

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  
January 28, 2021  
8:17 p.m.  
(via Zoom)

BEFORE :

EUGENE KRAESE, ACTING CHAIRMAN  
KERRI ALESSI, BOARD MEMBER  
MICHAEL FERGUSON, BOARD MEMBER  
ERIC JASLOW, BOARD MEMBER  
MARK JOHNSON, BOARD MEMBER  
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN KRAESE: Let's move on to our last application. Eagle Bay. We got a site plan review, and we have a final statement to adopt or talk about.

MS. MELE: I think it's just to -- we were just here tonight to talk about the adoption of the findings statement. And then once that was done, we would come back with our consultants and go through the site plan with you. So I think it's just the findings statement on for tonight. Dave, is that your understanding?

MR. ZIGLER: Yes, that's true. And the site plan is, would be the next issue to next month.

CHAIRMAN KRAESE: All right. Couple of, a couple of issues have popped up that we'd like to address. Let's go back over to mitigations and finding on Page 16. On G2, about midway there's a sentence says, this traffic signal will be installed prior to the issuance of the third residential building CO, certificate of occupancy issued for the

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2 project. I won't go beyond that.

3 It was my impression, and talking with  
4 some of the other Members of the Planning  
5 Board, that we were going to have that after  
6 the second building. So that's one of the  
7 things we'd like to address.

8 MS. MELE: Okay. I mean, this -- if I  
9 may just have, like, a minute to just kind of  
10 go through the history, I'd appreciate it.  
11 Thank you.

12 CHAIRMAN KRAESE: We got more.

13 MS. MELE: So this, this FEIS obviously  
14 was adopted back in September. And the delay  
15 in adopting the findings statement, which we  
16 agreed to the additional delays, arose  
17 because of this issue from the PIPC. And  
18 if -- you said you had a couple of issues.  
19 And I know we had a special workshop to  
20 discuss this.

21 And I'm not necessarily opposed to --  
22 you have a draft findings statement in front  
23 of you. It has a draft watermark. If the  
24 only issue left is changing the word, you  
25 know, second CO, or third CO back to second,

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2 I think that would we probably be okay  
3 adopting subject to that. But I'd want to  
4 hear what the other issues are first.

5 CHAIRMAN KRAESE: I wasn't going to  
6 leave you out in the lurch.

7 MR. O'ROURKE: And Gene, if I could just  
8 butt in -- not butt in here, but give one  
9 comment, and maybe this is where the  
10 confusion was over that one section. So when  
11 they say it will be after the second  
12 building, it's kind of the same thing,  
13 because you're not going to be able to open  
14 the third building until the traffic light is  
15 installed because it's for the CO. So the  
16 traffic light would be installed after the  
17 second building is open. But it would be  
18 installed before the third. So I think it's  
19 just a matter of semantics with the CO versus  
20 the building permit.

21 MS. MELE: Yeah. Thank you for that  
22 comment, because I actually thought to  
23 myself, well, before the third also could  
24 mean before the second. I mean, there's not,  
25 you know, and you're not going to give it to

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2 us, so. And that could be a map note that's  
3 addressed in site plan.

4 MR. O'ROURKE: Yeah. But I think that's  
5 probably where some of the confusion came  
6 from.

7 MS. MELE: Thank you for clarifying.

8 MR. O'ROURKE: You know, from second  
9 building, third building. But I defer to  
10 you.

11 CHAIRMAN KRAESE: All right. The next,  
12 the next question that arose was G6. Let me  
13 read it.

14 The project sponsor will conduct a post  
15 implementation, post construction monitoring  
16 study within six months of substantial  
17 completion and occupancy of the project to  
18 identify actual traffic volumes or other  
19 potential improvements, including possible  
20 signalization of the Tomkins Avenue, Hudson  
21 Drive, site access, Beach Road, CSX Railroad  
22 overpass, intersection, and speed study along  
23 Tomkins Avenue.

24 So that kind of, it doesn't match G2.  
25 So talking to planner and some

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other people -- again, other Members -- we'd like to modify that to state this. The project sponsor will conduct a post implementation slash post construction monitoring study within six months of substantial completion and occupancy of the project to identify actual traffic volumes. At that point, we'd like to remove the rest of that sentence and add, and any required improvements to mitigate project impacts.

MS. MELE: I'd have to look at that.

Again, I --

MR. ZIGLER: Amy? I think that that entire sentence was centered on Tomkins and 9W. I don't know how Beach Road got involved with that.

CHAIRMAN KRAESE: This says nothing. This says this has got to do with, it says Tomkins Avenue, Hudson Drive, site access, Beach Road, CSX Railroad overpass.

MR. ZIGLER: Yeah, no. The traffic light is the traffic light, and that was going to take care of that.

CHAIRMAN KRAESE: I know that. But this

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2 is already, this is in here.

3 MR. O'ROURKE: Well, I was --

4 MS. MELE: Hold on. I'm searching the  
5 word traffic or Beach Road.

6 THE CLERK: On Page 17.

7 MS. MELE: Thank you, Mary.

8 THE CLERK: You're welcome.

9 MR. O'ROURKE: I'll confirm with Dave.  
10 Gene, I believe this whole section can be  
11 taken out because the applicant, as we just  
12 discussed, is going to install that traffic  
13 light. He basically gave up, said look, I'm  
14 not going to do a study. I'm just going to  
15 install the improvements as shown. And  
16 that's what we just spoke about, between  
17 Buildings 2 and 3. Correct me if I'm wrong,  
18 Dave, but I think that's --

19 MR. ZIGLER: No, no. You're right.  
20 Absolutely.

21 MR. STACH: Dave, was it your, was it  
22 your recollection that that intersection was  
23 properly supposed to be Tomkins and 9W?

24 MR. ZIGLER: Yeah.

25 MR. STACH: Based on the DEIS.

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2 MR. ZIGLER: We changed it. We agreed  
3 to do the traffic light at the discussion.  
4 And then the second part of, I'll say traffic  
5 had to do with Tomkins and 9W, redoing the  
6 count after the project was, you know, three  
7 quarters full or whatever. That's what we  
8 discussed. I don't know how it got --

9 MR. STACH: So maybe that intersection  
10 reference just needs to be changed back.

11 MR. ZIGLER: That's what I think,  
12 because that's what we agreed to. Once we do  
13 the traffic light, why would we do a study,  
14 because we know what it's --

15 MR. STACH: Yeah. And this says after  
16 the project, so.

17 MR. ZIGLER: Yeah. That's Tomkins and  
18 9W. That's what we were --

19 MS. MELE: Can we all agree, though,  
20 that if these are, like, little nits and  
21 typos, that there's a draft watermark on  
22 this. We actually changed the findings  
23 statement, I think during a special workshop  
24 a couple weeks ago, literally on the fly. I  
25 could do it right now on my machine, and we



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2 could adopt this subject to those two  
3 changes.

4 MR. STACH: Well, this change is really  
5 correction of what is essentially a typo or  
6 misidentification.

7 MS. MELE: Right. Right. Okay.

8 MR. STACH: And then --

9 BOARD MEMBER JOHNSON: Is the traffic  
10 light going to be at the CSX underpass on  
11 Beach, Tomkins, and Hudson? Or, I mean, you  
12 just said you're going to put the traffic  
13 light up regardless of the study, right?

14 MR. ZIGLER: Yeah, Beach. Beach and,  
15 Beach and -- Beach, Tomkins, and Hudson.  
16 Yeah. Yeah.

17 BOARD MEMBER JOHNSON: That's going,  
18 that light's going up. And then an after  
19 project study will decide whether a light  
20 goes up at Tomkins and 9W?

21 MR. ZIGLER: Correct. That was, that's  
22 what the traffic report said. And when we  
23 submit the site plans, you'll see the traffic  
24 light layout. And we have comments from the  
25 County already on that.

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BOARD MEMBER JOHNSON: Okay.

MR. ZIGLER: Yes. That was the intent.

CHAIRMAN KRAESE: Okay, Max, how do you want to leave this?

MR. STACH: I think just like, just like we said. So I think the Board needs to discuss whether or not they want G2 to change to before the building permit of Building 3, or before the CO of Building 2. And the applicant has to identify whether they agree to that, which I think she's waiting to hear the rest of your comments.

CHAIRMAN KRAESE: Well.

MR. STACH: This one, G6, seems to be just a correction of a misidentification, where this provision is referring to Tomkins and 9W, not Tomkins and Beach slash Hudson.

CHAIRMAN KRAESE: It's going to have to be modified and addressed.

MR. STACH: Just need to change the intersection of Tomkins Avenue with Beach Road and Hudson Drive to the intersection of Tomkins with Route 9W. That's the only change that needs to be made.

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2 MS. MELE: Right. And I believe -- and  
3 Max and Steve, you know, chime in if you  
4 think I'm wrong -- I think those minor  
5 changes can be, you know, we can adopt this  
6 findings statement subject to making those  
7 minor modifications and move on.

8 MR. HONAN: I agree that's possible,  
9 yeah.

10 MR. STACH: So far, I don't have any  
11 issues with changing the findings statement  
12 as we've discussed so far.

13 MS. MELE: Thank you.

14 CHAIRMAN KRAESE: How does the rest of  
15 the Planning Board feel? Are there any  
16 comments?

17 BOARD MEMBER JASLOW: I have a question,  
18 just about the light, potential light at  
19 Tomkins and 9W. In prior meetings when we  
20 talked about it, it was going to be  
21 determined by the State whether we needed a  
22 light. Who is determining it now?

23 MR. ZIGLER: State. It's a State road  
24 and it's a State authority.

25 BOARD MEMBER JASLOW: Okay.

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2 MS. MELE: They have to determine  
3 whether it meets the warrants.

4 MR. STACH: What this would require,  
5 Eric, is that the applicant would have to  
6 provide the data to the State in order to  
7 determine if there could even be a traffic  
8 light there.

9 BOARD MEMBER JASLOW: And then who pays  
10 for it, the applicant or the Town or the  
11 State?

12 MR. STACH: This has the applicant  
13 paying for that study.

14 BOARD MEMBER JASLOW: And they have, the  
15 applicant's going to put money in escrow for  
16 that if it has to happen?

17 MR. ZIGLER: That was the intent, yes.

18 BOARD MEMBER JASLOW: Okay.

19 MS. MELE: Of the study, yes.

20 BOARD MEMBER JASLOW: Thank you.

21 CHAIRMAN KRAESE: So the rest of the  
22 Board is comfortable with us changing the  
23 actual location on G6?

24 BOARD MEMBER ROGERS: Yeah, I am.

25 BOARD MEMBER JASLOW: Yes.

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2 CHAIRMAN KRAESE: Let me just go back to  
3 G2.

4 BOARD MEMBER FERGUSON: Yes.

5 CHAIRMAN KRAESE: Is there any comments  
6 from the Board changing that from the third  
7 to the second residential CO?

8 BOARD MEMBER ROGERS: Well, from my  
9 point --

10 MS. MELE: I'm sorry. Excuse me. Could  
11 you repeat that?

12 BOARD MEMBER ROGERS: Go ahead.

13 MS. MELE: I had a little interruption.  
14 I apologize. Could you repeat that?

15 BOARD MEMBER ROGERS: I was going to say  
16 I don't have an issue if it relates to the  
17 way it was presented that after the second  
18 building is constructed, it's automatically  
19 going to go to the light being installed.  
20 That's fine. I think just the way the  
21 verbiage was a little confusing. So I have  
22 no issue leaving the third. It's fine, as  
23 long as that's what's going to happen.

24 BOARD MEMBER JASLOW: Do we have to put  
25 a timeframe that the light has to be

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2 installed with?

3 CHAIRMAN KRAESE: Wouldn't it depend on  
4 when the building is completed?

5 BOARD MEMBER ROGERS: Yeah.

6 BOARD MEMBER JASLOW: Right. So is it  
7 going to be 60 days, installed within 60  
8 days, is it a year?

9 MR. O'ROURKE: The time, the time, the  
10 timeframe is based upon the CO. So no CO can  
11 be issued for the third building until that  
12 light is installed. Now, if they decide not  
13 to build for six years between Building 2 and  
14 3, then that's what it would be. Because  
15 it's not until Building 3 is occupied that  
16 you're going to need that -- well, you don't  
17 even need the light until the whole thing is  
18 occupied. But that's what they've agreed to.

19 So there's not a specific six months.  
20 It's just prior to the issuance of CO for the  
21 third building. So they're going to be half  
22 occupied, have to install this light, and  
23 then they can build the remaining two  
24 buildings.

25 CHAIRMAN KRAESE: I'm catching it wrong.

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2 I mean, I'm catching it, they're going to get  
3 after -- the traffic light signal will be  
4 installed prior to the issuance of the third  
5 CO. I just said, I just thought we were  
6 going back to the second.

7 MR. O'ROURKE: No, the --

8 CHAIRMAN KRAESE: Half the job.

9 MR. O'ROURKE: Again, this is where the  
10 explanation, and you can talk to the  
11 applicant, but the way it was set up is  
12 Building 1 and 2 would be occupied, open and  
13 occupied. They would install the light. And  
14 then they would be allowed to occupy the  
15 third building. So it was basically mid way  
16 through the project that they could do it.

17 BOARD MEMBER JASLOW: So it's the same,  
18 it's the same thing.

19 CHAIRMAN KRAESE: Yeah, just a play on  
20 words. All right. Let me just move on to  
21 something else here. This was brought up by  
22 one of our -- I think this was one of your  
23 questions, Mark. Let me see my notes.

24 BOARD MEMBER JOHNSON: G7?

25 CHAIRMAN KRAESE: Yeah. You had -- and

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2 this is probably for John, and I spoke to  
3 John about this earlier. On 19, you were  
4 talking about the inflow of the project,  
5 flow. It's got to do with the sewage.

6 THE CLERK: Page 21. It's on Page 21.

7 CHAIRMAN KRAESE: Thank you, Mary.

8 MS. MELE: Thank you, Mary.

9 BOARD MEMBER JOHNSON: Yeah. We have a  
10 statement saying there's sufficient capacity  
11 at the treatment plant to handle the  
12 additional sewage flow. I mean, is that from  
13 a report or a study that was done by the  
14 sewer department or the treatment plant? Or  
15 is that just a statement from whoever is  
16 running the plant down there? I mean, was  
17 there a capacity analysis done on the plant?

18 MR. ZIGLER: Basically, what we did was  
19 we took your flow numbers, your treatment  
20 numbers every day, and based it on what  
21 you're approved for by the State. And then  
22 we also did the study which shows the areas  
23 of concern that we think we can eliminate  
24 some inflow. And that was all boxed up into  
25 the report that was in the EIS. And we also



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2 are, have just very recently discussed things  
3 with the Town Board as far as sewer  
4 improvements, sewer fees. And you know,  
5 that's moving on, also. So that would be  
6 something for the site plan, but.

7 BOARD MEMBER JOHNSON: Okay, so that's  
8 the --

9 MR. ZIGLER: You have to remember one  
10 thing. It doesn't matter what Stony Point  
11 says. It has to go to the Rockland County  
12 Health Department. So they are actually the  
13 final approval. And it has to -- the  
14 application to the Health Department has to  
15 be signed by the Town Engineer. So this is  
16 all stuff that has to be approved when we go  
17 for that first, you know, signature of the  
18 map. And then it has to be backed up when we  
19 go for the C of Os. So that's a permit that  
20 we have to qualify for, just like the water.

21 BOARD MEMBER JOHNSON: Okay. Now, you  
22 said this is signed off on by the County?

23 MR. ZIGLER: Yeah. It's a permit to the  
24 County, just like the water. If the water is  
25 Suez, we prepare everything. We're going to

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2 do the improvements maps. We give it to  
3 Suez. Suez submits it to the County. And  
4 the County approves it after they review.

5 Same thing with the sewer. We design  
6 the sewer. We design these improvement areas  
7 that we're proposing to do. And if there's  
8 issues, that will come up with the County.  
9 But the person who signs the application to  
10 the County is actually the Town Engineer. So  
11 it's -- there's checks and balances in this  
12 long before the map gets signed.

13 MS. MELE: Right. We've been talking  
14 about the sewer since the beginning. I think  
15 we did the study Dave described. And my  
16 client's agreed to pay for offsite  
17 improvements to minimize any impact from the,  
18 you know, additional sewage.

19 BOARD MEMBER JOHNSON: Well, I just, I  
20 just want to make sure that the plant has the  
21 capacity to do this. I know, you know, our  
22 plant runs pretty close to capacity as is.

23 MS. MELE: Well, what we're doing, from  
24 what I understand -- and Dave, correct me if  
25 I'm wrong, because I got a little drainage

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lesson today -- but what we're doing is we did the study. And we've identified areas where there are, you know, breakdowns in the pipes and whatnot. And when you get a heavy rain, you get an infiltration of storm water sometimes that brings that plant closer to capacity. If we go in there and we solve those problems and we, you know, correct that piping and put in new piping, that will actually increase your capacity during a storm event. So we are actually, you know, we've agreed voluntarily to go in and do that.

BOARD MEMBER JOHNSON: Okay.

MR. O'ROURKE: And Mark, just to confirm, your normal everyday flow, you're not even, you're not close to capacity. It's only during heavy storm events that you have issues. The Town actually tried to get increased capacity because there's other issues with joint regional, and the DEC wouldn't even allow it because we weren't, we weren't at 80 percent capacity. So under normal conditions, there's plenty of capacity

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2 at the plant as of right now.

3 BOARD MEMBER JOHNSON: Okay.

4 BOARD MEMBER JASLOW: How many gallons,  
5 how many gallons a day is normal capacity and  
6 how many gallons is --

7 BOARD MEMBER JOHNSON: I believe the  
8 plant's rated for one MGD, I believe.

9 MR. O'ROURKE: Correct. Your plant, the  
10 sewer treatment plant is currently rated for  
11 one million gallons per day. Your average  
12 flow are around 800, little less than  
13 800,000 gallons per day. Except, again, in  
14 heavy rain events. Hudson River where it  
15 flows over Beach Road, that's where you have  
16 the infiltration and inflow, as every  
17 community does, where your plant, then, is  
18 treating basically storm water.

19 So to alleviate that, the applicant has  
20 identified, and worked with our office and  
21 the sewer treatment plant, that there's some  
22 areas that have, that are known infiltration  
23 issues. Broken pipes, manholes that when the  
24 flood water comes in. So they've agreed to  
25 resolve some of those issues. So when all is

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2 said and done, our I and I should actually be  
3 less than it is now.

4 BOARD MEMBER JASLOW: How many gallons a  
5 day is Eagle Bay going to put in there?

6 MR. O'ROURKE: Dave, do you remember  
7 that off the top --

8 MR. ZIGLER: No. No, I don't. I'm  
9 sorry. I looked up everything today except  
10 that.

11 MR. O'ROURKE: Let me see if I can grab  
12 it.

13 BOARD MEMBER JASLOW: Well, how many  
14 units do you have, Dave? That's easy, I'll  
15 do a quick --

16 MR. ZIGLER: 264. 264, and a little  
17 commercial.

18 MS. MELE: If you look at the EIS, I  
19 think, or the DEIS, Page 181 shows a total of  
20 60,230.

21 BOARD MEMBER JASLOW: Okay.

22 MS. MELE: With the residential, office,  
23 commercial, pool, boat slips, everything.

24 BOARD MEMBER JASLOW: Yup. Thank you.

25 CHAIRMAN KRAESE: If I understand it

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2 correctly, we'll just be under the maximum  
3 capability, capacity.

4 BOARD MEMBER JOHNSON: Well, if the, the  
5 anticipated improvements in the collection  
6 system that they've agreed to do succeeds in  
7 eliminating the extraneous flow, then we'll  
8 actually be going -- we'll start from a lower  
9 base.

10 MR. O'ROURKE: Correct.

11 BOARD MEMBER JOHNSON: Well, we'll have  
12 more capacity if that indeed does what it's  
13 intended to do. Now, going off on a little  
14 bit of a tangent, does that take into account  
15 the added contribution from Ba Mar, which has  
16 been vacant for years? Now it's going to  
17 have, what, 100 and some odd more units. So  
18 with Ba Mar and Eagle Bay, where does that  
19 put us as far as capacity?

20 MR. O'ROURKE: Yeah. And that's why,  
21 again, on paper it looks fine. We're still  
22 under capacity. But again, the Town is  
23 looking to expand the plant. So between  
24 these two, if we get over 80 percent, then we  
25 can pursue expanding the plant, which is the

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2 ultimate goal.

3 BOARD MEMBER JOHNSON: Okay. Then we'll  
4 get the approvals for that.

5 MR. O'ROURKE: Yup.

6 CHAIRMAN KRAESE: Well, if we're at  
7 800,000 gallons a day now, and we're adding  
8 60,000 for Eagle Bay, we're within the, we're  
9 over 80 percent. Unless my numbers are  
10 wrong.

11 BOARD MEMBER JOHNSON: It all depends on  
12 what they take out of the system --

13 CHAIRMAN KRAESE: That's true.

14 BOARD MEMBER JOHNSON: -- with the  
15 remediation.

16 CHAIRMAN KRAESE: I find that a couple  
17 of -- just my personal opinion -- I believe  
18 that Dave said there was about three areas  
19 where they found breaks along Tomkins or  
20 whatever, Hunter Place.

21 BOARD MEMBER JOHNSON: Right.

22 CHAIRMAN KRAESE: I find it hard to  
23 believe it's going to, we're losing  
24 60,000 gallons from a --

25 MR. O'ROURKE: No, but --

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2 MS. MELE: Well -- I'm sorry.

3 MR. O'ROURKE: But again, your plant is  
4 designed for one million. So to even  
5 approach asking the DEC for an expansion, we  
6 have to at least be over 80. So with this  
7 project, and hopefully Ba Mar, we get over  
8 the 80 percent. Then we can actually pursue  
9 expanding the plant, which is what the Town  
10 Board is looking for.

11 CHAIRMAN KRAESE: Okay. Okay.

12 MR. ZIGLER: And realize that's probably  
13 five years from now.

14 MR. O'ROURKE: Yeah.

15 MR. ZIGLER: At least.

16 CHAIRMAN KRAESE: I hope I'm alive in  
17 five years.

18 MS. MELE: Don't we all.

19 MR. ZIGLER: You can cut the ribbon to  
20 the new plant.

21 BOARD MEMBER JOHNSON: And you said that  
22 the applicant and the Town had been in  
23 discussions about divvying up the costs for  
24 improvements, so the --

25 MR. O'ROURKE: Correct. They're --



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2 BOARD MEMBER JOHNSON: -- the memorandum  
3 of understanding is in the works at this  
4 point?

5 MS. MELE: Yeah. Actually, Dave just  
6 emailed me the other day together with Steve  
7 and finalized the esplanade agreement and the  
8 sewer contribution agreement.

9 BOARD MEMBER JOHNSON: All right.

10 CHAIRMAN KRAESE: I know that -- all  
11 right. So we're -- are we satisfied with the  
12 explanation and the numbers we're looking at,  
13 Board Members? Anyone have any questions on  
14 that? I know you have --

15 BOARD MEMBER JOHNSON: If anything else  
16 comes up, it will come up at site plan.

17 CHAIRMAN KRAESE: Right.

18 BOARD MEMBER ROGERS: Just as an aside,  
19 where are we with the CSX Railroad study?  
20 You know, have they agreed to a permit? Or  
21 probably not yet, but is that --

22 MR. ZIGLER: No --

23 BOARD MEMBER ROGERS: -- how it works?

24 MR. ZIGLER: No. Yes and no. Basically  
25 that's --

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2 BOARD MEMBER ROGERS: What does that  
3 mean?

4 MR. ZIGLER: That's the same thing as  
5 your day law. We cannot apply for a permit  
6 with them until we have a site plan approval.

7 BOARD MEMBER ROGERS: Okay.

8 MR. ZIGLER: But we have discussions  
9 with them. And actually, next Tuesday, I  
10 think it's next Tuesday, we're going out to  
11 do test holes on both sides of the railroad  
12 to find out where the sewer is and where the  
13 water is. And that's required by Suez. And  
14 once we figure that out and the depth, we can  
15 finish the plans. And then Suez would file  
16 for a permit.

17 The permit must be filed by the owner of  
18 the utility. So Suez would file for a permit  
19 to do the water line through there. And  
20 Stony Point would file for a permit for the  
21 replacement of the sewer through that  
22 trestle. Both projects would be on the  
23 burden of the applicant.

24 MR. O'ROURKE: Yeah, and to follow up  
25 with that, actually, the test pits are next

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2 Thursday.

3 MR. ZIGLER: It is Thursday?

4 MR. O'ROURKE: Yeah.

5 MR. ZIGLER: Sorry.

6 MR. O'ROURKE: And the, I believe the  
7 Town has made the initial application to CSX  
8 requesting that because we have an existing  
9 sewer there now. So it's basically just a  
10 replacement of that existing sewer.

11 BOARD MEMBER ROGERS: Okay.

12 MR. O'ROURKE: So the applicant actually  
13 put the initial application in. The Town  
14 signed it and did submit it.

15 BOARD MEMBER ROGERS: Okay. Thanks.

16 CHAIRMAN KRAESE: Mark, you had one more  
17 comment on I12. I don't think it's really,  
18 at this point, it's -- it had to do with the  
19 ferry and the boat docks.

20 BOARD MEMBER JOHNSON: Yeah. I don't  
21 think that's --

22 CHAIRMAN KRAESE: I think that could be  
23 addressed at the site plan.

24 BOARD MEMBER JOHNSON: Right, exactly.

25 CHAIRMAN KRAESE: If that becomes an

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issue. So let me ask the Board this. Are we satisfied to pass this findings statement and adopt it at this time, on conditions of some of the modifications we've addressed?

BOARD MEMBER JOHNSON: Yes.

BOARD MEMBER ROGERS: Yeah, I think so.

CHAIRMAN KRAESE: I'll make a motion to adopt the findings statement.

BOARD MEMBER ROGERS: I'll second that.

CHAIRMAN KRAESE: Mary, would you -- just to make it clear again for the record, we're going to adopt this after the roll call with the two statements that have been changed in G5 and --

THE CLERK: Who was first?

CHAIRMAN KRAESE: Excuse me.

THE CLERK: Who was first?

CHAIRMAN KRAESE: You can go with me.

THE CLERK: And who was second?

BOARD MEMBER JASLOW: Jerry.

THE CLERK: Who?

BOARD MEMBER ROGERS: I think I was.

THE CLERK: Jerry, okay. Okay. Sorry.

CHAIRMAN KRAESE: Give me one second,

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2 just give me one second. For the record, I  
3 want to just make sure with the verbiage  
4 change of G2 and G6 as discussed. Okay.

5 MR. O'ROURKE: We're not going to have  
6 Steve read the whole thing?

7 CHAIRMAN KRAESE: No, no, no.

8 THE CLERK: John.

9 BOARD MEMBER ROGERS: Who's serving  
10 breakfast?

11 CHAIRMAN KRAESE: After I got the, all  
12 the resolutions today, I was going to -- a  
13 letter of resignation was coming in.

14 THE CLERK: Okay. Roll call.  
15 Mr. Kraese?

16 CHAIRMAN KRAESE: Yes, ma'am.

17 THE CLERK: Mr. Jaslow?

18 BOARD MEMBER JASLOW: Yes.

19 THE CLERK: Mr. Johnson?

20 BOARD MEMBER JOHNSON: Yes.

21 THE CLERK: Mrs. Alessi?

22 BOARD MEMBER ALESSI: You know what, I  
23 actually just, I had one question. So, Gene,  
24 you just mentioned we're approving it with  
25 the modifications to G6 and G2. I, I thought

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2 where we were ending up was on G2, we were  
3 okay.

4 CHAIRMAN KRAESE: No. Going to go to  
5 the second. It's almost a play on words.  
6 But it's more, it's -- am I correct on that,  
7 fellows, ladies and gentlemen, that we're  
8 changing that to the second?

9 MS. MELE: I think that I understand  
10 your point. It is a little bit of semantics.  
11 But if you're more comfortable changing third  
12 to second, I don't think my client has a  
13 problem with that.

14 BOARD MEMBER JOHNSON: The C of O is  
15 issued after completion of the building,  
16 right?

17 MR. O'ROURKE: Correct.

18 BOARD MEMBER JOHNSON: The building  
19 permit is issued before the construction of  
20 the building.

21 MS. MELE: Right. So you could say,  
22 like, before the building permit on the third  
23 or after the CO on the second. And it would  
24 be the same thing.

25 CHAIRMAN KRAESE: We just need you to

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put it the second, and we know you're going to get the building permit for the third.

BOARD MEMBER JASLOW: I agree.

MS. MELE: Are you all right with that, Dave?

CHAIRMAN KRAESE: And you understand that, Kerri?

BOARD MEMBER ALESSI: Yup, I'm good.

CHAIRMAN KRAESE: Okay.

MS. MELE: Thank you, Mrs. Alessi.

THE CLERK: Okay. Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Okay. Mr. Ferguson? Mike?

MR. HONAN: I think he's on mute. Hold on one second.

THE CLERK: Mike?

MR. HONAN: I think he temporarily --

THE CLERK: It's going right to voicemail. Let me text him.

CHAIRMAN KRAESE: While you're doing that, a couple of people at the bottom of my screen had some questions, and I think most of them were just answered to the public. So those of you who did, fine. If not, you can

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get in touch with me. It had to do with who is going to pay for what, and how many gallons, which we --

THE CLERK: I texted him and called both numbers.

MR. HONAN: He could abstain.

THE CLERK: Can you get him back?

CHAIRMAN KRAESE: Well, we have a majority, don't we?

THE CLERK: We have one, two, three, four, five. We have five.

CHAIRMAN KRAESE: Yeah. So, you know, listen. This is Zoom. Sometimes there is a glitch. But we do have a majority. So that's adopted.

THE CLERK: Okay.

CHAIRMAN KRAESE: I thank the applicant for coming in and helping us out with this.

MS. MELE: Thank you for having us.

MR. ZIGLER: Thank you.

(Time noted: 8:47 p.m.)

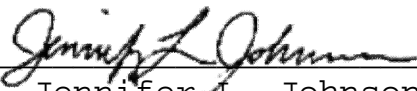
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THE FOREGOING IS CERTIFIED to be a true  
and correct transcription of the original  
stenographic minutes to the best of my ability.

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

