

APPENDIX



COMPILATION OF PUBLIC COMMENTS

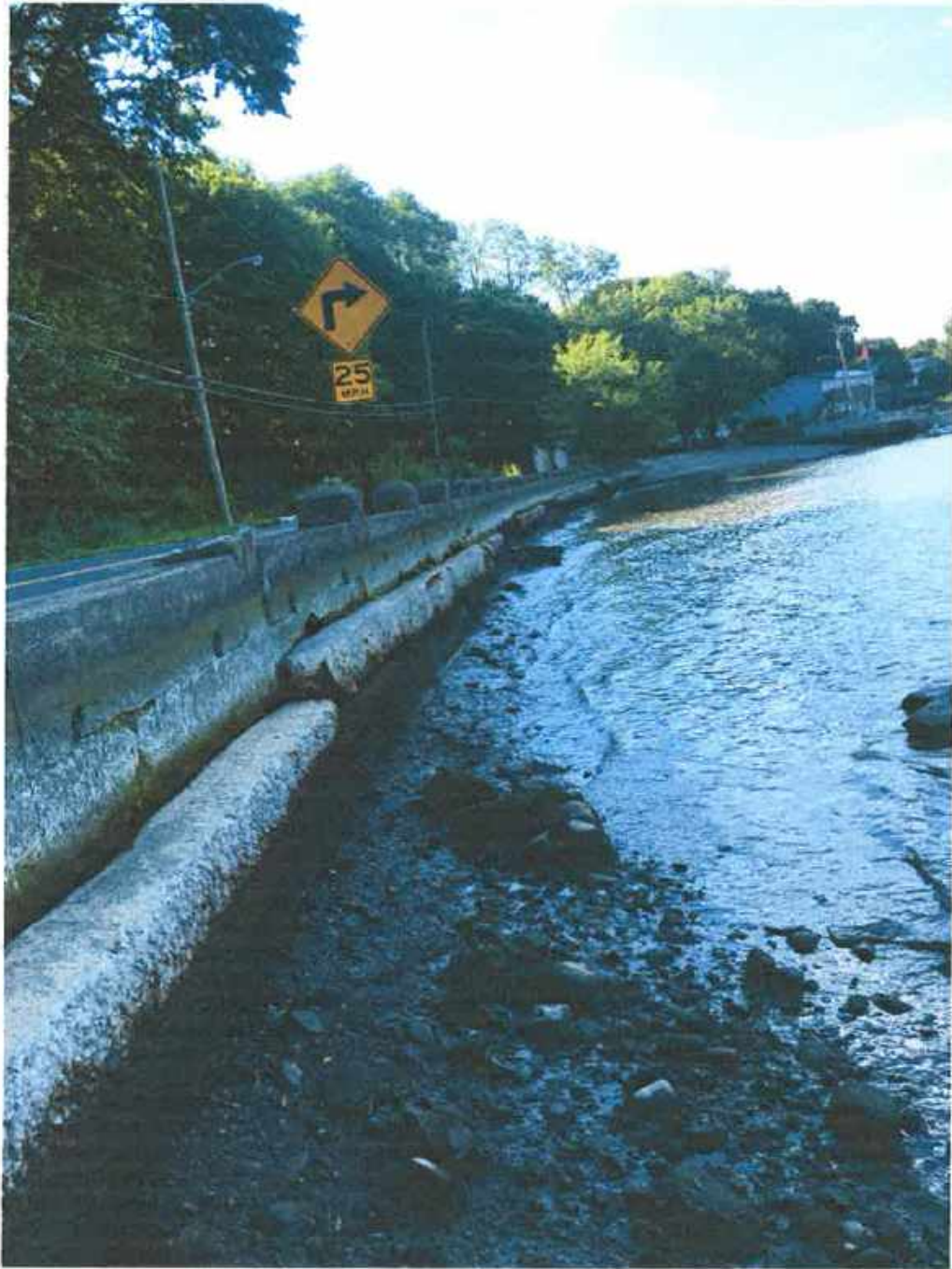


Pictures of
Deteriorating Wall and
Roadway
Beach Road
Stony Point NY
July 2018

Prepared by
Gregory and Nancy Barbuto
61 Beach Road Stony Point NY



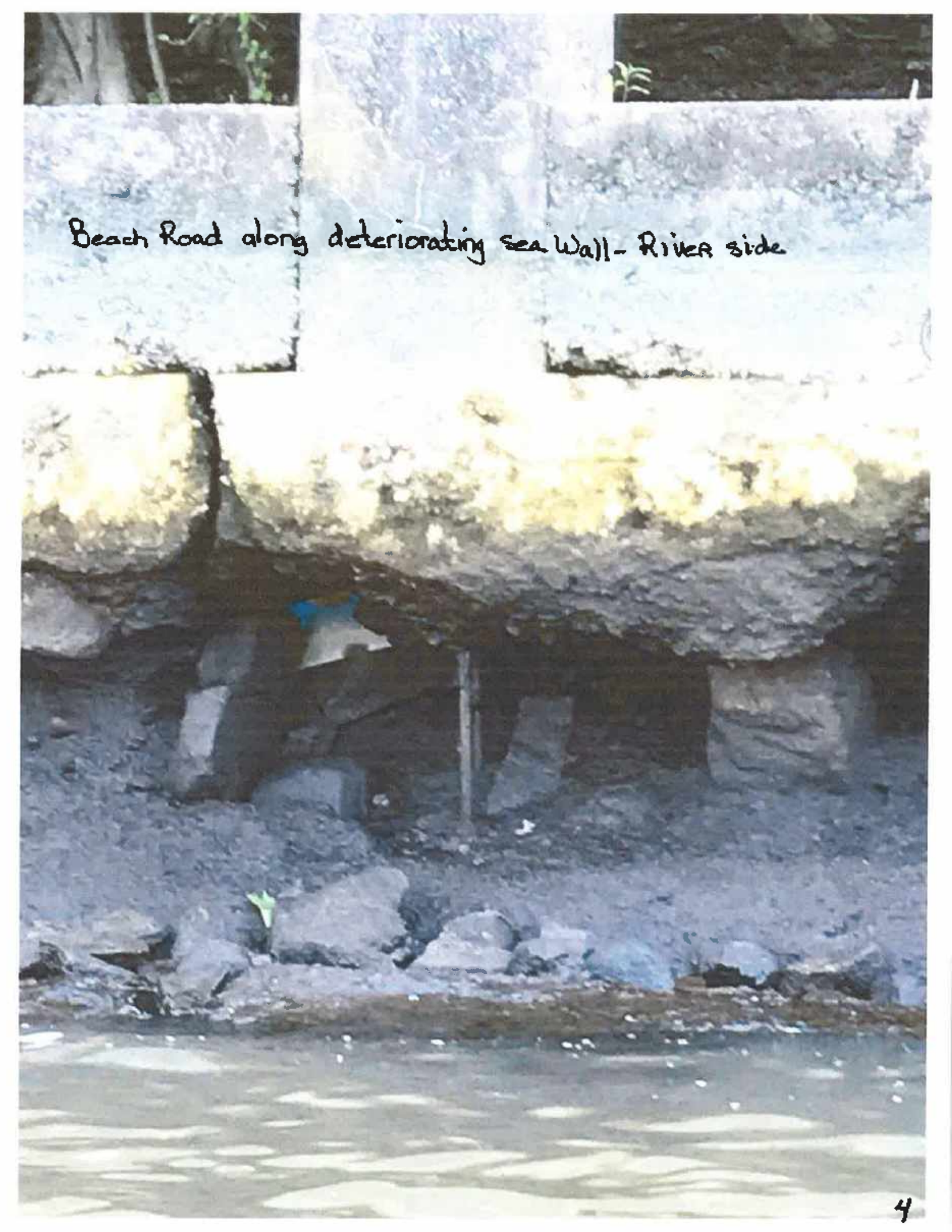
Beach Road along existing deteriorating sea wall – river side north end



Beach Road along existing deteriorating sea wall – River side



Beach Road along existing deteriorating sea wall – River side



Beach Road along deteriorating sea Wall - River side

Beach Road along deteriorating Sea Wall - River Side





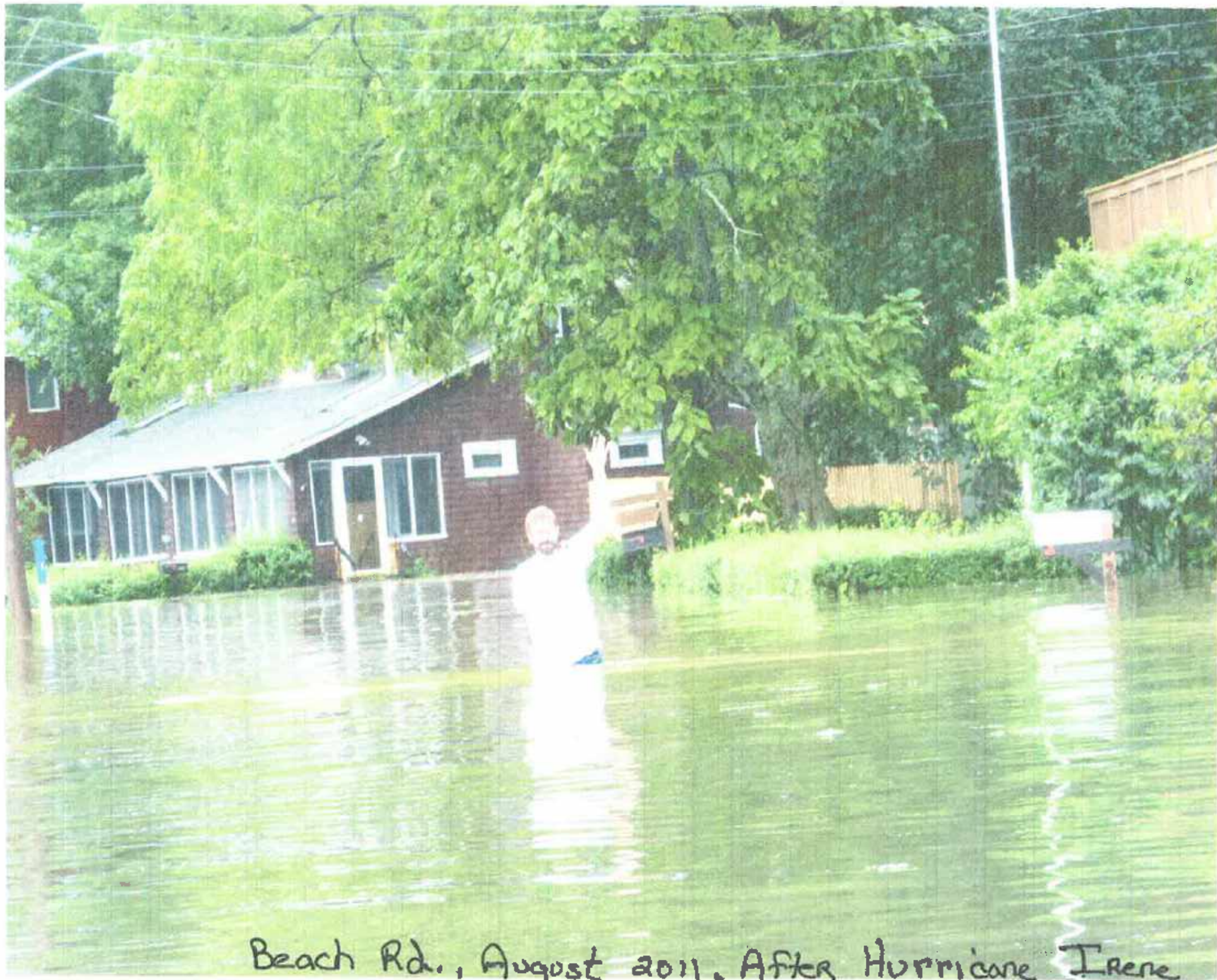
Beach Road along existing deteriorating sea wall – One of several holes – This hole goes down and you can actually see the river at mid tide and above



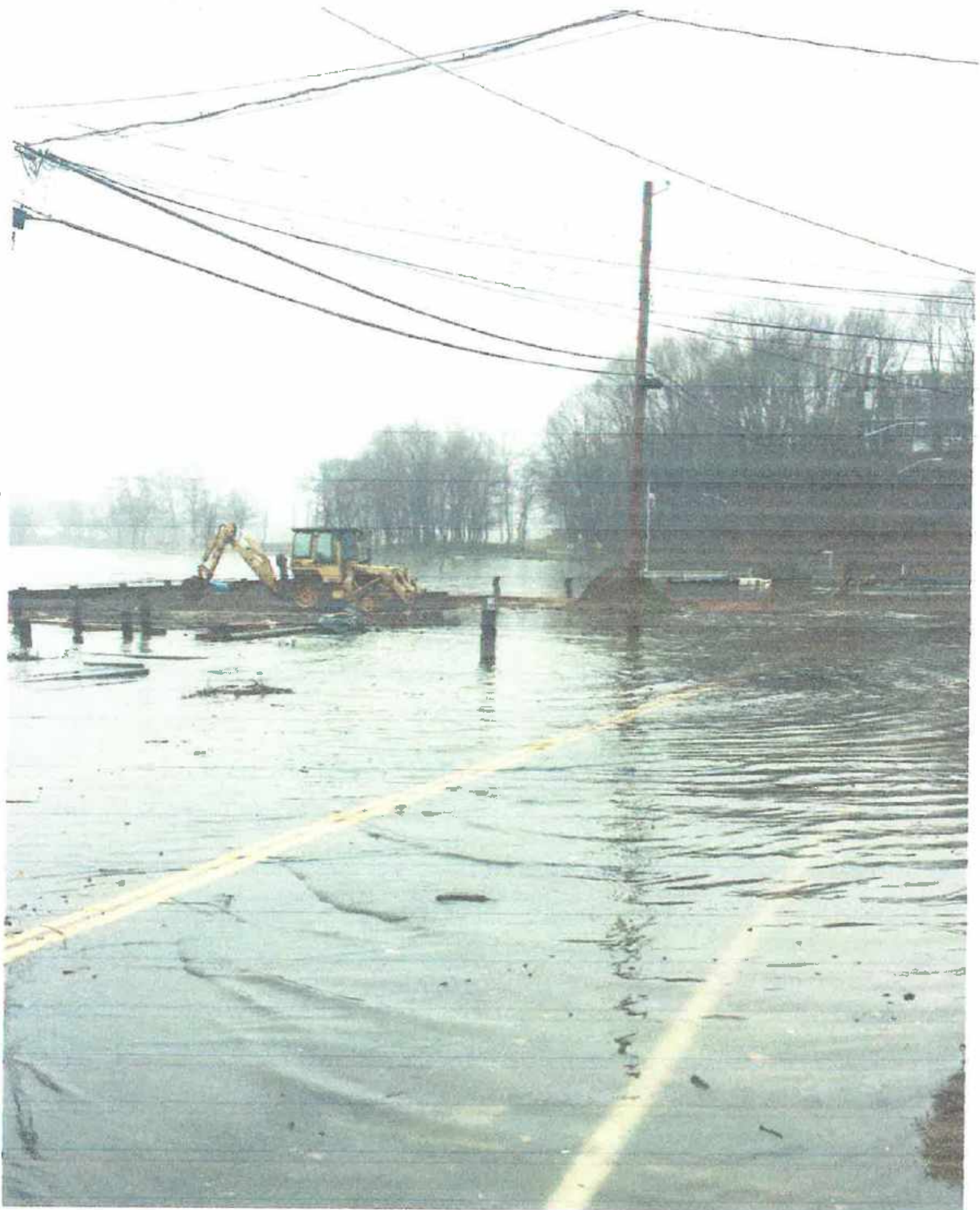
**Beach Road along existing deteriorating sea wall – One of several holes
– This hole goes down and you can actually see the river at mid tide and
above – This one shows more structural damage**



Beach Rd., across from deteriorating Wall - 4" drop
deteriorating Road.



Beach Rd., August 2011. After Hurricane Irene



Bench Road - Looking South - Nor'wester Jan. 2016 10

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EDWIN J. DAY
County Executive

PATRICIA S. RUPPERT, DO, MPH, CPE, DABFM, FAAFP
Commissioner of Health

SAMUEL RULLI, PE
Director, Environmental Health

July 11, 2018

Ms. Mary Pagano, Clerk
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

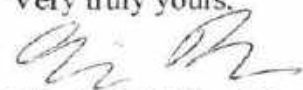
Re: Eagle Bay Mixed-Use Waterfront Development
Tax lots # 15.04-6-3, 4, 6

Dear Ms. Pagano:

We have received a Notification of Intent to Act as Lead Agency, a Full Environmental Assessment Form (EAF), other supporting documentation and plans as prepared by Atzl, Nasher & Zigler, P.C. revised through June 15, 2018 for the above referenced project. This office has no objection to the Town of Stony Point Planning Board acting as Lead Agency for this project. Other comments are as follows:

1. Based on the information provided, various permits may be required from this department, including but not limited to sewer main extension, water main extension, mosquito breeding suppression plan review, bathing facility and food service establishment.
2. The Draft Scope shall include discussion on the existing bulk storage facilities on the site. It should be stated whether they are to remain or are to be removed in accordance with NYSDEC regulations. Potential for existing soil and ground water contamination is to be discussed.

Very truly yours,



Elizabeth Mello, P.E.
Senior Public Health Engineer
(845) 364-2616

cc: Arlene Miller, Rockland County Department of Planning
Atzl, Nasher & Zigler, P.C.

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DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

July 26, 2018

Mr. Thomas Gubitosa
Stony Point Town Hall
74 East Main Street
Stony Point, New York 10980

Re: **S-2018-0117 - Eagle Bay Mixed-Use Waterfront Development**
Redevelop as a multi-family mixed-use residential complex
with an approximately 13,500 square foot commercial
component concentrated on its south end and a public
esplanade along the entirety of its Hudson River frontage.
Hudson River, Town of Stony Point, Rockland County

Dear Mr. Gubitosa:

The Department of State has preliminarily reviewed the material that you forwarded on July 3, 2018, regarding the proposed project referred to above.

We would like to offer the following preliminary comments:

1. Please include the Department on all SEQRA filings for the proposed project.
2. The environmental review should analyze the effect of sea level rise using projections from 6 NYCRR Part 490.
3. The alternatives analysis should include breakwater design options to reduce impacts on Hudson River habitat and hydrodynamics.
4. Alternative shoreline stabilization measures, such as living shorelines and natural-based features, should be considered in lieu of bulkheads.

If in the future, you apply for any Federal permits or funding in regard to this proposed project, the project would be reviewed by this Department for its consistency with the New York State Coastal Management Program, as expressed in the policies contained in the federally-approved Town of Stony Point Local Waterfront Revitalization Program (LWRP). In that case, a copy of all application materials (and in the case where a Federal permit is applied for, a Federal Consistency Assessment Form) should be submitted to this Department.

Thank you for the opportunity to review the material concerning this proposed project/activity. If you have any questions or need additional information, please call me at (518) 474-6000.

Sincerely,



Laura C. McLean
Coastal Energy Review Specialist
Office of Planning, Development and
Community Infrastructure

File/LV



Department
of State

130 Central Highway
Stony Point, NY 10980

July 29, 2018

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

Re: Comments for "Eagle Bay" DEIS

Dear Mr. Gubitosa:

Now that the project is seeming to get its act together, I believe that it is time to put the facts out there especially during the public's opportunity to ask questions relative to the project's DEIS. "Eagle Bay" is nowhere near the same project that Wayne Cortis had proposed ("The Breakers"). The sheer size and number of buildings proposed are demonstrably larger than the previous incantation, which would lead any reasonable person to conclude that this project requires its own EAF and full SEQRA review.

In my June 27, 2017 letter to the Board following a visual presentation by the Applicant's Architect, I pointed out clearly on several issues where the new project fails to meet certain design standards. The following is a more in-depth and updated discussion of these items:

DEVELOPMENT IN THE FLOODPLAIN: Recently, the Applicant's attorney, Ms. Amy Mele, made an impassioned presentation to both this Board and the Town Board to remove the "V" Zone designation from the Town Code on behalf of the residents of Ba Mar. It was her opinion that FEMA had removed the special flood elevation of 14.00 (associated with wind-driven wave action) from the official maps and would therefore not enforce it anymore. As it stands, she is partially correct in that the Flood Maps as listed on the FEMA webpage do not show any such zone on the maps for Rockland County, except for a portion of the Village of Piermont, which has a waterfront "VE" Zone elevation of 9.00 feet. The only other zone is a standard "AE" Zone elevation of 7.00 feet.

Coincidentally, the Flood Maps for Alpine, NJ show a standard flood elevation, in the "AE" Zone, of 8.00. A few weeks ago, there was a "VE" Zone with a corresponding elevation of 23.00. Makes you want to go "Hmmm..." and try to figure out what happened, since there are no corresponding Revisions, Amendments or Revalidations listed online.

Here's an interesting question to ask the folks from FEMA. How is it that the normal flood elevation in Alpine, NJ is 8.00, while the same information for Orangetown, NY is

7.00? That in and of itself would make me question the reliability of that data, especially since the New Jersey Maps are dated from 2005, while the New York maps are dated from 2014. When I took engineering classes at Manhattan College, one of the things we were taught about was that water flows downhill, from a higher elevation to a lower elevation. So how could New Jersey, which is essentially "downstream" from New York (especially Rockland County) have a higher flood elevation? Both maps are allegedly in NAVD88 datum, which refers to the "North American Vertical Datum of 1988".

For a Flood Elevation change to be done, an extensive analysis of the river/stream in question must be done. That requires cross-sections be taken through the waterbody, roughly 100' to 200' apart, both downstream, through the project site, and for a reasonable distance upstream (probably three cross-sections). Next comes the tricky part – simulating the runoff through the upstream area, so that the 100-Year flow can be estimated. All this data is then run through a program called HEC-RAS, which generates the level of flow through the cross-sections and, ultimately, defines the 100-Year Floodplain. I have personally done this twice, once by hand (back in the day when the program wasn't available) and with HEC-RAS. It's a very time-consuming process. And to that the time it takes for FEMA's consulting engineers to review the data and output and agree/disagree with it in report form, and you're looking at almost a year.

When you're filling in the floodplain, you have to do a pre-construction run, followed by a post-construction run to see what effects the project will have on flooding upstream of the site. If the floodwaters rise upstream of the project, you're not very likely to get an approval from FEMA or ACOE.

The point that I am making is that the flood elevations previously used by the Building Department were 9.00 (normal flood) and 14.00 (wave-action flood), which for all intents and purposes conflict with the maps allegedly posted on the FEMA webpage, which we are told by said Federal Agency is the latest and greatest. Homeowners along Beach Road and River Road along our waterfront have been forced to rebuild their homes at substantially higher elevations due to information given to the Town via an A.B.F.E. map generated by FEMA following Superstorm Sandy. And now it appears, on face value, that the same information may have been fallacious at best.

"Eagle Bay" will be impacted by the same flooding that damaged Ba Mar and the rest of the Stony Point waterfront when another Superstorm Sandy arrives. And according to all of the rules in place, that type of catastrophe must be accounted for in any land development project in the vicinity of an affected waterbody such as the Hudson River. So the first point it is obvious that Bill Sheehan must, as the Town's Floodplain Administrator, get the current and correct mapping information before any further review is done.

Additionally, not one mention has been made by anyone reviewing these plans from the Town that a significant portion of the property is in a mapped floodplain. In accordance with NFIP, Unit 5, as previously mentioned by me in my June 27, 2017 letter, no filling is allowed in such an area as it would cause flood waters to build up on adjoining

properties. This was clearly shown on the video arcade presentation made before the Board which showed the land sloping clearly upward from the existing bulkhead line toward the proposed buildings.

Curiously, the NFIP has a regulation (see Page 5-1, labelled "Unit 5: The NFIP Floodplain Management Requirements" in Appendix "A") that requires that any development in a floodplain doesn't cause increased flooding elsewhere. In layman's terms, that means that any fill material put in the floodplain must not reduce the level of flood storage in that immediate area, as that will cause floodwaters to spread out further on neighboring properties. That's just common sense; the fill material will displace water that would have normally spread out on the land and force it onto a neighboring parcel. That's why projects that are built along watercourses with demonstrable floodplains that it is imperative to make sure that you do not benefit one property owner at the expense of others. In New Jersey, NJDEP basically has a "Zero Net Fill" standard in place to make sure that the flood storage volume post-development is the same as pre-development (Appendix "B")

The decorative walkways and other amenities, such as the Observation Deck and the Fire Pit, may in fact encroach into the floodplain. Following the regulation referenced above from the NFIP, the walkways would need to be built at roughly the same elevation as the ground is today. The colorful presentation drawings seemed to indicate to me that some of these walkways would be built at a substantially higher elevation. When you combine that with the other structures depicted and mentioned, you have filling in the floodplain that will displace floodwater that will flood other properties.

TRAFFIC: During the scoping for the DEIS for "The Breakers", a traffic report was supposed to be presented that would address the traffic that would be generated by that project. At previous meetings, the applicant made it clear that there would be a significant increase in traffic from the newer project, especially in regard to residents. If you have 268 units of housing, it would be logical to expect at least that many cars trying to leave the site each morning as residents try to get to work. There is no ferry service at this site or even within a reasonable walking distance, and there is also no public transportation of any kind. This will alter the traffic pattern predictions for this project as well as the trip generations to a level well above the previous version ("The Breakers"). You don't have to be a Licensed Professional Traffic Engineer to figure that one out. There is also a serious impact when you take into account the public access to the site, with the amenities such as the waterfront walkway and the restaurants and other possible commercial endeavors that might be built there. The plans stipulate a parking count of **737 parking spaces** for the site. I doubt that many cars ever were on the site, even for a given week let alone a month.

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

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

Since this Board should be concerned about hashing out all of the possible safety issues involving this project, shouldn't traffic be one of them? When you consider the number of people that may eventually live on the property, as well as visitors to the site, one should be cognizant of the inability of the roadways as currently configured to allow the people to safely evacuate should a disaster happen, such as a Bakken Crude train derailment. As it stands right now, there are only two roadways that might possibly get anyone quickly away from the scene of any accident that could affect the safety of individuals at the site. One is the underpass (under the CSX tracks) and Tomkins Avenue up to North Liberty Drive (Route 9W). But we already know that this is not a safe intersection due to its narrowness (which prevents fire trucks from getting into the site). The other legal point of retreat would be via Beach Road to East Main Street and eventually up to its intersection with Route 9W (North & South Liberty Drive), or to drive in a southerly direction toward River Road and into Haverstraw. But that has its inherent problems as well. Needless to say, traffic flow should be a key review point for this project.

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

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

If we need to rebuild Beach Road such that at least a fire truck could make it through as a rescue vehicle during another Sandy-like event, the minimum road elevation in my professional opinion would have to be at least 13.00 in order for the fire trucks to at reach any people at "Eagle Bay" who did not want to or may not be able to evacuate (see attached "Apparatus Dimensions" chart in Appendix "C") since the average pumper truck has a ground clearance of approximately 11". This should not appear to be a major problem at the intersection of Beach Road, Hudson Drive and Tomkins Avenue, since the ground elevation there, according to recent Google Earth imagery, is approximately elevation 12.00.

In the December 14, 2016 edition of the Rockland County Times (see Appendix "D"), a meeting was held at the RHO Building at which unidentified residents of Beach Road objected to having the road raised in front of their homes in order for Beach Road to meet the new FEMA-mandated flood elevations. According to that reported, it is alleged that the Town's plans to rebuild Beach Road have been scrapped, probably due to the opposition as well as the costs of said improvements probably reaching well over the remaining funds in the Sandy Relief money. That money was earmarked by former Town Supervisor Geoffrey Finn to cover the cost of the construction work.

Now to go back to the previous discussion of the "V" Zone Flood Elevation, removing the same requirement from the PW Zone would obviously be a major benefit to the developer of this project, as not only would the site have to meet the required elevations, but so would Beach Road. It has already been demonstrated that the costs far exceed the money that the Town earmarked for the work (which would have benefitted the previous developer, Wayne Corts). So, therefore, any recession of the flood elevation requirements will also be a significant benefit to this developer.

Therefore, it is my professional opinion that the costs of reconstructing Beach Road, including all necessary engineering and possible land acquisition for roadway improvements, must be borne by the developer as his project will directly benefit from this necessary work.

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

Since Stony Point is for the most part at the northern fringe of the service network of Suez New York, it follows that any increase in demand would affect the users in the immediate area as an increase in demand without a matching increase in supply (and with it additional pumping efforts to maintain reasonable main line pressures of 60 psi to 80 psi) will cause a concomitant drop in normal pressures, especially at the higher points in the system toward the northern fringe of the Stony Point grid. It would be

reasonable for Suez New York to issue a letter of supply capacity for a single-family home, or even a small subdivision or strip mall as the demand would not have that significant of an impact on the delivery system. However, this project will have an impact on the grid due to its dense development.

But when you add 268 one to possibly three bedroom homes/apartments to the mix, it is easy to see how the impact could be significant. Since these newer homes would be situated along the waterfront at obviously the lowest ground elevations in the Town, it is logical that their water pressure would be substantially higher than someone living, let's say, up in Dunderberg Estates. And as the normal demand associated with these waterfront homes kicks in, it will decrease the water pressure up in areas like Dunderberg Estates unless Suez finds a way to increase the overall pressure in the delivery system. You also need to recognize the fact that these "units" are in multi-story buildings, which means that they will require a much higher pressure at ground level to get adequate supply and pressure to the uppermost apartments. Even if booster pumps are added to the design, there still needs to be the supply. And that doesn't even talk about fire-fighting capabilities via sprinkler systems that are required under the building codes.

With all of the leaks that they have yet to find (besides the recent one on Woodrum Drive), this could put an enormous strain on the watermain grid, and possibly lead to more leaks and line breaks due to the age of the system. And this doesn't even account for pressure and demand variations due to any potential commercial components of the development as well as any public use via drinking water fountains or the proposed swimming pool(s) for the project.

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

Since SUEZ manages the water distribution system in the area, I think they should be asked to provide their opinion as to not only if they can provide a suitable amount of water to the site, but also if they can do it without increasing the pressure in the local distribution system. With all of the aging piping in the area, increased pressures in them could lead to leakages at a higher rate than presently noted by the utility, as well as the increased possibility of catastrophic failures in the delivery system.

One of the objectives of the Task Force on Water Resource Management is to encourage water conservation throughout a project. Since this is located along the waterfront, the idea of using "Green Infrastructure" to save on water usage for irrigation

may seem a bit overhanded. But the design of the buildings should encompass some forms of water reuse if possible, or at least the usage of water-conserving plumbing fixtures. Since the County recently signed on as a "Water Sense" Partner, I believe that this project should try and embrace this idea to the maximum extent practicable. It is my understanding that the Code Council in Albany has already approved the new "Water Sense" guidelines, and it is now part of the Code. Perhaps Bill Sheehan can address that further.

SANITARY SEWERAGE: There is no doubt that this project, and any future developments along the waterfront spurred on by the PW Zone amendment previously approved by the Town Board, will have an adverse impact on the Town's wastewater conveyance and treatment systems. At the present time, the Town has in place a by-pass pump station that is set to go into action when the total wastewater flow in the collection system reached 0.80 MGD, which is 80% of the Town's current treatment plant capacity (1.00 MGD). NYSDEC had been harping on Stony Point for at least the past ten years to get its Infiltration and Inflow Program up to speed because there was adequate evidence that unnecessary flows were entering the system on a regular basis.

While the Town has completed smoke testing of the sanitary sewers and found negligible roof connections and some missing cleanout caps on service laterals, there is yet to be any serious attempts other than some manhole repairs and a watermain repair on Woodrum Drive that were done to eliminate some water into the system. So how can the Town accept any additional flow into its system without addressing the major problem? Based on the numbers mentioned in regard to the residential units (for estimating purposes, assume 300 units with 2 bedrooms each at 200 gallons per day per apartment), there is the potential for approximately 60,000 gallons per day of additional wastewater being introduced into the Town's sewer system just for this project. What about the rest of the waterfront? Has anyone done a prediction as to what that flow would be? Is the Town in a position to answer questions from NYSDEC in regard to how this additional sewerage will be handled? The interceptor sewer that runs through this waterfront area must also be examined to see that it has the carrying capacity left to handle this additional waste flow at any time, including wet weather periods. The Beach Road Pump Station will also need to be looked at to see that it has adequate pumping and wetwell capacity to handle the extra flow from "Eagle Bay".

Carl Gilpatrick, Asst. Sewage Treatment Plant Operator, put on an interesting presentation at the January 26, 2016 Town Board meeting. According to his presentation, the total amount of inflow and infiltration to the sanitary sewer network had dropped significantly, allowing the Town to literally lower its by-pass flow to the Joint Regional Sewerage Board (JRSB) in Haverstraw to almost nothing. It appeared from his slide presentation that the total flow for calendar year 2015 was 3,000 gallons total. Seeing that infiltration (which is underground leakage into the system from groundwater) was more than likely due to the obviously low rainfall during 2015, how can we be assured that this would not be a reoccurring problem in the future should rainy seasons happen again?

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

As you can see from the map shown on Page 6 from the Paul Heisig report "Water Resources of Rockland County, New York, 2005-07, with Emphasis on the Newark Basin Bedrock Aquifer" (Appendix "E"), which was prepared in cooperation with Rockland County and the New York State Department of Environmental Conservation, the average annual precipitation (rainfall) in Rockland County is approximately 48.42", while the website [Sperling's Best Places](#) (Appendix "F") lists the amount at 49.51". The website USA.Com lists Rockland County's average rainfall at 48.85" (Appendix "G") while the New York Climate Change Science Clearinghouse's graph of Total Annual Precipitation (Appendix "H") clearly shows a trend in Rockland County towards decreased rainfall from previous years. For arguments sake, let's say that the total annual rainfall for Rockland County is 48.93" based on the above-noted three data sources. So with the severe lack of rainfall in Rockland County since 2015, which has been at around 13" as publicized in numerous newspaper and other sources, a reasonable man would expect that infiltration into and sump pump discharges to the sanitary sewage collection system would be down significantly. Also, it would be easy to conclude that it appears that "repair" work had an impact, while the data says otherwise.

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

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

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

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

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

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

The plans that have been generated so far do not show any significant "Green Infrastructure" elements that would be required as a part of the application process for this project to receive coverage under the MS4 program. As the Vice-Chair for the Rockland County Environmental Management Council (RCEMC), I must encourage this board to make sure that GI Methods are incorporated into the design of this project and not simply tossed aside as not being necessary.

CHPE AND FUTURE ELECTRIC LINES: While there was an attempt by the developer of the CHPE Transmission line to move the cables up to Route 9W, that revision appears to be in jeopardy since NYSDOT filed a letter in opposition to the placement of the cables within the Right-of-Way of Route 9W. Additionally, the developer has also failed to submit certain paperwork and make payments for the project, which has also led to a delay in the project receiving final authorization to proceed. Therefore, the current plan for this site should still show the route of the CHPE underground power lines coming through the waterfront area per the approved plans that have been circulated for at least the past four years. It is my understanding that based on those plans, CHPE will be taking a 75' wide utility easement along the eastern side of the CSX Railroad ROW, which means that this site will, in the very near future lose a strip of its land 75' in width along its westerly boundary, which coincides with the CSX Railroad ROW. At a minimum, this "taking" should be shown on the schematic site plan and its impact to the site development be taken into account. The developer's site engineer should see what restrictions in use will be mandated by the placement of the utility easement along this side of the property. CHPE may have use restrictions regarding what can be placed on the easement due to maintenance requirements, especially when they must install cooling stations along the cable run to keep the lines from overheating. Based on previous presentations made by TDI, the firm that is the point of contact for the CHPE project, cooling stations may be required every 3,000'.

But there is also a sleeping giant that has not been addressed as well. When the PSC granted CHPE its approval, it inadvertently created a monopoly in energy transmission. Based on the reviews that were done while representatives from CHPE made their sales pitch in Town to garner support for their project, it appears that there are four additional power lines that will be following the same path that CHPE has chosen to run through on its way to NYC. Since Westchester County vehemently opposed CHPE on

their side of the Hudson River, we got stuck with it. In the same fashion, we will again be stuck with the additional powerlines. If we take the conservative approach that they are similar in nature (high-voltage DC powerlines) and therefore require the same separation distances between cables and competing lines, then we can assume that they will each require a 75' wide easement for construction and maintenance, which would therefore add an additional 300' of easement width to the site. If these plans are in fact being reviewed by the PSC and other interested agencies like NYSDEC and ACOE, then it would be in the best interest of the developer and his designers to check into it and address any impacts on the site plan, such as the placement of any necessary cooling stations.

By Federal Law, the PSC cannot create an "Energy Highway" and restrict its use to one vendor (in this case, CHPE). Rather, it must allow other power companies to use the same pathway that CHPE has chosen to take. With the endangered Atlantic Sturgeon spawning basically right in front of this site, the power lines will have no other option in my professional opinion but to follow the same path that CHPE has been granted. To say that they will have the right to steal property from the residents whose properties back up to the western side of the CSX Right-of-Way may in fact be a fallacious position to take, as this property is obviously under redevelopment whereas those lots have families living on them. I believe it will be in the best interests not only of the Town in general but to the developer as well to get a clear understanding from the PSC as to where these other power companies are planning on locating their underground power lines.

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

When looking at River Road, it was agreed in principle that some form of stone groins or floating barriers would be appropriate to at least absorb the impact of waves that would be accompanying any future Sandy-like storm events. While the volume and elevation of future tidal surges cannot be stopped, at least the physical impacts of waves crashing into structure on land causing the devastation that was wrought by Sandy could be reduced or even eliminated by installing such devices. The same kind of review should be done, in my professional opinion, in regard to "Eagle Bay" to be sure that the waterfront in this area is equally protected. That could mean the installation of a floating breakwater or replacement/modification of the existing outer bulkhead wall for the marina (at the outermost point of the marina in the bay) in order to "soften" the impact of similar waves as to the ones seen during Superstorm Sandy.

EAGLE NEST IN BATTLEFIELD PARK: It has come to my attention at the RCEMC that there is a new eagle nest at the Battlefield Park. Glenn Sungela, a member of the RCEMC, was conducting an Invasive Plant Species investigation at the Battlefield Park a few months ago with its manager when he came upon a nest near the main building. It's position in the park leaves in roughly 1,800 feet north of the "Eagle Bay" site. There are specific Federal as well as NYSDEC regulations when it comes to construction activities near and around active Bald Eagle nests, since they are an endangered protected species. I would strongly suggest that the Planning Board require that the developer take this into account when preparing the DEIS for this project.

"RIVERCREST" (FISHKILL) vs. "EAGLE BAY": In 2014, a luxury condo development in Fishkill was purchased by The Jehovah Witnesses and gradually turned into a religious enclave. As of this date, the property has been granted a tax exemption due to the fact that the site is allegedly being used for "religious purposes only". While "Eagle Bay" has not been marketed in any sense for that purpose, one only has to wonder what will happen if prospective buyers are made aware of the fact that CSX freight trains do regularly come rolling by the property late at night, sometimes after 2:00 AM in the morning, with their horns blaring as there are rail crossings in the area without gates; one in Jones Point and the other a mere few hundred yards away at the old Kay Fries site.

I can hear them loud and clear where I live up on Central Highway. And if that is the case, can you imagine what it will sound like to those who thought they bought their ideal waterfront home? I doubt very much that the developer has the political clout to stop CSX from running trains through the area after midnight. Besides, hasn't anyone heard of the term "Caveat Emptor"? This could lead to a wild sell-off that might entice any zealous religious group to purchase the property, which would hit the Town in the pocketbook with zero property taxes.

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

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

the side of caution when reviewing this application is a sensible and prudent thing to do for the Town and its residents.

Sincerely,



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

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

The Eagle Bay project is a massive high density residential project that is not suited for the waterfront. I am listing some concerns in bullet form that I would like addressed in the SEQR.

- Parking is inadequate. 1 parking space for a 1 bedroom apt shared by a couple that has 2 cars will overflow into the parking spaces allocated to visitors. 20 spaces for retail seems low as well.
- Access to the community via Beach road and or Tompkins Ave is impossible. Beach Road currently acts as a catch basin, just south of the entrance. Will any modification cause flooding elsewhere?
- Traffic is gradually increasing along 9W, will this project prevent other viable expansion and prohibit economic development by overcrowding 9W? There are other locations that need to be developed in the future. Holt Drive, the spaces abandoned by US Gypsum and LJ Kennedy, come to mind at this moment.
- Economic impact. Will this project sustain the increased expense of maintaining a rental community? Additional police officers, teachers, busing, sanitation, road maintenance and repair, and water system upgrades.
- Emergency access and egress. Will this project require a substation for the Fire Department and Ambulance Corp? It does not seem likely there could be a safe evacuation that would allow emergency access, with only a small road as the shared single entry and exit point.
- How will the contaminated run off from the paved areas be addressed? (Parked vehicles leave residue from tires, road salt and occasionally leak fluids)
- Use of the Marina in season and off season? Maintenance of the marina and dock? Is the public access guaranteed (In the event of a post development sale)?
- Sampling and remediation of any contaminated soil from previous use of the site? (It has an industrial history and was previously a marina that endured hurricane damage.)
- What can be done to prevent this project from becoming a closed community and seeking religious exemption? (We lost the Marvello Country club from the tax roll, Fishkill and Wappingers lost significant assets as well) <https://www.poughkeepsiejournal.com/story/news/local/southern-dutchess/2015/08/03/jehovahs-witnesses-contract-buy-3rd-fishkill-property/31069035/>
- Adjustment of the breakfronts in the water as well as the addition of the fishing dock. How will this affect flooding?
- How does this project fit into the waterfront development plan and vision for the waterfront?

Stony Point is not unique in the challenge of converting a waterfront from industrial use to an economic vibrant area that is enjoyed by both residents and visitors. Newburgh, Poughkeepsie, Beacon, Stamford CT, Jersey City, NJ, Hoboken, NJ. The aforementioned towns have had success, but not without some error. Let's learn from them and try to make better decisions.

I truly believe the future of Stony Point can be bright and remain a great place to raise a family. High Density, subsidized housing will set a precedent that can not be undone and more than likely take more from the town than it brings. 500 cars entering and exiting onto 9W daily during commuting hours is going to impact the quality of life in Stony Point, as well as prohibit any future creative development of the waterfront. The current infrastructure can not support it.

In appreciation of your time and efforts to keep Stony Point a great place to live,

Philip Cipollina
18 Lincoln Oval
Stony Point, NY 10980

I would like the following questions answered:

1. How many total acres are there?
2. How many are current land?
3. How many are under water?
4. How many units will there be?
5. How many are 1 bedroom?
6. How many are 2 bedrooms?
7. How many are 3 bedrooms?
8. What is the formula being used for the proposed # of residents that will occupy these units?
9. How many square feet of commercial space?
10. What type of commercial businesses will be allowed?
11. How many parking spaces?
12. Will this be enough?
13. What is the formula being used for the number of cars per unit and for the retail space?
14. How is the owner proposing to save the Bald Eagles and Osprey etc nests?
15. How many employees will the Town of Stony Point need to hire in the Town Hall because of the increased work load as a result of this project?
16. How many new clerical employees will have to be hired?
17. How many planning board employees will have to be hired ?
18. How many building department employees will have to be hired?
19. How many highway department employees will have to be hired ?
20. How many employees will the library have to add?
21. The firehouse—will it have to become a paid firehouse(s) now?
22. The ambulance corp? Similar concerns.
23. The School District?
24. The Police Department?
25. Are we going to experience what Piermont experienced when they allowed the development on the waterfront?
26. Are the roads in Stony Point strong enough to handle construction vehicles traveling them?
27. Are the roads going to collapse and crush the sewers and other pipes underneath?
28. We need an engineer study the roads leading up to the water front from all locations (Tomkins Ave, Wood, Main Street, etc)?
29. I would all decisions of this project to be put on hold until the builder has the engineer show up to the meeting (NOT a land surveyor). The person who drew/designed these plans. I would like the opportunity to ask some questions.
30. Pilings will be needed. What is the name of the company that is going to do this? I would like to be able to investigate who they are and their past projects (we all know the Palisades Mall is sinking).
31. Flooding? Hurricane Sandy? How can this project be built ground level? If the project is not built ground level, then we have the issue of the homeowners who live on Farley, Jackson, Lincoln Oval, who will lose their views and this will reduce the property values.
32. SUDS -I would like the engineers (the Towns and the Builders) to review installing SUDS- Sustainable Drainage Systems., which might help our sewer systems which is very old to begin with.
33. How or what has the builders engineer come up with to deal with the hurricanes when they come?
34. What is the proposal or plan to deal with Beach Road? How will it be improved?

35. Access? How will the access roads be improved to allow for all this New traffic?
36. Tomkins Ave has a one way tunnel. This is not adequate.
37. Main Street has an over pass that goes over the trains. How will that be secured/reinforced?
38. Is the Town going to allow the opening from Hunter to Beach Road (which is currently gated and locked)?
39. Orange & Rockland Utilities—I would like someone from there to come to a meeting for Q&A.
40. Suez water— I would like someone from there to come to a meeting for Q&A.
41. Optimum I would like someone from there to come to a meeting for Q&A.
42. Verizon- I would like someone from there to come to a meeting for Q&A.
43. The North Rockland School District- I would like someone from there to come to a meeting for Q&A.
44. Town Highway Department- I would like someone from there to come to a meeting for Q&A.
45. Town Fire Chief -I would like someone from there to come to a meeting for Q&A.
46. Town Police Department- I would like someone from there to come to a meeting for Q&A.
47. Palisades Park Commission- Battlefield-I would like someone from there to come to a meeting for Q&A.
48. I would like to see the Towns plan for the Future, preferably the next 50 years.

As you can see, there are a gross amount of information that is missing or has not been provided to the residents of the Town of Stony Point. To approve or vote on this project is extremely premature.

Sincerely,

Maryann Costabile
3 Nordica Circle
Stony Point, NY 10980
Ms.cotabile@outlook.com
845-558-4017

Subject: Eagle Bay condo project

Mr. Gubitosa,

It is my understanding that the town board is contemplating approving a proposed 267 unit condo complex on the waterfront near Beach Rd. I have been informed from people who know the history of this project that it was originally given blanket approval because the developer bought it from a previous developer who had already been approved, even though the new project was much larger in size and scope than the original. But when certain residents got wind of the underhanded way that the new project was handled, the project was then denied pending resident input. How this could be is beyond me, but nothing surprises me when there is a lot of money involved. I have also been informed that many of the units in this complex are designated as low income. How is it that Stony Point can't get any commercial establishments in that might actually add some money to the town by expanding the commercial tax base, but we can approve a very large housing complex that would do nothing but tax already overtaxed utilities and schools? Why would the town not want to see if the waterfront can be developed into a boardwalk that has shops and restaurants, where people could come either by driving, foot or by boat in the summer months? I have also been informed that the new developer will not be made to make any capital improvements to the roads in the surrounding area. Has the planning board taken into consideration how hard it will be to get in and out of this proposed complex for residents and emergency vehicles? This town doesn't need more housing. Drive down any street in Stony Point and you're likely to see several houses for sale that have been on the market for months, if not longer. This town needs commercial establishments that will start to take the burden off of already overtaxed residents.

Thank you,

Robert Caiati
29 Stubbe Dr., Stony Point
(845) 492-0919

Office of Parks Recreation & Historic Preservation
Palisades Interstate Park Commission
Administration Building
3006 Seven Lakes Drive
PO Box 427
Bear Mountain, NY 10911-0427
Tel: 845-786-2701
Fax: 845-786-2776



Michael Tesik
Capital Facilities Regional Manager I
Telephone: 845-786-2701 x 225
Fax: 845-786-5367

August 3, 2018

Tom Gubitosa, Chairman
Town Hall 74 East Main Street
Stony Point, New York 10980

Re: Eagle Bay
Mixed-Use Waterfront Development - DEIS

Mr. Gubitosa:

The Palisades Interstate Park Commission (PIPC) has reviewed the Draft Scoping Document and the concept plan prepared by Atzl, Nasher & Zigler P.C., last revised 6/15/2018, for the above referenced proposal. We provide the following comments for your consideration.

In a letter dated Feb. 8, 2016, the PIPC provided comments for the previous development proposal for this site named "The Breakers". PIPC voiced concerns related to impacts to Stony Point Battlefield State Historic Site.

On June 24th, 2016 a site visit to Stony Point Battlefield was conducted with Donna Holmqvist, Director of Planning Services for Atzl Nasher & Zigler. Below is the summary provided by Ms. Holmqvist, in her email dated June 24th, 2016.

I understand the focus of the PIPC as follows:

- 1. Battlefield/Lighthouse Activity Southern Orientation. You indicated the majority of activity/events occur on the southern side of the museum. You indicated aging trees, invasive species and vines have curtailed tree cover on the south slope of the site. Although there are plans to add trees (if possible), views southward are important to PIPC.*
- 2. Nature Conservation/Observation. You indicated a Bald Eagle nest has been on the Battlefield site since at least 2008 and there is ongoing nesting activity. You indicated the Lower Trail (aka "Coast Guard Road"), is used for guided nature walks and nature observation, including Bird Watching.*
- 3. Kayak Area. This is south of the Lower Trail and at the water's edge. PIPC is concerned about negative impacts on this area from nearby development (noise, light pollution, refuse). The issue of noise and light pollution also relates to impacts on night time cultural/historic events at the Battlefield (Lantern Tours, etc).*
- 4. Project Height and Mass. PIPC indicated a desire for photo simulation of the proposed project to enable an assessment of visual impacts.*

PIPC indicated that the idea of a Land Trail connecting the Stony Point Waterfront area directly to the Battlefield Site/Kayak Water Trail is viewed as problematic.

The concerns raised by the PIPC at that time still apply to the Eagle Bay proposal. Any Environmental Analysis or review should address these same concerns. The PIPC agrees there is the potential for a trail connection, however any connection would need to control access to the State Historic Site.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karl B. Roecker', with a long horizontal flourish extending to the right.

Karl B. Roecker
Senior Landscape Architect
Palisades Interstate Park Commission

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

From: [Dave Zigler](#)
To: [Donna Holmqvist](#); [Amy Mele](#)
Subject: FW: Eagle Bay Scoping comments.
Date: Tuesday, August 07, 2018 2:15:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Email letter below



David M Zigler PLS

ATZL, NASHER & ZIGLER, P.C.

ENGINEERS-SURVEYORS-PLANNERS

a: 234 North Main St. New City, NY 10956

p: (845) 634 4694 **f:** (845) 634 5543

w: www.anzny.com **e:** dzigler@anzny.com



From: Mary Pagano <MPagano@townofstonypoint.org>
Sent: Tuesday, August 07, 2018 1:58 PM
To: Stephen Honan <shonan@flmpllc.com>; Dave Zigler <dzigler@anzny.com>; Adriana Beltrani <abeltrani@nelsonpopevoorhis.com>; Eric Jaslow <ewjaslow@yahoo.com>; Gene Kraese <Skippy41p@gmail.com>; Gerry Rogers <rogersfj2185@gmail.com>; John O'Rouke <jor@lanctully.com>; Max Stach <maxstach@nelsonpope.com>; Michael Ferguson <oneferg@optimum.net>; Paul Joachim <pjswj@aol.com>; Peter Muller <Peterr0503@gmail.com>; Tom Gubitosa <TGubitosa@townofstonypoint.org>; Tom Larkin <tlarkin@townofstonypoint.org>; William Sheehan <WSheehan@townofstonypoint.org>
Subject: FW: Eagle Bay Scoping comments.

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

From: Tom Gubitosa
Sent: Tuesday, August 7, 2018 11:44 AM
To: Mary Pagano; planning
Subject: Fwd: Eagle Bay Scoping comments.

Sent from my iPhone

Begin forwarded message:

From: Phil Cipollina <philcipollina@gmail.com>
Date: August 7, 2018 at 10:47:11 AM EDT
To: <TGubitosa@townofstonypoint.org>
Subject: Eagle Bay Scoping comments.

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

Dear Chairman Gubitosa,

Thank you for extending the written comment period. I have written before, but I would like to enter additional comments. In an effort to be clear, I will include my original comments.

Impact of Traffic and Roads

- Traffic study conducted when school is in session and when school is out of session.
- Traffic study to determine the impact this project will have on future development of the land previously occupied by US Gypsum, LJ Kennedy and the remaining land behind Shoprite off of Holt Drive. (My thought process, is that eventually the roads, will reach a capacity and prevent future advantageous development impossible.)
- Analysis of traffic patterns to determine any possible undesired overflow. (How much traffic will begin using Wayne Ave, Main Street and Buckburg Rd to avoid 9W?)
- Emergency Access to the families in the project and surrounding areas. (Extra traffic has and will always impede emergency response.)
- Beach Road is a limited use road, please ask for a recommendation and analysis of expected costs associated with upgrading Beach Road, as well as potential flooding elsewhere since it currently acts as a catch basin.
- During construction and development, how many vehicles will require access and when will they be operating?

Emergency access

- With the high density proposal, it seems like a substation for the fire department and ambulance corp would need to be implemented in order to address any emergencies in Eagle Bay. The increase could create a hazard to the neighboring homes and marinas. If a substation or other plan is needed, who will pay for it?

Drainage and remediation

- Flooding is a real issue. Offsite road and drainage needs to be resolved as

part of this development; this will hopefully encourage advantageous development in the other sites, mentioned earlier. How will this be paid for?

- Flood Zone management. Will the area be rezoned? The potential for additional water because of the large impervious footprint will likely impact other areas. What will be the impact?
- What is the SWPPP plan during construction and post development?
- Previous land use has been commercial. Who will test the site for suitability and potential contamination? How will it be brought to standard or code?
- Land Fill. If fill is needed or has to be removed, how will it be addressed? Who will ensure that the proper materials are used to fill and/or any material that is removed, gets addressed properly?

Utilization of common resources

- How will electric and gas demand be addressed?
- How will the school district be impacted, as well as the busing?
- How many additional police officers, firemen, ambulance corp, highway personnel be required to provide and maintain current standards in Stony Point? Who will pay for the increases?
- Water and Sewage. SUEZ has clearly stated we are under served. The current system is in need of an upgrade. What will be the impact and who will pay for it?

Parking and Vehicles

- It seems the available parking is insufficient. The developer has allocated 1 parking space for 1 bedroom apartments, 2 spaces for 2 bedroom apartments and 3 spaces for 3 bedroom apartments. There are a significant number of 1 bedroom and a den apartments. It is not the norm for 1 person to live in a 1 bedroom apartment. In today's world, each adult has a vehicle. Can the parking formula be adjusted to reflect current standards?
- Although the parking seems inadequate, the paved area is tremendous, in scale to the the size of usable land. What will be the impact of converting that much porous surface?
- The marina can house 90 - 100 boats in season, where will the be stored off season? Will they be put on land and reduce the parking spaces?
- Who will ensure the area does not become a dumping ground for abandoned vehicles?
- Vehicles will come into and remain on the impervious surface. They will come with road salt, sand, gas, oil, tar, etc. This debris will go into the storm water system? What is the SWPPP for the parking area

Waterfront

- The previous Marina could house more than 300 boats. Will the underwater property be tested? Will the reconfiguration of the Marina impact other areas?
- Will the Waterfront be dredged? If yes, where will the material go? If no, how long before it will fill in?
- Will Public Access to the waterfront be guaranteed? In the event of a sale, can the new owner create a closed community?

Clarification from the developer

- Will this be low income housing?
- A statement and commitment to the community, as far as improving it and what his vision for the project is. Manhattan Style living includes doormen, transportation and services. Are these part of the vision or plan?

I have witnessed other communities developed for the area interest and become sold to other parties that have not sought to better the community. Kiyras Joel, Rivercrest and the Marvello Country club here in Stony Point, were all once on the tax roll and part of a community. Let's not tee up a project that would be ideal for a similar process. I applaud the position to extend the comment period, the positive review, which brought this about and the desire to keep Stony Point a vibrant community. My concern is this project will affect the quality of life here in Stony Point. Our small dedication parades will create traffic jams, it will take 20 minutes to get from Main Street to Shoprite on Holt Drive. Future development will be impossible because of the lack of resources and contributed expenses to move forward. Lectchworth Village is a great piece of land, but remediation costs have made it unattractive, will that be the same with US Gypsum, LJ Kennedy, or any other parcel along 9W?

268 families on a land parcel that is less than 5 acres does not belong on the waterfront and would be unique in Stony Point. A high end townhouse community for 55 and older, boaters, with parks, retail, commercial and a shuttle system to bring visitors from the Marina to many of our Hudson Valley attractions would be ideal. An example of this philosophy can be seen in the development in Stamford CT, Front Street in Newburgh, etc.

In appreciation,

Philip Cipollina
18 Lincoln Oval
Stony Point, NY 10980

Residential density calculation:

- a) Please provide the land use calculation of buildable acres used by the Town Building Inspector to determine the number of residential units permitted and buildable acres, based on Stony Point Town Building/Zoning Code for residential construction on land and underwater acreage.

Impact of traffic:

- a) An updated traffic study needs to be completed based on current increased number of condo units proposed.
- b) Have current traffic patterns changed during the past 3-4 years since the initial development was proposed?
- c) Traffic study needed for when school is in session, during school time as well as during summer months
- d) The section on traffic indicates that capacity analysis will be done when school is in session. (a.) The traffic count should also be taken during the summertime, when the boat slips, restaurant, and public promenade will more highly used.
- e) Since the US Gypsum Plant and LJ Kennedy are not currently in operation, how would these properties, when eventually reused, impact future traffic patterns and volumes in the area?

Road infrastructure / emergency access:

Concerning safety and access by fire and ambulance emergency vehicles:

- a) What is the town and applicant's plan for providing access for fire and ambulance emergency vehicle access to Eagle Bay in light of the fact that the Beach Road area historically has become severely flooded and the railroad trestle at Tomkins Avenue may not provide sufficient height for a fire truck to pass under it?
- b) Will added costs be needed or special emergency equipment necessary for the Stony Point fire department and ambulance corps to serve this site? How about the County of Rockland Department of Highways?

Since safe access for residential, commercial and emergency vehicles is a key factor for whether or not "Eagle Bay" is a viable project:

- a) What is the plan for necessary offsite road and drainage improvements and who will pay for it?
- b) Who is going to fund the needed offsite road improvements in order to ensure safe and reliable road access to and from Eagle Bay proposed site?

- c) How will the flood zone be managed?
- d) What is the evacuation plan for the total number of anticipated number of residents, visitors, vendors and patrons?
- e) We'd want to see the applicants site plan INCLUDE all of the offsite improvements needed for Beach Road included on this site plan map for Eagle Bay. The road infrastructure, widening, flood mitigation, are all critical to whether or not this proposed development can even be built. So, they should be considered and designed together during the site plan review of Eagle Bay.

Impact on sewer system capacity:

- a) What is the current condition and available capacity of the Stony Point Sewer Plant and the sewer pipe and pumps for the entire distance between the proposed project location to / from the Stony Point sewer plant?
- b) What is the expected additional demand for sewer capacity from Eagle Bay 268-290 units, marina, restaurant, etc. at full build out?

Demand put on gas and electric energy utilities:

- a) What is the total projected electric and natural gas demand for all residential and commercial components of Eagle Bay?
- b) Does O&R have the current capacity to provide service to the site?
- c) What types of energy conservation plans will be included indoors and outdoors?

Demand for potable water:

The County of Rockland has convened a Rockland County Water Task Force for the purpose of identifying means by which residential, business and municipal customers can reduce demand on our current water supplies through water conservation and efficiency.

- a) What is the total projected water demand for all components of Eagle Bay?
- b) Does Suez commit to have the current capacity to provide letter of intention to serve?
- c) What indoor/outdoor water management and conservation measures will "Eagle Bay" include in its project plan?
- d) Please include a comparison between anticipated water demand projections for potable water and how much of that demand can be reduced through best water management practices and conservation.

- e) How will increased water demand from Eagle Bay, which may become the low end of the Suez water system ion Stony Point affect water supply and water pressure for those current Suez water customers and future customers, who may currently served by well water, at the higher end of the system ie: Dunderberg Estates in Tomkins Cove?

Excessive paved areas for walkways and parking:

- a) What alternatives have been considered to meet the anticipated parking demand?
- b) Are pervious pavers being considered to reduce stormwater runoff?
- c) Has parking under the building been considered/evaluated to reduce paved footprint?

Structural soundness of flood zone:

Considering that this area was, in an earlier time, all brickyards, and the area was filled in with soil and may consist of brick debris:

- a) Will soil studies will be conducted to ensure that the soil and land is stable and will it support multistory buildings in a flood zone?
- b) There is mention of the removal of the breakwaters on the site plan. However, no mention is in the Scope, raising issues of inconsistency.
- c) What is that impact, especially since the “text change” allowed the developer to remove approximately 200 boat slips from the original 300+ boat slips that, not long ago, occupied this marina.

Impact on North Rockland School District:

- a) Based on the number of 2 and 3 bedroom units proposed, please identify the number of anticipated school-aged children.
- b) What is projected cost and services impact of the additional school aged children in the North Rockland School District?

Impact on need for municipal services:

- a) What is the anticipated / projected demand and cost for municipal services costs?
- b) Please indicate fire, ambulance, town/county highway and police costs
- c) Will additional personnel be needed to supply these services?

Sale /rental of condo units:

- a) Please explain the financial impacts of "fee-simple", or "rental units?"
- b) Please explain the applicants indication in the scope that he will apply for HUD money
- c) Is it his intention to provide affordable housing? (page 16; point 7, 9)
- d) How does the Eagle Bay plan fit in the goals and objectives of our waterfront plan as described in our Local Waterfront Revitalization Plan (LWRP)?
- e) Does Eagle Bay qualify for subsidized taxes, state/federal funding or Pilot Program?

Public access to the waterfront:

Public access has always been an important component of this project for the Town of Stony Point, however, the public access in this plan is not inviting to the public and lacks to kind of uniqueness that could make the Stony Point Waterfront inviting to both town residents and visitors.

- a) We'd like to see an alternate plan for the use of public space, which could be designed more like a waterfront park – both for town residents and visitors.
- b) A plan for tourism and economic development needs to be a part of this plan
- c) Would like to see a plan proposed in coordination with the Palisades Interstate Park Commission to link a walking path for town residents and visitors to Stony Point Waterfront to the Stony Point Battlefield State Park.
- d) Additional public boat slips should be made available for visitors as part of the town's economic development plan for the waterfront
- e) The Planning Board must ask for and alternative plan – a project redesign that emphasizes and uses environmentally *GREEN* building techniques, that incorporates in a "Hudson River Estuary", with natural materials theme that emphasizes tourism and creates an economically sustainable commercial development with a tourism plan that benefits the community.
- f) Will this to be a closed community? If so, who will maintain the roads?
- g) If it is a gated community then what is the per month fee to maintain the community?
- h) How will the community agreement be enforced?

Economic development plan – Need for fiscal planning

The Town of Stony Point needs to articulate both its vision for the future of Stony Point waterfront and develop an economic plan for the waterfront. The town needs to reassure the town residents that this Eagle Bay plan will both enhance the beauty and use of our waterfront and provide the needed economic benefits to the taxpayers of the Town of Stony Point.

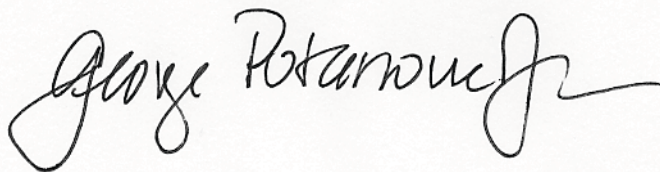
- a) We request that the Town of Stony Point produce a feasibility study and cost/benefit analysis for the town residents.
- b) What is the Town of Stony Point's business and economic development tourism plan for our waterfront?
- c) What is the projected tax assessment for all components of the Eagle Bay? Please itemize.
- d) What is the anticipated tax revenue compared to anticipated costs for infrastructure improvements, upgraded sewer plant, need for additional personnel, increased cost for municipal personnel and equipment and vehicles for needed services including police, fire, ambulance, highway, additional school children and related expenses, etc.

I sincerely appreciate the opportunity that you provided for the public to submit Draft Scoping comments for Eagle Bay proposed waterfront development. We want to also thank the Planning Board for listening to and considering our comments and those provided by interested agencies, elected officials, businesses and the members of our community. Please be thoughtful and consider them carefully.

We also appreciate the Planning Board extending the deadline for written comments to August 23, 2018 and request, in the interest of openness and transparency, that the town promptly post all documents on the Town of Stony Point website and that they be made accessible electronically.

Thank you, in advance, for your time and dedication as Lead Agency for the SEQR review of Eagle Bay and for your thoughtful consideration to develop a waterfront plan that we can all be proud of.

Sincerely,



George Potanovic, Jr.
President, SPACE
Stony Point Action Committee for the Environment, Inc.
28 Years of Environmental Advocacy & Education
george@potanovic.com
845-429-2020

File: 180807-SPACE_EagleBay_PublicScopingComments_FINAL.doc

SPACE – Stony Point Action Committee for the Environment, Inc.
28 years of environmental advocacy & education

130 Central Highway
Stony Point, NY 10980

August 11, 2018

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

Re: Additional Comments for "Eagle Bay" DEIS

Dear Mr. Gubitosa:

As I'm sure that you noticed at the Scoping Meeting, there is quite a bit of opposition in Stony Point to "Eagle Bay". It's almost similar in nature to the opposition to the Dunkin' Donuts application, which is now being opposed via an Article 78 proceeding in Rockland County Supreme Court.

Be that as it may, there are still many questions that must be answered by not only this Board, but also by the Applicant. And I'm sure that many more will be sent in, hopefully before the August 23rd ending date for written comments.

Here are three more issues that I think should be addressed via the DEIS for this project:

VISUAL: When Wayne Corts made his presentation, his project was significantly smaller, not only in the number of buildings but quite possibly in building height as well. I believe that this Applicant should also be made to demonstrate via field testing (just as Wayne did) what his buildings will do to the line of sight for those individuals who live on the other side of the CSX tracks, especially those on Lincoln Oval. I don't believe they bought their houses with the idea that they would be staring out their back windows at four tall residential buildings, especially during the late afternoon during the summertime when the sun would be shining off the façade and windows of those buildings right into their eyes.

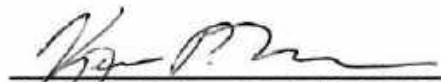
NOISE: I'm not sure if the Applicant is required to tell potential buyers about the use of the CSX freight rail line behind the proposed condos, but I can tell you for a fact that they can be a bit noisy back there. While I do not live adjacent to the tracks, I can clearly here the horns from the freight trains as they pass through the area, since they are required by law to sound their horns as they approach the unprotected rail crossings in the area. While these crossings may have warning lights, they have not been equipped as of today with more appropriate gates. I can hear them quite well up on Central Highway late at night on Fridays and Saturdays when I stay up late to watch recorded programs on my television. Can you imagine what those horns will sound like

to someone at 2:00 AM when they are trying to sleep and have never been exposed to that before?? Wayne Corts' visual study proved that a few of his units would be high enough to literally put some of his buyers at eye level with the passing trains. Can you imagine what it would be for quite a few more?

AVAILABLE "LAND" FOR DEVELOPMENT: As Susan Filgueras had pointed out at the scoping meeting, Bill Sheehan never explained to her how the acreage was reached at (roughly 29 acres) that the Applicant was claiming as his right to build the number of condos that are presently being proposed. The original number was 290, based on a claim of roughly 29.1 acres of land per our Code. As you can see by the attached portion of the Town Code (and the portion highlighted) in Appendix "A", only the Planning Board has the legal right to determine the amount of "buildable land" to use when computing the number of condos. My review of the record to date has proven that the Board has not voted on that. So the question arises – who advised the Applicant that they could have 290 condos, now reduced to 268, which is just a tad bit less than three times the number of boat slips proposed with the project? Based on the comments made at the Scoping Meeting, especially by Jeffrey Anzevino from Scenic Hudson, this site is being over developed. If anything, the base number for the condos should be restricted to the land above the water and not in the wetlands, which would be 17.2 acres (see Appendix "B"). That information is clearly evident on the Concept Site Plan submitted by the Applicant's Site Engineer, Atiz Nasher & Zigler, P.C.. If we follow that number, the Applicant would be entitled by right to 172 condo units. That is a significant difference not only in building height (and possibly the number of units) but also in required parking which leads to a significant decrease in impervious area at the site. Hopefully, those number shown on the plan are from actual survey information collected in the field.

I believe these questions need to be addressed not only to make this project amenable to ALL Stony Point residents, but also to keep the image of transparency intact.

Sincerely,



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

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



Rockland Sierra Club's Comments on "Eagle Bay" Draft Scope August 20, 2018

Rockland Sierra Club has approximately 900 members living in Rockland County, NY, including in the Town of Stony Point, who are concerned with protecting the local and global environment. Sierra Club offers these comments on the scope of the environmental review of "Eagle Bay" a proposed waterfront development in the Town of Stony Point.

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

Issues to be addressed int the DEIS

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

1. List of agencies. List of required approvals and of interested and involved agencies should include NYS Department of State, Division of Coastal Zone Management; Rockland County Departments of Health, Highways and Office of Fire and Emergency Services; CSX Railroad; Suez; and Orange & Rockland Utilities. (III B of draft scope)
2. Site description. Include identification of parcels by tax map number and zoning district in which the parcels are located. Include the total acreage for the project and the minimum combined acreage under the new PW zoning code amendments. (III C 1; III D 2; V A 8)
3. Access to site. Address safety issue of site access by emergency vehicles during flooding of Beach Road; describe plan for providing such emergency access. Indicate whether the public will have access to the esplanade. (III C 2; V C 6)
4. Drainage issues. Identify drainage issues resulting from proposed impervious surface and proposed mitigation. Identify the impact of new drainage patterns on nearby areas and the Hudson River. Describe proposed required or voluntary mitigations, including the possible use of pervious pavers. (III D 2a, IV D)
5. Open space and wetlands. Identify proximity to and impacts on open space, wetlands and the Hudson River, and proposed mitigation. Identify required and voluntary mitigations to reduce or eliminate these impacts . (III D 2c, IV C 3)

6. Location in FEMA 100-year floodplain. Identify impacts of flooding and stormwater runoff from higher elevations to the west, and proposed mitigation. Include the latest scientific data on projected sea level rise for the area and associated storm surges. How can a project such as Eagle Bay be built from “the FEMA 100-year storm elevation of 12 feet plus two feet” when extreme storm events are becoming more common? How long would the project last? (III D 3) Peter Lehner, Executive Director of the Natural Resources Defense Council, a well respected environmental organization, wrote in 2013, “The Federal Emergency Management Agency, in a study finally released last week after five years in the making, predicted that **areas at risk of flooding in the United States would increase 45 percent by 2100, largely because of climate change.**”¹
7. Erosion of disturbed soils. Identify impact of erosion of disturbed soils, especially from steep slopes, on water infrastructure, wetlands, and the Hudson River. (IV A; IV B; IV C)
8. Impacts on Hudson River species. Include identification and cataloging of species in the Hudson, and specify impacts to the life in this habitat as a result of this project. Identify whether dredging of the Hudson River will be required and its impact. What mitigations will the applicant carry out to reduce these impacts? (IV C)
9. Financial impacts to Town residents. Identify the liability of the Town if this project is flooded after the Town grants approvals of site plans. Identify the liability of the Town if nearby properties are flooded and damaged after the Town grants approvals of site plans, including possible road and drainage improvements to Beach Road to address flooding concerns. Identify parties responsible for the resulting environmental impact if soil, drainage and land around the project is disturbed by construction of Champlain Hudson Power Express. (V E 3)
10. Historical artifacts. Fully describe the plan if archaeological artifacts are found in this historical area. (V B)
11. Landscaping impacts. In describing the proposed landscaping plan, identify use of native plants and drought tolerant species to prevent the need for lawn watering and fertilizers during summer. What required or voluntary mitigations will the applicant use to reduce or eliminate the environmental impact of landscaping? (V D 3)
12. Demand for potable water. Describe the anticipated need for potable water supply for all components of the project, and specify mitigations such as water neutral development techniques that would be adopted. (V E 1)
13. Impact to sewer system. In describing the existing municipal sewer system and anticipated usage at full buildout, include potential impacts and mitigations to the system from flooding. (V E 2)
14. Solid waste stream impacts. In addition to calculating the anticipated volume of solid waste, describe any efforts at solid waste reduction and recycling which will be included by the applicant to reduce the impact of the solid waste stream. (V E 4)

¹ <https://www.nrdc.org/experts/peter-lehner/new-fema-study-climate-change-will-greatly-increase-flood-risk-debt>

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

In summary, Rockland Sierra Club asks that the issues outlined above be addressed in the applicant's DEIS, especially the ramifications for the Town of Stony Point from allowing the construction of a project in an area that is vulnerable to the increasing storm surges due to climate change. Taking a realistic look at projected changes to the Hudson River in the next few decades makes it clear that communities need to be building back, away from the river, not on its shore.

Thank you for your consideration.

Sincerely,

Peggy Kurtz
Co-Leader, Rockland Sierra Club
P.O. Box 792
Pearl River, NY 10965
pkurtz9@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Deirdra O'Connor <edleader3@gmail.com>
Date: August 20, 2018 at 8:05:07 PM EDT
To: "tgubitosa@townofstonypoint.org" <tgubitosa@townofstonypoint.org>
Subject: Eagle bay project

Good evening,

As a stony point resident I have a few questions about the project that needs to be included in the plan.

1. Has a demographer done a report pertaining to:

How many new families are anticipated and the impact on water, energy and infrastructure as well as the traffic and environmental impact.

How many new students are expected to enter the district now and over the next 5 to 10 yrs and does the school district have the resources and the room to provide for the increases? How many new teachers, school busses and school buildings etc will be needed and at what cost to ensure a proper education will be provided to every student?

How many more police officers and firefighters/ ambulance workers will be needed to ensure safety for all in Stony Point? Do we have enough hospitals in the area to meet the capacity needs should an emergency crisis situation arise in Rockland?

Has a safety response plan for a town and county, evacuation plan been looked into and created that is inclusive of the number of anticipated new members to stony point for this new proposed housing now and for the next 10 yrs, as well as, inclusive of all new members within all areas of Rockland County?

Thank you for you time and serious attention to these matters.

Sincerely,
Deirdra O'Connor



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
ENGINEERING DIVISION

Michael Preziosi, P.E.
Director – D.O.T.S

Chris Kehoe, AICP
Deputy Director
DOTS - Planning

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1060
Fax #: 914-734-1066

Town Supervisor
Linda D. Puglisi

Town Board
Richard Becker
Debra A. Costello
Francis X. Farrell
Seth M. Freach

August 21, 2018

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

Re: Eagle Bay Mixed-Use Waterfront Development
Stony Point, NY

Dear Mr. Gubitosa,

Staff and I have reviewed the Draft Scope for the Eagle Bay Mixed-Use Waterfront Development dated May 24, 2018. We have the following comments:

- The proposed project is within the viewshed of Cortlandt Waterfront Park and the historic Hamlet of Verplanck. Cortlandt Waterfront Park is the location of the historically significant Kings Ferry Crossing and is a designated stop on the Washington-Rochambeau Revolutionary Route National Historical Trail. The scope should include renderings of views from Cortlandt Waterfront Park looking towards Eagle Bay. The scope should also include a discussion of any visual changes resulting from the proposed project that would have the potential to affect the historic character of existing viewshed.
- It is recommended that Westchester County (George's Island) and the Veteran's Administration Hospital in Montrose be contacted to determine the best locations to prepare renderings from these sensitive resources.



Scenic Hudson, Inc.
One Civic Center Plaza
Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
info@scenic Hudson.org
www.scenic Hudson.org

SAVING THE LAND THAT MATTERS MOST

August 23, 2018

By email: tgubitosa@townofstonypoint.org

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

Subject: Eagle Bay Scoping Comments

Dear Mr. Gubitosa:

Scenic Hudson is writing to submit scoping comments on the application for the Eagle Bay Site Plan and Conditional Use Permit. The Scope will identify issues to be addressed in the environmental review of this waterfront residential development with a small commercial component—restaurant, office, marina, and waterfront park.

This is the same site where in 2016 a more modest development called The Breakers proposed 210 units and a similar non-residential program.

Background: Opportunities and Challenges

This is arguably the most important development site in Rockland County. As such, the site has the potential to greatly contribute to Stony Point's economic future. Well-planned development could provide economic opportunity, new housing, increase the tax base, and strengthen peoples' connection to the Hudson River. Expressed another way, this is Stony Point's best opportunity to capitalize on its riverfront location—to promote itself as a riverfront community. These are all goals expressed in the Town's recently completed plan, *New York Community Rising: Stony Point* (see Attachment A).

The applicant's preferred alternative—residential 268 units with minimal restaurant and retail space—commits most of these 20+/- precious upland waterfront acres to private residences use and limits the Town's ability to leverage its ability to open its front door to the River and to the world.

While this site holds tremendous opportunity, it also poses serious challenges, particularly with respect to its vulnerability to flooding and storm surge—and this vulnerability will only increase in the future as sea levels continue to rise. The New York Community Risk and Resiliency Act (2014) projects that the Lower Hudson River Valley will experience a 15- to 75-inch sea level rise by the year 2100.

These opportunities and challenges require—as does SEQRA—that the Planning Board, as Lead Agency, ensures the scope and content of the draft EIS and considers the relevant concerns of the involved agencies and the public. Scenic Hudson offers these scoping comments in the spirit of cooperation and in hopes that the development of this important site is resilient to flooding and storm surge and

provides economic benefit and a strong connection to the Hudson River without harming the critical environmental and historic resources adjacent to the site.

Location

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

If the project requires any federal permits, a NYS Coastal Consistency Determination is required through NYSDOS.

Alternatives

One of the most important aspects of SEQRA is its requirement that alternatives are evaluated. As written, the draft scope includes only two alternatives: No Build and Maximum-density proposal under PW District provisions. This should be expanded to include alternatives with reduced density, alternate signs, and different program that includes a mix of uses that would better activate the waterfront in ways that attract visitors and are more attractive to Village residents.

Scenic Hudson recommends that the scope should also require that the DEIS examine two reduced density alternatives. These alternatives should be agreed upon between the Lead Agency and applicant with the goal of providing a more balanced mix of residences and commercial uses that would serve Stony Point residents, attract visitors, provide jobs, and contribute towards the economy.

Regarding density, in 2016 on the same site a proposal called The Breakers submitted an application for 210 units. The current application, Eagle Bay, proposes 267 residential units. This is a 27% increase over the previous proposal. The applicant claims an entitlement of 291 units by including 50% of the site's 20.6 acres of underwater land to calculate density. While this may comply with the letter of the zoning code, from a planning standpoint this may result in more development—and impact—than the 19.3-acre upland site can accommodate.

Given that, Scenic Hudson suggests that the scope should be revised to include a lower density alternative of between 175 and 200 units, based on the maximum yield provided by the upland acreage.

The scope should also include an alternative with an increased amount of water-enhanced, commercial or retail space should be included in these lower density alternatives in order to make the site a destination for local residents and create a more active, public waterfront.

In addition, the project's proposed layout proposes an extraordinary amount of surface parking. In fact, 737 spaces are proposed—55 spaces more than the town's zoning requires. This is a rather outdated approach that commits valuable riverfront land to the storage of cars. This is land that could otherwise be used to beautify the site with green space, provide additional parkland, and manage stormwater. A much more efficient approach would be to reconfigure the long and narrow shape of the buildings so that much of that parking could be provided under the buildings. This also would result in a site more

resilient to sea level rise and would allow more of the site to be enjoyed by people. Scenic Hudson suggests that a design should be scoped to include reconfigured buildings that could provide parking beneath the units.

With respect to the building architecture, the renderings seem to indicate that project proposes buildings that reflect the Colonial/Victorian architectural styles. This is not reflective of historical uses of the waterfront at this or other Hudson River waterfronts. Given the site's former industrial past, including as a former brickyard, we recommend alternate architectural styles be considered. Therefore the scope should include alternative architecture and building design that reflect a more industrial feel, including natural building materials, such as brick, stone and wood.

While we appreciate the applicant's commitment to providing public waterfront space and a walking path, and fishing pier, the park's design seems rather basic. We would hope that the park's final design would be a product of public charrettes so that Town residents could have input as to how the park is laid out and programmed.

We also recommend that the waterfront trail would be designed in such a way that it could someday connect Stony Point's waterfront (at Eagle Bay) with the Stony Point Battlefield State Park. Such a connection would also help activate the waterfront, create a tourist draw, and provide a valuable amenity for local residents. The eventual connection would be subject to meeting security needs of PIPC and is planned and built in a way that would avoid wetland and other environmental impacts.

Consistency with NYCR Stony Point: Community Reconstruction Plan

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

See Attachment A for details regarding the *NYCR Stony Point: Community Reconstruction Plan* goals/objectives and actions. We have specific scoping comments regarding Eagle Bay's consistency with the NYCR Stony Point plan included in this attachment.

Conclusion

We realize that the alternatives we have suggested included elements as diverse as residential density, the mix of uses, park design, architectural design, and building configuration, including incorporating parking into the lower levels of the buildings. This speaks to shortcomings regarding the overall project design. Ideally, the Planning Board and applicant would take a step back and engage residents in such a way as to gain consensus as to the type and scale of waterfront development that would best serve the community's needs while at the same time, being financially feasible for the applicant.

We include in these scoping comments Attachment B, which provides examples of other Hudson River waterfront developments. We hope that the Planning Board and applicant will consider some of the elements included in these projects when formulating alternatives to be studied in the DEIS.

Stony Point stands at an important juncture in its history. Recovery from recent devastating storms is fresh on peoples' minds and the consensus opinion is that a more resilient waterfront is required in

order to both protect against future damage and provide economic activity to offset the loss of the town's industrial base.

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

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

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

In light of this, the manner in which the Eagle Bay site is developed will be critical to Stony Point's future. Careful planning will be required in order to achieve the Town's economic, resilience, sustainability, and public access goals.

Will Stony Point's riverfront become a series of residences and a small restaurant and a few retail spaces and offices surrounded by over 750 parking spaces? Or can Stony Point capitalize on its unique assets, look forward and transform the existing marina into a well-planned waterfront as its front door to the world? This question will depend on a well-scoped DEIS and the Planning Board's commitment to providing the hard look at potential impacts and project alternatives as SEQRA requires. And it will require a better balance of residences and retail that advances the town's goals while meeting the needs of the developer.

Thank you.

Sincerely yours,



Jeffrey Anzevino, AICP
Director of Land Use Advocacy

Susan Filgueras
SPACE, Board Member
87 Mott Farm Road
Tomkins Cove, NY 10986

Please find my comments :

Name of Proposed Action

Eagle Bay Site Plan and Conditional Use Permit

Location: Town of Stony Point, Rockland County, NY
Existing Zoning: Planned Waterfront (PW)
Tax Lots: 15.04-6-3
15.04-6-4
15.04-6-6
SEQRA Classification: Type 1
Deadline for submission of written comments: August 23, 2018

SUBJECT: Comments to Draft Scope,

Please find listed below my comments to the proposed Eagle Bay Multifamily Residential Complex.

Question / Ask: Given the fact that the Developer is redefining our LWRP and that not all of the information (Town Laws nor Building Code) that was used for the “text” change made by the Town Board of Stony Point was not explained to the residents of Stony Point, ALL documents for this proposed project must be made available to the public on the Town web site in electronic form and readily available to provide total transparency on the project.

Question / Ask: Will the Planning Board post all comments to the project on the Town web site and put a summary comments chart together so that the public can follow the process?

Request of the Planning Board: I am making a request of the Town of Stony Point Planning Board to OFFICIALLY REQUEST from the Developer, a new plan, one that is more in line with our LWRP as well as one that shows inclusiveness to the Town and encourages economic development within the EXCEPTIONALLY SMALL commercial space. Additionally I question the calculation used (since it was not clearly explained to the public) to determine the number of Condo’s to be built. That calculation must be spelled out clearly on the Platt.

From: Mary Pagano
To: [Stephen Honan](#); [Dave Zigler](#); [Donna Holmqvist](#); [Adriana Beltrani](#); [Eric Jaslow](#); [Gene Kraese](#); [Gerry Rogers](#); [John O'Rourke](#); [Max Stach](#); [Michael Ferguson](#); [Paul Joachim](#); [Peter Muller](#); [Tom Gubitosa](#); [Tom Larkin](#); [William Sheehan](#)
Subject: FW: Eagle Bay
Date: Thursday, August 23, 2018 2:23:54 PM

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

From: Tom Gubitosa
Sent: Thursday, August 23, 2018 2:12 PM
To: Mary Pagano; Peterr0503@gmail.com; Max Stach; Mike F; rogersfj2185@gmail.com; pjswj@aol.com; Ericjas; shonan@flmpllc.com; William Sheehan; jor@lanctully.com; Gene; Supervisor
Subject: Fwd: Eagle Bay

Sent from my iPhone

Begin forwarded message:

From: Stev Hull-Allen <s_hullallen@yahoo.com>
Date: August 23, 2018 at 1:15:32 PM EDT
To: <tgubitosa@townofstonypoint.org>
Subject: Eagle Bay

Mr. Gubitosa,

I am writing to you about the Eagle Bay project. I live with my fiance and our best friend on Jackson Dr in Stony Point. We represent politically active 20 somethings with great concerns regarding the Eagle Bay project. Although obstructing the view of the river and hudson valley is a non trivial concern it's far from the greatest. The concerns of our generation and those we represent are mainly environmental but also logistic. The ecosystem in this area is undeniably fragile and already fragile from development. As you're aware the proposed area is a wetlands prone to flooding. Any damage to this area would be catastrophic from the bees and frogs all the way up to the protected bald eagles we see almost daily. While I'm on the subject of wildlife the light pollution and general presence from a project of this scale would surely disrupt and displace the wildlife (owls, eagles, etc) of Stony Point which I know for a fact is a tourism draw.

Our generation represents politically motivated individuals who are more concerned with recycling, reusable straws, the environment, human rights and gentrification than another out of touch developer coming in and creating something of a retirement community like the one that already exists in Haverstraw (the harbors).

Allow me to also state the obvious, this area does not seem suited to housing of any kind. If another storm like Sandy hit, the cost (monetary, human and environmental) would be incredible. With the frequent flooding and lack of egress this whole project seems like a poorly thought out cash grab like we see happening all over Rockland, with little foresight into the long term consequences.

Please don't get the impression that I'm opposed to change or progress. In fact I think this sight could be an incredible opportunity for stony point in a low impact tourism targeted at

Gen Z and millennials. Consider interactive sculpture gardens, meditation centers, a wildlife rehabilitation center, nature trails.

To put it plainly I oppose this project and I oppose anyone who supports it. It lacks creativity, it lacks substance, it lacks planning and it until proven otherwise - only designed to benefit a very few to the detriment of our community and ecosystem,

Thank you for your time

-Stev Hull-Allen

Stephen Beckerle-office

VFX
786-5138

From: Stephen Beckerle-office [stephan.beckerle@beckerlelumber.com]
Sent: Thursday, August 23, 2018 3:21 PM
To: TGubitosaa@townofstonypoint.org
Subject: Eagle Bay: Final Scoping Comments

Stephen Beckerle
49 Beach Road
Stony Point, NY 10980

(845)-429-7823

stephan.beckerle@beckerlelumber.com

August 23 2018

Tom Gubitosaa,

We want to do all we can to support projects that bring rateables into this town that will DECREASE our tax burden. Residences on our waterfront if done right could be a great thing for the Town. This project as proposed is far from being the right thing and if allowed to continue, will be a long term burden for all of us including the future residents of eagle bay.

THE Major PROBLEM is the PROPOSED density for this site.

On a 38.1 acre parcel with no issues, 268 Units, is DENSE housing.

This parcel is far from issue free. The buildable acreage has less than 8 acres above sea level.

This site is restricted by the CSX railroad and the Historic STONY POINT battlefield.

Access Issues, Utility constraints, & Flooding, are all problematic for this specific site. This site has issues which if ignored will result in long term quality of life issues for

From: Mary Pagano
To: [Stephen Honan](#); [Dave Zigler](#); [Donna Holmqvist](#); [Adriana Beltrani](#); [Eric Jaslow](#); [Gene Kraese](#); [Gerry Rogers](#); [John O'Rourke](#); [Max Stach](#); [Michael Ferguson](#); [Paul Joachim](#); [Peter Muller](#); [Tom Gubitosa](#); [Tom Larkin](#); [William Sheehan](#)
Subject: FW: eagle bay
Date: Friday, August 24, 2018 7:50:49 AM

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

From: Tom Gubitosa
Sent: Thursday, August 23, 2018 2:44 PM
To: Peterr0503@gmail.com; Mary Pagano; Mike F; rogersfj2185@gmail.com; pjswj@aol.com; shonan@flmpllc.com; Ericjas; maxstach@nelsonpope.com; William Sheehan; jor@lanctully.com; Gene; Supervisor; planning
Subject: Fwd: eagle bay

Sent from my iPhone

Begin forwarded message:

From: Roger Neset <roger@rogersdrivingschool.com>
Date: August 23, 2018 at 2:35:54 PM EDT
To: <tgubitosa@townofstonypoint.org>
Subject: eagle bay

Dear Mr. Gubitosa,

I recently became aware that there is a massive condominium complex planned for the Stony Point waterfront, known formally as Eagle Bay. To my understanding there are to be 268 units, 1,2 and 3 bedrooms including a tremendous paved parking lot of over 700 vehicles. Is this in the best interest to the future of this town and for our current residents? High density housing and a huge parking lot with a handful of acreage thrown in for public use? On prime riverfront shoreline in an ecologically sensitive area nonetheless (floodzone and marshland included). Absolutely not!

Cramming more people into this beautiful town will undoubtedly lead to more problems - more pollution, more crime, more traffic, more emergency services (how much of the town budget ALREADY goes into policing?), serious infrastructure issues (who will pay up front for that?), issues with an already overburdened water supply system, sewage expansion, unforeseen issues, etc.,etc,etc.

What it all comes down to is quality of life. How does this improve the quality of life for the average local town resident like my self? It does not - in fact quite the opposite, for the reasons stated above. I know I'm late in the game here but I

wanted to voice my opinion as a long time North Rockland and current Tomkins Cove resident (and the opinion of others I have spoken to) to sharply reduce the size of that complex. I understand that the owner has a right to redevelop that riverfront land but it should be in the best interest of the local townspeople and not at the expense of our quality of life.

Please remember that Yonkers once looked like Stony Point. I believe most of us don't want to progress (or shall I say "regress") in that direction.

Thank you for your time and consideration to this very important matter.

Roger Neset
3 Condon Mountain Road
Tomkins Cove

From: Mary Pagano
To: [Stephen Honan](#); [Dave Zigler](#); [Donna Holmqvist](#); [Adriana Beltrani](#); [Eric Jaslow](#); [Gene Kraese](#); [Gerry Rogers](#); [John O'Rourke](#); [Max Stach](#); [Michael Ferguson](#); [Paul Joachim](#); [Peter Muller](#); [Tom Gubitosa](#); [Tom Larkin](#); [William Sheehan](#)
Subject: FW: Comments on Eagle Bay project, Scoping Comments.
Date: Friday, August 24, 2018 8:06:44 AM

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

From: Tom Gubitosa
Sent: Thursday, August 23, 2018 4:53 PM
To: Peterr0503@gmail.com; Mary Pagano; Mike F; rogersfj2185@gmail.com; pjswj@aol.com; shonan@fimp LLC.com; Ericjas; maxstach@nelsonpope.com; William Sheehan; jor@lanctully.com; Gene; Supervisor; planning; Karl Javenes
Subject: Fwd: Comments on Eagle Bay project, Scoping Comments.

Sent from my iPhone

Begin forwarded message:

From: jacqui drechsler <jacquiflute456@gmail.com>
Date: August 23, 2018 at 3:59:30 PM EDT
To: <TGubitosa@townofstonypoint.org>
Subject: Comments on Eagle Bay project, Scoping Comments.

Mr. Tom Gubitosa
Planning Board Chair
Stony Point Planning Board

Dear Mr. Gubitosa,

I write to you today with my objections to the Eagle Bay project. First of all the name belies the intent. Named after eagles and yet, how is it proposed that the developers will be able to protect the eagle?

Once again, we have the Town Planning Board of Stony Point wanting to declare itself the lead agency on a massive project, which has many potential detrimental environmental impacts as well as huge costs to the community, much like the process we all just went through with the Gasification plant. It will not do.

1.It is absolutely unacceptable that 75% of the land will become "surface parking." Where do you think the water - grey water, rain water, storm water, possibly even sewage waste (when massive storms wreak havoc on the condominium systems), will go? Into the wetlands, the earth and the Hudson River. Water laced with oil leaks from cars, particulate matter from exhaust, pesticides, fertilizers and herbicides for "land management" once this monstrosity

- is built? I believe if this horrible project is allowed to go forward, the developers must be mandated to build green with recycled water - perhaps their own waste water treatment plant, all Water Sense products and total permeable paving.
2. There will be erosion and sediment issues that will need serious mitigation.
 3. There must be a full environmental study to identify any flora and fauna that is unique. As well, all wildlife - including short-nosed sturgeon and Bald Eagles must be identified. The ecology of this area is very fragile - so fragile that the Haverstraw Bay is considered to be a Significant Coastal Fish and Wildlife Habitat. This habitat will be totally disrupted by the building process - land removal, building and finishing . The noise and lights will be very harmful to all of the species that reside there. The wildlife needs protection as many species are considered protected and vulnerable.
 4. The water resources this project will use - for the building of and living in is massive. Although I do not believe that we are at a tipping point yet in regards to our usable water - projects like this drain resources and combined, will lead back into the days of Suez declaring that we must have a desalination plant - right on the shores of the Hudson. Let's see: 268 units - let's say 3 people each for an average - some might be one person (not likely) some two , three, four or more. But lets take three. $268 \times 3 \text{ people} = 804 \text{ people}$. $\times 4 \text{ flushes a day a person} = 3,216 \text{ flushes a day}$. Then there is bathing, laundry, cooking, cleaning, dishwashers,. I don't know how many gallons of fresh clean water a day that is per person - but it's a lot!
 5. Traffic. When is the traffic study _ Passover? They are allowing for 500 cars a day. Why are there 737 parking spots? For all of the people who are going to come to Eagle Bay as a destination for a day trip? Back to traffic. This proposal does not take into account that there is no good ingress/egress for such a massive condo community. Beach Road is it, and this complex will be bounded by the CSX Rail line. Not Good. What about emergency responders, emergency vehicles?
 6. FEMA 100 Year Floodplain.. Wetlands. Limited sewer and water resources. Potential negative impacts on wildlife. CSX Bombtrain line.
 7. Costs to Town and Community. Don't be like Ramapo. Town has been in the hole for millions because of over development. Town of Stony Point will be paying for those water and sewer hook up, fixing, improving and maintaining roads. The possibility of having to upgrade the Town Sewer Plant. You lose and the developers make millions!
 8. Social Costs. Will this development project be including low income housing for the community at large? Will there be any health impacts to the local community? Will it be a "friend" to the locals?

What is needed is a project that is a sustainable development that truly takes into account our land, water, waterfront and communities. Not a build out that may destroy an ecologically sensitive area as well as destroying our riverfront and harming the Hudson River, for a developers profit.

Thank you,
jacquelyn drechsler
Jocelyn deCrescenzo
Valley Cottage, N.Y. 10989
845-270-5837

From: Mary Pagano
To: [Stephen Honan](#); [Dave Zigler](#); [Donna Holmqvist](#); [Adriana Beltrani](#); [Eric Jaslow](#); [Gene Kraese](#); [Gerry Rogers](#); [John O'Rourke](#); [Max Stach](#); [Michael Ferguson](#); [Paul Joachim](#); [Peter Muller](#); [Tom Gubitosa](#); [Tom Larkin](#); [William Sheehan](#)
Subject: FW: Eagle bay
Date: Friday, August 24, 2018 7:52:53 AM

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

From: Tom Gubitosa
Sent: Thursday, August 23, 2018 3:15 PM
To: Mary Pagano; planning; rogersfj2185@gmail.com; Mike F; pjswj@aol.com; Peterr0503@gmail.com; shonan@flmpplc.com; Ericjas; maxstach@nelsonpope.com; William Sheehan; jor@lanctully.com; Gene; Supervisor; Karl Javenes
Subject: Fwd: Eagle bay

Sent from my iPhone

Begin forwarded message:

From: "stephen.leonardo@verizon.net" <stephen.leonardo@verizon.net>
Date: August 23, 2018 at 3:09:17 PM EDT
To: <TGubitosa@townofstonypoint.org>
Cc: stephen leonardo <stephen.leonardo@verizon.net>
Subject: Eagle bay

Dear Mr Gubitosa:

Concerning the development of Eagle Bay ,this high density development which would be a potential death trap to the residents occupying this area and also putting our first responders at risk the event of any disaster such as fire with flooded roads , this area as you all know this area has very limited emergency access. I am also concern what the coast factor that the town residents will be burdened with the coast for the expansion of roads , Sewer plant ,and needing more personal to attend over this area .I would like to see the environment impact study that was done if there was one done on the effects to the river and the wildlife in that area . I should hope the planning board take thees concerns when making any decision and reject this proposal to build Eagle Bay. Thank you

Sincerely

Stephen Leonardo
137 West Main Street
Stony Point Ny

Re: Eagle Bay Site Plan, 22, 29, & 31 Hudson Drive
DEC Pre-Application Facility ID: 3-3928-00061
Town of Stony Point, Rockland County

standards. The applicant must allow for sufficient room landward of the existing bulkhead. If the emergency drive shown is intended to also function as the esplanade, this should be clarified.

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

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

The existing facility has two areas with inlets and boat launches. It is not clear from the Concept plan, but it appears these areas may be proposed to be filled. The fill of waters of the state for the creation of land is unlikely to meet permit issuance standards.

Docks, moorings and platforms - The scope lists a "Permanent Structures Easement" from the NYS Office of General Services (OGS). The Draft EIS must delineate the extent of underwater land ownership with respect to the State and the applicant. Any construction, replacement, or modification of structures in or over water that is not the property of NYS and subject to OGS approval, will not be exempt from Protection of Waters Docks & Moorings regulation pursuant to §608.4(c)(1). If any portion of the proposed docks is over state-owned lands underwater, then an approval from OGS will be required in addition to the DEC permit.

Although this has historically been a marina, it appears that the proposed docking facility is substantially different than the existing, nor is any indication given of the size of the boats that are expected to use the dock. A public pier structure is proposed to be size 320-feet in length, which is far in excess of what has typically been permitted. There is no information on the use of the expanded width areas shown on the structure.

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

The type of docks proposed for the boat slips is not given, but is presumed to be floating. DEC typically requires that floating structures, and boats to be docked, will maintain a minimum of 2 feet of clearance from the substrate at Mean Lower Low Water.

Re: Eagle Bay Site Plan, 22, 29, & 31 Hudson Drive
DEC Pre-Application Facility ID: 3-3928-00061
Town of Stony Point, Rockland County

Water Quality Certification – If a permit is required from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will also be required from DEC. Please note that the limit of jurisdiction for DEC's Excavation/Fill permitting is Mean High Water (MHW) but the limit for a 404 permit from the Corps is Spring High Tide. Both locations must be shown on the plans. The Army Corps of Engineers should be included in all SEQR correspondence as an Interested Agency.

Please note that, although the DEC has a Blanket Water Quality Certification that covers some Nationwide Permits, this site is specifically prohibited from the Blanket coverage because it is located in the Significant Coastal Fish & Wildlife Habitat Area.

Submerged Aquatic Vegetation (SAV)

There are extensive SAV beds mapped in the area of the proposed docking facility. Although not directly regulated, SAV beds provide important habitat for a variety of aquatic species, including the endangered shortnose sturgeon. Impact to these beds will be considered as part of any Protection of Waters permit review. Avoidance and minimization of impacts will be a requirement of meeting the Protection of Waters permit issuance standard pursuant to §608.8(c) – "proposal will not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the State". DEC staff request that the SAV beds be mapped and that specific consideration of SAV bed impacts be included in the Draft EIS.

Freshwater Wetlands – Article 24 of the ECL

As indicated on the plans, this property includes portions of DEC-regulated freshwater wetland HS-2, Class I. Any disturbance to the wetland or 100-foot adjacent area will require a permit. Although the Concept Plan does not show any proposed structures in the wetland and adjacent area, there are existing structures, the demolition of which will require a permit. All plan sheets must include the boundary as validated by DEC staff in 2016. If the project is delayed beyond the validation date of 2021, revalidation may be needed.

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

Species listed by NYS as endangered or threatened are subject to regulation pursuant to Article 11, Title 5 and 6 NYCRR Part 182. A permit pursuant to Part 182 is required for any taking of a species, which includes not only the loss of individuals, but also removal or modification of habitat and interference with essential behaviors. The applicant will need to avoid impact to these species or an Incidental Taking permit will be required.

Shortnose sturgeon (Acipenser brevirostrum)

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

Re: Eagle Bay Site Plan, 22, 29, & 31 Hudson Drive
DEC Pre-Application Facility ID: 3-3928-00061
Town of Stony Point, Rockland County

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

Bald eagle (Haliaeetus leucocephalus)

There are known bald eagle nests in the vicinity of the project. Currently, two nests are known within ~ 0.25 mile of the site, but a new nest could be established in closer proximity this season or in future seasons. Potential impacts must be assessed in accordance with the National Bald Eagle Management guidelines; available online at <http://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>. Consideration must be given both to potential impacts from construction activities and operational activities. In particular, new or changed patterns of boat traffic from the proposed marina must be considered. If impacts to bald eagles cannot be avoided, a taking permit may be required.

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

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

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

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

Other Issues

Solid Waste and Environmental Remediation

This site is categorized in the Soil Conservation Service Soil Survey Geographic Database as "Udorthents, wet substratum" which suggests that this area is historic fill. Historic fill may be classified as solid waste pursuant to 6 NYCRR Subchapter B: Solid

Re: Eagle Bay Site Plan, 22, 29, & 31 Hudson Drive
DEC Pre-Application Facility ID: 3-3928-00061
Town of Stony Point, Rockland County

Wastes. DEC recommends that the potential for historic waste be included in the Soils and Topography section of the Draft EIS.

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

Invasive Species

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

Historic Resources

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

A determination of impact on cultural and historic resources by New York State Office of Historic Preservation will be a requirement of a complete application for DEC permits pursuant to Uniform Procedures, 6 NYCRR §621.3(a)(8). For more information, the applicant can visit the SHPO website at <http://www.nysparks.com/shpo/>.

Coastal Resources

This site is within the Coastal Management Zone and review by the NYS State Office of Planning & Development for coastal consistency may be required. In addition, the proposed docking facility is located in the DOS Significant Coastal Fish & Wildlife Habitat Area, Haverstraw Bay. This should be included in the Draft EIS under the "Ecology" section. For more information, the applicant can visit DOS's website at <http://www.dos.ny.gov/opdl/>.

By copy of this letter, the applicant is made aware of these issues. For questions on the Hudson River SAV beds and impacts to sturgeon, the applicant may contact Angela Schimizzi, NYSDEC Division of Marine Resources, at (845) 889-4745, ext 117. Questions on impact assessment for bald eagle can be directed to Lisa Masi, NYSDEC Bureau of Wildlife, at (845) 256-2257. If the applicant has questions on regulation of historic fill excavation, they can contact David Pollock, NYSDEC Division of Materials Management at (845) 256-3138.

Re: **Eagle Bay Site Plan, 22, 29, & 31 Hudson Drive**
DEC Pre-Application Facility ID: 3-3928-00061
Town of Stony Point, Rockland County

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

Respectfully,



Rebecca S. Crist
Deputy Regional Permit Administrator

Cc: **Eliezer Hershkowitz, Breakers on the Hudson LLC, 5 Eastview Road,**
Monsey, NY 10952
Dave Zigler PLS, Atzl, Nasher, & Zigler, P.C., 234 North Main Street,
New City, NY 10956

Ecc: **Brian Orzel, US Army Corps of Engineers**
NYSDOS Office of Planning & Development
Bethany Wieczorek, NYS Office of General Services
Angela Schimizzi, NYSDEC Division of Marine Resources
Lisa Masi, NYSDEC Bureau of Wildlife
David Pollock, NYSDEC Division of Materials Management

**PUBLIC HEARING
TRANSCRIPT
JULY 31, 2018**

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
July 31, 2018
7:37 p.m.

BEFORE:

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

APPEARANCES:

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

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

1 Proceedings

2

3 CHAIRMAN GUBITOSA: Next item is the
4 public hearing. It's Eagle Bay. This is a
5 public scoping session.

6 PUBLIC SPEAKER: Excuse me, sir. Could
7 you redirect your microphone closer to your
8 mouth? Thank you. Very much appreciated.

9 CHAIRMAN GUBITOSA: All right, next is
10 the public scoping session for Eagle Bay.
11 And before -- Ms. Mele, you're here, right?
12 Before we get started, I think Max would just
13 like to give a brief overview.

14 MR. STACH: So the Chairman had asked me
15 to provide a brief statement of where we are
16 in this process, because this is the probably
17 fourth of a series of noticed public hearings
18 regarding this particular site. A couple, I
19 believe there were a couple informal meetings
20 along the way.

21 But really, I wanted to sort of go back
22 in the record to December 9th of 2016, when
23 the applicant for the project known as the
24 Breakers submitted a scope to this Board.
25 And that really started the SEQR review for

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Proceedings

this project, or the State Environmental Quality Review, S-E-Q-R, stands for SEQR. On that date, essentially the applicant announced to this Board, which had been reviewing informal sketches, that it was going to intend to do a DEIS, or a Draft Environmental Impact Statement.

The Planning Board, on January 28th of 2016, became lead agency for that environmental impact statement. They scheduled a public scoping session -- I'm sorry, for January 28, 2016. And many of you may have been at that January 28, 2016 scoping session, at which the court record and public comments totaled 107 pages and 134 substantive comments on the applicant's draft scope.

So the Planning Board reviewed every one of those comments and issued a final scope in March of 2016. And that final scope included consideration of all of those public comments at the time, and it became a much more detailed scope.

A scope in SEQR is intended to direct

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Proceedings

the applicant in order to let them know what this Planning Board will require in that environmental impact statement document. It will say what intersections need to be studied; it will say what type of ecological studies and visual studies need to occur; what type of fiscal studies. It sets out the whole range of analyses that must be included in that environmental impact statement document. So that was adopted in March of 2016.

Next, we heard for purposes of SEQR from this applicant, we received a partial submission in January of 2017 of some traffic studies. We didn't hear again from this applicant until later in the summer when a new applicant who had purchased the project came in with a substantially different project. And the Planning Board since that time has had a number of informal hearings on that project.

So having reviewed that substantially different project, this Planning Board decided rather than continuing with the

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Proceedings

original scope that was adopted in March of 2016, it really ought to start the process over again. And so that's where we are tonight, is the purpose of this meeting tonight is again to go to the public and ask what are the types of environmental studies that need to be performed for this environmental impact statement that the applicant is going to be asked to prepare.

The draft scope that the applicant submitted for this project is the same one that was the final scope in 2016. So it already incorporates those 134 comments that we received in 2016.

The principal difference is between the project in 2016 and today is that the number of units have been increased by 58 units, and the construction, in 2016, the applicant did not want to construct anything in the water. They wanted to avoid permitting of in the water structures.

This applicant has decided that they want to replace the breakwater in the water. And they're going to, among other things,

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Proceedings

install a fishing pier for the community. So this would come off the public promenade. There would be a fishing pier. Rather than just some floating docks available to the community.

So those are the principal changes from 2016. Again, tonight, this is a draft scope that the Planning Board is considering. The purpose of this meeting is to get the public's and agencies' comments on that draft scope. Once this meeting is closed, the Planning Board will consider all the comments it hears tonight and all the comments received, I believe, up through August 8th is the date. If somebody from the applicant -- yeah, August 8th.

Any written comments received up until that date will be formally responded to in the final scope. So if you submit a substantive comment, meaning a comment on the application or its environmental impacts, that comment will be responded to in the final scope, and you can read the Board's response to that comment.

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2 So with that, Mr. Chairman, I suggest
3 maybe the applicant's attorney or engineer
4 might want to give a description of the
5 project.

6 CHAIRMAN GUBITOSA: Thank you, Max.
7 Mr. Zigler?

8 MR. ZIGLER: Hi, Dave Zigler from Atzl,
9 Nasher and Zigler. I'm just a portion of the
10 team. I'm actually a land surveyor.

11 The site itself is at the end of Hudson
12 Drive. Up on the wall here. You'll see a
13 map with a dark line around the outside.
14 That is the property line. Can you see?
15 That is the property line of the site. It's
16 roughly 40 acres. That includes the land
17 underneath the river, and it includes this up
18 land.

19 To the right, to the right of the map,
20 which is north, that's the Stony Point
21 Battlefield. Out here on the bottom, which
22 is the east, that's the Hudson River. And
23 then that's the railroad tracks going
24 north-south.

25 The plan itself is prepared by using the

1 Proceedings

2 zoning. The zoning for this area is ten
3 units per acre. So out of that 40 acres, by
4 the reason of the zoning, you get 29 acres is
5 what they call buildable. So that allows
6 this site to have 290 acres -- 290 units.
7 We're proposing 268 units.

8 Included in that total site plan is this
9 area along the river, and this commercial
10 portion right here. That adds up to a little
11 bit over five acres that will be opened to
12 the community.

13 The buildings, which you see these dark
14 rectangular things, each one of those has
15 three different kind of units. Mostly
16 two-bedroom, some single bed, and there's
17 about two to four units in each building that
18 are three-bedroom.

19 The space between them is the parking
20 area. The units have to have one parking
21 space for one-bedroom, two for two-bedroom,
22 and three for three-bedroom. So if you just
23 draw a circle around the unit, all the
24 parking spaces for that unit would be in that
25 area.

1 Proceedings

2 In between the units is another dark
3 spot right here. That's going to be the
4 community building for this association, our
5 community. And that's the pool. That's not
6 part of the common area for the public.

7 The promenade, which starts up here at
8 the north end, which we did try to hook to
9 the Stony Point Battlefield, but we were not
10 allowed to. So it kind of stops there. It
11 comes along the corner and down to this
12 commercial building.

13 In this zone, you have to have 50 square
14 foot for every unit. So this commercial
15 building is a little over 13,000 square foot.
16 That requires parking. And that parking for
17 the commercial is right in here, this parking
18 lot.

19 So basically, this plan requires 682
20 parking spaces to meet code. We have 50 more
21 than that for this, right up in here, for
22 people who want to just come visit and not go
23 to the business, or not go, you know, part of
24 the association here.

25 As we developed this, there's other

1 Proceedings

2 things that the original plan did not have.
3 This hard fishing pier, it's not a floating
4 one, it's going to be hard pile fishing pier
5 coming off the common area. That is
6 something new.

7 And then again, what Max is talking
8 about is these slips. We have 268 units. By
9 the new zoning, we are proposing 90 new
10 slips. With the 90 new slips would be a new
11 dock, and then this new breakwater. This
12 little angle point and that dark line there
13 is the new breakwater, and this area to the
14 left or to the south and going to the north,
15 all that comes out, and that's part of the
16 old breakwater.

17 As we pursued this plan back and forth
18 and left and right, there was many changes
19 over the springtime and into the summer. But
20 this is the final change. And when we got to
21 this point, the team for the owner actually
22 recommended to the Planning Board about
23 having a new scope because the old scope
24 really didn't show this new plan. And we
25 didn't want this to be the alternative when

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2 we knew this was the one that seemed to make
3 everybody happy.

4 The units themselves all have a river
5 view, whether it's at the end or along the
6 side here, the way they're designed. The
7 access is from Hudson Drive, which is right
8 here.

9 And that's basically the plan. You
10 know, this is just a concept. As this moves
11 forward into the scoping, past the scoping
12 and into the environmental impact statement,
13 there will end up being landscaping,
14 drainage, sewer, and other details the site
15 plan requires.

16 Plus, there will be studies. There will
17 be sewer study, water study, drainage, fish,
18 because we're dealing with the Hudson River
19 and we'll have the answer to that. And the
20 traffic. We'll have traffic intersections.
21 We have certain requirements that will carry
22 through probably from the old scope which
23 requires counts during the summer when the
24 parks along Main Street are open.

25 So that's our, that's what we're

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proposing, and that's what the scope is on.

Thank you.

CHAIRMAN GUBITOSA: Thank you, Dave.

Did Amy want to -- or that's it, right, Dave?

MS. MELE: Thank you, Mr. Chairman.

Nothing really to add except that I completely agree with Max's description of the process. We're here to listen tonight.

We want to hear what everybody has to say. We welcomed the opportunity to scope this again because we want to make clear that this is our preferred alternative.

The only one thing I might mention just for the audience who might not have been here at the last few meetings was that we did seek and were granted a text amendment from the Village Board. The original requirement was one slip per unit, and the new requirement is one slip for every three units. So that will entail much less work within the Hudson River than some of our previous permutations did.

Thank you. We're here to listen. And we have, Dave is here, along with Donna Holmqvist, the planner from Mr. Zigler's

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office, and Shea, our water permitting expert.

CHAIRMAN GUBITOSA: Thank you. All right, before I open the public hearing, I'd just like to emphasize what Max said. This, tonight's public hearing is just comments, what's going to be put in the EIS, what's going to be on the environmental impact statement. It's not comments on the project itself. That's going to come at a later public hearing.

But tonight are comments that should be put in the EIS. And it's not going to be like a question and answer. Any comments you have, just come up, you talk, you know, state your name and address for the record. Any comments that you want to add that you think should be in the EIS, you know, it will be taken down and reviewed. But it's not a question and answer on the project itself. This is just the EIS, the environmental impact statement of what should be in that.

So what I'll do tonight is I'll open the public hearing. But I know there's a pad

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2 over there with names on it, so if we could
3 just get that. Now, if you didn't have time
4 to sign up, once I get through the names I'll
5 call again and see.

6 All right, first name on the, for the
7 public hearing, I have Mr. Greg Barbuto,
8 61 Beach Road, Stony Point. Just hit the
9 podium and give us your comments. Thank you.

10 MR. BARBUTO: Good evening. My wife,
11 Nancy. We live at 61 Beach Road. I've been
12 living on the road since 1963.

13 What we'd like to say tonight is the
14 road itself is deteriorating. We have
15 pictures that we gave to the Board. And it's
16 fallen apart.

17 To have a project this big, that many --
18 when you're talking about over 700 parking
19 spaces, that's 700 cars going through that
20 road. It's not going to take it.

21 We realize it's a county road, and
22 probably the applicant is not responsible for
23 repairing the road or the wall that's caving
24 in. But I can't see a project like this
25 going through that road without the road

1 Proceedings

2 being repaired first.

3 If you want to go over the pictures a
4 little bit, couple minutes.

5 CHAIRMAN GUBITOSA: Now, we're talking
6 about Beach Road, right?

7 MR. BARBUTO: This is Beach Road, right.
8 The wall that we're talking about and the
9 roadway that's in the worst shape is from the
10 town park, where the town park ends to the
11 first piece of property that used to be
12 Brooks. It's now for sale by another
13 observer. And that's, it's a cement wall.

14 The pictures that we've taken, Pictures
15 1 and 2 show the north and the south end of
16 the wall from the river side. The foundation
17 is breaking apart. I believe it's a wave
18 attenuator that was put in there when the
19 wall was built, back probably in the 50s, I
20 would imagine. That's pulling away from the
21 wall in some spots. And in other spots, it's
22 completely gone.

23 If you go to Picture 3, you'll see that
24 that is caved in completely, and the water is
25 going underneath the wall and underneath the

1 Proceedings

2 road.

3 Picture 4 is a close up of the same
4 area. There was some work done by the
5 County, I believe a temporary repair. What
6 they did was they put a road sign alongside
7 the wall on the road side of the wall and
8 just filled it in with gravel and blacktop.
9 And that, since then, has washed away. Every
10 time there's high tide or a storm comes in, a
11 lot of wave action, it blows the gravel out,
12 and it's undermining the road.

13 Picture 5 is just a close up of the same
14 thing, where the -- there's nothing holding
15 that piece of wall up. It's just in mid air
16 right there.

17 Picture 7 and 8, or 7 -- 6 and 7, I'm
18 sorry, that's pictures of looking at the wall
19 from the road side. And as you can see, you
20 can look straight down into the water.
21 Underneath the wall, it goes right into the
22 water.

23 Picture Number 8, this is a picture of
24 the road and the shoulder opposite of the
25 wall. And it's got about a four-inch drop.

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2 And what happens there is when it rains heavy
3 or the road floods, it undermines the road on
4 that end, also.

5 Picture Number 9, my neighbor
6 Mr. Beckerle is standing in the middle of the
7 road. And as you can see, the water is up to
8 his waist. Now, that was a day after
9 Hurricane Irene back in 2011, August 2011.

10 And more recently, a nor'easter,
11 January 2016, there's a picture of the road
12 covered, completely covered with water
13 basically all the way up to my residence and
14 all the way down to the park.

15 The problem is if this is the main
16 access to this complex, if the road is
17 flooded, you can't see what's underneath the
18 water. You get fire trucks, you get rescue
19 trucks in there, you don't know if the road
20 is caved in. So that's something that's got
21 to be addressed before this plan goes
22 forward. Thank you.

#1

23 CHAIRMAN GUBITOSA: George?

24 BOARD MEMBER KRAESE: Hold on.

25 CHAIRMAN GUBITOSA: Wait, hold on one

1 Proceedings

2 'second.

3 BOARD MEMBER KRAESE: I think it would
4 be a good idea if we can get a copy for all
5 the Board Members.

6 CHAIRMAN GUBITOSA: I'll have Mary scan
7 them and then we'll email it to -- scan the
8 pictures and we'll email them to everyone on
9 the Board. All right, thanks. George
10 Potanovic?

11 MR. POTANOVIC: My name is George
12 Potanovic. I live at 597 Old Gate Hill Road
13 in Stony Point, and president of the
14 Stony Point Action Committee for the
15 environment.

16 SPACE is a 28-year-old incorporated
17 non-partisan non-private community
18 organization. The purpose of SPACE is to
19 promote and advocate for preservation of our
20 natural resources in Stony Point, our soil,
21 our water, and our air; and to protect the
22 quality of life that is unique to our area;
23 to promote and advocate for greater public
24 awareness and action regarding issues that
25 will adversely affect the natural resources

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and quality of life in Stony Point and adjoining communities.

As lead agency for the SEQR environmental review of Eagle Bay, I thank you for holding this public scoping hearing which allows town residents as well as interested parties and agencies to learn about what is being proposed for our Stony Point waterfront, and to provide input during the early stages of the project regarding additional information, analysis, and questions that should be included and answered, as well as make suggestions for how the plan can be improved.

So despite prior proposals presented to this Board for this site from this applicant and the prior applicant, we must recognize that this is the start of a new application, one that many people in this room and most of the residents in Stony Point are hearing now for the very first time.

We therefore ask that you consider this new input and ideas, and look at this plan with a fresh set of eyes, especially since

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this waterfront property is located in one of the most scenic parts of the lower Hudson, at the entrance of the Hudson Highlands and Palisades Interstate Park, directly adjacent to a historic landmark, and the oldest Hudson River lighthouse at the Stony Point Battlefield, and also the shoreline of the Stony Point Bay, offering breathtaking views both towards and from the Hudson River.

The parcel of land is indeed valuable to the Town of Stony Point, and is the very first to be developed within the protected waterfront or PW district under the new zoning code written in 2014 by our Stony Point Town Board, and recently amended in 2018. Let's recognize that this is a project of critical importance for the Town of Stony Point environmentally, socially, and economically because it will set a tone for future waterfront development and project an image of who we are as a town on the Hudson River.

As a result of Superstorm Sandy, we have a blank slate now on a good portion of the

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town waterfront. This provides both challenges and opportunities. We therefore see our role as town residents, the Town Board's role as the authors of this new zoning code, and your role and responsibility as our Planning Board and lead agency to work together, not to simply go through the motions of reviewing this site plan for Eagle Bay as proposed by the developer, but to envision our future waterfront and ensure that we consider how this plan fits with our community.

Two important questions we must ask ourselves. What is the town's vision for the future of Stony Point's waterfront? And how will this proposed project define that vision while providing immediate economic development opportunities and strengthening our town's connection as a Hudson River community?

2

Preliminary comments. The following preliminary scoping comments have been provided by SPACE for this public scoping hearing as part of the SEQR environmental

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review of the proposed Eagle Bay waterfront multifamily residential mixed use development project located within the protected waterfront district within the Town of Stony Point.

We have a unique opportunity to capitalize on our waterfront, to make Stony Point a destination on the river. In order to do so, our waterfront plan should emphasize that which makes Stony Point unique. It is often a matter of balance.

Unique is not what we have here with this proposal. This proposal has too many residential units, to the point where it is no longer a marina. Instead, what we have is a cookie cutter project proposed by a residential developer who has increased the number of condo units to 268, well beyond what was originally proposed in the original plan by Wayne Corts at 190, while reducing the number of boat slips from 190 to 90.

} #3

Impacts on traffic. An updated traffic study needs to be completed based on the current increased number of condo units

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proposed. The -- have current traffic patterns changed during the past three or four years since the initial development was proposed? You can see.

Traffic study needs to be when school is in session during school time, as well as during the summer months. The section on traffic indicates that capacity analysis will be done when school is in session. The traffic count should be also taken during the summertime when boat slips, restaurants, public promenade will be used. Since the US Gypsum plant and LJ Kennedy are not currently in operation, how will these properties, when eventually restored, impact future traffic patterns and volumes?

Road infrastructure and emergency access, concerning the safety and access by fire, ambulance, and emergency vehicles. What is the Town and the applicant's plans for providing access for fire, ambulance, emergency vehicles access to Eagle Bay in light of the fact that Beach Road area historically has become severely flooded, and

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the railroad truss over Tomkins Avenue may not provide sufficient height for a fire truck to pass under it?

#6

B, will special emergency equipment be necessary for the Stony Point Fire Department and Ambulance Corps to service this site?

#7

C, since safe access for residential, commercial, and emergency vehicle is a key factor for this, whether or not Eagle Bay is a viable project, what is the plan for necessary offsite road and drainage improvements, and who will pay for them? Who is going to fund the needed offsite road improvements in order to ensure safe and reliable road access to and from Eagle Bay at the proposed site?

#8

D, we want to see the offsite -- we'd like to see the offsite improvements needed for Beach Road included in this plan on the map for Eagle Bay, and road infrastructure, widening, flood mitigation, which is critical to whether or not this proposed development can even be built, considered and designed together during the site plan review for

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Eagle Bay.

Impact on sewer system capacity. What is the current condition of the availability capacity, and available capacity of the Stony Point sewer plan, and sewer pipe, and pumps for the entire distance between the proposed project location and to and from the Stony Point sewer plant?

#10

What is the expected additional -- B, what is the expected additional demand for sewer capacity from Eagle Bay for 268 or 290 units, marina, restaurant, et cetera, to full build out?

Demand put out on gas, electric, energy utilities. What is the total projected electric and natural gas demand for all residential and commercial components of Eagle Bay? Does O and R have the current capacity to provide service to this area or to this site?

#11

C, what types of energy conservation plans will be included indoors and outdoors?

#12

Demand for potable water. The County of Rockland has convened a Rockland County Water

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Task Force, of which I'm a member, for the purpose of identifying means by which residential businesses and municipal customers can reduce demand for our current water supplies through water conservation and efficiency.

A, what is the total projected water demand for all components of Eagle Bay?

B, what does SUEZ commit to having current capacity to provide a letter of intention to serve?

C, what indoor and outdoor water management and conservation measures will Eagle Bay include in its project plan?

D, please include a comparison between anticipated water demand projections for potable water and how much of that demand can be reduced through water management, and best water management practices and conservation.

E, how will increased water demand from Eagle Bay, which becomes the low end, may become the low end of the SUEZ water systems in Stony Point affect water supply and water pressure for those SUEZ customers and future

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1 Proceedings

2 customers who may currently be served by well
3 water at higher end of the system, say, up on
4 Dunderberg Estates and Tomkins Cove? It
5 would affect their pressure.

] #17

6 Excessive paved areas for walkways and
7 parking. What alternatives have been
8 considered to meet the anticipated parking
9 demand?

10 B, are pervious pavers being considered
11 to reduce storm water runoff?

] #18

12 C, has parking under the building been
13 considered as an alternative to reduce the
14 paved footprint?

] #19

15 Structural soundness of the flood zone.
16 Considering that this area was, at an earlier
17 time, all brickyards in the area. It was
18 filled with soil and may consist of brick
19 debris. Will soil studies be conducted to
20 ensure that the soil remains stable and will
21 support a multistory building in this flood
22 zone?

] #20

23 Impact on the North Rockland School
24 District. Based on the numbers of two and
25 three-bedroom units proposed, what is the

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impact, projected impact of the additional school aged children in the North Rockland School District?

} # 21

Impact on the need for municipal services. What is the anticipated projected demand and cost for municipal services cost?

} # 22

B, please indicate fire, ambulance, Town, County, Highway, and police costs.

C, will additional personnel be needed to supply these services?

Sale of condo units. Please explain the financial impacts of fee simple or rental units.

Police access to -- I'm sorry, public access to the waterfront. Public access also has been an important component of this project for the Town of Stony Point.

However, the public access in this plan is not inviting to the public and lacks the kind of uniqueness that could make Stony Point waterfront inviting to both town residents and visitors.

A, we'd like to see an alternate plan for the use of the public space, which can be

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designed more like a waterfront park both for the town residents and visitors.

] # 23

B, a plan for tourism or economic development that needs to be part of this plan.

] # 24

C, we'd like to see a plan proposed in coordination with the Palisades Interstate Park Commission to link a walking path for town residents and visitors to Stony Point, to Stony Point waterfront to the Stony Point Battlefield site. My understanding is the Palisades Park Commission would consider this.

] # 25

D, additional public boat slips should be made available for visitors as part of the Town's economic development plan for the waterfront.

] # 26

Economic development plan, need for a physical plan. The Town of Stony Point needs to articulate both its vision for the future of Stony Point waterfront and develop an economic plan for the waterfront. The town residents need to be assured that this plan will both enhance the beauty and use of our

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2 waterfront, and provide economic benefits to
3 the taxpayers of the Town of Stony Point.

4 A, what is the projected tax assessment
5 for all components of the Eagle Bay project?
6 Please itemize.

27

7 B, what is the anticipated tax revenue
8 compared to the anticipated costs for
9 infrastructure improvements, upgrades to the
10 sewer plan, increased costs for municipal
11 services including police, fire, and
12 ambulance, and highway.

28

13 SPACE appreciates the opportunity to
14 submit these comments on the draft scope for
15 Eagle Bay, and additional or updated comments
16 may also be provided prior to the Wednesday,
17 August 8, 2018 deadline for written comments.
18 Thank you very much for your consideration.

19 CHAIRMAN GUBITOSA: Thank you. Kevin
20 Maher?

21 MR. MAHER: Kevin Maher, 130 Central
22 Highway, former Town Engineer, currently the
23 Vice Chair of the Rockland County
24 Environmental Management Council.

25 George made quite a few points, very

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2 well articulated. I have quite a few. I've
3 already submitted my written comments, but I
4 just want to bring out a few quick points.

5 Water demand is going to be a
6 significant part of this problem. There's no
7 doubt in my mind that the pressure that SUEZ
8 is going to have to put the system under is
9 going to create additional leaks. Roughly, I
10 think it was in July of 2013, the Sewer
11 Department uncovered a problem on Woodrum
12 Drive that was flooding our sewer system.
13 Again, leaks at that time.

14 To keep the pressure up at Dunderberg
15 Estates, which is the northernmost portion of
16 the SUEZ system here in Stony Point, they're
17 going to have to jack the pressure up quite a
18 bit. And I think we're looking at some
19 serious water main leaks.

20 One other point that I'd like to bring
21 out is we've got development going on here in
22 the flood plain. I don't know how many
23 people in the audience saw the video
24 presentation by the architect. But any
25 reasonable person looking at that could see

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that there's significant filling going on from the bulkhead in towards the property.

Under the NFIP, Unit 5 clearly states you can't do that if you're going to wind up causing flooding to increase on other properties. The only way this applicant can prove that is to do a head grass analysis of the Hudson River to prove that that fill that they're putting there is not going to increase flooding, especially upstream of the battlefield.

} #30

Sewage facilities. Yes, I know very well how poor our system is right now. Despite the fact that our bypasses to the JRSB have decreased slightly is because we haven't had that much rain. But what have we just had recently? So that's a problem.

The other point I want to bring out is one of my comembers of the EMC recently did an invasive species investigation up at the battlefield park with the park manager, and they discovered a new eagle nest up there. And according to DEC regulations, that needs to be brought into this study.

} #31

1 Proceedings

2 And there is also requirements about
3 disturbances within a certain distance. It's
4 roughly 1800 feet north of the northernmost
5 building. Glenn Sungela is the gentleman who
6 actually performed the invasive species
7 analysis up there and made recommendations to
8 the manager how to get rid of them. While
9 they were walking around, they saw the nest.
10 So it has been brought to DEC's attention.

11 As far as -- like I said, George made a
12 lot of comments that are already in my
13 written comments. So I have nothing else to
14 say beyond that.

15 CHAIRMAN GUBITOSA: Thanks, Kevin.

16 MR. MAHER: I've already submitted this
17 letter. On the record, I've also submitted
18 to the County and to Arlene Miller.

19 CHAIRMAN GUBITOSA: Okay, thank you,
20 Kevin. Greg, is it Julian?

21 MR. JULIAN: Hello. Greg Julian,
22 15 Ridgetop Drive, Tomkins Cove. About three
23 months ago, I was attending a Town Board
24 meeting, and there was a an occasion where
25 Iona Island was putting in conduits. And the

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2 way the State -- what the State asked the
3 Town Board would be that to have the
4 waterfront development committee look at that
5 plan. At which time, the Town Board said we
6 don't have a waterfront development plan, but
7 we're going to empower the Planning Board to
8 act as that, and the conduits were approved.

9 My question is this project impacts the
10 future of Stony Point to such a significant
11 degree, and we -- we're going to have to come
12 to grips with the fact that we do not know
13 what the vision of Stony Point can be, not
14 for 10 years, 20 years, 30 years in the
15 future. But the fact of the matter is, we
16 don't even approach it by having a waterfront
17 development committee where we can begin to
18 talk about the vision of what Stony Point is.

19 This building should be -- this
20 developer should have come into this building
21 and said we're going to provide the most
22 up-to-date environmentally conscious building
23 that we can build. I worked in Pace
24 University and downtown Manhattan after 9/11,
25 after Sandy. The entire consciousness of

1 Proceedings

2 that area changed. Every building had to
3 meet strict environmental standards for water
4 use and construction.

5 I just urge the Board to extend the
6 public hearing time. And now that the people
7 of Stony Point begin to understand the impact
8 of its first real large new project upon the
9 whole coastline of Stony Point, that we will
10 give ourselves of the opportunity to create a
11 citizen's advisory committee to create a
12 vision. And studying this, we do not need
13 government approval.

14 We could do it as a group of citizens.
15 We can submit it to the Department of State
16 for further grants. We provide the vision,
17 they would look at it, and they would see if
18 it's worthy to try to give us a grant to
19 develop and help us with the engineering and
20 viability of this.

21 So I'm asking you to try to, best that
22 you can, to put this on hold and give the
23 people of Stony Point the ability to do what
24 we can do best. That is, look at our own
25 lives, look at what we want for the future,

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because we have not developed, and I'm not blaming the Planning Board, I'm not blaming anybody. I'm just trying to percolate from the bottom up that we have to have a vision for Stony Point, and we don't have it yet, and this isn't it.

CHAIRMAN GUBITOSA: Susan, you're next.

MS. FILGUERAS: Susan Filgueras, 87 Mott Farm Road, Tomkins Cover, New York, SPACE Board Member. I'm going to ask for an entirely different reason to have this hearing extended and give the people of the Town of Stony Point ample time to review the multitude of documents that, frankly, don't match.

I am very frustrated with, we have 40 acres, but 29 are buildable. We have a local waterfront revitalization plan. No, we don't. Yes, we do. Who's our Board? More so, Ms. Mele, I would like to inform you that you are standing in the Town of Stony Point, New York. It's not the village. That may be a little thing, but this is the Town of Stony Point.

1 Proceedings

2 So I am requesting based on just
3 misinformation and information that has been
4 omitted, and I will give you my examples.
5 The first, Mr. Sheehan, our Building
6 Inspector, attended the public hearing at the
7 Town Board on July 10th. I asked the
8 question how many condos can be built. He
9 quoted town law, and came back and said there
10 are ten condos per acre. Technically, in a
11 perfect world, 290 acres.

12 I asked the wrong question.
13 Mr. Sheehan, how do we get to the 29 acres
14 that the applicant is claiming? Because
15 there are 40 or 41 acres here. 20.6 of those
16 acres are land acres. But 20.4 of those
17 acres are under the Hudson River. So if it's
18 ten condos per acre times 20.4 -- I can't do
19 the .4, folks -- it's 200 condos max.

32

20 Now, since Bill did answer my question
21 and then stopped on a dime, I did a little
22 more research. I think Town Law Stony Point
23 2215-16 point, special requirements, and I'm
24 not going to swear to it, as part of any
25 minimum lot area requirement of this chapter

1 Proceedings

2 for residential purposes, not more than
3 50 percent of any land underwater or within a
4 stream, defined as that area located the top
5 of its stream banks or where no stream bank
6 exists, the area which conveys water under
7 normal conditions, within easements or
8 rights-of-way for overhead utilities, with
9 slopes, unexcavated, of over 25 percent,
10 within a designated street line -- anyway, I
11 think that's the loophole to the additional
12 nine acres.

13 I don't know. My fault was I didn't
14 follow up my question with the Building
15 Inspector. He answered the question I asked.
16 I don't know that it was answered fully.

17 The Town Board wants us to believe that
18 this little text change did not affect the
19 density of the project. There were
20 approximately, I'm going to try and lowball
21 it, 375 boat slips in these marinas prior to
22 Sandy. We are now taking those 325 and
23 reducing them to 100. Is that in the best
24 economic interest of the Town of Stony Point?

25 So my first piece of information that

1 Proceedings

2 I'm really -- I have to be mad at myself, and
3 Bill answered the question, but I've got to
4 learn to speak like Mr. Sheehan. I think we
5 have a loophole. The Town wants us to
6 believe it didn't increase the density.

7 Well, if you do one boat slip to one
8 condo, then you're going to bring your
9 structure out into the river. You're not
10 going to have that extra 20 acres. It's
11 going to be taken up with boat slips.
12 Therefore, the 30 percent increase in
13 density, if you simply use and compare the
14 Breakers to Eagle Bay, it's roughly
15 30 percent.

16 And by the way, we know we have a new
17 owner. The application still says the
18 Breakers. I think we need a clarification on
19 A, who the owner is; B, who the developer is;
20 and C, what the legal name of the project is.
21 Talk about being transparent and let's get it
22 right.

23 The next piece is we're going to
24 remove -- not we, the developer, I'm going to
25 use my finger -- they're going to remove the

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'breakwaters from here. Do I know what that means? No. Do we have flooding? Yes. Is that the northern end of our waterfront? Yes. If you move those breakwaters, will you affect the bulkhead, and will you affect flooding all the way through our waterfront?

] #33

Now, the next comment, and I think we are a little identity challenged, the applicant's attorney Ms. Mele has stood up on three separate public meetings and said we're not developing a marina. Why did you buy a marina? But we're not developing it. This is our local waterfront.

Yet on page -- one second -- on Page 4, the applicant describes their project as a multifamily residential complex. This is the waterfront. Are we allowing the applicant to redesign our zoning code to take some of the most incredible land in the Town of Stony Point and reduce it to tenement buildings? This build is the most uninspired, drab, unwelcoming build I've ever seen.

In addition, the retail space that is there is, like, compacted, shoved. Just oh,

1 Proceedings

2 yeah, here it is. We put retail there.

3 And oh, by the way, we've got -- now,
4 the scope says 100 boat slips. And maybe I'm
5 being picky. The applicant says 90. Can we
6 get anybody that can agree on any of the
7 really fine points of this project that are
8 going to make a difference?

9 Now in addition, on Page 16, Point 9,
10 discuss application for HUD grants. Page 16,
11 Point 7, any proposed affordable housing will
12 be identified. Point 8, description of the
13 minimum combined acreage required for the
14 proposed action under the new PW zoning code
15 amendments.

} #34

16 Now, I need to go back and check my
17 computer, but I downloaded the scope from the
18 Town website two and a half or three weeks
19 ago. Within the scope, the text change has
20 already been accepted and submitted into the
21 Town Board, or into the Town website. Where
22 is our transparency?

23 What -- I am very, very frustrated. I
24 feel that the project is not clearly
25 represented. This is our waterfront. We're

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not building multifamily housing.

Are we going -- is the applicant going out to look for HUD dollars? Do we want -- and we need low income housing, I'm not telling you we don't. We're going to build it on our waterfront? The Town Board, in discussion of the text amendment, never addressed the impact of that text change to the other two locations that can do the self same thing.

Those are minimum. I believe we have an identity crisis. And nobody is addressing it, and this scope has to. Are we building multifamily housing? Or are we going to develop one of the most priceless parcels of property within the Town of Stony Point, our waterfront?

] #35

We have had misinformation, information by omission because I didn't ask the exact question. And I can hear Bill now, Susan, I answered every question you asked. And he does. Sorry, Bill, I'm picking on you.

Okay. The attorney has stated we are not developing marina property. Why did you

1 Proceedings

2 buy a marina?

3 This is an incredible opportunity to
4 create Stony Point. Taxes, school children.
5 The text change increases the density. We
6 need to have an extended comment period so we
7 can go back and look at what we're doing,
8 what's been proposed, and make sure that we
9 understand. By the text change, we are
10 increasing the density in a one way in, one
11 way out constrained area that floods by
12 almost three and a half percent of the
13 population of the Town of Stony Point. What
14 happens in another Sandy?

15 There will be, just so everybody is
16 aware, each -- there are four buildings.
17 Each one, we have 12 units of one, 18, 18,
18 and 10 one-bedrooms. In two-bedrooms, we in
19 the first, you have 37; the second, you have
20 47; the next, you have 55; the fourth
21 building, you have 55 two-bedroom units.
22 Three-bedrooms, there are four buildings,
23 you're getting four three-bedroom apartments
24 each.

25 Now, that's an awful lot of density

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that's going to pick up. That's an awful lot of cars. 737 parking spaces.

The property is proposed to be redeveloped as a multifamily residential complex with a commercial component. Page 4 of the scope. I ask you, are we developing low income housing on our waterfront, or are we going to take an opportunity to develop a brand new gateway and a window into one of the most historic towns on the Hudson River, and create a vibrant community?

We need to extend the hearing so that facts can be verified. The people presenting can match what the scope says. And we understand whether we are developing multifamily residential, or a beautiful waterfront that will create a doorway into one of the most incredible towns on the Hudson River. Thank you.

CHAIRMAN GUBITOSA: Mr. Beckerle?

MR. BECKERLE: So did you hear about the Irish guy? Had three brothers. Irish guy had three brothers, couldn't figure out why his sister had four. Think about it.

1 Proceedings

2 Susan, that was amazing. I got to thank
3 everybody here because we're all here for the
4 same reason, for the good of the town. Thank
5 you for the Board and all you do. It's an
6 amazing job you have and amazing patience.
7 And Tom, just that reading of that, those
8 sheets were just very impressive.

9 CHAIRMAN GUBITOSA: Thank you.

10 MR. BECKERLE: Susan did her homework.
11 You know, she might be a nag, but listen to
12 what she says. Because she has some very,
13 very good points. And I'm glad I came to
14 this. I'm Stephen Beckerle, 49 Beach Road.

15 I'm glad I came because now I know that
16 I can build ten units on my land. I live on
17 Beach Road and I have an acre of water
18 rights, repairing rights on Beach Road. And
19 I am going to -- Bill, Bill, I'm going to put
20 it in tomorrow. I'm going to put in a permit
21 for ten units on my land. I have an acre of
22 land on the water.

23 I have never heard -- this is the land,
24 this is the land, this is the land. That's
25 about five acres. That's about five acres.

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Do you know how big Ginsburg place was?
Fifteen acres. That's five acres, guys.
That's three times smaller than Ginsburg.
Have you gone to Ginsburg? Have you seen?
Three hundred units at Ginsburg. Think of
300 units in five acres.

PUBLIC SPEAKER: That's right.

PUBLIC SPEAKER: Looks like the Bronx.

MR. BECKERLE: I might be missing
something, I'm a little simple. But this is
a bad site for that many units. I am all for
river development, residential, high end
residential in a beautiful spot. Susan said
it very well. I would love to see high end
residential. If you put 268 units, I don't
care if you get HUD money or not, it's going
to be a slum. Done.

] #36

CHAIRMAN GUBITOSA: All right. Does
anyone else want to speak? Just stand up and
state your name and address for the Board.

MR. ANZEVINO: Thank you very much. My
name is Jeffrey Anzevino. I'm the Director
of Land Use Advocacy at Scenic Hudson at
1 Civic Center Plaza, Suite 200, in

1 Proceedings

2 Poughkeepsie.

3 First, I want to thank the Planning
4 Board for conducting this public hearing
5 tonight. And I commend the community for
6 coming out, the friends and neighbors of
7 Stony Point for coming out and expressing
8 their views on the scope and the development
9 here.

10 One thing that I'm going to leave you
11 with tonight is our riverfront development
12 guidebook, Revitalizing Hudson Riverfronts.
13 Maybe you have it. It's been out for about
14 seven years, but -- well, we sent it to the
15 Planning Board seven years ago. Maybe there
16 are new people here. We want to provide a
17 copy for you, and we'll give a copy to the
18 developer as well.

19 This can help both the Planning Board
20 and the development outline a vision to find
21 a way to meet the community's goals and the
22 developer's objectives on this site as well.
23 The book has won awards from EPA Region 2,
24 the New York Planning Federation, and the
25 Westchester Municipal Planning Federation.

1 Proceedings

2 The comments that I'll deliver tonight
3 on the scope really are based on the
4 principles in the book. And just because I
5 know that a lot of people have spoken, I'm
6 not going to give all our comments tonight.
7 I want to give kind of a broad overview and a
8 couple of the most important highlights that
9 I'd like the Planning Board, the applicant,
10 and the community to hear.

11 And I just, to echo a couple things that
12 I didn't think about today, but if this is a
13 very complex project on a very challenging
14 site, but also offers a very big opportunity
15 for the town. And if there is a way that the
16 comment period can be lengthened by a couple
17 weeks or a month, I know we would appreciate
18 it because of the complexity of the project
19 and our workload, and I think the -- we'd be
20 able to deliver you much better comments.
21 It's also the summertime, a lot of people are
22 away. So this is actually a very short
23 comment period, relatively speaking.

24 So arguably, the Eagle Bay site is one
25 of the most important development

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opportunities in Rockland County. As such, the site has the potential to greatly contribute to Stony Point's economic future. Well planned development could provide economic opportunity, new housing, increase the tax base, and strengthen residents' connection to the Hudson River, as well as boaters' connection to Stony Point.

Expressed another way, this is Stony Point's best and perhaps last opportunity to capitalize on its riverfront location and to promote itself as a riverfront community as many others on the Hudson River have done successfully.

We live in an increasingly competitive world. The most successful communities will assess their unique assets and promote these to the rest of the world. What are Stony Point's strengths? You all probably know better than I do.

But from my vantage point, it lies at the southern gateway to the Hudson Highlands. Its landscape folded into the Palisades Interstate Park. It hosts a national

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historic landmark, the Stony Point Battlefield State Park, with a cool lighthouse. And its waterfront embraces Stony Point Bay, which is designated by the New York State Department of State as a significant coastal fish and wildlife habitat that offers boating, fishing, and views of and to the Hudson River.

The applicant's preferred alternative, 268 residential units with a modest amount of restaurant, retail, and office space in a marina. And we do commend the applicant for proposing a waterfront park and the fishing pier. It's very important because those are water dependent uses, and preferable or prioritized by the New York State Department of State, and I'm sure by the Town's local waterfront revitalization program.

But in essence, this is really out of balance with too many residential units, in our view, and not enough to really give the people of Stony Point a place to come, things to do, and a place that the rest of the world can come by boat to Stony Point. So in

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essence, this really privatizes most of the 20, give or take, precious dry waterfront acres with apartments, and limits the Town's opportunity to open its front door to the river and to the world with a truly public waterfront. In order to play to its strengths, the Town and developer should work together to revisit this program of development and the site plan.

So the site also poses certain challenges, particularly with respect to its vulnerability to flooding and storm surge, as we've heard. You know better than I do because I wasn't here during those storms. But the sea levels will continue to rise, and the storms will continue to come. In fact, the New York Community Risk and Resiliency Act of 2014 projects that the lower Hudson Valley could experience up to 75 inches of sea level rise by the year 2100.

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So these opportunities and challenges require, as does SEQR, that the Planning Board as lead agency ensures that the scope and content of the DEIS considers relevant

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concerns of the involved agencies and the public. And that's why we're all here tonight. Scenic Hudson offers these scoping comments in the spirit of cooperation, and in hopes that the development of this important site is resilient to flooding and storm surge, provides added economic benefits to the town, and offers its residents a strong connection to the Hudson River without harming the critical environmental and historic resources adjacent to the site.

One of the most important aspects of SEQR and this scope is the requirement that alternatives are evaluated. As written, the draft scope includes only two alternatives. No build, which is do nothing and let it sit as it is. And, well, three. No build, their preferred alternative, and the maximum density proposal under the PW district provisions.

The scope should also require that the DEIS examine at least one alternate alternative that proposes fewer residential units in order to avoid, reduce, or mitigate

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the range of anticipated impacts resulting from the preferred alternative, as well as an alternative that provides a more balanced mix of residences and commercial uses that would serve Stony Point residents, attract visitors, provide jobs, and contribute towards the economy.

So for example, two years ago, I'm not sure if the number was 190 or 210, but that's how many units were proposed for the old Breakers. In the Eagle Bay proposal before you, they're seeking 268 residential units, and this is calculated by using an entitlement of 291 units by including 50 percent of the underwater land. While this may comply to the letter of the Town zoning code, from a planning standpoint, this may result in more development and more impact than the 19.3 or 20, give or take, acre uplink site can accommodate. And from a SEQR standpoint, the lead agency can absolutely require an analysis of lower density alternatives.

In addition, the project's proposed

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layout proposes an extraordinary amount of surface parking. And it's due in large part to the number of units here. You're actually providing more parking than is required. And this is 737 spaces, 55 more than the Town zoning. It's nice to have some additional parking for people that want to come to use the waterfront park.

} #39

Shared parking is quite a common technique that's used nowadays. Not everybody is going to be parking in all those spots at the same time. It is quite possible to get by with fewer parking spaces.

Because when you think about how the site is going to look and how it's going to function, it's really an outdated approach that's committing the most valuable riverfront land to the storage of cars. Look how much land there is really parking lot. Parking lot and buildings and then, you know, the riverfront park is nice. But aside from that five acres, if there was fewer parking spaces, that land could be used to beautify the site with landscaping, open space, the

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park could be better. It could be used to manage the storm water in a more modern way.

Also, many riverfront projects now that are built, the smart developers are putting the parking underneath the buildings. When you're in low lying areas like this, that land can occupy the space under the building. It could actually accommodate some water. And the living space could be starting on the second floor.

If parking could go underneath the building, then there wouldn't have to be so much surface parking on the site. Now, I can see that by those long, narrow buildings it may be hard to configure parking under those buildings. But I would suggest that an alternative should look at buildings that are a different shape so that parking can be accommodated underneath the buildings.

This would also result in a site that's more resilient to sea level rise. And it allows, frankly, more of the site to be used by people, the residents of the site and the residents of Stony Point.

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So to conclude, Stony Point stands at a very important junction in its history. Recovery from the recent devastating storms is fresh on people's minds. And the consensus opinion is that a more resilient waterfront is required to protect against future damage and provide economic activity to offset the loss of the town's industrial base.

In light of this manner in which Eagle Bay is developed, it will be critical to Stony Point's future. Careful planning will be required in order to achieve the town's economic resilience, sustainability, and public access goals. Will Stony Point's riverfront become a series of residences, and a small restaurant, a few retail spaces surrounded by almost 750 parking spaces? Or can a well planned waterfront be its front door to the world?

The question will depend on a well scoped DEIS and the Planning Board's commitment to providing the hard look at potential impacts and project alternatives as

1 Proceedings

2 SEQR requires. And it would require a better
3 balance of residences and retail that advance
4 the town's goals while still meeting the
5 needs of the developer.

6 Scenic Hudson appreciates the
7 opportunity to be here tonight to deliver
8 these comments. And I'll give a couple of
9 these books to the Planning Board and one to
10 the developer.

11 CHAIRMAN GUBITOSA: Thank you.

12 MR. KRAUS: Hi, good evening. James
13 Kraus, 21 Heights Road, Stony Point,
14 obviously. I have two quick comments.
15 Obviously, I'm in agreement, I think most
16 people in this room are, with the comments
17 that preceded me. So there's no point in
18 being redundant.

19 The first is something that I don't know
20 the impact, I don't know if it's been
21 mentioned. Where are these boats going to go
22 in the winter? You know, I've spent a lot of
23 time, I like to walk through here, I have,
24 even though it's not my property, before this
25 was dilapidated by Sandy, you know, the

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marina. But still, in the winter, the boats are out of the water.

I don't have a boat. Well, I have a kayak. It's easy on my back.

But they're pulled out of the water. Now, where are they going to go? Even if it's only 90 slips. I understand there are other marinas, I understand there are other places you can motor to and store your boat in the winter. But that, to me, is an environmental impact on the town. And that should be part of the scoping. And I do not understand why this is being planned as a marina or a multifamily project, which has been commented on, without some provision for that.

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And the other is much lighter. As somebody who walks through here, there's some very nice posts here from the dilapidated marina. And my friends the cormorants and the osprey that kind of have these poles assigned to them, they've kind of picked their poles. I want to know where they're going to go. But that's an aside.

} #43

1 Proceedings

2 And obviously, the comments before about
3 the bald eagles, which you can see from this
4 tip. You can very often see it with
5 binoculars. You can see them from the edge
6 of that. I understand with this park, which
7 seems to be very useful, you probably still
8 would have access to that kind of thing. And
9 that's, you know, that's really all I have to
10 say.

11 CHAIRMAN GUBITOSA: Thank you. Go
12 ahead.

13 MR. CIPOLLINA: Philip Cipollina, 18
14 Lincoln Oval. It's impressive that this many
15 people care about what's going on.

16 I'm not going to reiterate. I just want
17 to remind the Town Board, the Planning Board
18 that this is the only opportunity that we
19 have any say in what happens. Once this is
20 developed, it can be sold en masse to anyone,
21 right. Anything that that public space can
22 be closed off, it can be, you know, they can
23 deny access. There's nothing -- once it's
24 done, there's nothing anyone can do. It
25 becomes private property. And I'm allowed to

1 Proceedings

2 do in my home as I see fit.

3 If it smells like an apartment, it looks
4 like an apartment, acts like an apartment,
5 it's an apartment. You know, we're calling
6 it units, we're calling it all kinds of
7 development. This is multifamily
8 development.

9 And everyone has said 700-plus parking
10 spaces, 730 parking spaces. What everyone
11 has mentioned, but I would like to just bring
12 to the forefront is Beach Road cannot
13 accommodate 400 to 500 cars during peak
14 traffic. In the event of an emergency, if
15 you have to get a fire engine in while 400
16 family, a hundred and, you know, 400 cars are
17 trying to leave, it's not going to happen.
18 You know, it's one way in and one way out.

19 If it happens to be during a rain storm
20 when Beach Road floods, that's why there's
21 that little fence that they put up, then the
22 fire engine can't get there at all, at all.
23 And it will just, we may as well call it Nero
24 Town because we'll just watch it burn.

25 You know, it's -- I would really, really

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hope to see some type of development because it's relief to me as a taxpayer. I'd love to see something there for my family to enjoy, so forth and so on. This is just not anywhere in my idea of something that would benefit me as a resident of Stony Point or the Town of Stony Point.

CHAIRMAN GUBITOSA: Thank you.

THE CLERK: Tom, they have to sign the form.

CHAIRMAN GUBITOSA: Oh, yeah. I'm going to -- if you could -- just one more.

MR. BECKERLE: This is assuming that this project does happen. My neighbor's not going to like me for this. But I think the Beach Road solution, and I've said this before, it should be looked at on the record, is a bridge over that bay. You can go right in the bay. It's a muddy bottom. It wouldn't cost that much. You could raise it up, you could do it the same level as the park.

} #45

Just look at it. It's so obvious. I know there's a lot of regulations and rules

1 Proceedings

2 and all that kind of stuff because of the
3 Hudson River. But the logical thing is to
4 build a bridge through that bay. It doesn't
5 even have to be that long.

6 It should be done by the Town, not a
7 County road. Make the developer pay for it.
8 Then we can maintain it. And it's a town
9 plus. And then you convert the existing road
10 to like a boardwalk type there.

11 I want to put that on the record to be
12 looked at. I know you think that's crazy,
13 but at least it's on the record to look at.

14 CHAIRMAN GUBITOSA: Thank you.

15 MR. BECKERLE: It's not as crazy as it
16 seems, I'm telling you.

17 CHAIRMAN GUBITOSA: Thank you. Just to
18 let the public know, this public hearing is
19 just for the EIS. Once we go down the road
20 for the project, there are going to be more
21 public hearings on the project itself. So
22 this is just to do the scoping. It's not --

23 MR. BECKERLE: The only reason I bring
24 it up is because the road is a bottleneck.

25 CHAIRMAN GUBITOSA: No, you're right.

1 Proceedings

2 This is just for the EIS, what we're going
3 to -- what they're going to study, what we
4 want them to look at. Once that gets looked
5 at and the final scope approved to look at,
6 then once the project comes before us, then
7 there are going to be more public hearings.

8 So you're going to have more
9 opportunities to hit the project as you see
10 it. He's going to have to bring more detail,
11 show you more plans, show you more, you know,
12 answer more of the questions. But this is
13 just for the scope. But you're going to have
14 more opportunity. I just want to let you
15 know that.

16 So is there any more comments?

17 MS. MONTROSS: I have one. Mary Ellen
18 Montross.

19 CHAIRMAN GUBITOSA: Go ahead. I'm
20 just -- after, I'm going to ask whoever, if
21 you didn't sign the sheet, I'm going to just
22 ask you to sign it.

23 MS. MONTROSS: Mary Ellen Montross,
24 6 Spring Drive, Tomkins Cove, New York. I
25 just wanted -- I forgot what I was going to

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say. Oh, my gosh, what was I going to tell you. I did introduce myself. Mary Ellen Montross, 6 Spring Drive, Tomkins Cove, New York. There. Oh, my Lord. Now I forget what I was going to ask you. I can't remember now.

CHAIRMAN GUBITOSA: Take your time.

MS. MONTROSS: No, I'll be here all night. I've got Alzheimer's or something. No, it wasn't about that.

Oh. We have this Planning Board and all. Are we the citizens allowed to vote on this process? Can we just have all the votes, say how many people want this monstrosity? Or is it just going to be left up to the Planning Board and whoever else is in charge. Like, do we actually get to say more than just our comments? Do we actually get to vote on this? Like, we vote to put people in office. Can we vote yea or nay?

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CHAIRMAN GUBITOSA: On the project, there's no vote. But you have input in what gets put on the project.

MS. MONTROSS: Right. But then

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sometimes our input gets squashed and, like, we don't hear from anything anymore. Then all of a sudden, projects go through that we were thinking oh, it wasn't going through, and then it just happens to be at the piers. So wouldn't it be fair if we all got as citizens who vote for this in the Town of Stony Point as voters and say we're yea or nay for this?

CHAIRMAN GUBITOSA: That would have to go to the Town Board.

MS. MONTROSS: Then I suggest we go to the Town Board with that suggestion.

CHAIRMAN GUBITOSA: All right.

BOARD MEMBER JASLOW: One more.

MS. DICKSON: Hi, I'm Elle Dickson. We have a house in --

CHAIRMAN GUBITOSA: Wait. Can you just state your name and address?

MS. DICKSON: Elle Dickson, 54 Jackson Drive. And we first started coming up to Stony Point, I want to say in 2007, perhaps, because we had a boat that we put at that marina. I subsequently bought the house you

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can see from the marina, which sits right on the north end.

I'm a little confused how this is, and I believe this is being looked at as of right project, which is where all these machinations of the X number of units per land, whatever. So there might be some debatable statistics on that. I can't fathom how this number of units can fit on that land.

We lived through Sandy in that house with boats at that marina and down the marina. That completely flooded. Nobody has brought up at the entire north end, there are wetlands. So I'd like to know how much of this land that they're contributing to this -- and I mean literally, if this is the water, the wetlands are, like, right here.

I mean, I can reiterate what everybody said as far as, you know, the water, the sewer, the road, the access. I would add to that, are all of those units going to have, like, air top central air conditioning systems, that everybody lives that lives

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above them can listen 24/7, seven days a week?

] #48

What about, I forget how many cars, is it a 500-car, what's the maximum oil tanks, if you've seen the black ones that rest right above the railroad tracks there. So that's an interesting thing to have sitting among 15, 2,000 people that might be trapped in their units. And I just, I just can't imagine.

Height was a huge factor, I think, when this was first proposed. So Wayne actually hung flags to show that none of the height would go above that. So although there may be some plusses, certainly, of having parking underneath the buildings, are they then making four stories, five stories, plus mechanicals, which is six stories, so everybody who lives up there on Lincoln Oval, bye-bye, nice to see the back of a building.

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And I just, like I said, it's -- I just, I can't even imagine how that many units fits there as of right on this waterfront. And it is a very precious thing. And as far as the

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eagles, great to hear that some are nesting there. But I can tell from years in the winter, we've counted over 21 bald eagles on that point and coming on ice floes in that bay there.

And I just, like I said, I just think it's too much. I'm not against development. I think the Town could use a tax base. And I would say I would be a thousand percent against any of the BS, let's give the developer five years of free tax abatements because blah blah blah blah blah, you know, or whatever, we're going to fix the road for them, or the sewers, or whatever. So I just, I can't say, regardless of the design element of that, how that could possibly be the best use of the most precious property, probably, in Stony Point.

MS. FILGUERAS: One more thing, Tom, please. History.

CHAIRMAN GUBITOSA: One more.

MS. FILGUERAS: I tried to keep it short. Susan Filgueras, 87 Mott Farm Road. I want to address the project as the

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president of the Stony Point Historical Society.

This particular area was home to some of the brickyards that we did, in fact, have within the Town of Stony Point. This whole swath of land where Mr. Beckerle's house is built was called the Allison Brick Storefronts. The Allisons owned the property. That's where they put their tenement housing. That's where they had their storefronts for the men that worked in the brickyards.

We also had another very historic site there. It was called the Reed and Riley ship building. So they built many of the ships, or many ships in this general area. The Penny Bridge, which we all recognize as down the road by Ba-Mar, the Penny Bridge has actually been in three or four different locations, depending on what century you're in. It slides a little bit. King's Highway slides just a wee bit.

That entire area from the revolution -- oh, the most historic thing, that was the

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third leg of the Battle of Stony Point.
That's where the third leg came up and took
over the lighthouse. The history there is
significant. It's important. And the review
will have to be precise.

The other thing, and this was from a
letter that we had received, there needs to
be extensive mooring tests. Since the 1960s,
the bottoms of boats have been scraped of
bottom paint. This toxic bottom paint has
mixed with the soil for decades. It's a low
tide area. The process is now in the legal
practice.

The area on the north end of the
proposed development where the old total
paper warehouse used to stand is built on a
landfill site which was filled in in the 70s
or 80s. The whole entire area was originally
wetlands.

} #51

So not only is it historic, I believe
the dump area might be encroaching to the
northwest. There's fill, there's brickyards,
there's our boatyards. There was the third
and most important leg of the Battle of the

1 Proceedings

2 Revolution.

3 We need time. And I'm going to just
4 plead to extend the public comments series.
5 Thank you.

6 CHAIRMAN GUBITOSA: Thank you.

7 MS. DICKSON: Can I add two more quick
8 things very quickly?

9 CHAIRMAN GUBITOSA: Is it on the
10 scoping?

11 MS. DICKSON: Yes.

12 CHAIRMAN GUBITOSA: All right.

13 MS. DICKSON: Okay. Adding, just adding
14 to what she said, I will say, and I know it
15 because I called the DEC after Sandy, it was
16 very cute how the marina would take their
17 trucks and things, and literally push boats
18 and God knows what else into that wetlands
19 area. So I totally agree that whole land
20 should be looked at.

21 And then lastly, just to commend, I
22 don't know your name, was it Bill? But I
23 have to say, I seriously hope that this
24 Planning Board takes a microscope to this
25 project. And if you do anywhere near as

1 Proceedings

2 careful look as you read out on a 3,000
3 square foot replacement of the Minisceongo
4 Yacht Club on this, which is over a 50,000
5 plus unit development, I think we can all be
6 safe that this won't happen in our lifetime.

7 CHAIRMAN GUBITOSA: Thank you. Any
8 other comments? Dave? Wait, hang on one
9 second.

10 Dave, I want to -- can we keep just the
11 written comments open until the 23rd?
12 Because then we'd like to do, we'd like to do
13 the written comments up until the 23rd.

14 MS. MELE: Sure.

15 CHAIRMAN GUBITOSA: Yeah. Yeah, because
16 then we can have the final scoping by
17 September 27, so there's a lot of comments.

18 MS. MELE: 23rd and 27th.

19 CHAIRMAN GUBITOSA: Yeah.

20 MS. MELE: Fine.

21 CHAIRMAN GUBITOSA: You had one more
22 comment, Mr. Scenic?

23 MR. ANZEVINO: Oh. I promise to be
24 very positive.

25 CHAIRMAN GUBITOSA: All right.

1 Proceedings

2 MR. ANZEVINO: Jeff Anzevino again.
3 Mr. Chairman, I go to Planning Board meetings
4 up and down the Hudson River, and I testify
5 at many public hearings, and I appreciate
6 that the way that you've conducted this, that
7 you've allowed people to speak their mind.

8 Many meetings, there's a three-minute
9 cut off. I work really hard to develop my
10 comments, as other people do. And it's
11 frustrating sometimes to come here and have
12 to speak a mile a minute to get them all out.
13 So I really appreciate that I could slowly
14 and articulately read my comments. And just
15 thank you very much for the way you've
16 conducted this.

17 CHAIRMAN GUBITOSA: All right. So what
18 I'm going to do tonight is we're just going
19 to close this portion of the public scoping.
20 But we're going to keep the written comments
21 open until August 23rd. So if that's okay,
22 if there's no other comments.

23 MS. MONTROSS: Does that mean we can't
24 come and ask more questions publicly?

25 CHAIRMAN GUBITOSA: What was that?

1 Proceedings

2 MS. MONTROSS: Does that mean we can't
3 ask any more questions publicly at the next
4 meeting?

5 CHAIRMAN GUBITOSA: Well, at the next
6 meeting, there's going to be for the -- once
7 we get to the project, there's going to be
8 more public hearings.

9 MS. MONTROSS: Within the scope itself.

10 CHAIRMAN GUBITOSA: There's going to be
11 the written comments until the 23rd. That's
12 the next Planning Board meeting.

13 MR. POTANOVIC: Can I ask a quick?

14 CHAIRMAN GUBITOSA: Go ahead, George,
15 real fast.

16 MR. POTANOVIC: One of the things I
17 didn't ask, I was wondering if any of the
18 interested agencies had replied in the
19 timeframe that we had. It was a very tight
20 timeframe, and a lot of people are on
21 vacation right now. So you have some
22 interested agencies including the
23 Rockland County Department of Planning, and I
24 believe the Highway Department. I don't know
25 if they've had time to respond, but it would

1 Proceedings

2 be nice for the public to be able to hear
3 their comments and see what concerns they
4 have expressed as part of the scoping public
5 hearing. Thank you.

6 CHAIRMAN GUBITOSA: Thank you, George.

7 PUBLIC SPEAKER: Excuse me, what's the
8 date again?

9 PUBLIC SPEAKER: 23rd.

10 PUBLIC SPEAKER: Thank you.

11 BOARD MEMBER KRAESE: While they're
12 looking at some paperwork, I just want to
13 remind everyone, we thank you all for coming.
14 The Planning Board appreciates everyone
15 participating. But this is just the
16 beginning. So don't get nervous when they
17 say some things you don't understand. This
18 is just the beginning. In the future, there
19 will be more, like the Chairman said, there
20 will be more public hearings.

21 CHAIRMAN GUBITOSA: Yeah, I know the
22 Rockland County, we just got something back
23 from the Health Department. But all the
24 agencies are still, they're going to have
25 until the 23rd to respond to it. If we get

1 Proceedings

2 anything, we'll let you know.

3 But for tonight, we'll just -- I mean,
4 if we have to, we'll reopen. But we'll close
5 this session of the public hearing just for
6 the scoping. And then comments until the
7 23rd. And if something comes up before then,
8 you know, once you send the comments, they're
9 all going to be in the scoping. And then,
10 like Gene said, as the project moves forward,
11 there's going to be more questions. There's
12 going to be more public hearings.

13 So can I get a motion to close this
14 session?

15 BOARD MEMBER JASLOW: I'll make that
16 motion.

17 CHAIRMAN GUBITOSA: I need a second.

18 BOARD MEMBER FERGUSON: Second.

19 CHAIRMAN GUBITOSA: All in favor?

20 (Response of aye was given.)

21 CHAIRMAN GUBITOSA: All right, so. All
22 right, I need a motion.

23 BOARD MEMBER KRAESE: Just give us one
24 minute.

25 CHAIRMAN GUBITOSA: I just need a motion

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to extend the written comments to
August 23rd.

BOARD MEMBER JASLOW: I make the motion.

BOARD MEMBER KRAESE: Second.

CHAIRMAN GUBITOSA: All in favor?.

(Response of aye was given.)

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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

