H U D S O N

**ARB APPROVED SIGNAGE PACKAGE**

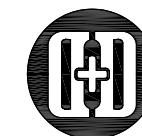
08.07.19

**OWNER**

THE BREAKERS STONY POINT, LP  
5 Eastview Road  
Monsey, NY 10952  
845.352.3299

**DESIGN DEVELOPMENT ARCHITECTS PLLC**

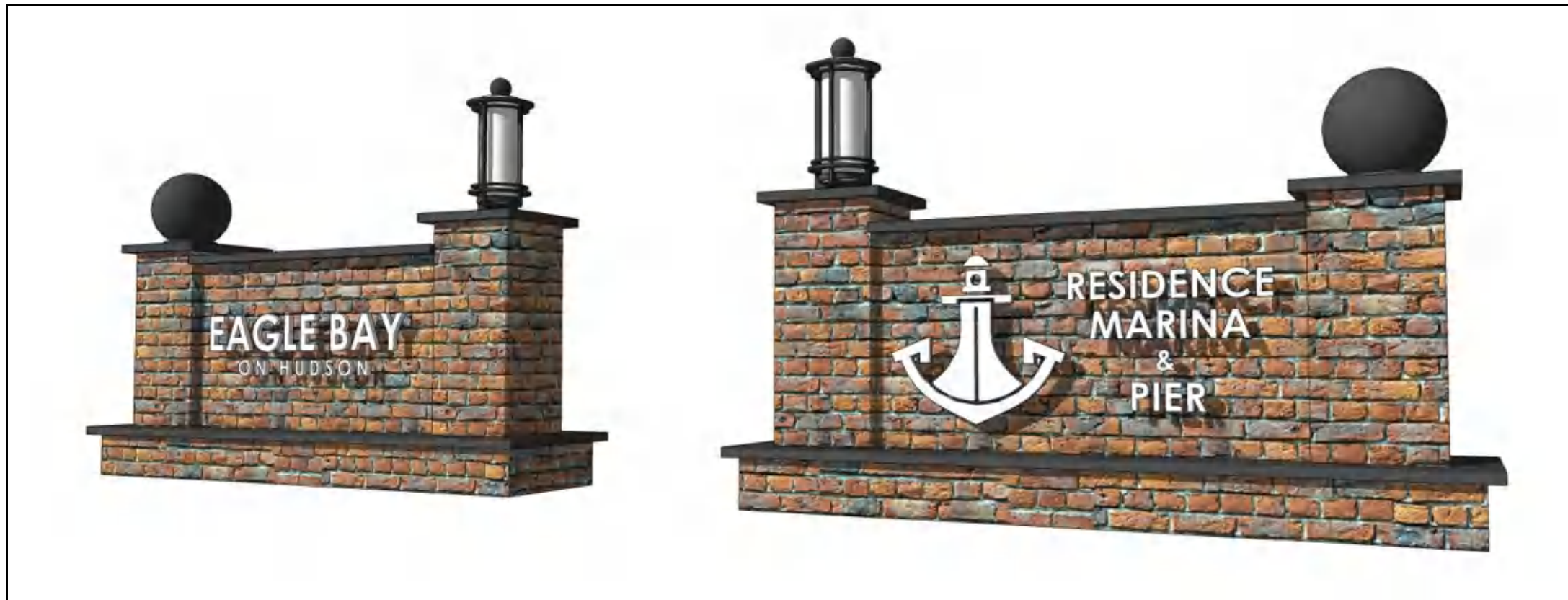
165 Mamaroneck Ave. FL 2  
White Plains, NY 10601  
914-949-4272  
www.ddpllc.com







# SIGN 1 - MONUMENT SIGN EAGLE BAY



## ZONING SIGN ORDINANCE:

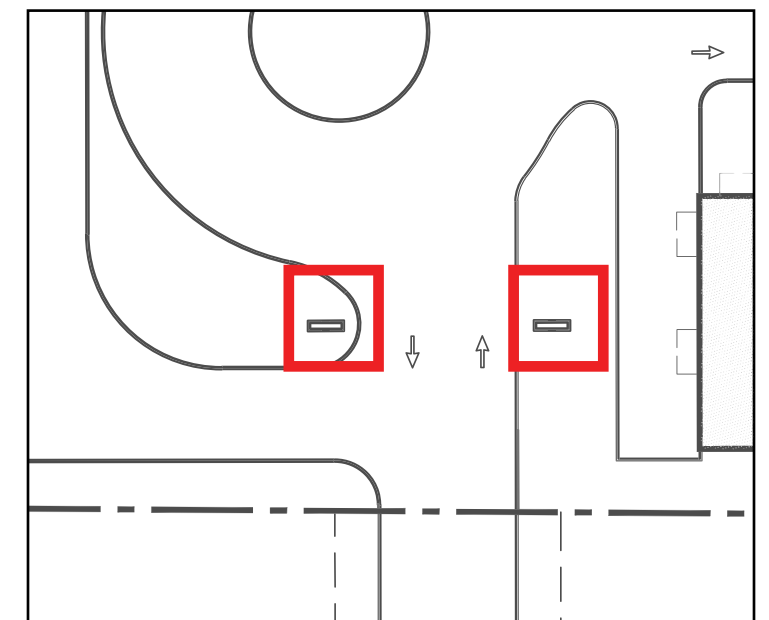
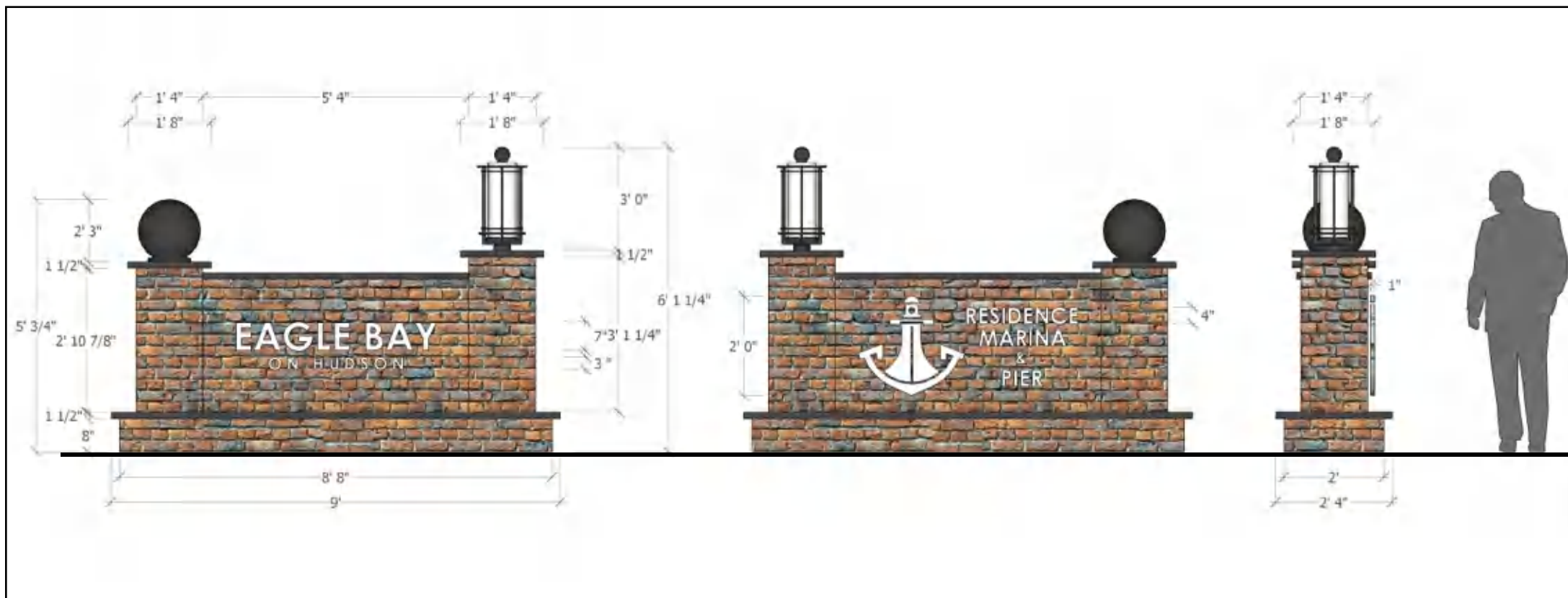
CHAPTER 215. ZONING

ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "A FREESTANDING SIGN CONSTRUCTED ON GROUND LEVEL, NOT MORE THAN FOUR (4) FEET ABOVE AVERAGE FINISHED GRADE, SET BACK A MINIMUM OF 10 FEET FROM THE DESIGNATED STREET LINE."

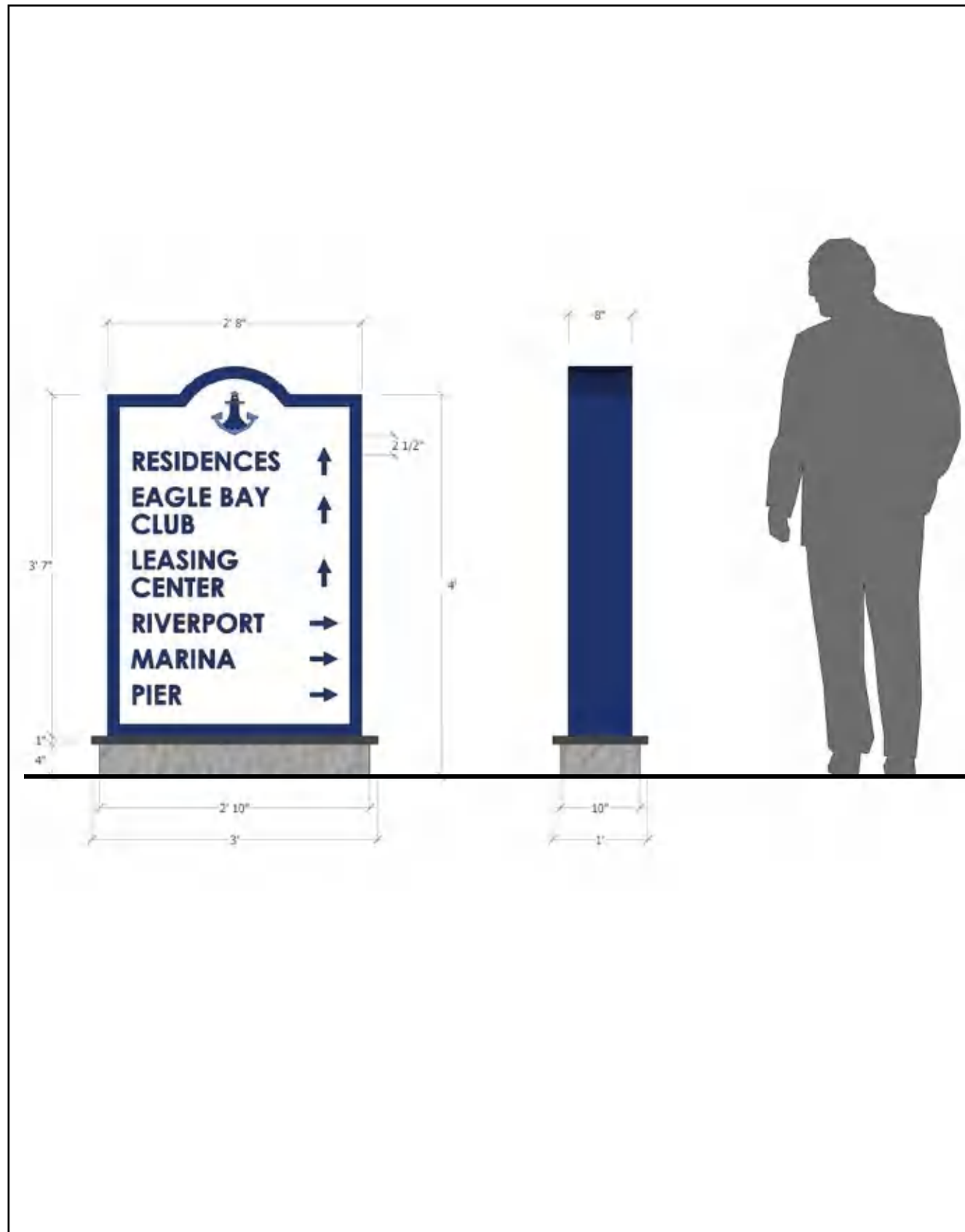
## SPECIFICATION:

- PIN MOUNTED ALUMINUM LETTERS
- 1 1/2" THICK SLATE STONE CAP
- ASSORTED BRICK COLORS
- "CENTURY GOTHIC" LETTER FONT
- 7" LETTER HEIGHT (EAGLE BAY)
- 3" LETTER HEIGHT (ON HUDSON)
- 4" LETTER HEIGHT (RESIDENCE, MARINA & PIER)
- EXTERNALLY ILLUMINATED





# SIGN 2 - ANNOUNCEMENT SIGN EAGLE BAY

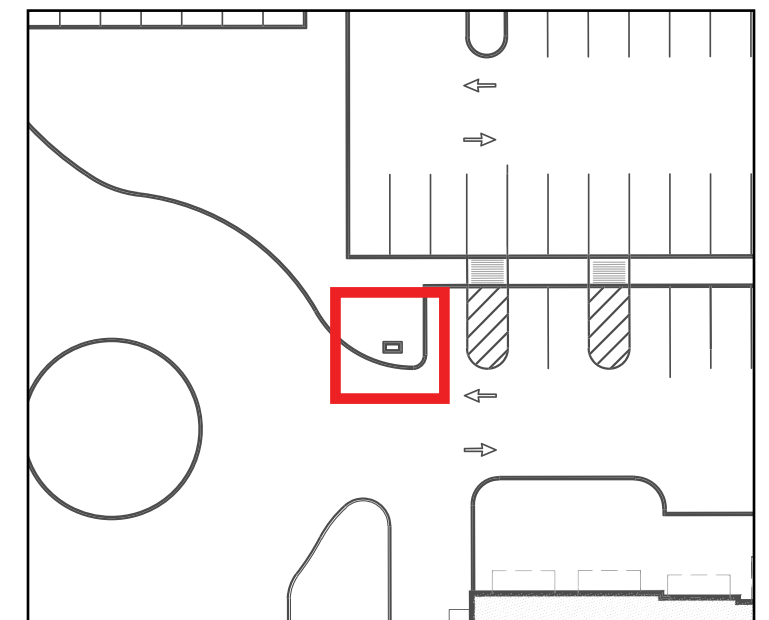


**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "ANY SIGN USED TO ANNOUNCE THE USE OF THE LOT OR DIRECTION OR LOCATION OF BUILDINGS AND STRUCTURES ON THE LOT FOR AN OFFICE, HOME OCCUPATION, RELIGIOUS, CHARITABLE OR OTHER INSTITUTIONAL USE."

**SPECIFICATION:**

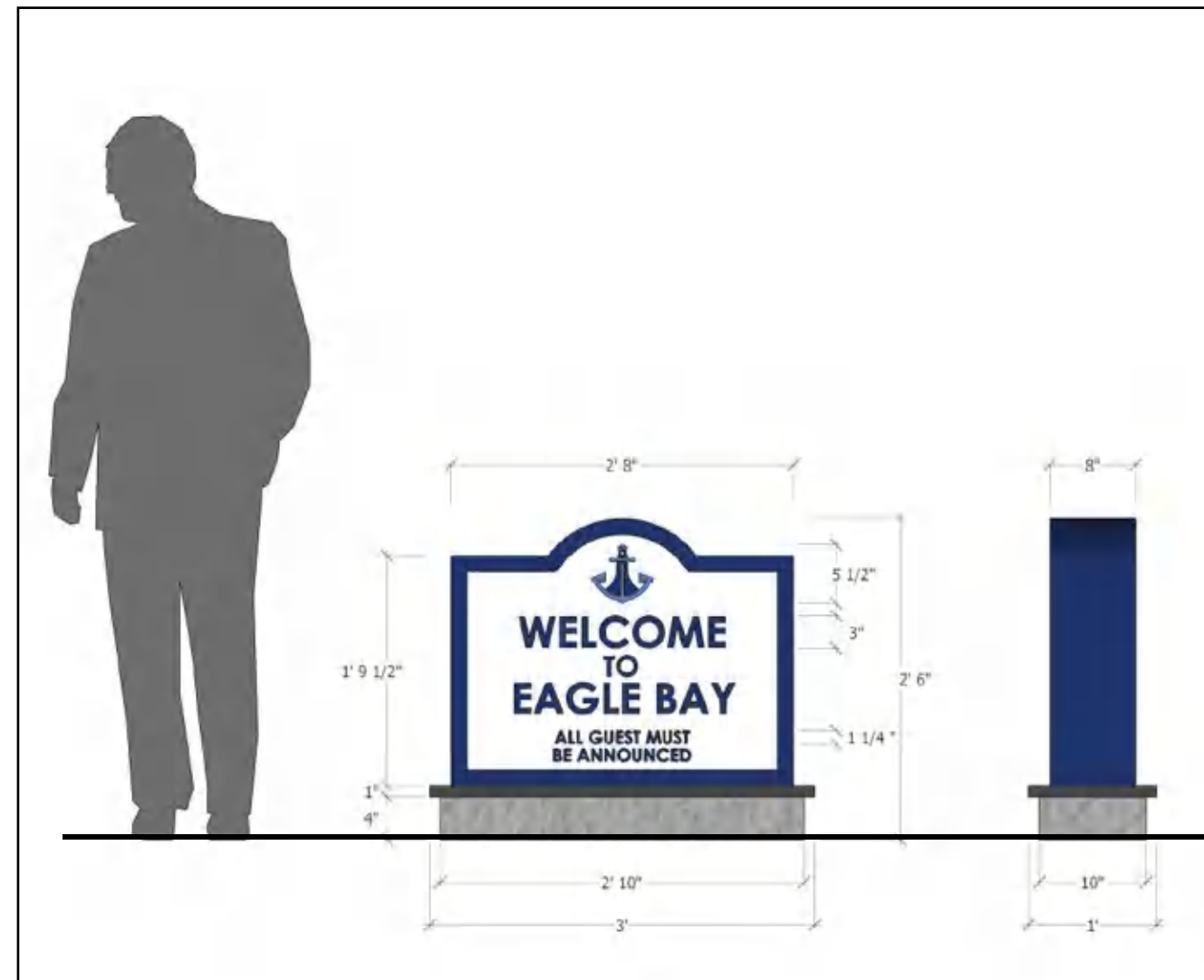
- CUT-OUT PAINTED METAL FOR WHITE BLUE LETTERING
- 1" THICK SLATE STONE CAP
- CONCRETE
- "CENTURY GOTHIC" LETTER FONT
- 2 1/2" LETTER HEIGHT
- INTERNALLY ILLUMINATED







# SIGN 3 - ANNOUNCEMENT SIGN EAGLE BAY

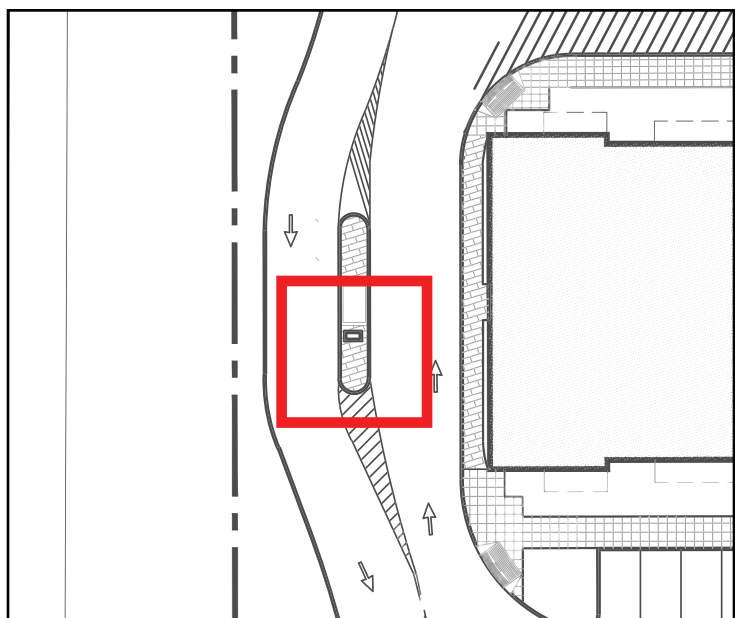
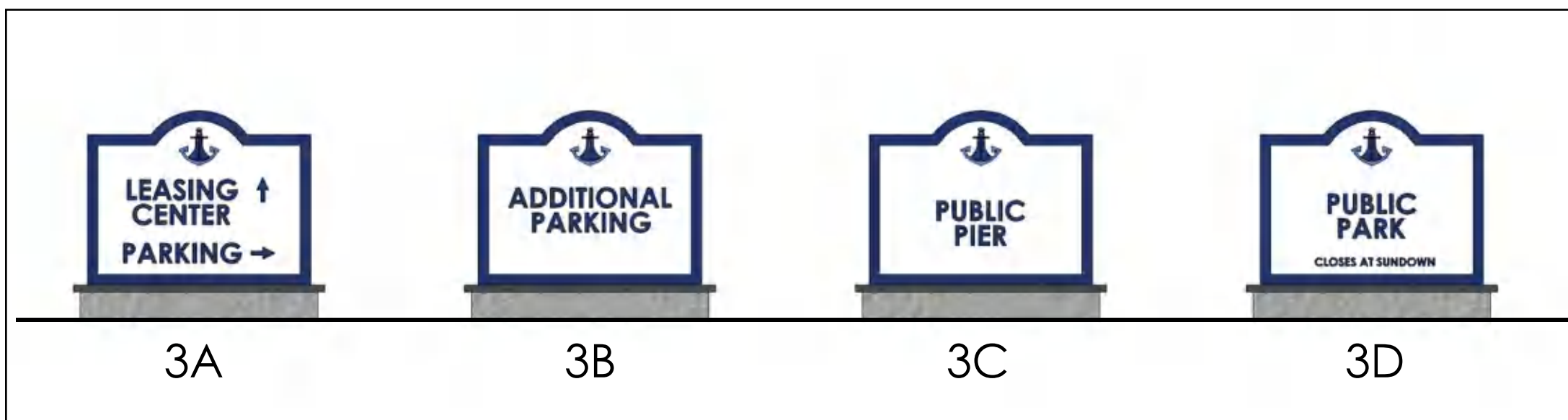


**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

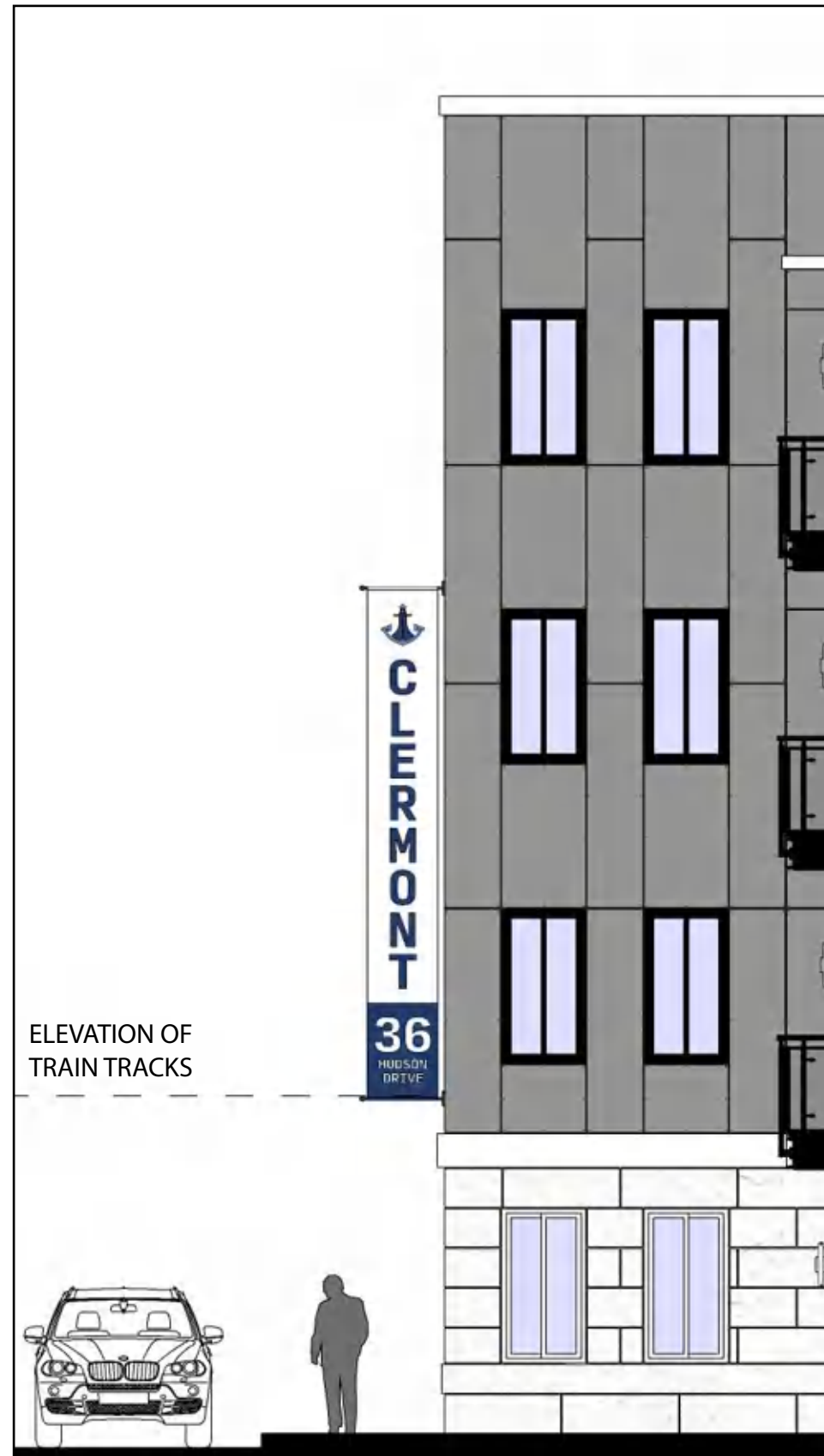
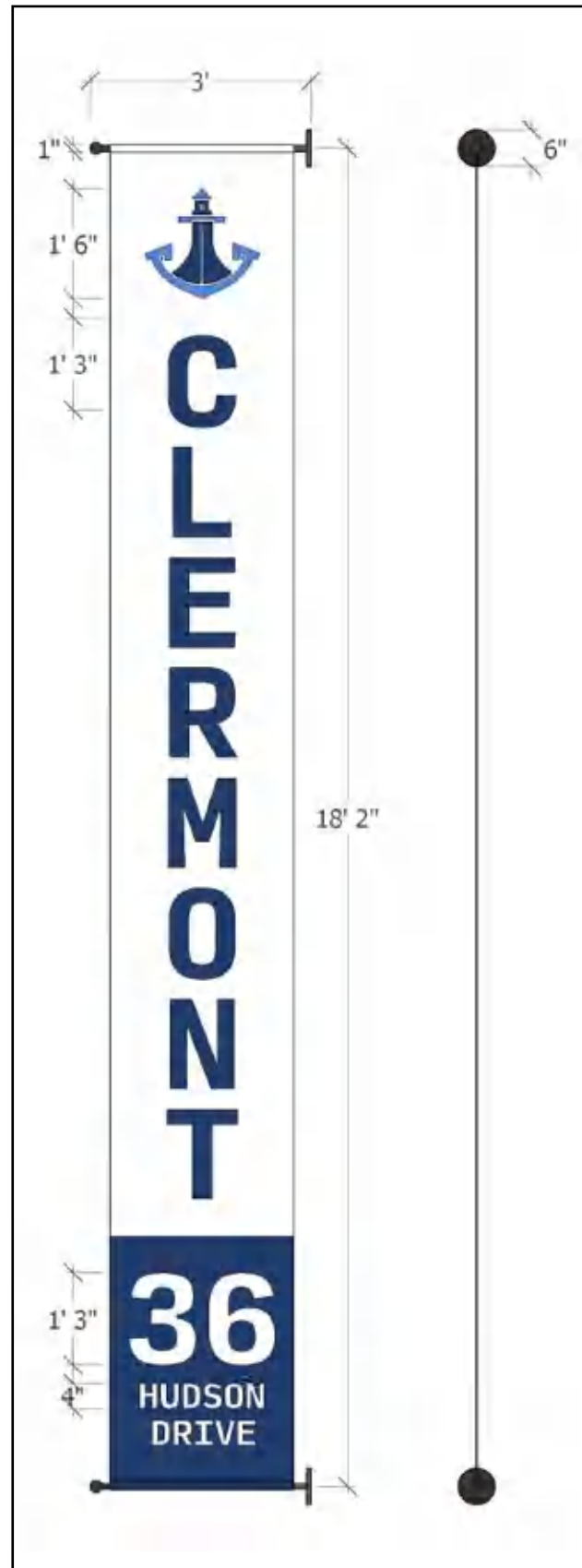
- "ANY SIGN USED TO ANNOUNCE THE USE OF THE LOT OR DIRECTION OR LOCATION OF BUILDINGS AND STRUCTURES ON THE LOT FOR AN OFFICE, HOME OCCUPATION, RELIGIOUS, CHARITABLE OR OTHER INSTITUTIONAL USE."

**SPECIFICATION:**

- CUT-OUT PAINTED METAL FOR BLUE ACRYLIC LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 3" LETTER HEIGHT (WELCOME TO EAGLE BAY)
- 1 1/4" LETTER HEIGHT (ALL GUESTS MUST BE ANNOUNCED)
- INTERNALLY ILLUMINATED



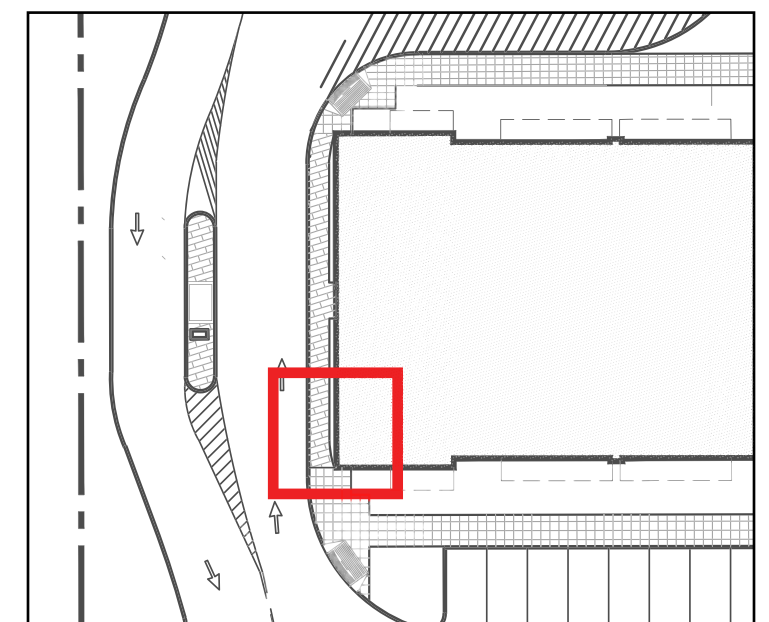
# SIGN 4 - PROJECTING SIGN EAGLE BAY



**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.  
• "A SIGN THAT IS ATTACHED TO THE BUILDING WALL OR STRUCTURE AND WHICH EXTENDS HORIZONTALLY 15 INCHES FROM THE PLANE OF SUCH WALL OR A SIGN THAT IS PERPENDICULAR TO THE FACE OF SUCH WALL OR STRUCTURE."  
SIGNS 215-49. PROHIBITED SIGNS.  
• "A SIGN ATTACHED TO A BUILDING EXTENDING MORE THAN THREE (3) FEET FROM THE BUILDING WALL."

**SPECIFICATION:**

- PRINTED BANNER SIGN
- "INPUT MONO" LETTER FONT
- 1'-3" NUMBER HEIGHT
- NON-ILLUMINATED





# BUILDING NAMES EAGLE BAY



HENDRICK HUDSON 1863



PRINCETON 1907



CLERMONT 1807



NORWICH 1836



COMMERCE 1825



# SIGN 5 - WALL SIGN EAGLE BAY



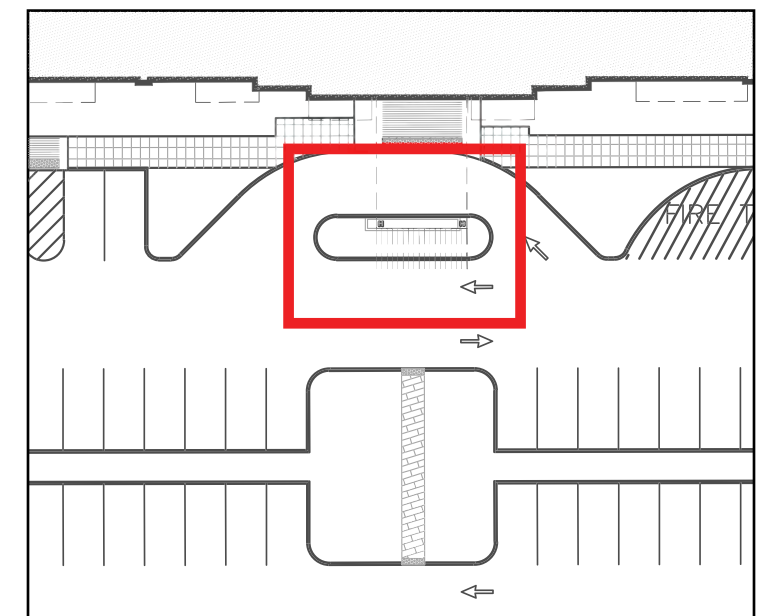
**ZONING SIGN ORDINANCE:**

CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "A SIGN THAT IS PAINTED ON OR ATTACHED TO THE OUTSIDE WALL OF A BUILDING, WITH THE FACE OF THE SIGN IN THE PLAN PARALLEL TO SUCH WALL AND NOT EXTENDING MORE THAN 15 INCHES FROM THE FACE OF EACH WALL."

**SPECIFICATION:**

- PIN MOUNTED ALUMINUM LETTERS
- "INPUT MONO" LETTER FONT
- 1'-6" NUMBER HEIGHT
- NON-ILLUMINATED
- BUILDING NUMBER SIGN IN REFERENCE TO SIGN 12.
- SIGN LOCATED ON BOTH SIDES OF PORTE-COCHERE



# SIGN 6 - WALL SIGN EAGLE BAY

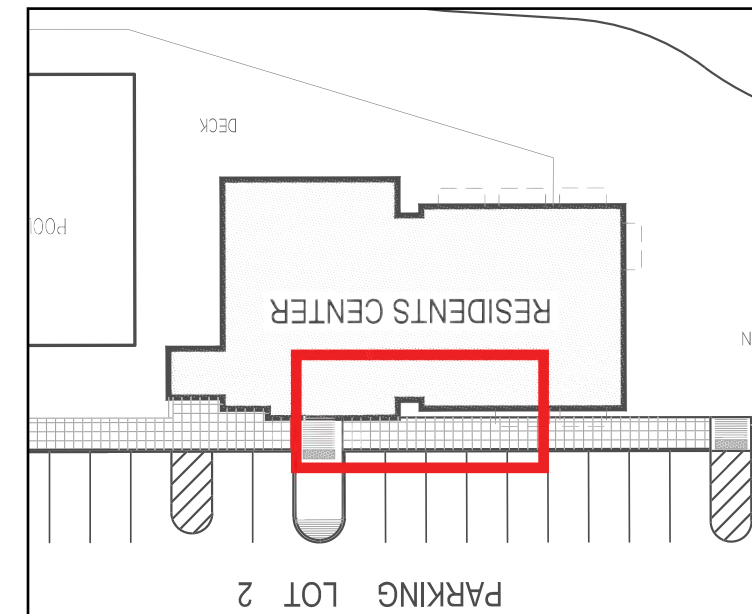
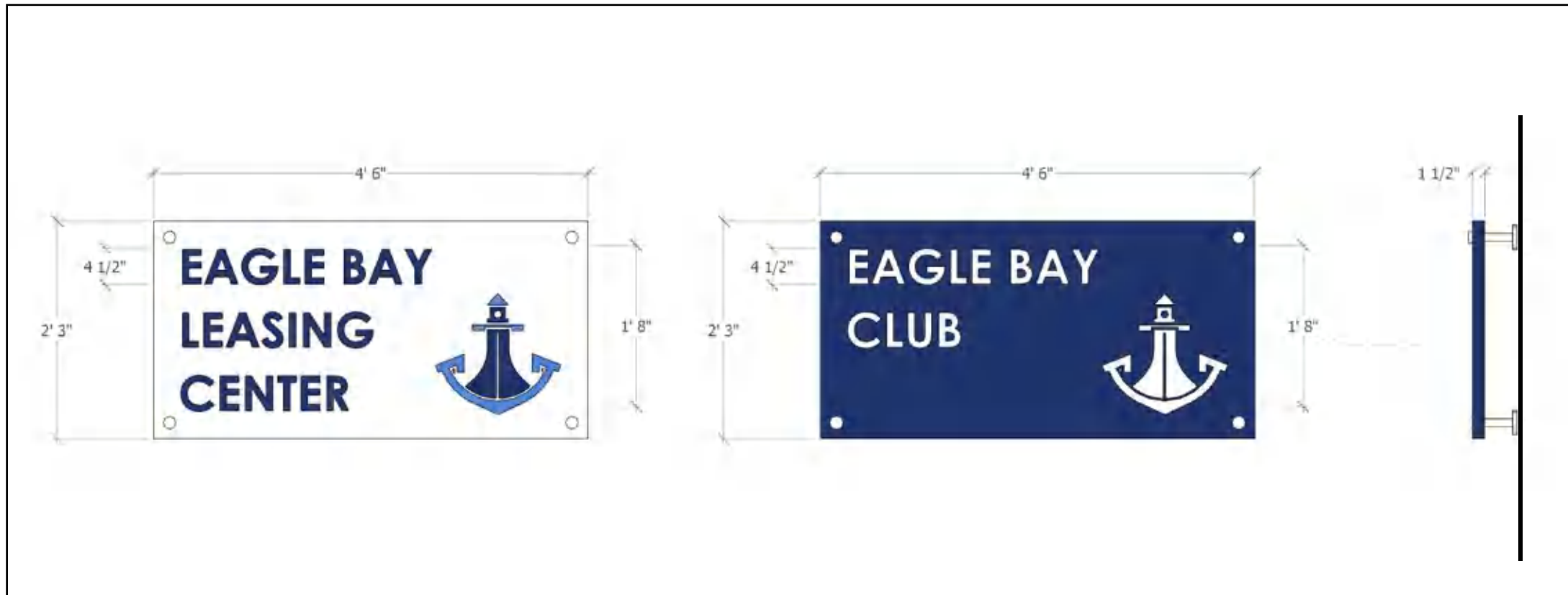


**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "A SIGN THAT IS PAINTED ON OR ATTACHED TO THE OUTSIDE WALL OF A BUILDING, WITH THE FACE OF THE SIGN IN THE PLAN PARALLEL TO SUCH WALL AND NOT EXTENDING MORE THAN 15 INCHES FROM THE FACE OF EACH WALL."

**SPECIFICATION:**

- CUT-OUT PAINTED METAL FOR ACRYLIC LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 6" LETTER HEIGHT
- NON-ILLUMINATED



# SIGN 7 - UTILITY SPACE DOOR SIGN **EAGLE BAY**

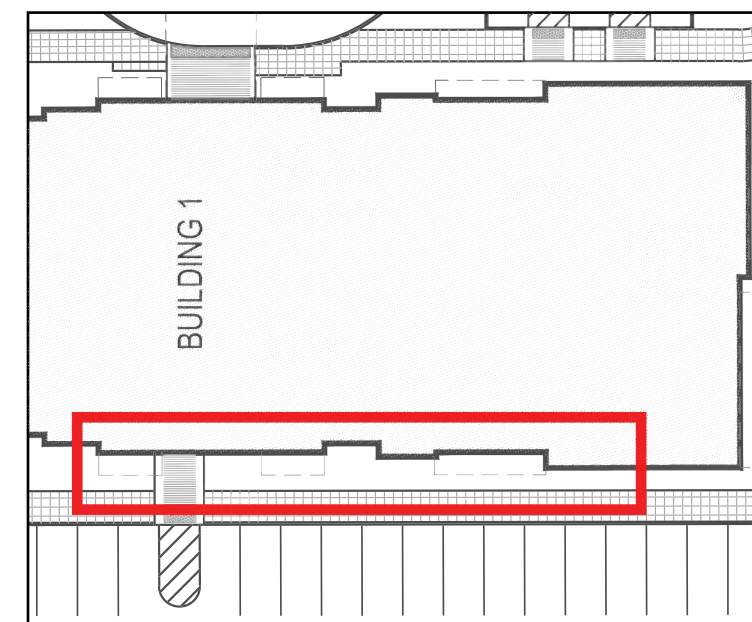
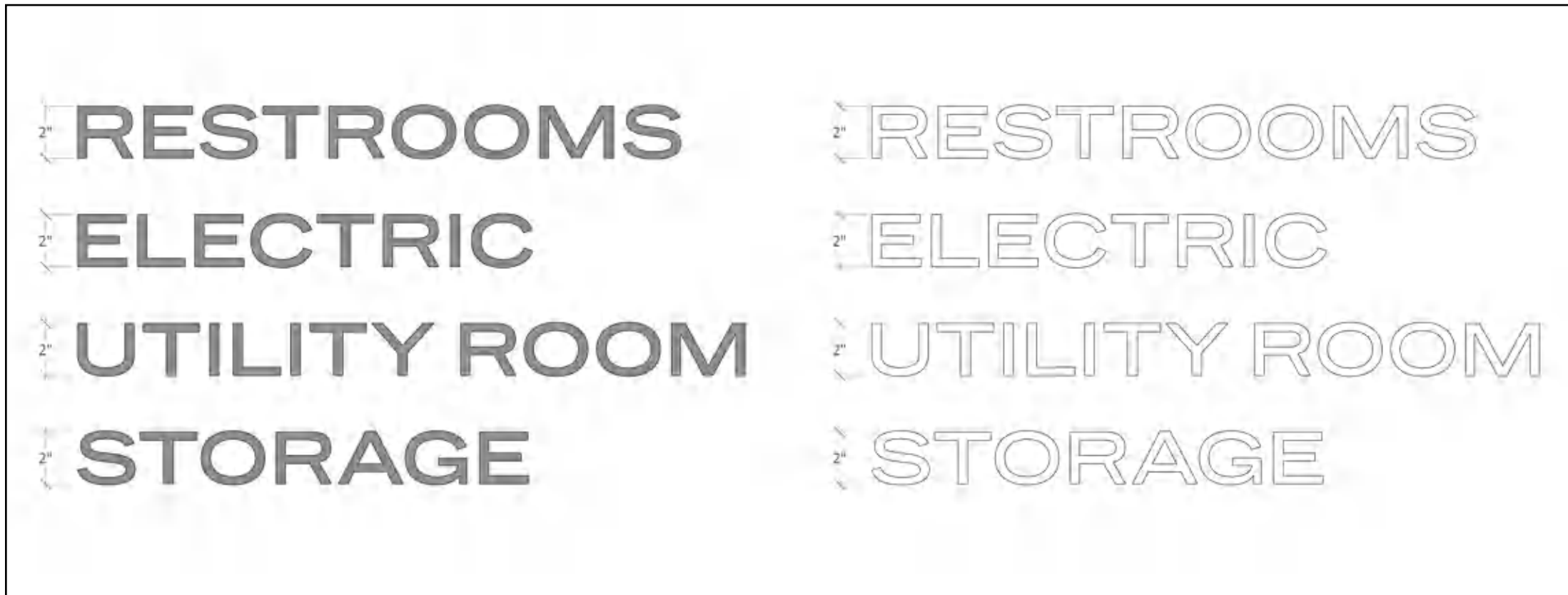


**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "A SIGN THAT IS PAINTED ON OR ATTACHED TO THE OUTSIDE WALL OF A BUILDING, WITH THE FACE OF THE SIGN IN THE PLAN PARALLEL TO SUCH WALL AND NOT EXTENDING MORE THAN 15 INCHES FROM THE FACE OF EACH WALL."

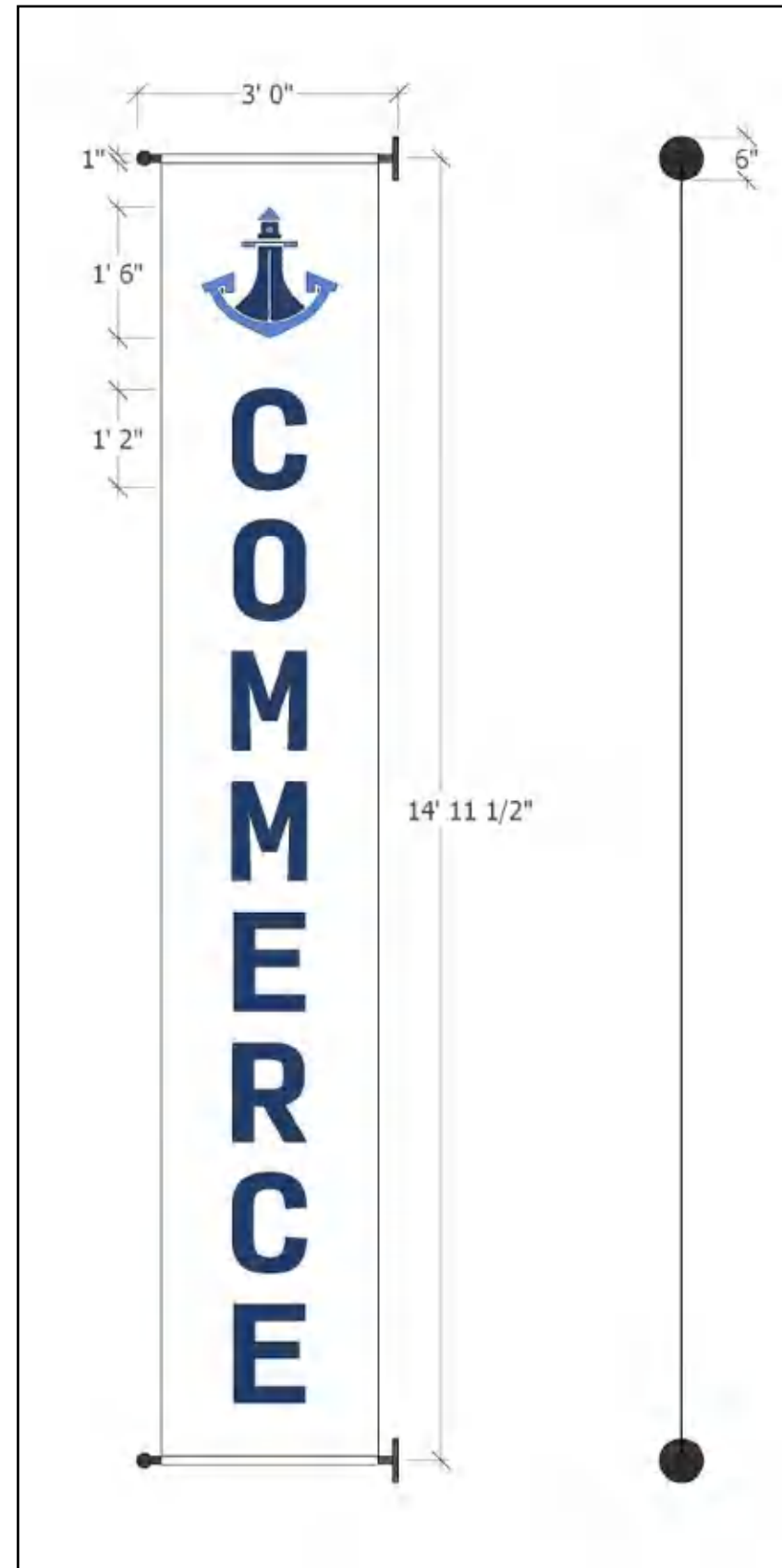
**SPECIFICATION:**

- PAINTED LETTERS
- COLOR: GUN METAL GREY & BONE WHITE
- "BENTO SANS WIDE" LETTER FONT
- 2" LETTER HEIGHT
- NON-ILLUMINATED





# SIGN 8 - PROJECTING SIGN EAGLE BAY



## ZONING SIGN ORDINANCE:

CHAPTER 215. ZONING

ARTICLE IX. SIGNS 215-47. DEFINITIONS.

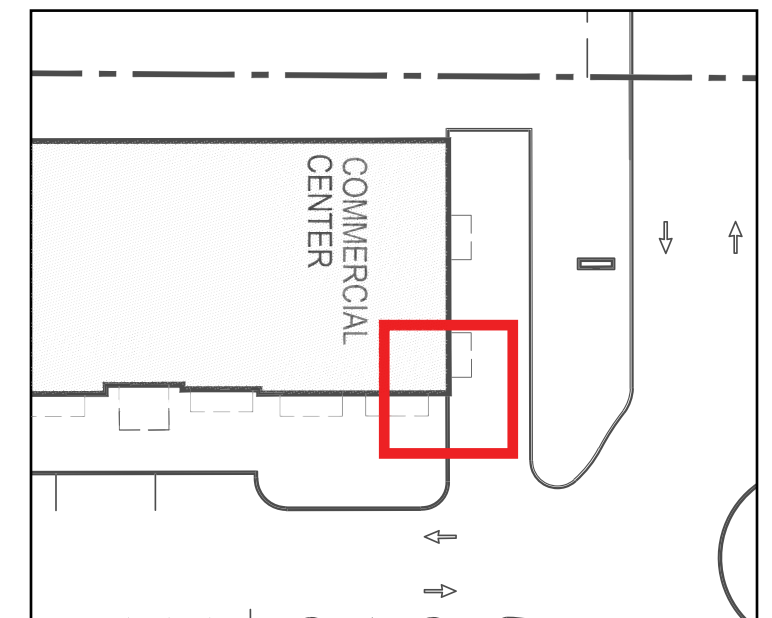
- "A SIGN THAT IS ATTACHED TO THE BUILDING WALL OR STRUCTURE AND WHICH EXTENDS HORIZONTALLY 15 INCHES FROM THE PLANE OF SUCH WALL OR A SIGN THAT IS PERPENDICULAR TO THE FACE OF SUCH WALL OR STRUCTURE."

SIGNS 215-49. PROHIBITED SIGNS.

- "A SIGN ATTACHED TO A BUILDING EXTENDING MORE THAN THREE (3) FEET FROM THE BUILDING WALL."

## SPECIFICATION:

- PRINTED BANNER SIGN
- "INPUT MONO" LETTER FONT
- 1'-2" LETTER HEIGHT
- NON-ILLUMINATED



# SIGN 9 - WALL SIGN EAGLE BAY

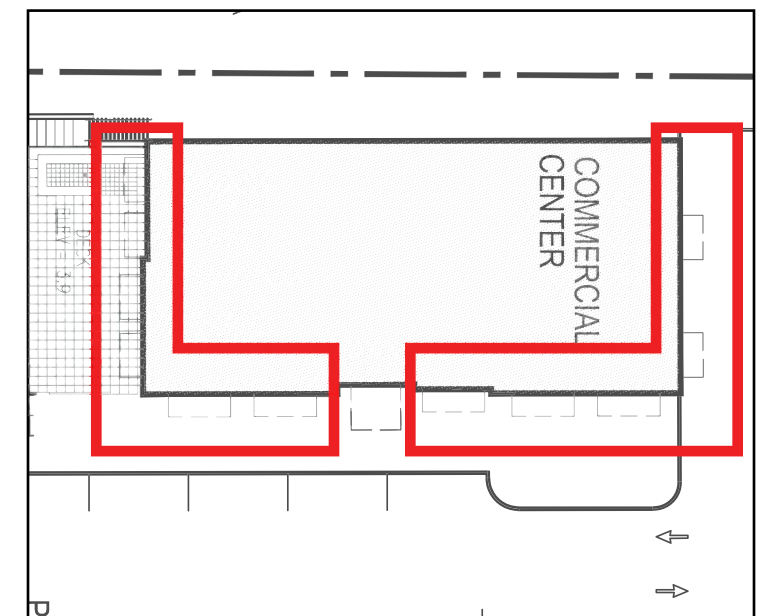


**ZONING SIGN ORDNANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "A SIGN THAT IS PAINTED ON OR ATTACHED TO THE OUTSIDE WALL OF A BUILDING, WITH THE FACE OF THE SIGN IN THE PLAN PARALLEL TO SUCH WALL AND NOT EXTENDING MORE THAN 15 INCHES FROM THE FACE OF EACH WALL."

**SPECIFICATION:**

- RAIL MOUNTED WHITE ALUMINUM LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 8" LETTER HEIGHT
- NON-ILLUMINATED





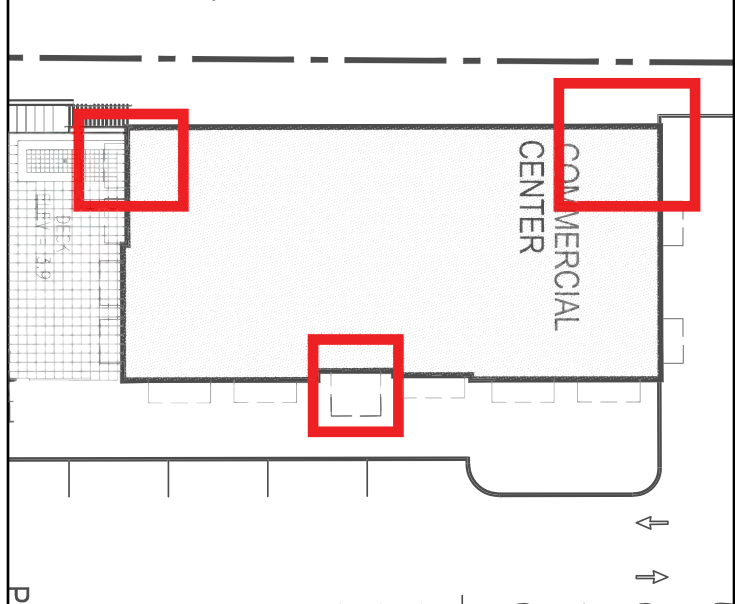
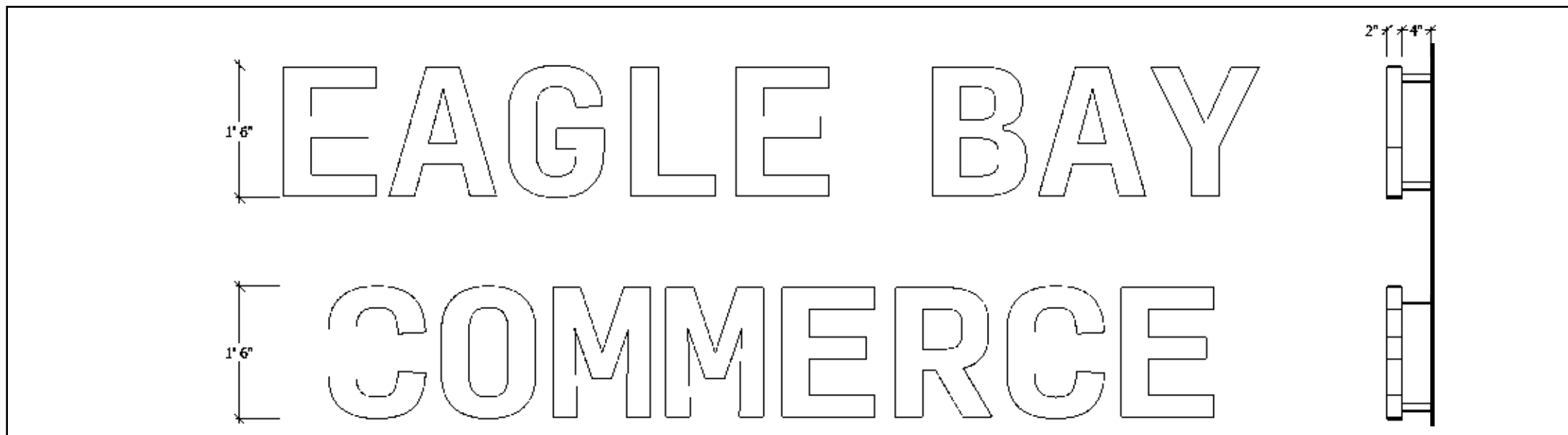
# SIGN 10 - WALL SIGN EAGLE BAY



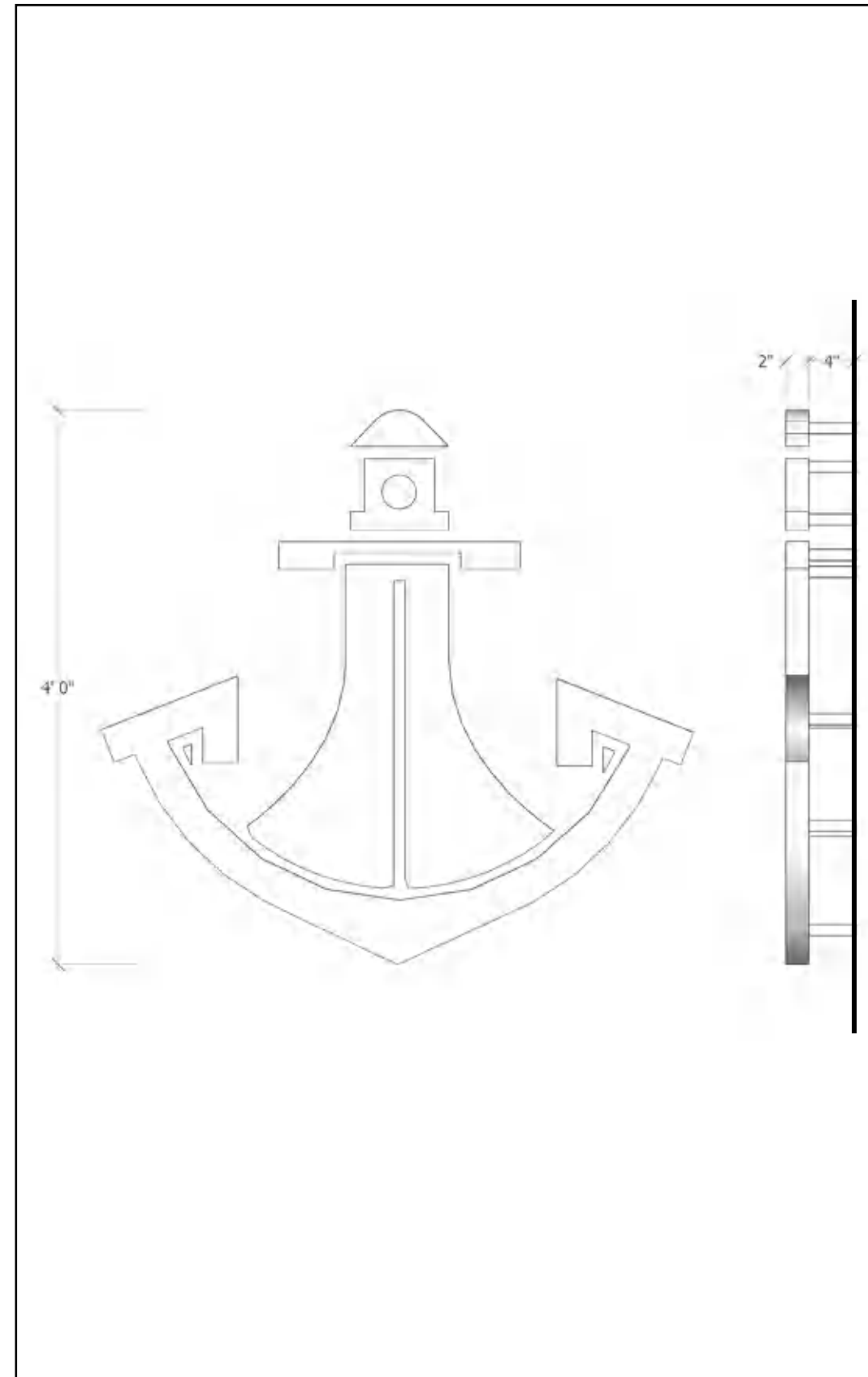
**ZONING SIGN ORDNANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-52. PERMANENT SIGNS C(1).  
• "ONE SIGN AFFIXED TO THE FRONT FACADE OF THE PRINCIPLE BUILDING MAY BE PROVIDED AND SHALL NOT EXCEED 5% OF SAID BUILDING FACADE SIGN WALL AREA BUT IN NO EVENT MORE THAN 50 SQUARE FEET."  
C(2)  
• "THE VERTICAL DIMENSION OF ALL BUSINESS IDENTIFICATION SIGNS IN A RESIDENTIAL DISTRICT SHALL NOT EXCEED FOUR (4) FEET."  
C(3)  
• "A SIGN ATTACHED TO A BUILDING SHALL NOT EXCEED MORE THAN THREE (3) FEET FROM THE BUILDING WALL."

**SPECIFICATION:**

- PIN MOUNTED WHITE ALUMINUM LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 1'- 6" NUMBER HEIGHT
- NON-ILLUMINATED



# SIGN 11 - WALL SIGN EAGLE BAY



**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-52. PERMANENT SIGNS C(1).  

- "ONE SIGN AFFIXED TO THE FRONT FACADE OF THE PRINCIPLE BUILDING MAY BE PROVIDED AND SHALL NOT EXCEED 5% OF SAID BUILDING FACADE SIGN WALL AREA BUT IN NO EVENT MORE THAN 50 SQUARE FEET."

 C(2)  

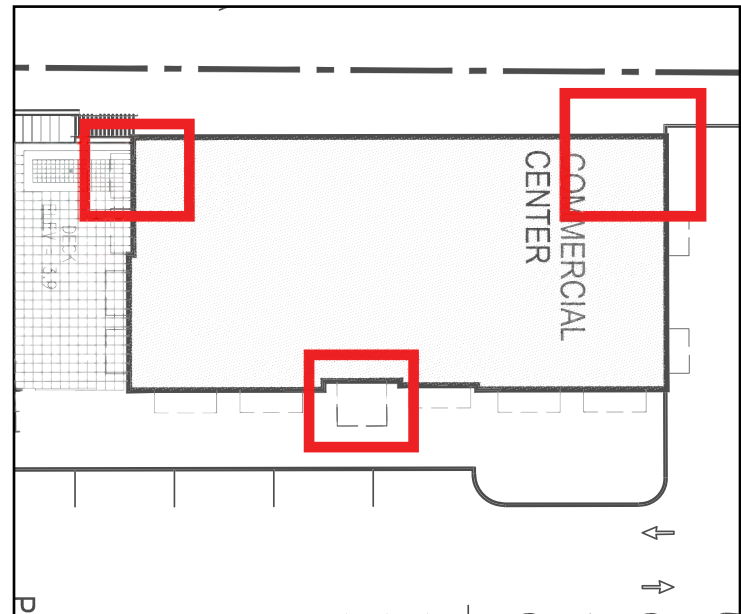
- "THE VERTICAL DIMENSION OF ALL BUSINESS IDENTIFICATION SIGNS IN A RESIDENTIAL DISTRICT SHALL NOT EXCEED FOUR (4) FEET."

 C(3)  

- "A SIGN ATTACHED TO A BUILDING SHALL NOT EXCEED MORE THAN THREE (3) FEET FROM THE BUILDING WALL."

**SPECIFICATION:**

- PIN MOUNTED WHITE ALUMINUM LOGO
- 4'-0" TALL LOGO
- NON-ILLUMINATED



# SIGN 12 - WALL SIGN EAGLE BAY



**ZONING SIGN ORDNANCE:**

CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-52. PERMANENT SIGNS C(1).

- "ONE SIGN AFFIXED TO THE FRONT FACADE OF THE PRINCIPLE BUILDING MAY BE PROVIDED AND SHALL NOT EXCEED 5% OF SAID BUILDING FACADE SIGN WALL AREA BUT IN NO EVENT MORE THAN 50 SQUARE FEET.

C(2)

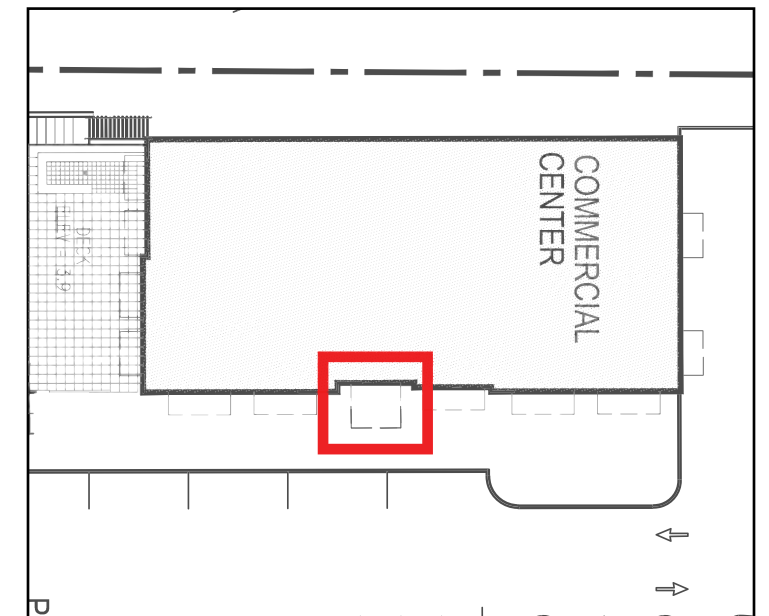
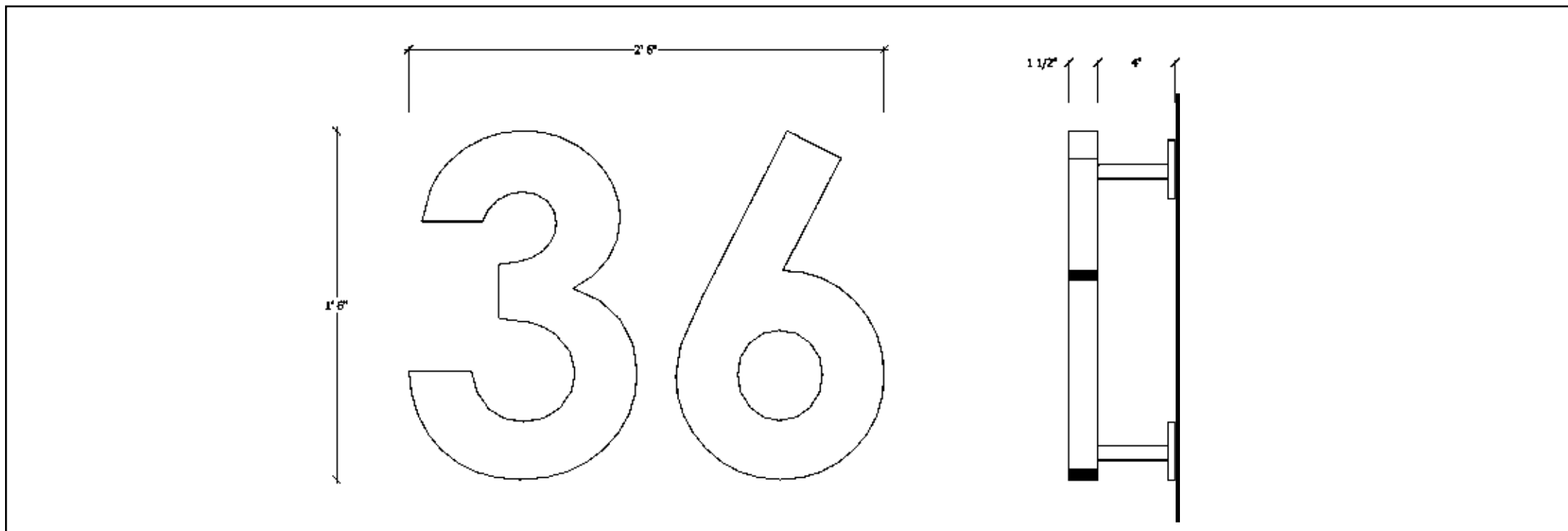
- "THE VERTICAL DIMENSION OF ALL BUSINESS IDENTIFICATION SIGNS IN A RESIDENTIAL DISTRICT SHALL NOT EXCEED FOUR (4) FEET."

C(3)

- "A SIGN ATTACHED TO A BUILDING SHALL NOT EXCEED MORE THAN THREE (3) FEET FROM THE BUILDING WALL."

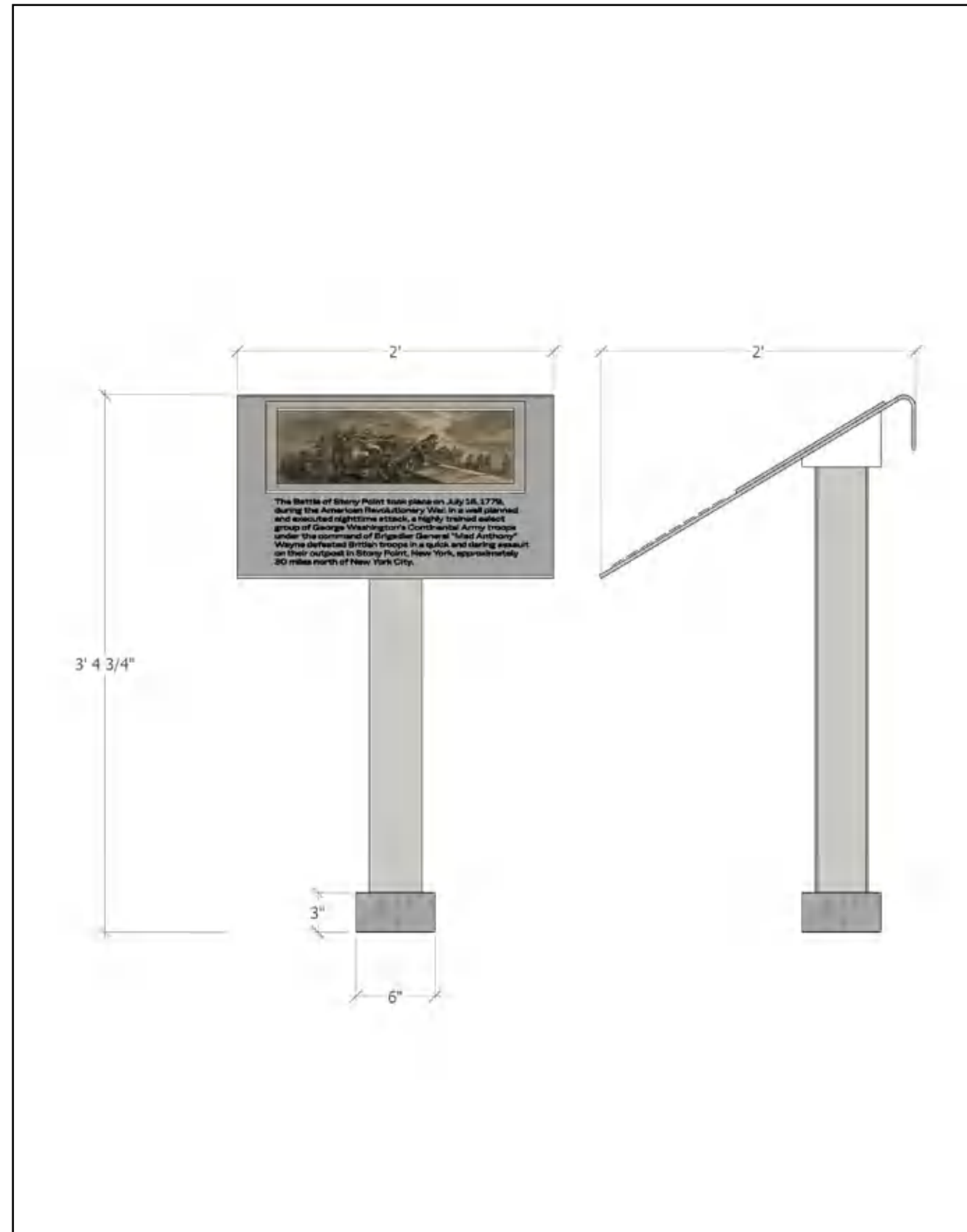
**SPECIFICATION:**

- PIN MOUNTED WHITE ALUMINUM LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 1'- 6" NUMBER HEIGHT
- NON-ILLUMINATED





# SIGN 13 - ANNOUNCEMENT (EDUCATION) EAGLE BAY

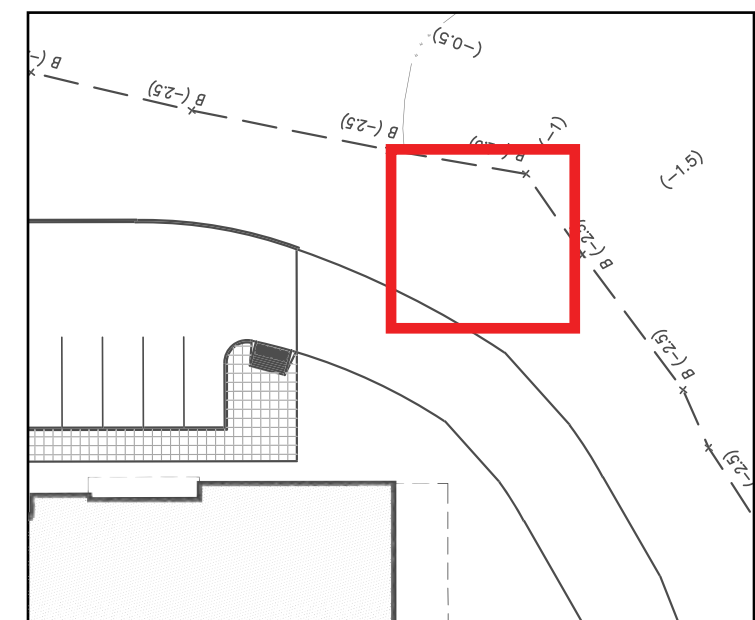


**ZONING SIGN ORDINANCE:**  
CHAPTER 215. ZONING  
ARTICLE IX. SIGNS 215-47. DEFINITIONS.

- "ANY SIGN USED TO ANNOUNCE THE USE OF THE LOT OR DIRECTION OR LOCATION OF BUILDINGS AND STRUCTURES ON THE LOT FOR AN OFFICE, HOME OCCUPATION, RELIGIOUS, CHARITABLE OR OTHER INSTITUTIONAL USE."

**SPECIFICATION:**

- ALUMINUM
- WHITE LETTERING
- "CENTURY GOTHIC" LETTER FONT
- 1/2" LETTER HEIGHT
- FOR ANY HISTORICAL INFORMATION
- NON-ILLUMINATED
- SIGN MIGHT BE LOCATED IN OTHER LOCATIONS



**Exhibit C: Stony Point Battlefield Interpretive Map**

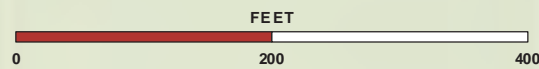
# Stony Point Battlefield State Historic Site

44 Battlefield Rd, Stony Point, NY 10980

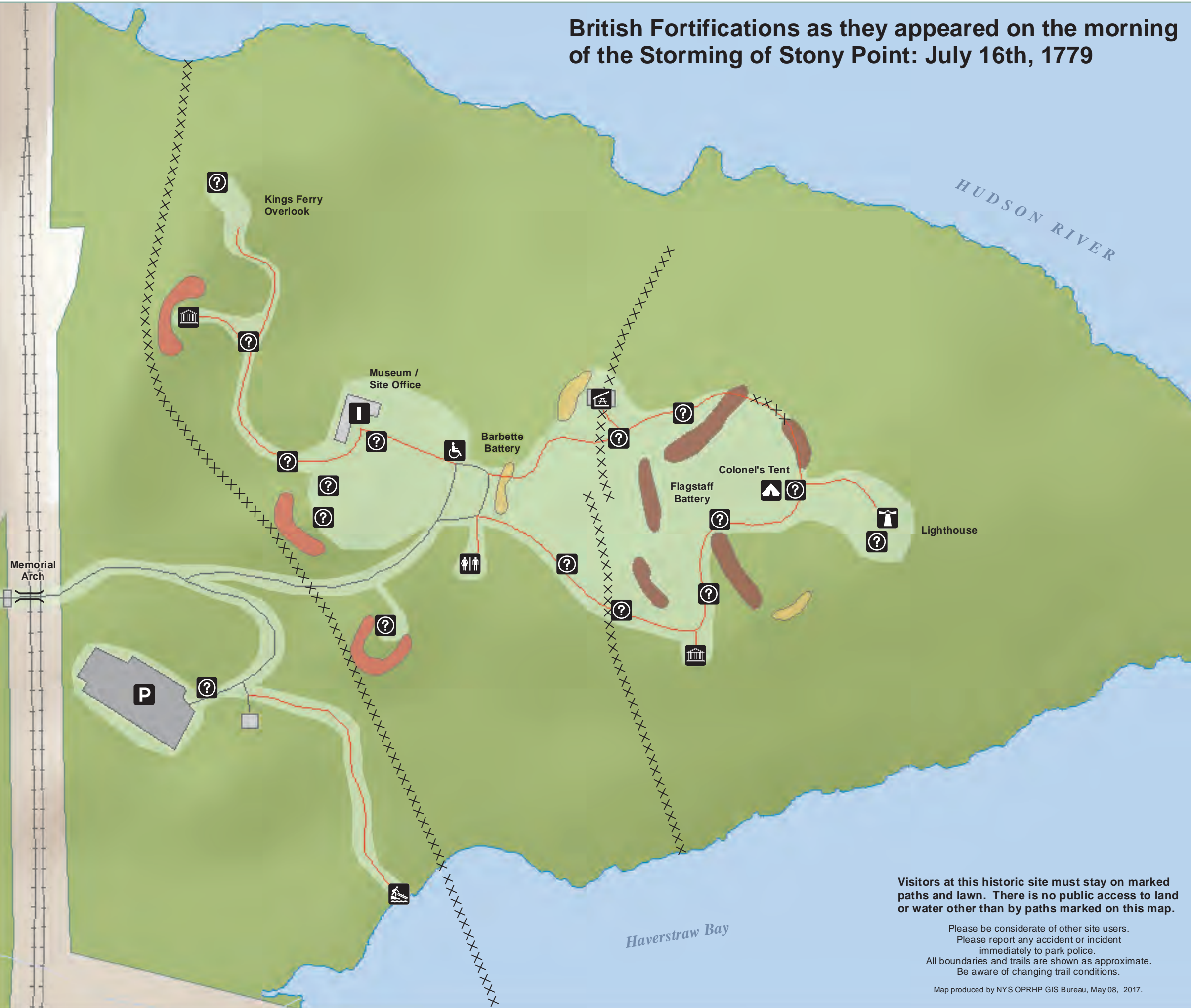
## British Fortifications as they appeared on the morning of the Storming of Stony Point: July 16th, 1779

- Legend**
- Bridge
  - Colonel's Tent
  - Comfort Station
  - Gate
  - Gazebo
  - Handicapped Parking
  - Interpretive Kiosk
  - Lighthouse
  - Museum
  - Paddler's Launch
  - Parking
  - Picnic Pavilion
  - Abatis (Historic Barricade)
  - Trail
  - Road
  - Railroad
  - Earthworks
  - Forward Battery
  - Musket Fleches
  - Building (20th Century)
  - Paved Area
  - Water
  - State Historic Site

Note: The site was kept treeless during the American Revolution to better observe opposing armies



Site Office: (845) 786-2521  
 Palisades Regional Office: (845) 786-2701  
 New York State Park Police: 1 (877) 851-6086  
 In Case of Emergency: **911**



Visitors at this historic site must stay on marked paths and lawn. There is no public access to land or water other than by paths marked on this map.

Please be considerate of other site users.  
 Please report any accident or incident immediately to park police.  
 All boundaries and trails are shown as approximate.  
 Be aware of changing trail conditions.

Map produced by NYS OPRHP GIS Bureau, May 08, 2017.

**Exhibit D: New York State Department of State Correspondence**

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

December 23, 2020

Connor McKeon  
TMS Waterfront  
1 Van Houten Street  
Nyack, NY 10960

Re: F-2020 -0574  
U.S. Army Corps of Engineers/ NY District Permit  
Application – **Breakers Point, L.P.**- proposes to remove  
existing bulkhead along 1400 linear feet of shoreline excavate  
approximately 2,625 cubic yards of backfill from behind the  
bulkhead. Replace wood bulkhead with a planted rip rap  
revetment, at a 1:1.5 (V:H) slope, with a backfilled toe below  
MHW consisting of a biodegradable geotextile fabric base, a  
6-inch layer of 3/+inch crushed stone, a 6-inch layer of 3-inch  
stone, and a 2.5-foot thick layer of 12-inch to 24-inch armor  
stone with the toe of the revetment at the bulkhead line.  
Construct a 220 ft long by 8 ft wide, with two widened  
observation areas along the length, measuring 16 ft wide and  
22 ft long, with bench seating and added space for fishing  
from the pier. The end of the pier will be a 25 ft by 25 ft  
observation area covered with a pavilion which will again be  
outfitted with benches and allow added space for fishing  
**Town of Stony Point, Rockland County, Hudson River  
Concurrence with Consistency Certification – Proposal  
Modified**

Dear Mr. McKeon:

The Department of State received your modified proposal for the above referenced proposal on December 22, 2020. The modified proposal involves removal of 6,700 square feet of docks and replace with a new 8 ft x 220 ft timber pile supported pier with a terminal T dock, measuring 9 feet by 24 feet. All work shall be done in accordance with the revised plans prepared by TMS Waterfront and dated October 28, 2020.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for the modified activity. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact Donna Morelli at (518) 475-3745 or Donna.Morelli @dos.state.ny.us) and refer File # F-2020-0574.

Sincerely,



**Department  
of State**



Gregory L. Capobianco  
Office of Planning, Development and  
Community Infrastructure

JS/dm

cc: COE/ New York District – Ronald Pinzon  
NYS DEC/Region 2 -Christopher Lang  
Breakers Point, L.P- Eliezer Herskowitz

**Exhibit E: Annotated Comments**

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

----- X

IN THE MATTER  
OF  
EAGLE BAY

----- X

Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
April 22, 2021  
7:14 p.m.  
(via Zoom)

BEFORE:

THOMAS GUBITOSA, CHAIRMAN  
KERRI ALESSI, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
MARK JOHNSON, BOARD MEMBER  
EUGENE KRAESE, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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

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Proceedings

CHAIRMAN GUBITOSA: All right, we'll start. I guess we'll start the meeting. If we could -- we'll do, we'll stand for the Pledge. Yes, thank you.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN GUBITOSA: All right, thank you. I guess for the roll, Mary, I know everyone's here. Mike is going to join late. So when he joins, I'll let you -- you'll let us know and we'll mark him in.

MS. MELE: Mr. Honan, Max just texted that he needs to be let into the meeting, I believe.

CHAIRMAN GUBITOSA: Oh, Max, okay.

MR. HONAN: Okay, let me -- he must be an attendee. Hold on a second. Let me find him.

THE CLERK: He said he was signing on.

MR. HONAN: He might have been signing on to the general number, though. Let's see.

CHAIRMAN GUBITOSA: He might be the MPV webinar account.

1 Proceedings

2 THE CLERK: Yes.

3 MR. HONAN: That could be. Max, is that  
4 you?

5 THE CLERK: Yes, down on the bottom  
6 here.

7 MR. STACH: Yes, that's me.

8 MR. HONAN: Okay. Let me promote you to  
9 panelist. You are hereby promoted.

10 THE CLERK: Can we have a party?

11 CHAIRMAN GUBITOSA: All right. We're  
12 all good, Steve? Thank you.

13 MR. HONAN: Let's see. Max, can you  
14 hear us?

15 MR. STACH: Yeah.

16 MR. HONAN: Okay, he's here.

17 CHAIRMAN GUBITOSA: All right. What  
18 we'll do is we'll get started. Tonight, it's  
19 a first public hearing. This is Eagle Bay.  
20 And then Dave, I know you or Amy, I'll let  
21 you give a little brief review, and then I'll  
22 go into the guidelines for the public hearing  
23 when we get, when we're ready.

24 MS. MELE: Sure. I think I was  
25 appointed to give a brief overview. And I

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Proceedings

will be brief because as we know, tonight's not about the applicant. Tonight's about the public. And we want to hear what they have to say.

So just for the public's edification, the applicant is here tonight applying for a development under some zoning that the Town Board enacted several years now, called the planned waterfront district. They enacted that legislation to revitalize its waterfront, to provide open space to its residents, and to hopefully add ratables to its tax base.

My client -- by the way, my name is Amy Mele, 4 Laurel Road, New City, New York. I'm the attorney for the applicant. My client voluntarily agreed to submit to the environmental impact statement process. Also voluntarily agreed to public hearings on the scoping process. We addressed the public's comments in that context. We went through the EIS process and also addressed public comments during that process. It's been a couple years now that we've been going

1 Proceedings

2 through it.

3 We assembled what I think is a really  
4 great team of professionals to work on this  
5 project, from architects to engineers to  
6 aquatic specialists. We -- and the Town, in  
7 turn, has assembled its own internal team,  
8 both its own in-house experts, and has  
9 retained outside experts to review our work  
10 product, which we have funded. So all data  
11 has been reviewed by both our experts and the  
12 Town's experts, and the EIS was adopted last  
13 year.

14 The current plan is for 264 units of  
15 residential housing in four different  
16 buildings. One building, a building is set  
17 aside for public use, perhaps a restaurant,  
18 offices, retail. We are proposing mostly  
19 two-bedroom units. There are some  
20 one-bedrooms, and there's a handful of  
21 three-bedrooms.

22 We're not seeking any variances. We've  
23 got plenty of parking. All of our setbacks  
24 and everything is in accordance with the  
25 zoning.

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Proceedings

We're also proposing pursuant to the zoning a public esplanade, which would be accessible to the public. We've offered to basically give that to the Town in the form of a perpetual easement, but we would maintain it in perpetuity for the public's benefit.

We also proposed as part of our plan a public fishing pier. And I know some of the people that may be on tonight have been at the workshops where this has been discussed. I'm just going to address it briefly.

We proposed a fishing pier, an eight-foot wide fishing pier about 220 feet long. The DEC has not yet approved that. We're still going through a process with them. I think the Town has indicated a willingness to help us with that process, maybe get elected officials involved to try and get that component of the plan approved. But we're willing to build it, and we hope that it does get approved. So that's still an open issue.

We've been to the architectural review



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Proceedings

board several times now. And they have reviewed literally every component of the architectural plan, from lighting to facades to all of the plantings, the landscaping. Basically, everything within their authority. We still have at least one more trip to them. And we'll obviously, we and the Board will be reporting back on that.

But I think with that said, you know, that's really the background that I wanted to give. And I'm going to keep quiet and listen to hear what the public has to say tonight. So thank you for hosting this public hearing.

CHAIRMAN GUBITOSA: All right. Thank you, Ms. Mele. All right. And just so, before we open the public hearing, just go over some, some of the guidelines that we're going to work on tonight, is tonight's public hearing, this is one of, the first one for Eagle Bay. It will probably be one of many. What we're going to do is right now, everyone's microphones are muted. So if you need to speak, you raise your hand. Steve Honan will recognize you. And we're going to

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Proceedings

try to limit, keep it to three minutes so that we can get everyone in and get things on track. And in the, in the things that if you can't -- three minutes may not be enough. You can always submit in writing. We did get, I know we did get some comments yesterday from a group, so that you could still put your comments in writing.

But what we're going to do is hopefully tonight, since we know there's going to be a lot of participants, you know, we -- same thing we do at our workshops. We try to, like, we want to try to keep this meeting to, like, two hours. Maybe a little less or more. But we're going to keep going with the public hearing.

I know that there's a chat button. And I'd like to ask people not to put questions in the chat because we don't look at that. It's distracting.

So tonight is the public comment. So any comments or questions you have, you can ask. And it's, just so the public knows if this is their first public hearing, it's not

1 Proceedings

2 a question and answer period. So if you ask  
3 a question, you're not going to get a  
4 response right away.

5 So any things you want to state, just  
6 state. And then what we do is we'll take it  
7 down. The applicant will get it. And  
8 hopefully it will be addressed, maybe at the  
9 next meeting, or after the meeting, but  
10 probably next meeting. So it's more of a  
11 list of questions or concerns that the public  
12 have.

13 So what we'll do is when we open the  
14 public hearing is, same thing. You raise  
15 your hand. Steve will recognize you. Raise  
16 your hand, and he'll kind of give you a time,  
17 give you, so you know what your time is, how  
18 long you've been going on for, and then  
19 recognize the next people. But we're going  
20 to keep the public hearing open, probably.

21 So same thing. Public, if you want to  
22 put in, write, put your comments in writing,  
23 we take that. But just make sure the public  
24 knows, not a question and answer, because I  
25 know a lot of people will ask a question and

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Proceedings

then hesitate and wait for an answer. That's not what we're doing tonight. We're just taking comments so that the applicant can address them at a later date.

All right. So at this time, before we go, does the Board have any questions before we open the public hearing? No? Max, any -- go ahead.

MR. HONAN: Mr. Chairman, the public is going to be limited to three minutes of speaking, is that, is that what you stated?

CHAIRMAN GUBITOSA: Yeah, we're going to try to do three minutes. And so that, you know, even if they do have, if they have other concerns, they can still put it in writing and, you know, if they want more detail behind it.

MR. HONAN: Very good. Thank you.

CHAIRMAN GUBITOSA: All right. Any other -- Dave, I see you raising.

MR. ZIGLER: Yeah. Do you want us to put up the first page of the map? That's the one with the --

CHAIRMAN GUBITOSA: Yeah. Right.

1 Proceedings

2 MR. ZIGLER: Okay.

3 CHAIRMAN GUBITOSA: You could put up the  
4 first page. And just to let the public know,  
5 this is the public hearing on the site plan.  
6 It's a site plan review.

7 MR. ZIGLER: Ramya is going to have  
8 that, so --

9 MS. RAMANATHAN: Steve, if you could  
10 just give me access to screen share?

11 MR. HONAN: Yes. One second.

12 MS. RAMANATHAN: Thank you.

13 CHAIRMAN GUBITOSA: All right. Max,  
14 any, you have anything to add, or are we good  
15 with everything?

16 MR. STACH: No, no. I think we're good.

17 CHAIRMAN GUBITOSA: All right.

18 MR. STACH: See what the public has to  
19 say.

20 MR. HONAN: Okay, Ramya, you should have  
21 it.

22 CHAIRMAN GUBITOSA: All right, thank  
23 you. Thank you, Ramya. Thank you, Steve.

24 So at this point, I'll make a motion we  
25 open the public hearing. All right. So I

1 Proceedings

2 guess, Steve, you can go ahead. I guess  
3 start -- if you see anyone, go ahead.

4 MR. HONAN: One second. I just, my  
5 screen just changed, so I lost all my people  
6 in the queue.

7 CHAIRMAN GUBITOSA: Okay. Thank you.

8 MR. HONAN: Okay. The first person to  
9 talk is Susan. Susan, please identify  
10 yourself and your address, and address the  
11 Board.

12 MS. FILGUERAS: Hello. This is Susan  
13 Filgueras of 87 Mott Farm Road, Tomkins Cove,  
14 New York, 10986. I think I have three  
15 questions.

16 One, [I would like the Board to verify  
17 that there will not be a traffic study done.  
18 Rather, the applicant has stated they will  
19 place two traffic lights, and I'm not exactly  
20 sure of the location. If that can be  
21 answered and if, in fact, were it in lieu of  
22 the traffic study, we're going to have two  
23 traffic lights. I'd like the justification  
24 for why, and then the justification for why  
25 we feel we don't need the traffic study.]

1.1

1 Proceedings

2 Question two, [in the description of the  
3 project, Ms. Mele was going in and out. The 2.1  
4 audio was exceptionally poor. And she said  
5 there was a law and named] it, and I -- the  
6 audio just wasn't there. Can you please make  
7 sure that law is clearly marked in my answer.

8 [I'd like to understand what it was she was  
9 referring to, whether it was a law or zoning 2.1 cont'd  
10 code or amendment.]

11 Next, [I have heard this project referred  
12 to as a gated community. And I'm not sure I  
13 understand that. But in the context of  
14 having a public fishing pier and a public  
15 esplanade, how does a gated community and/or 3.1  
16 a public esplanade and a fishing pier work?  
17 Because if it's gated, generally that means  
18 it's closed and you need permission to get on  
19 to the property. If that could be clarified.]

20 And the last question, and there's  
21 several parts to it, is in one of the last  
22 workshop meetings, CSX was addressed, and the  
23 entrances to this project. [I'm not sure who  
24 it was had stated we had no real information 4.1  
25 from CSX, but their comments to us -- and

1 Proceedings

2 they appeared to be verbal, I would prefer to  
3 know if they were verbal or in writing -- was  
4 that once the Town Board has approved the  
5 project, we will discuss with you.]

6 [That raises several concerns. One, have 4.1 cont'd  
7 you ever heard of CSX allowing an independent  
8 developer to work on their infrastructure?  
9 Now remember, we're talking about both the  
10 oval court, I think it is, and then Tomkins  
11 Ave overpasses, which were both built in the  
12 late 1800s.] They both need to be lowered or  
13 raised or widened or -- I don't know, I'm not  
14 an engineer.

15 MR. HONAN: Ms. Filgueras, 15 seconds.

16 MS. FILGUERAS: Okay. [So what happens 4.1 cont'd  
17 if CSX refuses to allow you to do that?] If  
18 they don't allow you to do that, then we have  
19 a -- let me finish, it's the last piece. We  
20 have a fire department issue. [Are we going 5.1  
21 to be forced to build a fire station?]

22 MR. HONAN: Thank you. Next person up  
23 will be --

24 CHAIRMAN GUBITOSA: Sorry, Susan. We  
25 got you on that one. And you can always put



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Proceedings

it in writing, too. But I think we got your, the gist of everything. Thank you.

MR. HONAN: We have next, Jeff Anzevino. Mr. Anzevino?

MR. ANZEVINO: Mr. Chairman, can you hear me?

MR. HONAN: Yes, we can now.

CHAIRMAN GUBITOSA: Yes, we can hear you.

MR. ANZEVINO: Mr. Chairman and ladies and gentlemen of the Planning Board, my name is Jeff Anzevino. I'm Director of Land Use Advocacy for Scenic Hudson. I sent a letter over there yesterday, and we'd like that letter to be part of the record for the, this public hearing this evening.

But I just wanted to say for the benefit of anyone who may not have read that letter on the Board or in the public that [Scenic Hudson is suggesting to the Planning Board that since the 606 and 110F processes have not yet been conducted by the Army Corps of Engineers, and Scenic Hudson, Palisades Interstate Park Commission, the group SPACE,

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Proceedings

at least those three groups will be participating as consulting parties to ensure that the visual impacts from the Stony Point State Battlefield Historic Park, which is a national historic landmark, are properly addressed. We would recommend highly to the Planning Board that you would defer the site plan approval process until that Section 106 and 110 is complete so that changes aren't, won't be necessary to the, to the site plan in the future]

6.1 cont'd

Secondly, [I'd like to ask and hope you will put in writing whether or not the applicant has had a consistency review from the New York State Department of State Coastal Management Program that would determine that the project is consistent with all of New York State's coastal management policies] Thank you very much.

7.1

CHAIRMAN GUBITOSA: Thank you. Yeah, and we did get your letter, and we'll be putting it into the record. Go ahead, Steve.

MR. HONAN: Next will be Space Zoom.

MR. POTANOVIC: Hello. This is George

1 Proceedings

2 Potanovic. Can you hear me?

3 MR. HONAN: Yes.

4 MR. POTANOVIC: Okay. Before I start my  
5 time, I would just like to say that I object  
6 to your limiting people's comments to three  
7 minutes. You know, people have been  
8 following this in some cases for as much as  
9 eight years. We ought to get people, I  
10 think, Tom, a little more flexibility if  
11 you're really interested in listening to the  
12 public.

13 I spent some time writing about six  
14 comments that I'd like to have a chance to  
15 present and not feel like I have to rush  
16 through them or just present them in writing.  
17 Even before I start my time, I'd also like to  
18 ask, how many people are on the call? Since  
19 you had a delayed start, I'm hoping people  
20 are still on the call. Did you say there was  
21 about 35 people, or are there more people on  
22 the call now?

23 MR. HONAN: There are about 38.

24 MR. POTANOVIC: Okay. All right. So we  
25 didn't get as many people as we thought might

1 Proceedings

2 join. I mean, the late start, that might  
3 have had some effect.

4 So I'd like to have some leniency. You  
5 know, this is a group. It's not an  
6 individual. And we have several points we'd  
7 like to make. We've been participating in  
8 this process, as you know, for quite some  
9 time.

10 It appears that the Town of Stony Point  
11 is holding this public hearing as more of a  
12 procedural step because it's obvious the  
13 Planning Board has already given the nod to  
14 the developer and has no intention of making  
15 any significant changes to the site plan that  
16 has existed since the DEIS review over a year  
17 ago. Stony Point has proposed and  
18 accommodated the high density mixed use  
19 development for our waterfront, and the Town  
20 is therefore getting what it wants and what  
21 it has asked for.

22 Since it has also has some obvious, is  
23 obvious that the Town is moving forward  
24 towards approving the existing site plan, I'd  
25 like to use my time at this public hearing as

1 Proceedings

2 an opportunity to summarize some of the  
3 significant outstanding issues that have led  
4 us to where we are today, and unanswered  
5 questions that remain of concern as the  
6 proposed current plan, the proposed Eagle Bay  
7 waterfront development.

8 [This development density for Eagle Bay  
9 is too much, too dense, and unsustainable for  
10 this location. There are two main reasons  
11 for this. The Building Inspector's  
12 interpretation of the Town Code Section  
13 215-16, special requirements, granted the 8.1  
14 land owner a 50 percent credit applied  
15 towards the buildable acres and their dry  
16 land, on their dry land. And this was  
17 intended to apply to land underwater within a  
18 stream bank, according to that statute, and  
19 freshwater wetlands located within the  
20 property or dry land.

21 This code did not mention the Hudson  
22 River. By applying Section 215-16 to the  
23 riverfront properties, the Town has  
24 significantly added greater residential  
25 development density potential to our

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waterfront, and sets a precedent, an expectation for future waterfront development]

[In the case of Eagle Bay, which only has 17 acres of dry land and 20 acres underwater, with 50 percent credit bonus, it adds about a hundred additional units of condos for Eagle Bay, more than the ten units per acre granted under the Town's zoning provisions of the Hudson River waterfront PW district in 2014. This is an overreach from the Building Inspector, in our view, that sets a bad precedent for our remaining waterfront properties that will assume entitlement to some 50 percent bonus for underwater lands by other property owners. The statute 215-16A states that the application of 50 percent credit is the responsibility of the Planning Board, not the Building Inspector, at the time of subdivision and site approval. To date, we have not seen a resolution.]

8.1 cont'd

MR. HONAN: The next speaker will be Deirdra O'Connor. Ms. O'Connor?

MS. O'CONNOR: Can you hear me?

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MR. HONAN: Yes, we can.

MS. O'CONNOR: Okay, hi. Good evening, everyone. So (inaudible). I basically have two questions.

[Given that it is a high density area in the location, you know, have the evacuation routes been closely looked at, especially with 600, you know, anticipated parking spaces, and the impact that has on the community, the residential homes, the school districts, and staffing, as well to be able, should there be any needs for emergency evacuations, as we've seen with, you know, super storms or, you know, Indian Point or all the other areas that are concerns.]

5.2

And also, [has a demographic, demographer reports done that, you know, anticipates the future births over time. Usually you do five, ten, 20 year report. And what the anticipated number of children coming in at the present time so that the district can be well prepared for that. And if there's any need for additional schooling, or buildings, or classrooms, or staffing, and how that

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impacts the community as a whole as well.] 9.1

So those are basically my two questions.

Thank you.

CHAIRMAN GUBITOSA: Thank you.

MR. HONAN: The next speaker will be Kevin.

MR. MAHER: Okay, I just unmuted myself. Can you hear me?

MR. HONAN: Yes, we can. Thank you.

MR. MAHER: Okay. Kevin Maher, 130 Central Highway, Stony Point, New York.

[Design of the CSX underpass project lacks sufficient information such as soil conditions, depth of seasonal high ground water, and construction details such as shading and cross sections of the area.] 10.1

Also, [who is the structural engineer involved, and the geotechnical engineer to (inaudible) impacts to the overpass.] 10.2

Also, [hydraulic analysis of the new Hunter Place sanitary sewer needs to be performed due to the change in the pipe from an asbestos concrete pipe with a Manning's coefficient of 0.015 to PVC with 0 -- a] 10.3



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Manning's coefficient of 0.010. Smoother pipe means fast flow conditions when flowing full, which will not necessarily be so if the pipe doesn't flow full, or even half full.

10.3 cont'd

The velocity could be such that solids will drop out and eventually cause a blockage and possible overflow of the sewer line. So you need to do an analysis of that pipe.]

[The drainage for the Hunter Place underpass must clearly show all inverts to ensure that the runoff will drain out, and also be above not only the seasonal high water table, but also the 100-year flood elevation. Water will otherwise back up, which doesn't, it doesn't do right now, thereby placing the overpass in danger.]

10.4

Also, [with the traffic signal, which one of the traffic signals will control the intersection of Tomkins Avenue, Beach Road, and Hudson Drive? With the high volume of cars and buses leaving the site during the morning rush, which signal will dictate the flow of traffic?]

1.2

Those are my comments for now. I'll try

1 Proceedings

2 to supply others in writing. And also in my  
3 letter, I'll also explain further with my, of  
4 my verbal comments. Thank you.

5 CHAIRMAN GUBITOSA: Thank you, Kevin.

6 MR. HONAN: Okay. The next speaker up  
7 will be Donna. Hello, Donna?

8 MS. JESSIE: Hi, can you hear me?

9 MR. HONAN: Yes, we can now.

10 MS. JESSIE: Hi, my name is Donna  
11 Jessie, 50 Gilmore Drive, Stony Point,  
12 New York. Thank you, Amy, for your  
13 explanation beginning, and thank you, panel.

14 [My main concern is to jump off of  
15 Ms. Filgueras's earlier question regarding  
16 CSX. If they do not allow the reconstruction  
17 or alterations on their overpasses, do we  
18 still go forward? And if we do, what is the  
19 liability to the Town, and insurance-wise to  
20 our Town? ] Thank you.

4.3

21 CHAIRMAN GUBITOSA: Thank you, Donna.

22 MR. HONAN: Okay. The next speaker up  
23 is Mike Diederich.

24 MR. DIEDERICH: Hi, can you hear me?

25 MR. HONAN: Yes, we can.

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MR. DIEDERICH: Yes, I just called in.  
Hi, Steve. Long time, no see.

I appreciate the time that this Board gives to all planning matters. I'm really only listening. However, I do want to make one very strong point, which is I do not believe when it comes to public hearings that either the Town Board or the Planning Board should be limiting people's time, particularly to an arbitrary number of three minutes. Some people have a lot of valuable things to say. And for example, George Potanovic, he sounded like he was rushed and couldn't finish what he wanted to say.

I don't think when you open up the floor to public input, unlike the input at the beginning of a board meeting, but when it's a public hearing, I think the first amendment requires you to listen to the speech. It's also not only speech, but it's the right to petition government for redress. So I think you're dealing with the constitutional right of people to give you input.

So I appreciate that you put in long

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hours, and sometimes a board meeting may extend in a lengthy manner. But I do think you are wrong in cutting off people after three minutes. And I think both the Town Board and the Planning Board, when you have a public hearing, you should allow people to speak their mind. You can obviously urge them to be more concise. But I do think it's wrong to have on arbitrary three-minute time period.

That's my statement for tonight. I appreciate your consideration of that, that thought. Have a good evening.

MR. HONAN: Our next speaker is Sofia Aracena. Sofia?

MS. AGUILAR: Sorry, I'm actually under my daughter's account from school. It's Nina Aguilar, 36 Grassy Point, Stony Point, New York.

Speaking of having my daughter, [my concern as a parent, and someone who follows the school district budget and Mirant, and I know there was a cost benefit analysis provided in regards to the impact of the

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school district. However, from what I recall, those costs were from enrollment I believe 2016 to 2018. Those costs have extremely changed since Covid. And to me, this is a future (inaudible). So that data is completely outdated. The enrollment is a lot lower than what it shows to be now. So again, that's another outdated concern that I have.]

9.2 cont'd

[The second thing that I wanted to point out was the benchmark of elevation. You know, there's clear scientific evidence of rising sea levels, river levels. And I know right now the requirement has these units above sea level.

10.5

However, in 50 years, when that sea level requirement changes, these residents that either live there or purchased there are going to be required for flood insurance by their lender, unless they're paying cash. So what does that do to this development when those requirements change from -]

BOARD MEMBER KRAESE: If they don't have flood insurance, there's something wrong.

1 Proceedings

2 MS. AGUILAR: I'm sorry, what happened?

3 MR. HONAN: If you're not speaking,  
4 please mute your mic.

5 MS. AGUILAR: Well, I was going to  
6 say --

7 MR. HONAN: Sorry.

8 CHAIRMAN GUBITOSA: It might have been  
9 some of the Board Members.

10 MS. AGUILAR: Oh, okay.

11 CHAIRMAN GUBITOSA: I'm just going to  
12 ask everyone, I'm just going to ask everyone  
13 to mute their mics except for the speaker.  
14 And that maybe will hopefully address it.

15 MS. AGUILAR: [So basically, one of the  
16 points is for development, or even for flood  
17 insurance cases from being on the river and  
18 experiencing Sandy, you have to be above a  
19 certain point of sea level in order to obtain  
20 that insurance. And that's why the whole  
21 River Road area was forced to raise if they  
22 wanted to rebuild. So that is my concern.  
23 You can't -- to reraise something that's  
24 already raised, in 50 years, that river  
25 requirement may be different from what it is

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now So that's my concern and comment.

CHAIRMAN GUBITOSA: Thank you.

MR. HONAN: Okay. Mr. Chairman, that appears to be all the people who are looking to speak this evening.

MR. MAHER: 38 people attending and only five people have spoken?

MR. HONAN: If anyone needs to speak, they should raise their hand, who has not spoken previously.

CHAIRMAN GUBITOSA: And like, I think like Steve had said, this is just the first of the public hearings. So if people didn't get what they wanted to say tonight, we're going to have another public hearing. And we always have the written comments, what I think are more concise, to the point, and are easily addressed so that, you know, we always, we are keeping the written comment section open so that people can write in.

MR. HONAN: Mr. Chairman, other people have raised their hands --

CHAIRMAN GUBITOSA: Okay.

MR. HONAN: -- while you were speaking.

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So I'll go down the list. The next person up is Walter Cintron.

MR. CINTRON: Good evening, Planning Board and participants. My name is Walter Cintron. I live on 22 Ridgetop Drive in Tomkins Cove.

I've been following this issue for a while. I've attended some of your Zoom meetings. But to get to the point, I want to echo what Mr. Diederich said about George and cutting him off with the three minutes, a couple of comments after me. [With regards to the density of the project being put in place, I echo what George said regarding the Building Inspector's interpretation of the Town Code.]

8.4

In addition to that, [I'm concerned that the Rockland County Department of Planning also had some concerns. And they stated that the Eagle Bay significantly overstates the amount of land area suitable for development.]

8.5

So that's one comment.

There's a lot of comments going on and about [regarding the emergency access as was

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already said with the underpass at Hunter 4.2 cont'd

Place.] Specifically with regards to the --

MS. AGUILAR: You know, there was a cost benefit analysis provided in regards to the impact --

CHAIRMAN GUBITOSA: I need everyone to mute their mics, please. Thank you.

MR. CINTRON: Okay, I'll go on.

[Specifically with regards to CSX and what they're going to be doing, I understand that they're going to get involved after there's some sort of approvals that are going to be made. But there's a lot of questions about the stability of the work that's going to undermine the overhead pass at Hunter Place. In addition, if any of the work has to go on to Tomkins Avenue. 4.2 cont'd

And we all know that the current Hunter Place underpass is currently too small to accommodate a fire truck.] And I know you guys are working on it. But those are concerns.

And one last point I just want to make out, not so much for the applicant, but [I 10.6

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think for the Zoning Board to look into the Town's facility with regards to the sewage treatment plant. Currently, the sewer capacity is about a million gallons per day, is my understanding. And I think that number is going to be approachable with regards to what I heard on your meetings about a month and a half ago, I thought it was.

And my concern is we don't know the condition of the plant with regards to its ability to handle that type of flow. And with the applicant coming in and putting in the additional flow to the pipe could bring it to a point where it could be overflowing in its capacity. And there's been some discussions that have been made with regards to the divergent pipe going down to Haverstraw in need of major repairs] So I think that's a concern that the Planning Board should be taking into consideration before they allow the applicant to actually build the facility, to make sure that our plant can handle that flow.

And I guess I'll leave it at that.

10.6 cont'd

1 Proceedings

2 Thanks very much.

3 MR. HONAN: The next speaker up is Jeff  
4 Charles. Mr. Charles?

5 MR. TEW: Hello?

6 MR. HONAN: Yes, hello. We can hear  
7 you.

8 MR. TEW: Hi, my name is Jeffrey Tew,  
9 actually. 2 Rheajack Drive, Stony Point,  
10 New York.

11 [I'm talking primarily about the impact  
12 upon the historical site. One of my  
13 ancestors died there, and another one fought  
14 there on both sides. I'm very concerned  
15 about the noise, the density of the housing,  
16 and the impact upon traffic. I think a  
17 traffic study should definitely be done on  
18 the site.

11.1

19 Also, you know, the history of the site  
20 in terms of flooding and those type of  
21 things. ]I think[it's much too dense a  
22 property. The problem with the 50, the extra  
23 acreage underwater, I think that should be  
24 addressed.]

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25 The other thing is a little comment, I

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was looking over some of the site plans, and it has it, like, ships, like, that use to ply the Hudson, you know, the Clearwater, things like that. I think it should have the Titanic and the Andrea Doria as well because it's a disaster with the present site plan, with the ingress and egress, and flooding.

And the other reason -- I'm one of the cofounders of SPACE many moons ago. And the thing is, [the people who live there right now who are going to be severely impacted, those people on Tomkins and River Road and particularly East Main Street, the traffic is going to be horrendous. And to not have a traffic study I think is unconscionable in this matter.] 1.3

The problem with Rockland is [we put up traffic lights, but the traffic continues. And I don't think a traffic light is going to fix the problem there. I think people already go too fast on that road. You're going to have lots of traffic coming in. And the children and the local communities where people will now go through to bypass the main] 1.4

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roads, I think can be in danger with this issue.] 1.4 cont'd

So I ask that -- as [the site plan is right now, it's too dense. It needs to be altered.] 8.7 And I thank you for your time.

MR. HONAN: Okay. Thank you, sir. The next person up, Mr. Chairman, is Gregory Julian. Mr. Gregory Julian?

MR. JULIAN: Yes. I, too, have been a participant in watching your Zoom and attending the meetings. And you know, I look at the Board Members with incredible -- you spend so much time doing this, and you really need to be credited with that.

My problem is that I don't think you can do the job that you sometimes thought you were going to be able to do being on the Planning Board. Because I think most of us have a vision of Stony Point that this complex insults. You know, we -- people are not against development. They're against unsustainable development.

And I know it's been hard. I -- we lost Bill Sheehan. And Bill Sheehan, whether you

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like it or not, was incredibly knowledgeable, but he also was incredibly powerful. And he really was the, he really was the master plan. He was the interpreter. I was at meetings where he gave a definition of changing a definition that created 70 more units at this place.

So the BS Bill Sheehan method of development here is, just isn't sustainable. And I know you're caught between a rock and a hard place because if you really object and go to your hearts and listen to the common sense comments that people are making, you'd want to change it. But I think you're, I think you're caught between a rock and a hard place. I don't think you can get out of this because you face the legal and all the other problems if, in fact, people present rational arguments saying this is too big. I don't know how you guys would get out of it gracefully.

So I respect the double bind that you're in. I think you're doing your work. But I think the direction that this takes is really

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an insult to the waterfront revitalization of  
Stony Point. And I only wish you'd have  
enough courage to say we need to listen to  
people who really do love this town as much  
as you love it by your service. Thank you.

MR. HONAN: Mr. Chairman, I don't see  
anyone, other hands raised at this point.

CHAIRMAN GUBITOSA: Hang on one second.  
I'm checking something. Maybe I'll go to go  
Board and see if they have any comments right  
now. Jerry, you're on mute, I know that.

BOARD MEMBER KRAESE: I'll say  
something, Tom.

CHAIRMAN GUBITOSA: Go ahead, Gene.

BOARD MEMBER KRAESE: I'm just, I'm just  
a little disappointed that we don't have more  
participation at, at this time. I would  
assume SPACE and some other organizations may  
have some more comments which they'll do in  
writing. But I mean, we're going to continue  
this public hearing to the best of my  
knowledge. So I mean, they'll be able to  
speak again at next month's meeting and get  
some of these questions answered.

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BOARD MEMBER ROGERS: Well,  
Mr. Chairman, if I may, since this is the  
only topic on the agenda tonight, might we  
not consider getting Mr. Potanovic back up to  
finish his, his concerns?

CHAIRMAN GUBITOSA: All right. I think  
we could. Steve, if there's no one else, we  
probably, we could go back to George.

MR. HONAN: If you'd like to.

CHAIRMAN GUBITOSA: Yeah.

MR. HONAN: I'll have him --

CHAIRMAN GUBITOSA: George, why don't we  
get you back? It's not, like, I just wanted  
to make sure we got to everyone. But, like,  
I know you have a lot to, you have a lot  
going on. And we appreciate your comments  
because there are things that you point out  
that we might not see. So, you know, I  
appreciate it.

MR. POTANOVIC: Okay. Can you hear me?

CHAIRMAN GUBITOSA: Go ahead, George.

BOARD MEMBER ROGERS: Yeah, go ahead,  
George.

CHAIRMAN GUBITOSA: Go ahead, George.



1 Proceedings

2 BOARD MEMBER JASLOW: I think if you  
3 give George more time, you have to offer more  
4 time to everybody.

5 MR. POTANOVIC: Well, we have worthwhile  
6 things to say. I think we should listen to  
7 them.

8 CHAIRMAN GUBITOSA: We'll give him --  
9 yeah. We'll give him a couple more minutes.  
10 But he, like George said, I just want to make  
11 sure we get everyone's comments and precise.  
12 Like, George, I understand, and I just want  
13 to make sure that nothing gets lost in the --  
14 that's all I'm worried about is, you know,  
15 the meetings I've been in with the county and  
16 state, they've limited me to three minutes.  
17 And I just want to make -- and they said it's  
18 so that you can get concise. I just want  
19 to -- I don't want to lose anything when you,  
20 when you speak and the comments. That's all.

21 MR. POTANOVIC: I understand. You know,  
22 I try to be concise in writing them down.

23 CHAIRMAN GUBITOSA: No, I know. Thank  
24 you.

25 MR. POTANOVIC: Yeah. Thank you. Well,

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I started talking about the density issue, and there were two issues regarding that.

[One was the 50 percent credit, which I believe is an issue. The Building Inspector may have that authority to make that decision]

[But the way the law reads, and I'd encourage you all to go back and look at it, the 215-16, it actually says that the Planning Board is supposed to make that decision as to whether or not you give that credit to the applicant.] And I just had -- and that's where I think where maybe I was cut off. [I had not seen any resolution on the part of the Planning Board to say that you are indeed giving that 50 percent credit based on that law. Which is usually applied just to things on land, not on the river.

So the, the issue, the big issue with the river is once you do it to one property on the river, the next one's going to expect the same thing. And of course, we're counting underground acreage. You're going to add highly to the density along our

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waterfront] That was the point on that. 8.1 cont'd

[The second had to do with the Town Board in 2018 gave this developer a credit to the number of buildings, because when Eli Hershkowitz successfully convinced them to do a reduction in the boat slips, in effect what that did is it increased the number of the condos, because originally, they had to build one to one, and now they could build three condos for every boat slip, thereby building less boat slips. We know that they would have had a very difficult time putting in the number of boat slips that originally they wanted for condo units at 264. So he would not have been able to build the number of 264 units if he had to build a boat slip for each one.]

8.2

So that was a whole issue there. [And it increased the number of boat slips by about 64 units.] [Don't forget we saw Wayne Cortis came by with The Breakers originally in 2015, and he had planned 200 condo units, a restaurant, commercial office space, 250 slips, boat slips, a service marina. Yet

8.2 cont'd

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this applicant says they couldn't make money doing it that way. That, to me, is a concern because I think that we've shifted from waterfront usage now just more to residential uses along our waterfront.]

9.3 cont'd

And one of [my big concerns about this is that there's other marina property below this, south of this, that the same thing could happen, I suppose, if that marina owner wanted to do a similar kind of thing and drop the idea of being a functioning marina and turn it into another condo unit. So we have to think about the future of our waterfront as well as when we're looking at this project].

8.3

As was the CSX underpass issue was discussed, the, that bridge is, as you know, is a very old bridge. [And I'm not sure if CSX is going to give you the approval. David Zigler said on a previous workshop meeting that they would not consider whether or not they would give an approval until this Board approves a site plan.

4.4

Well, then you already approved the site

1 Proceedings

2 plan. Then they're going to decide whether  
3 or not they're going to give you the  
4 approval.] And as someone else pointed out  
5 already, what happens if they don't give the  
6 approval and you've already given the  
7 approval to the site plan? Where do you go  
8 from there?

4.4 cont'd

9 Also, [I had put in a FOIL request for a  
10 copy of the Fire Inspector's report on  
11 Eagle Bay and that access, that emergency  
12 access route under Hunter Place. And I was,  
13 my response was, the response that I received  
14 was that the Fire Inspector's report was --  
15 there was no formal Stony Point Fire  
16 Inspector's report on file. I would have  
17 expected that we would have had that on file,  
18 and if it's not been done, I would think that  
19 this Board would want to have that report  
20 from the Fire Inspector.

5.4

21 What does the Fire Inspector think about  
22 the plan for emergency access? I mean, we  
23 all know what happens on Beach Road and the  
24 flooding. Beach Road floods out frequently.  
25 And oftentimes, you can have several feet of

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water on that road. That's going to be one of the main access points into this property.

We know we can't put a fire truck under Tomkins Avenue. So this is going to be your fire entrance, if you go under Hunter Place, and you're all banking on that access which has not been approved by CSX. I think that's an important question that should be answered before you proceed to a final site plan.]

5.4 cont'd

And as far as traffic goes, I agree with what other people had stated, was that we didn't -- from what [my understanding is, that the applicant decided not to do the full traffic study, but said they agreed to put a light in. Okay, maybe two lights. I know the original plan was to put a light in I guess at Tomkins Avenue, and only put it up on 9W at Tomkins if the State -- which is a state road, 9W -- required them to do it.]

1.6

But, you know, okay.

[Is the light going to be the answer to that problem of traffic? We got 600 parking spaces, and probably close to that number of cars. Is that traffic light going to answer

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the traffic issues? And I think the only way you're going to understand that is if you know, and you do a traffic study.]

1.6 cont'd

The limited sewer capacity has been a concern. I just have one more, one more issue, two more issues, Tom.

[The limited sewer capacity, okay. You know that the applicant said they would contribute towards the sewer capacity. This development, my understanding is, this development can't be built without improving the sewer capacity because we, it's not a capacity issue as much as it is an infiltration, water infiltration problem with the town sewer. There's even a hundred feet of missing pipe down by Tomkins Avenue.

10.7

So they're agreeing to do that work. I mean, are they agreeing to do that work because we gave them all these extra condo units, and they're going to pay for it that way, and give \$40,000 that they're, that they're contributing to a, to a study? I mean, the Town is now negotiating off, offsite, you know, the Town Board is

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negotiating with them. I asked for a copy of the MOU. What is the Town agreeing to exactly with this applicant as to what kind of sewer improvements should be made?]

10.7 cont'd

And the last one I want to say is the historical resources. [SPACE made an application to the Army Corps of Engineers, along with Scenic Hudson and the PIPC, and possibly the Rockland County Historical Society, to be a consulting parties to this Section 106 and 110F review. So we plan on participating in that. And I agree with Scenic Hudson. The Planning Board should not proceed with any approval of a site plan until that, that review is completed.]

6.2

So I tried to summarize my points. I will send in written comments in addition. And I appreciate the extra time. Thank you.

CHAIRMAN GUBITOSA: No, thank you, George. And just so everyone knows, the reason why we opened the public hearing early is because of things like you brought up, George. A lot -- the public has a lot of the same questions we do, and there might be some



## 1 Proceedings

2 questions that we're not thinking of. So  
3 this is why we started the public hearings  
4 early so that we -- we know there are things,  
5 questions to be answered. And we wanted to  
6 make sure we started early to get them. So,  
7 you know, people said why are you starting  
8 the public hearing early, this is why.

9 There are a lot of questions out there.  
10 You had a lot. You have good points. And we  
11 want to make sure that they get answered. So  
12 that's why, you know, I like things in  
13 writing, too. And I know you do, too, so  
14 that at least we don't get -- there's no  
15 miscommunication. But thank you, George.  
16 Steve, anyone else?

17 MR. HONAN: I do not see any other hands  
18 raised, Mr. Chairman.

19 CHAIRMAN GUBITOSA: All right. Does the  
20 Board -- I'll go to the Board. Does the  
21 Board have any -- I mean, I know we'll  
22 probably continue. Does the Board have any  
23 questions or concerns going at this time?  
24 I'll go. Max, anything for you?

25 MR. STACH: Yeah, Tom. I, I just wanted

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2 to, to make sure the public, especially some  
3 of the newer voices that we heard tonight,  
4 understand that there was already a  
5 significant public hearing on this project as  
6 part of the environmental review. And that  
7 there is a lengthy response document, the  
8 FEIS for this project, that has a lot of  
9 answers to the questions that were asked  
10 tonight, including a full traffic study for  
11 this project.

12 So, you know, it just seems that there  
13 may be some people that, that feel this is a  
14 different project than we looked at in the  
15 FEIS. And you know, there haven't been that  
16 many changes since the Planning Board went  
17 through that review and that public hearing.  
18 So if the public wants to learn more about  
19 the concerns that were already raised and how  
20 the plan has been adjusted over time in  
21 response to that, they may want to look at  
22 that document, which should still be  
23 available on the Stony Point website.

24 CHAIRMAN GUBITOSA: Yeah. I think, like  
25 you, you did say, Max. And then I just tell

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everyone that any comments, if you send it to Planning at Town of Stony Point dot org, we'll get them. I mean, Scenic Hudson, we did get the comments yesterday, and we'll be putting them into the record. Like Max had said, a lot of the questions, you know, we're going to -- were answered during the EIS. But, like, this is the site plan.

And so that the public also knows is, we're not the only Board looking at this. The ARB looks at this. The County looks at this. The DEC is looking at this. And the Army Corps. So there's a lot of set of eyes on this. So it's not just hey, the Planning Board is looking at this. We have all those different agencies looking at it, and we're getting the comments.

And that's what, that's what we're looking for right now. And we get the comments from the public. And like, like George, and from Jeff from the Scenic, this is what we're looking for, is the comments and questions.

John and John, anything, any things for

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2 you right now?

3 MR. O'ROURKE: Tom, this is John  
4 O'Rourke. Nothing, nothing on my end yet.  
5 We're waiting for revised site plans from the  
6 applicant.

7 CHAIRMAN GUBITOSA: All right.

8 MR. O'ROURKE: And when they address  
9 those and any comments that were raised  
10 tonight, we'll continue with our review.

11 CHAIRMAN GUBITOSA: All right. John  
12 Hager, anything for you? I know --

13 MR. HAGER: No, I don't have anything to  
14 add, really. I did hear a few comments about  
15 the Building Inspector. That was stuff that  
16 was determined before my appointment with the  
17 Town.

18 CHAIRMAN GUBITOSA: Yeah.

19 MR. HAGER: Generally, the Building  
20 Inspector can make interpretations to the  
21 codes. So I don't believe those  
22 interpretations were appealed. So that's,  
23 that's all I would say about that.

24 CHAIRMAN GUBITOSA: All right. And just  
25 so the public knows that John Hager's our new

1 Proceedings

2 Building Inspector. Bill Sheehan retired, so  
3 he's still around. So I didn't want people  
4 to think that, you know, something happened  
5 to him. So, you know, Bill is around, but  
6 he's -- we have a new Building Inspector.

7 Steve, any, any comments you want to  
8 make at this point?

9 MR. HONAN: No comments from me, but we  
10 do have another person who would like to  
11 speak further, Deirdra O'Connor. And the  
12 public portion of the meeting is still open.

13 CHAIRMAN GUBITOSA: Okay. Go ahead.

14 MR. HONAN: So if you wish to entertain  
15 her, would you like to give her another three  
16 minutes?

17 CHAIRMAN GUBITOSA: Yeah, give her  
18 another three. We're good.

19 MR. HONAN: Okay, very good. Can you  
20 hear me, Ms. O'Connor?

21 MS. O'CONNOR: Oh, yes. Sorry. Can you  
22 hear me now?

23 MR. HONAN: Yes, I can hear you now.  
24 You can go right ahead.

25 MS. O'CONNOR: All right. Thank you,

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Steve. Thank you, Tom, and the Board. I just want to clarify because it does sound like, you know, the traffic study has been done. But [it's really important to clarify and distinguish between a traffic study and an emergency response plan.

So the comprehensive emergency response plan, you know, for the town, as well as for the county, and the requirements that are needed to be met for that, as well as how that impacts the whole picture, you know, with the golf course and the possibility of another huge hotel going in, you know. Has that been, you know, well thought out in the larger plan, you know, to meet not only the town requirements, but state requirements and federal requirements for those emergency response plans, you know. Especially, you know, in fire situations and storms and all of those things.]

5.3

You know, we all just saw we unfortunately, you know, lost a fireman in Rockland County. And the amount of support and emergency response that needed, you know,

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2 to take place for a much smaller, you know, a  
3 senior housing building, and the amount of  
4 time it took for people from New York City  
5 and Brooklyn to come and accommodate those  
6 emergencies. [So on a larger scale, you know,  
7 unfortunately that's an area that floods  
8 significantly and has done major damages in  
9 destroying houses and homes and roads and,  
10 you know, what the impact is on the cost on  
11 the roads as well over time with that many  
12 people. So, you know, just making sure the  
13 traffic study goes hand in hand with the  
14 emergency response plan study and that it's  
15 well, you know, looked at from a, from a  
16 bird's eye view, including all the  
17 components, especially any new ones that are  
18 coming in planning, you know, for the next  
19 presently five, ten, 20 years.] Thank you.

5.3 cont'd

20 CHAIRMAN GUBITOSA: Oh. All right,  
21 thank you. And just to follow up with you is  
22 the Fire Inspector has been involved in this  
23 process since the beginning. He's been in  
24 multiple meetings, and I know he's been down  
25 at the site. They did, I know they did

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2 studies with the fire truck going in and out.  
3 So, you know, the Fire Inspector has been  
4 involved. So, you know, just to make sure  
5 that you guys know that he's also been  
6 involved in the process.

7 I'm trying to look else -- any from the  
8 Board? Kerri, Mark, Eric, anything? Do you  
9 want to at this time, or you want to, like,  
10 you know, just wait for the public to keep  
11 their comments, and then hopefully we'll get  
12 responses from the applicant.

13 BOARD MEMBER JOHNSON: I've got nothing  
14 else aside from the things that I brought up  
15 in the past. But I think it's definitely  
16 going to be helpful to hear what the public  
17 has to say. And that could, that could  
18 prompt some more questions from myself, and  
19 I'm sure the other Board Members as well.

20 CHAIRMAN GUBITOSA: Right. Thank you.

21 BOARD MEMBER ALESSI: Tom, just in terms  
22 of process at the next public hearing is,  
23 will we have the applicant address the issues  
24 that were raised tonight?

25 CHAIRMAN GUBITOSA: Hopefully. Dave,



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2 you're on, right?

3 MS. MELE: I'm not sure --

4 CHAIRMAN GUBITOSA: Oh, Amy, you're  
5 there, right?

6 MS. MELE: -- if Dave is on. But we're  
7 certainly happy to address. I took very  
8 detailed notes of all of the comments  
9 tonight. And we're happy to address all of  
10 them and in whatever fashion you'd like.

11 CHAIRMAN GUBITOSA: All right. You're  
12 right. Thanks, Kerri. Maybe at, like, the  
13 next public hearing, you know, we might be  
14 able to, when we go over the review is maybe  
15 give some updates if you're still  
16 investigating so that there might be some  
17 more follow up questions. But thank you,  
18 Amy. Thanks, Kerri, for that.

19 MR. HONAN: Mr. Chairman, Jeff Charles  
20 has asked to give further comment.

21 CHAIRMAN GUBITOSA: All right, go ahead.

22 MR. HONAN: I'll recognize him, and an  
23 additional three minutes, Mr. Chairman?

24 CHAIRMAN GUBITOSA: Yeah.

25 MR. TEW: Thank you very much. Can you

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2 hear me?

3 MR. HONAN: Yes, we can.

4 MR. TEW: I just want to raise this  
5 point as well. And I was a lifetime member  
6 of the community, and was a county park  
7 ranger. And one of the things that I have to  
8 remark about what's going on with [the high  
9 density residential thing is the river is  
10 more than just expensive condominiums, you 11.2  
11 know. People worked, a lot of people worked  
12 to clean up the river. Scenic Hudson, the  
13 Riverkeeper, and all these things I was  
14 involved with,] with Alex Gregorias (ph) years  
15 ago. And again, you know, we have to look  
16 very carefully at the projects that are going  
17 because [the impact upon the history is my, 6.3  
18 one of my primary concerns,] with that being a  
19 historic site down there, you know,  
20 available. The noise, the traffic, and  
21 things like that.

22 But again, I think we have to focus on  
23 the fact that, you know, [what is our  
24 community going to be? And a lot of people 9.4  
25 can't live here.] This was a kind of a, you

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know, working class, you know, middle class community that I grew up in. And now [it's being turned into, you know, expensive condos on the river. And I think that's not a proper use. I mean, you know, economic reasons,] like marinas which are, got to be, you know, worth a lot, you know, are important things and have been there for a while. But it appears, I think a big picture has to be looked at in this.

9.4 cont'd

And again, the people who have lived in this community along that river and who are going to be impacted, you know, [I would like to see more about the traffic study.] Because they're going to be the biggest people impacted here. And [they've lived here for years, paid taxes, raised their children. And all of a sudden, you know, you can't even find affordable housing. It used to be down by the river, and that's gone now, too, with Ba Mar.

9.4 cont'd

So, you know, we don't want to impact and drive away the people who built this community and are the backbone of this

1 Proceedings

2 community.] But I thank you for the extra 9.4 cont'd  
3 time.

4 CHAIRMAN GUBITOSA: Oh. Thank you.  
5 Thank you, Mr. Charles. And just so you know  
6 with the waterfront, the Army Corps and the  
7 DEC are looking at this with, with fine tooth  
8 combs. So they are looking at all of your  
9 concerns when it comes to the river. So  
10 thank you. Steve, anyone yet?

11 MR. HONAN: We seem to be -- I think  
12 everyone has spoken at this point.

13 CHAIRMAN GUBITOSA: All right. Maybe  
14 we'll do tonight is, I'll make a motion to  
15 continue the public hearing to next month.

16 BOARD MEMBER ROGERS: I'll second that.  
17 I'll second that, Mr. Chair.

18 CHAIRMAN GUBITOSA: All right. All in  
19 favor?

20 (Response of aye was given.)

21 CHAIRMAN GUBITOSA: Opposed? All right.  
22 We'll move -- and then just to let the public  
23 know --

24 BOARD MEMBER KRAESE: Mr. Chairman?

25 CHAIRMAN GUBITOSA: Go ahead, Gene.

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BOARD MEMBER KRAESE: Can you just make notice, make a statement regarding the workshop we're going to have?

CHAIRMAN GUBITOSA: Yeah, that was going to be next. May 11th, for the public, May 11th, 6:00, we're going to have one of our other workshops where we go through some of the plans with the applicant. And just to get the public up to speed, why we do the workshops is we usually have TAC meetings two weeks before each Planning Board meeting where three Board, Planning Board Members and our consultants meet with the applicant just to review their paperwork to make sure that they have everything necessary for the next meeting so they're prepared, that there's nothing missing. And because there's only three Planning Board Members, the other four really, we don't get up to speed of what's going on.

So one way to get around this is if we do a workshop and make it a public meeting, the whole Board and now the public will get to hear some of the things that we're working

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2 on with the applicant. So we might, you  
3 know, we might answer some questions at the  
4 May 11th meeting before the next Planning  
5 Board meeting. So this is why we do these  
6 workshops. So thank you, Gene. Yeah,  
7 May 11th, 6:00. It will be on the Town  
8 website.

9 I'm trying to think what else. The  
10 other thing, like, like we said in the  
11 beginning, you know, written comments, you  
12 know, if -- I know a lot of people don't like  
13 to speak in public, or even on Zoom right  
14 now. So, the written comments. And, you  
15 know, I thank the public. George, I didn't  
16 mean to cut you off. But like you said, I  
17 just want to make sure we get everyone in,  
18 all the comments, and we're going to have the  
19 next public hearing next month. Jeff, you  
20 too.

21 So I think for now, we'll do the next  
22 public hearing next month. And that meeting  
23 is -- all right, let me look at my calendar.

24 MR. HONAN: I think it's the 27th, but  
25 I'm not sure.

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2 THE CLERK: Yes, the 27th.

3 MR. HONAN: Okay.

4 CHAIRMAN GUBITOSA: All right. So  
5 May 27th, 7:00 will be the next public  
6 hearing. It will be a webinar. Probably  
7 will be the same format. And then we'll, you  
8 know, we'll see everyone then.

9 And then for tonight, I just need the  
10 Board, we're going to approve the minutes for  
11 March 25th. I need a motion.

12 BOARD MEMBER ROGERS: I'll make that  
13 motion, Mr. Chairman.

14 CHAIRMAN GUBITOSA: I need a second.

15 BOARD MEMBER ALESSI: I'll second.

16 CHAIRMAN GUBITOSA: All right. All in  
17 favor?

18 (Response of aye was given.)

19 CHAIRMAN GUBITOSA: Opposed? All right.  
20 I'm trying to think what else. That was it.  
21 Mary, I didn't see Mike.

22 THE CLERK: I didn't see him, either.

23 CHAIRMAN GUBITOSA: All right. So  
24 Mike -- all right. So, you know, I'll thank  
25 the public. We'll, we'll see you in May.

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2 We'll see you for the workshop and for the  
3 next public hearing. And we'll do the same  
4 kind of format for the public, where we can  
5 get all their comments in. And like Amy  
6 said, hopefully they can address some of the  
7 issues and we'll go from there.

8 So I know, like, one of the, one of the  
9 parts we said is we've looking at this for a  
10 long time. And a lot of the Board and our  
11 consultants, we've been looking at this, and  
12 all the other agencies. The County's looked  
13 at it, everyone.

14 So it's not something we're taking  
15 lightly. It's something that we're, you  
16 know, looking at, and just to make sure we  
17 get things looked at. So I thank everyone.  
18 And at this time, does anyone have any other  
19 comments from the Board? All right. If not,  
20 I just need a motion to close.

21 BOARD MEMBER ROGERS: I'll make that  
22 motion, Mr. Chairman.

23 CHAIRMAN GUBITOSA: All right. Second?

24 BOARD MEMBER KRAESE: I'll second it.

25 CHAIRMAN GUBITOSA: All right. Gene,



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second. All in favor?

(Response of aye was given.)

CHAIRMAN GUBITOSA: Opposed? All right. Close. And once again, I just want to thank everyone for joining. I know these Zoom -- if you're not used to Zoom meetings, looking at this computer screen all day, you get kind of a headache. I know I do. So I appreciate everyone's patience with doing these Zoom meetings. And hopefully we'll, and we'll see you next month. So thank you, Steve, and thank you, everyone.

MR. HONAN: Thank you, Mr. Chairman.

(Time noted: 8:17 p.m.)

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THE FOREGOING IS CERTIFIED to be a true  
and correct transcription of the original  
stenographic minutes to the best of my ability.

  
\_\_\_\_\_  
Jennifer L. Johnson





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SAVING THE LAND THAT MATTERS MOST

April 21, 2021

By email: tgubitosa@townofstonypoint.org

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

Subject: Eagle Bay Site Plan Review

Dear Mr. Gubitosa and members of the Planning Board:

Scenic Hudson is writing to submit comments on Eagle Bay's site Plan, the subject of an April 22<sup>nd</sup> public hearing. Our comments will focus on two issues: the pending federal historic reviews and the project's need for a Consistency Determination with New York State's Coastal Management Program policies.

**Historic Reviews**

As you know, the New York State Historic Preservation Office (SHPO) submitted a December 9<sup>th</sup> letter to the US Army Corps of Engineers (ACOE) stating that Eagle Bay will have an adverse effect upon the setting of the adjacent Stony Point Battlefield State Historic Park. SHPO's determination has triggered a Section 106 review under the National Historic Preservation Act of 1966.

Further, since the Stony Point State Battlefield Historic Park is a National Historic Landmark, a separate Section 110(f) review must also be conducted. The ACOE has granted requests by Scenic Hudson, the Palisades Interstate Parks Commission, and SPACE (Stony Point Action Committee on the Environment) to participate as Consulting Parties in the federal review. It is also our understanding that the Rockland County Historical Society has requested similar status.

6.4

Scenic Hudson urges the Planning Board to defer Site Plan approval until the Section 106 and 110(f) review processes are complete. It should be noted that the standard for Section 110(f) process is more rigorous than a Section 106 review. According to the Advisory Council on Historic Preservation:

"Section 106 requires agencies, prior to approval of an undertaking, to take into account effects of the undertaking on historic properties. NHLs designated by the Secretary of the Interior are included in this group. Section 110(f) of the NHPA (54 U.S.C. 306107) also outlines the specific actions that an agency must take when NHLs may be directly and adversely affected by an undertaking. Agencies must, "to the maximum extent possible . . . minimize harm" to NHLs affected by undertakings. Both Sections 106 and 110(f) also require agencies to afford the ACHP a reasonable opportunity to comment on the undertaking."<sup>1</sup>

6.5

Approving a site plan before the conclusion of the Section 106 and 110(f) processes risks subsequent amendments to the site plan that may be required to avoid visual impact on the Stony Point Battlefield State Historic Site.]

<sup>1</sup> [https://www.achp.gov/digital-library-section-106-landing/section-106-consultation-involving-national-historiclandmarks#:~:text=\(j\)%20National%20Historic%20Landmarks%20of,the%20history%20of%20the%20United](https://www.achp.gov/digital-library-section-106-landing/section-106-consultation-involving-national-historiclandmarks#:~:text=(j)%20National%20Historic%20Landmarks%20of,the%20history%20of%20the%20United)

According to the National Park Service, National Historic Landmarks are historic places that hold national significance, designated as exceptional because of their abilities to illustrate U.S. heritage. The Secretary of the Interior designates these places as exceptional because of their abilities to illustrate U.S. heritage. [SHPO December 9<sup>th</sup> letter cites Eagle Bay's adverse visual impact as a function of the "large-scale marina and commercial/residential upland project."

Eagle Bay's four-story buildings are within 1,000 feet of the Hudson River Water Trail site at the Stony Point Battlefield State Historic Park. This is an important element of the Park. Further, this is near the location where on July 16, 1779 Brigadier General "Mad Anthony" Wayne mounted a nighttime assault on British forces defending the fortifications at Stony Point (see Figure 1, attached). The applicant did not simulate this viewshed in its visual analysis. As a result, Scenic Hudson will be preparing simulations from this vantage point for use during the historic reviews. ] 6.6

#### Consistency Determination

[Scenic Hudson is not aware of a determination made by the New York State Department of State finding that application is consistent with New York State's Coastal Management Policies. Likewise, moving ahead with Site Plan Review without such a Consistency Determination risks the need for subsequent amendments to the site plan.] 7.2

#### Conclusion

Scenic Hudson urges the Planning Board to defer Site Plan Review until the completion of the Section 106/110(f) reviews and upon securing a determination from the NYSDOS that the application is consistent with New York State Coastal Policies.

Sincerely,



Attachment

Cc Rosita Miranda, US Army Corps of Engineers  
Alexandra Ryan, US Army Corps of Engineers  
Connor McKeon, US Army Corps of Engineers  
Joshua Laird, Palisades Interstate Park Commission  
John Bonafide, NYS Historic Preservation Office  
Craig Long, Rockland County Historical Society  
George Potanovic, SPACE

**Figure 1**



Source of base map

[https://www.wikiwand.com/en/Battle\\_of\\_Stony\\_Point](https://www.wikiwand.com/en/Battle_of_Stony_Point)



Source of satellite image: Google Maps

Received 5/11/21

Dear Chairman, Gubitosa,

At the April 22, 2021 Planning Board meeting you requested that we mail in our questions, please see below.

**Subject: Eagle Bay - Questions for the Planning Board on the Eagle Bay Site Plan**

- 1- [Please provide in writing the Law/Zoning/ that Amy Miele referred to when describing the project on April 22, 2022, Planning Board Meeting.] 2.2
- 2- [Please explain the reasoning or justification for not doing a Traffic Study, The Planning Board simply accepted the Developer's offer to place two traffic lights.
  - a. Who will pay for the Traffic Lights?
  - b. Who will pay for the ongoing maintenance and electric bills that are generated by their acceptance of the traffic lights?
  - c. There has been mention of a traffic study, what is the date of the referred to traffic study?] 1.1 - 1
- 3- [Please provide the communication, writing/letters/emails/texts between CSX and the Developer and the Town of Stony Point, both Planning and Town Boards.
  - a. Should CSX deny the Developer the right to make any changes to the CSX overpasses, what are/is the Developer, Town and or Planning Boards Plans in this situation,
  - b. If CSX says NO, and the project proceeds what are the legal ramifications to the Town residents.] 4.1 - 1
- 4- [Please provide an updated Cost analysis for the North Rockland School System.] 9.5
- 5- [Should CSX deny the Applicants access to CSX infrastructure, what would be the next step for the Stony Point Fire Department, Planning Board and the Ambulance Corps solutions to the unique problem, there is only ONE way in and it is flooded at least 7 days a month, each month] 5.1 - 6
- 6- [Will a Fire Station have to be built on site and if so, who pays for it?] 5.1 - 1
- 7- [It has been stated within the Planning Board meetings that the Town Bard and the Applicant are in private negotiations for monies to be spent for the improvement of the Town's Sewer Plant. Will those monies pay for ALL of the additional sewage needs of this development?] 10.8

Susan Filgueras

87 Mott Farm Road

Tomkins Cove, NY 10986

130 Central Highway  
Stony Point, NY 10980

May 19, 2021

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

Re: Planning Board Workshop Meeting 5/11/21  
Eagle Bay Review

Dear Mr. Gubitosa:

I wasn't able to listen in via ZOOM for the meeting as I wanted to attend the Town Board meeting that was being done in-person at the RHO Building. I was happy to find it online via YouTube.

While I respect people having opinions, there has to come a time when a reckoning must take place.

Ms. Mele's comments in particular in the opening of the meeting regarding the "completeness" of the FEIS are wrong. Such a document is supposed to have **complete** answers to questions submitted by the public. A reasonable person reading that document as generated by the Applicant and the Planning Board can see that is not true. Traffic was blithely pushed aside as a non-issue, and as far as the Town's sewer system is concerned, it would be discussed at a later date. There was no real analysis, both from a flow and financial aspect, in the adopted FEIS.

In the presentation by Ron Reiman from Colliers Engineering (formerly Maser Consulting), [I got the distinct impression that his position was that there was not going to be any significant increase in traffic at the site after development] Seriously? With 264 units of housing that doesn't exist today plus the public access to the waterfront, and traffic won't be a problem? Seems he must be enjoying some of those new benefits from the marijuana laws recently enacted by New Jersey and New York. And [there will never be a traffic signal at Tomkins Avenue and Route 9W for the same reason that there will never be a regular traffic signal at the intersection of Washburns Lane and Central Highway (instead of the flashing one there today) in order to control traffic flow to reduce the number of accidents that have occurred there recently. The new signals will be too close to existing ones (at both locations)] Eventhough I am not a Traffic Engineer, I have dealt with numerous departments of transportation in the tri-state area over the past 40+ years that I am confident that such an installation will never be approved. 1.7 cont'd

[Mr. Reiman also did not address how the signal system will be prioritized. In other words, which turning maneuver or path will be given priority in the signal system (i.e., which one will get the most "green time")? Between school buses/vans and residents leaving from Eagle Bay to get to work on a weekday morning, one would expect that the high surge of traffic attempting to leave Hudson Drive would need some "consideration" in order to avoid vehicles standing in line for a long period of time.] I'm sure the Board members have at one time or another been stuck in traffic at busy intersections and become a bit annoyed at the delay. It's a normal human reaction, but one that should be taken into account before it spirals out of control. [Considering that the new intersection will be controlled by a traffic signalization system I also cannot understand Mr. Reiman's reluctance to allow two turning lanes from Hudson Drive into the intersection. The right turn lane would be controlled by a "No Turn on Red" sign, thereby preventing any conflicts with vehicles leaving Hudson Drive and heading onto Tomkins Avenue with those coming down Tomkins Avenue and heading toward Beach Road.]

[I think it will be a big mistake to count on Hunter Place to address any of the emergency access questions since it is plainly obvious that CSX is hiding behind the approval process in place which says that they'll address it once final approval is granted by the Planning Board.] Gene Kraese made an excellent point about the project status if CSX denies a permit to excavate under the rail overpass. And let's remember one thing — [it's not just a trench for a new water main; it's also going to be a lowering of the existing ground by roughly 2', which means the excavation will actually be 3' minimum to account for the pavement cross-section (2" top course, 4"-6" binder course and 6"-8" crushed stone). Chances are the top of the footings for the overpass are roughly 3' below the existing surface, so whatever work is being done it will definitely have an impact on the structural stability of the overpass.] You don't have to be a Licensed Professional Civil engineer with a background in Structural Engineering (like myself) to figure that out — it's just common sense. Likewise, [CSX's refusal to review and comment on the plans to me seems to be a violation of the SEQRA process, as Applicants are required to get approvals from all outside agencies impacted by the work. Is someone at CSX trying to tell us that there will be no impact?] If that's the case then maybe we should all cross our fingers and hope that no trains will derail as a result of a shift in the overpass.

I believe that Ron Reiman and Amy Mele both stated that the Town of Stony Point would have to file for a permit to lower the road (Hunter Place) under the CSX overpass. What they have seemed to miss is the simple fact that [the Town of Stony Point doesn't have a Right-Of-Way crossing in that area. About the only thing that the Town has is a sewer easement by adverse possession to cover what is noted on the profile for the crossing as a 10" PVC sanitary sewer. That means the Town can dig a 3' wide trench to repair or replace the existing sewer line, just like SUEZ, NY can with the watermain through the CSX Right-Of-Way.] Just look at the accompanying portion of Tax Map 15.04 from the Rockland County Planning Department's GIS Map files and you'll see that there is no municipal roadway running underneath the CSX overpass (Appendix A).



In Appendix B I have attached photographs that I personally took of the existing overpass on May 18<sup>th</sup>. What's important to note in most of them is the obviously visible cracking that is occurring as well as the band-aid repairs that have been done by CSX personnel over the years. [In photograph #1 we can see what appear to be the test pits that Dave Zigler referred to in previous meetings. If those are the pits, then the data is flawed in that no attempt was made to locate and at least uncover the top of the footings of the overpass walls.] What many fail to recognize is that [the fill material placed over the footings is not there for visual enhancement; it is part of the stabilizing force to prevent the walls from sliding. There should be roughly 3' of fill above the footings for the walls so that they won't be impacted by seasonal freezing of the soils (usually 2' deep). Concrete does not respond well to freeze-thaw actions; even more so when there is steel reinforcement included in the footings. Considering that this structure is over 100 years old, it would be foolish on anyone's part to expose the footings to the stresses associated with freeze-thaw cycles.]

The bottom line is that you don't have to be a Structural Engineer to see that the CSX Hunter Place overpass is having problems. A reasonable person can see that fact. What I don't understand is CSX's silence during the SEQRA review process. One should expect that corporation to be concerned about the structural stability of its overpasses, especially when you have Bakken Crude and LNG tankers running by there frequently.

Another point that needs to be made is [when are revised plans going to be put up on the webpage so that the residents can see if there have been any changes made?] At every public and workshop meeting we hear that it is going to be done but nothing seems to have changed. [We should also be seeing ALL of the off-site improvements that will be built with this project and not what seems to be promises of the same. That is true of the allegedly missing sections of sanitary sewer lines on Tomkins Avenue and any other improvements to the sanitary sewers on Beach Road and Hudson Drive. These will cause traffic delays in the area and will impact the local residents.]

Appendix C has a copy of the utility profile for the Hunter Place extension under the CSX overpass. [The red markings show where vertical curves are needed in the roadway profile so that vehicles, especially the fire trucks and ambulances, don't bottom out and get hung up.] That is a standard requirement in Roadway Design 1.0 and needs to be done with this project. I can't figure out why John O'Rourke missed that obvious flaw let alone Dave Zigler's design engineer.

We need to face the simple fact that Beach Road is not going to be repaired by the RC Highway Department anytime soon. Geoff Finn tried to spend all of the Town's Sandy Relief money doing just that so his buddy Wayne Cortis wouldn't have to do it. The problem with that idea was that the minimum cost as estimated by AKRF (who was hired to manage the whole funding process) came up with a minimum of \$4.5 million, which was 50% greater than the grant which the Town was approved for. I doubt there were few people who blamed the residents on Beach Road (such as Stephen Beckerle) for opposing the planned raising of Beach Road as it would have literally trapped them

small costs) was clawed back by the State since the Town didn't go forward with any of its other projects.

Sincerely,

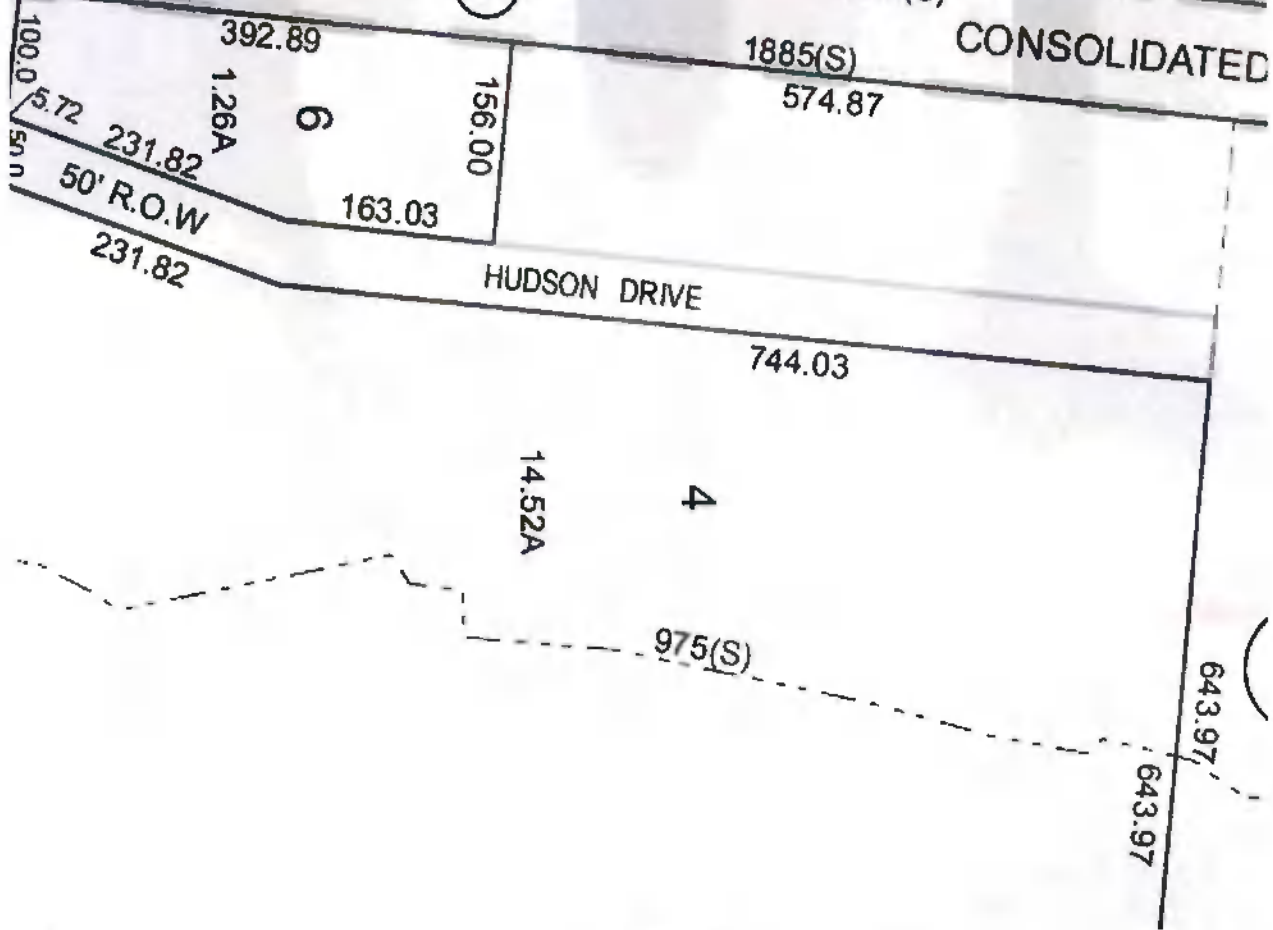
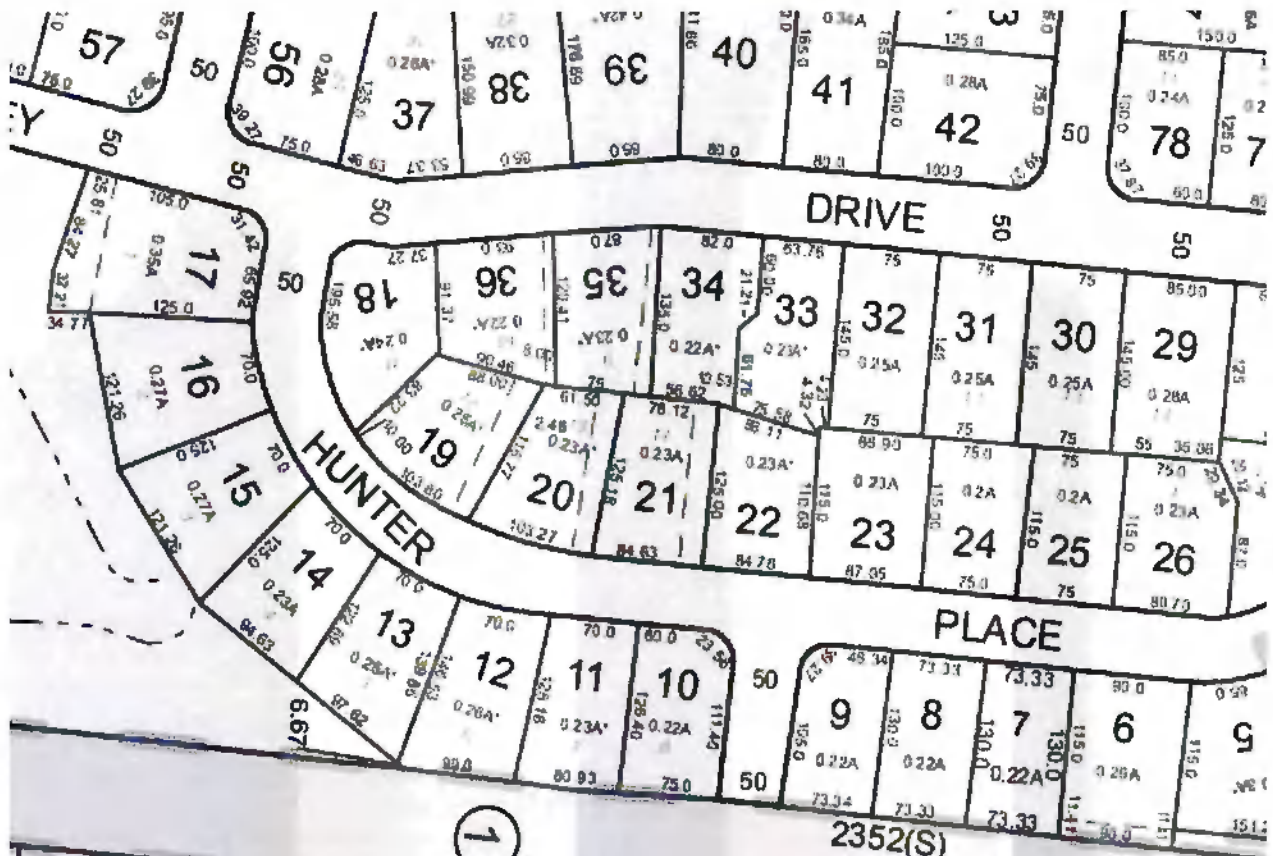
*Kevin P. Maher*

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

cc: Jim Monaghan, Town Supervisor  
Mike Puccio, Town Councilman  
Paul Joachim, Town Councilman  
Karl Javenes, Town Councilman  
Tom Basile, Town Councilman  
John Hager, Building & Zoning Inspector  
Megan Carey, Town Clerk  
Arlene Miller, Deputy Commissioner, Rockland County Planning Department

**APPENDIX A**

**Portion of Tax Map 15.04**



1

2352(S)

CONSOLIDATED

1885(S)

574.87

HUDSON DRIVE

744.03

14.52A

4

975(S)

643.97  
643.97

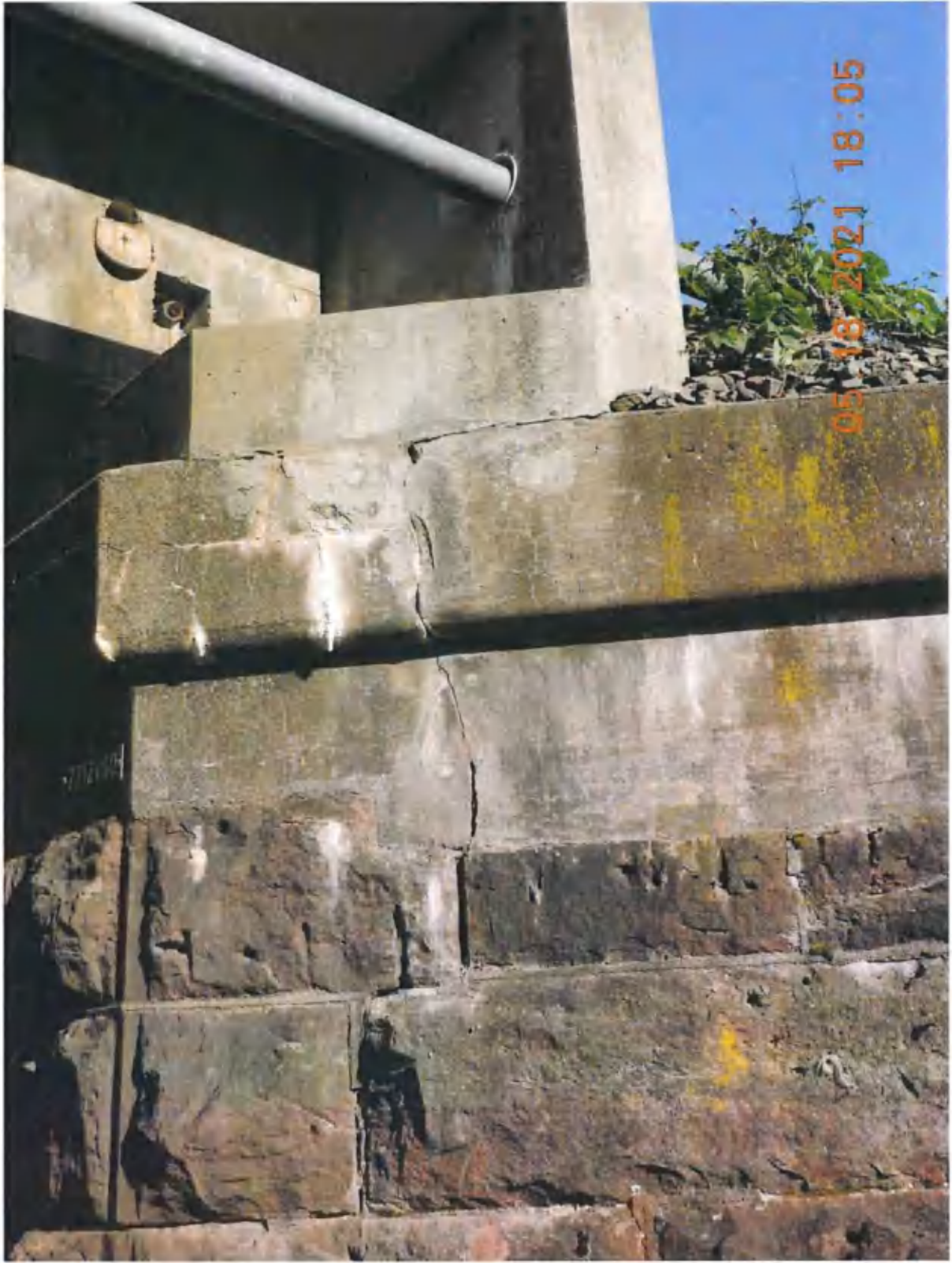
392.89  
156.00  
1.26A  
231.82  
5.72  
50' R.O.W  
231.82  
163.03

**APPENDIX B**

**SITE PHOTOGRAPHS**











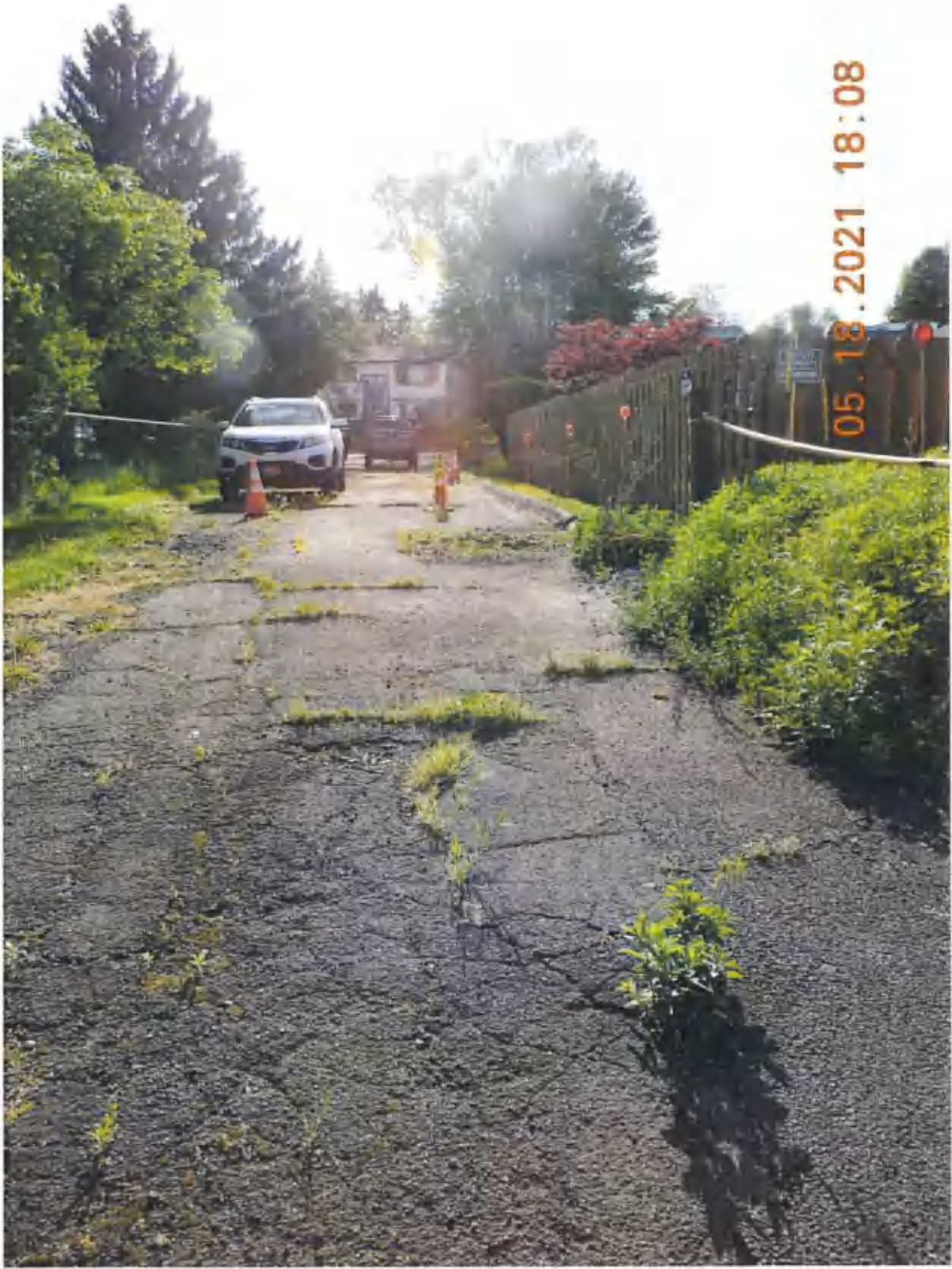












**APPENDIX C**

**Hunter Place Utility Profile**



