

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

3 - - - - - X

4 IN THE MATTER  
OF  
EAGLE BAY

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Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
June 28, 2018  
7:11 p.m.

8  
9 BEFORE:

- 10 EUGENE KRAESE, ACTING CHAIRMAN
- 11 MICHAEL FERGUSON, BOARD MEMBER
- 12 PAUL JOACHIM, BOARD MEMBER
- 13 JERRY ROGERS, BOARD MEMBER

- 14 APPEARANCES:
- 15 STEPHEN M. HONAN, ESQ., Special Counsel
- 16 MAX STACH, Town Planner
- 17 JOHN O'ROURKE, P.L.S., Town Engineer
- 18 WILLIAM SHEEHAN, Building Inspector
- 19 MARY PAGANO, Clerk to the Planning Board
- 20 AMY MELE, ESQ., Attorney for Applicant

21 ROCKLAND & ORANGE REPORTING  
22 2 Congers Road  
23 New City, New York 10956  
24 (845) 634-4200  
25

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2 CHAIRMAN KRAESE: Next on the agenda is  
3 Eagle Bay.

4 MS. MELE: Good evening, everybody. My  
5 name is Amy Mele, 4 Laurel Road, New City,  
6 New York. I'm the attorney for the  
7 applicant.

8 As you all know, this project has  
9 evolved quite a bit since the original  
10 application was filed back in, it was 2015 or  
11 '16. This applicant has since gone through  
12 several iterations of the plan since it  
13 acquired the property. You may recall we,  
14 this applicant originally proposed 290 units  
15 with 290 boat slips, which is consistent with  
16 the current text of your code, which calls  
17 for one boat slip per unit.

18 We were having a hard time, quite  
19 frankly, dealing with the concept of 290  
20 units of that marina. And then we came up  
21 with the concept of the boatel, which I think  
22 kind of was received in a lukewarm manner.  
23 And the most recent version that we submitted  
24 to the Town -- which is available for review  
25 in the back of the room there, we've posted

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2 it up, that's the one that we brought to the  
3 workshop on May 2nd -- calls for 268 units  
4 and approximately 98 boat slips.

5 So we're here tonight for two reasons.

6 First, since the project has changed so much  
7 from the original application, we the  
8 applicant, along with your technical staff,  
9 agreed that we should just -- it's best to do  
10 another public scoping session. And we've  
11 submitted a draft scope to the Town for its  
12 review, and we're asking the Board this  
13 evening to set a scoping hearing, and  
14 hopefully that will take place on July 31st  
15 as previously mentioned.

16 We're also here tonight, both in the  
17 Planning Board's capacity as the Planning  
18 Board and in its capacity as the Waterfront  
19 Advisory Committee to the Town Board, to ask  
20 for a recommendation on our application for a  
21 text amendment to the Town Board. As you  
22 know, we've submitted an application, or a  
23 petition to change the text of the current  
24 code to allow for one boat per three units  
25 instead of --

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2 CHAIRMAN KRAESE: Can we deal with that  
3 situation later?

4 MS. MELE: Yes, sure.

5 CHAIRMAN KRAESE: That's separate on the  
6 agenda.

7 MS. MELE: Oh, okay. I'm sorry.

8 CHAIRMAN KRAESE: It's okay.

9 MS. MELE: So let's see, what else do I  
10 have to say on the scoping. Really not much.  
11 We've submitted the scope. I think your  
12 planners reviewed it. We have with us  
13 tonight our architects, our surveyors, and  
14 our waterfront consulting firm, if you have  
15 any questions of them.

16 CHAIRMAN KRAESE: All right, thank you.

17 MS. MELE: Thank you.

18 CHAIRMAN KRAESE: So you're requesting a  
19 public scoping session for July 31st?

20 MS. MELE: Yes, sir.

21 CHAIRMAN KRAESE: I have a motion?

22 BOARD MEMBER JOACHIM: I make that  
23 motion.

24 (Discussion held off the record.)

25 CHAIRMAN KRAESE: Okay. We're almost

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2 100 percent prepared tonight. This guy is at  
3 the last minute. So let's start with, I'll  
4 make a motion that we be lead agency for this  
5 project.

6 BOARD MEMBER JOACHIM: I'll second that  
7 motion.

8 CHAIRMAN KRAESE: Second. All in favor?

9 (Response of aye was given.)

10 CHAIRMAN KRAESE: Second motion would be  
11 that we be declared as positive declaration.

12 BOARD MEMBER JOACHIM: I'll make that  
13 motion.

14 CHAIRMAN KRAESE: I'll second. All in  
15 favor, say aye?

16 (Response of aye was given.)

17 CHAIRMAN KRAESE: And the third motion  
18 would be to set a public scoping session for  
19 the EIS. I'll make that motion. Can I have  
20 a second?

21 BOARD MEMBER ROGERS: I second.

22 CHAIRMAN KRAESE: Okay.

23 MS. MELE: Thank you.

24 CHAIRMAN KRAESE: Okay, so now  
25 July 31st, we'll have that public scoping

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2 session. Let me just say one thing. At that  
3 time, the public will be able to address  
4 their concerns. And the hearing is going to  
5 be to address the environmental issues. This  
6 is a table of contents for EIS. So that's  
7 what it's going to be about, okay. Thank  
8 you. Now he's probably going to correct me.

9 MR. STACH: Not correct, clarify. So in  
10 this instance, the Board had been reviewing  
11 the Breakers site plan previously. And as  
12 Ms. Mele had mentioned, had determined that  
13 this project has changed to such a  
14 significant extent that it really needs to be  
15 treated as a different application. And so  
16 this Board decided and informed the applicant  
17 that it was going to need to start over on  
18 the SEQRA process.

19 With that, we received a draft back last  
20 month, actually, May 24th. We received a  
21 draft scope. Now, SEQRA's timeframes require  
22 that when you receive the draft scope, that  
23 you adopt your final scope within 60 days.

24 Because they did not submit it in  
25 advance of the meeting, the Planning Board is

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2 officially for purposes of timing receiving  
3 it tonight. So the 60 days is starting  
4 tonight, which means that you have to adopt  
5 the final scope by August 27th, I believe is  
6 60 days from tonight. If you received it in  
7 May, it would be much shorter.

8 So in order to meet those timeframes,  
9 you're tentatively noticing your intent to  
10 declare lead agency. So you're telling all  
11 the other agencies of New York that have  
12 approval authority that you're going to be  
13 doing the environmental review. You're also  
14 sending them a pos dec that says if you're  
15 going to be lead agency, you're going to  
16 require an environmental impact statement to  
17 be prepared. And that is an in-depth  
18 environmental review.

19 And then lastly, your third motion  
20 tonight was to say if we're lead agency,  
21 we're also going to hold the public scoping  
22 hearing, giving the public and other agencies  
23 the opportunity to contribute to what will be  
24 included in that EIS on July 31st, you'll be  
25 able to get their comments.

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2 Additionally, what's also tentatively in  
3 that draft scope is that written comments  
4 will be accepted through August 8th. And  
5 that should allow this Board enough time to  
6 consider those comments, adjust the draft  
7 scope submitted by the applicant, which  
8 happens to be 99 percent the scope that was  
9 already adopted for Breakers, with the  
10 one percent being describing how this project  
11 has really changed since then.

12 So all of those actions will happen so  
13 long as when you meet on July 31st, you  
14 haven't gotten comment back from any other  
15 involved agencies that they want to serve as  
16 lead agency. And that's the one point I  
17 wanted to just clarify tonight, is that these  
18 actions are tentative. They're intended to  
19 meet the SEQRA timeframes. And that should  
20 not be a problem so long as all the other  
21 agencies having approval authority consent to  
22 this, the Planning Board being lead agency.

23 CHAIRMAN KRAESE: Thanks for the  
24 clarification.

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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.

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Jennifer L. Johnson