

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  
June 24, 2021  
7:34 p.m.

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: Next on the agenda, continuation of a public hearing for Eagle Bay, site plan review.

MS. MELE: May I begin? Good evening, everybody. My name is Amy Mele, 4 Laurel Road, New City, New York. I'm the attorney for the applicant. Nice to see you all again in person, although I have to admit I did go to Town Hall instead of coming here first, but we'll get used to that.

I'm not going to take up a lot of time. This is about the public saying what they'd like to say. I have here with me tonight, you heard Ramya before. We also have Vahid Rostami who can go through any site plan questions that you all might have. We can put the Page One of the site plan up on the screen for the audience's edification. And unless you have any specific questions, I'm just going to let you guys open it up to the public.

CHAIRMAN KRAESE: Can we put something up there?

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2 MS. MELE: Yeah, I think we have Vinny  
3 here who can put up the site plan.

4 CHAIRMAN KRAESE: Before we open the  
5 public hearing, does the Board have any  
6 comments or questions?

7 BOARD MEMBER JASLOW: Have we heard  
8 anything back from CSX regarding --

9 MS. MELE: That's a good question. I  
10 have not. Dave Zigler would probably be the  
11 person to ask that question of.

12 Unfortunately, he has another engagement in  
13 Airmont tonight. Ramya, do you know whether  
14 we heard anything back from CSX?

15 MS. RAMANATHAN: I'm not aware.

16 MS. MELE: Yeah. I'm not aware of, but  
17 I can certainly follow up on that,  
18 Mr. Jaslow, and get back to you tomorrow.

19 BOARD MEMBER JASLOW: Perfect.

20 MS. MELE: Okay, thank you.

21 BOARD MEMBER JASLOW: Thanks.

22 CHAIRMAN KRAESE: I got a couple of  
23 questions.

24 MS. MELE: Oh, sure. I'm sorry.

25 CHAIRMAN KRAESE: I know that CSX is

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not -- you can't file for the permit until after, when and if it gets, the site gets approved. But my question is does the applicant, do you have any kind of plans? Now, I was down there with some people looking at the location, and I brought this question up before. Can you explain, either today or in the future, how you're going to address the elevation there with drainage if you get the approval to go down about two feet? Because at my last calculations, they were rough, by the eye. Without touching anything now, without even going down, we're looking at about four feet difference, right?

MS. MELE: I believe that the most latest set of site plans provided to you has additional pages attached, and I'll defer to Vahid, but I believe that the plans for any of our improvements in that regard are set forth on the plans now. So, but I'm not the engineer. So hold on one second, please.

CHAIRMAN KRAESE: While he's getting up there, is that part of those maps that you

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2 submitted, all those maps?

3 MS. MELE: Yeah. My understanding is  
4 that they contain all the off site drainage  
5 improvements and our plans to do them as  
6 well. I would be doing you a disservice if I  
7 walked you through them, but I can certainly  
8 ask Vahid or Ramya.

9 CHAIRMAN KRAESE: I mean, we don't have  
10 to go -- we got copies of that. I just  
11 didn't see the one with the drainage for  
12 Hudson Drive.

13 MS. MELE: Okay. I'll check, and  
14 perhaps before the end --

15 CHAIRMAN KRAESE: Well, as long as --

16 MS. MELE: -- of the public comment we  
17 can bring it up.

18 CHAIRMAN KRAESE: As long as Mary gets  
19 it, because it's not going to happen  
20 overnight. And my second question, was there  
21 any consideration on my request that we have  
22 two exit lanes on Hudson Drive?

23 MS. MELE: Yes. We did have a call  
24 about that. And there was an issue with that  
25 from a traffic standpoint. And I'm trying to

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remember exactly what it was. I don't think we were necessarily adverse to it if it weren't from a traffic standpoint, but our traffic engineer was telling us why that might not be a solution. Gee, I'm sorry. I would have had the traffic engineer here and I don't. But if you'll allow me, maybe I can look at my notes from our call and I can see what the conclusion of that was.

Also, I just want to point out that, you know, in the event that the public hearing is closed, or even if it isn't closed, I think we're going to ask to be on the text TAC agenda or, you know, technical consultant agenda, so that we can go over these nitty gritty questions, and we can have all of our consultants there with us so we can answer them for you. Tonight being a public hearing, I didn't think all those people were necessary. So I do apologize. But I will try and find that page in the plans. I will try to look at my notes and get you an answer before the end of the public comment.

CHAIRMAN KRAESE: Okay. I don't think

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we necessarily have to have the answer tonight. But those, those are the two outstanding issues I know I have, and some of the other Board Members.

MS. MELE: So it's the plans for underneath the Hunter, Hunter underpass, and the two lane issue --

CHAIRMAN KRAESE: Coming out.

MS. MELE: Going out. Thank you, Mr. Chairman. I'll definitely look into it.

THE CLERK: Gene, I think we got them, but we just didn't -- I think we got them, but I think we didn't go through all of them because there were so many.

CHAIRMAN KRAESE: All right. So at this, at this point, I'm going to open the public hearing. As usual, let's hold the public hearing down to three minutes. If we have time, if we have time afterwards. And I'd like to request that try not to give us the same repetitious questions. Hopefully we'll have some new, new sights, new inputs into it.

You want to speak, sir? You have to

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2 sign this, and then we'll call you. All  
3 right, starting with Kevin Maher.

4 MR. MAHER: Kevin Maher, 130 Central  
5 Highway, Stony Point. I want to read a  
6 comment that came back on one of my letters.  
7 It was in the -- I believe it's the part of  
8 the letter that was submitted, dated  
9 April 29th. It's on the Town's web page, the  
10 Planning Board section.

11 Based on the results of the DES traffic  
12 impact study, additional FES traffic  
13 information, similar levels of service and  
14 delays will be experienced at the area  
15 intersections under future no build or future  
16 build conditions. Thus, the proposed Eagle  
17 Bay mixed use development is not expected to  
18 cause any significant impact in overall  
19 operation.

20 264 units of housing is not going to  
21 cause an impact? What college did this guy  
22 graduate from? I mean, I don't have a  
23 traffic engineering experience. But common  
24 sense is, you're looking at five, possibly  
25 500 vehicles leaving in the morning and



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coming home at night. Unless maybe he's expecting Scotty's going to beam them up to the Starship Enterprise and then beam them back down to their working locations.

The other issue I have is the profile. I sent this in with my previous letter. You don't just have roads bouncing up and down. You have to put vertical curves in there in order to avoid vehicles from bottoming out. And I'm surprised Ryan Nasher missed that. That's a real rookie mistake to do something like that.

And again, Gene, you've got a great point about the drainage. Excellent point. How the heck are you going to drain this thing when the outlet, the infrared, the bottom of the pipe on this profile is below the pipe going out to the Hudson River. Unless you pump the water uphill.

And as Dave said, he said yeah, I'm very knowledgeable of storm water management and drainage. Of course I am. I've been doing it for 40 years. And I also happen to be the great-grandnephew of Robert Manning, the

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2 Irish engineer who gave us the equation that  
3 we use to size up storm drains and sanitary  
4 sewers.

5 My other issue is just with the fact --  
6 again, Gene, a good point about digging  
7 underneath the overpass. I did my own  
8 inspection of that. I sent photographs in.  
9 I'm very concerned about the condition of  
10 that overpass, the way it's been bandaged by  
11 CSX.

12 I'm telling you, I have a structural  
13 engineering degree, both bachelor and  
14 master's degree. It's a danger to do what is  
15 planned there. You could conceivably upset  
16 the footings on that bridge. And when you do  
17 that, guess what might happen. A derailment  
18 of a train. And when that happens, everybody  
19 who approved it is going to be part of a  
20 lawsuit.

21 So I hope you think very carefully.  
22 Make sure you get good information such as a  
23 good geotechnical report and a good  
24 structural analysis done by an outside  
25 engineer, because Mr., while Mr. Dave Zigler

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is a very competent, very excellent surveyor,  
he's not an engineer. Thank you.

CHAIRMAN KRAESE: All right, thank you.

Just to reiterate, you know what I said  
before with my question, that this Board is  
not sleeping, because we're awake and we know  
what's going on.

MR. MAHER: I just want to make you --

CHAIRMAN KRAESE: Thank you.

MR. MAHER: -- well aware.

CHAIRMAN KRAESE: Next, Mr. Potanovic.  
Hold on, Jim. You're third.

MR. POTANOVIC: Good evening, Board  
Members. George Potanovic, 597 Old Gate Hill  
Road, and President of the Stony Point Action  
Committee for the Environment.

First, I would like to say that for the  
last several months, you've been holding  
these meetings on Zoom remotely, and they've  
been well attended. We've had 30, 40, and  
sometimes more people attending those  
meetings. By moving these meetings to a live  
meeting, you're obviously getting less  
people. And I think it was important that

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you have some kind of way for people to view these meetings from home, not just have meetings live, not only for reasons of health reasons and precaution, but also because people have busy lives and they sometimes can't even get home from work to make a 7:00 meeting.

The Zoom meetings have been very convenient. And the fact that they've been videotaped also gives the chance for the town residents to even view these meetings afterwards at their own convenience. So I'm asking you to consider an alternative. I've spoken to the Town Board about this as well.

Zoom happens to be one of the things that came good out of this pandemic. And I think if we can count the good things, it's allowed us to stay in touch with each other, educate, work from home. As you know, many different things. And I think we should make use of that technology and not abandon it because all of a sudden, you decide you want to have live meetings, which cannot always been well attended by everybody.

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2 The -- I've submitted written comments  
3 already, so I'm not going to repeat, as  
4 Gene's asked. I'm not going to repeat the  
5 same comments. But I do have some questions  
6 about the traffic study.

7 We did look at the traffic study in the  
8 EIS. It looks like a portion of it was done  
9 in 2018 and another portion was done in 2020.  
10 I don't know if the 2018 section was a piece  
11 that was taken from The Breakers, which you  
12 know was a smaller project, or whether that  
13 was somehow recalculated to consider this  
14 project, which is about 30 percent or more  
15 larger than what The Breakers was.

16 So I don't know about the validity. As  
17 Kevin Maher mentioned, I would agree that 264  
18 units, or 500 cars, or whatever it would  
19 create, it's hard to believe that that's not  
20 going to have a traffic impact on this  
21 project and on the what are very limited  
22 access to this, to this site, both ingress  
23 and egress.

24 So I just question the whole traffic  
25 study. I don't understand it. Don't

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understand how it can be valid. And if part of it was taken from the original Breakers project, it shouldn't be. I mean, that was a smaller project.

And if studies were done in 2020, I don't know if it was February or not, obviously we were going into a pandemic and a lot of people were not traveling. So I don't know how we would have done a study in 2020, a valid study based on kids not going to school, and people not going to work, and the traffic levels were much lower.

I'd like to know what the status of the sewer agreement is. The sewer capacity is a big question. You've raised this before in your workshops. The Town is in negotiation supposedly with Eagle Bay regarding sewer, at least three sewer repairs that are being done. I'd like to know what the status of that is. I think that information should be available to us before you close any public hearing. We should know what the status is of the sewer situation. Okay.

Also, what is the status of the process

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106 review with the Army Corps of Engineers. SPACE is participating in that process. I'm not sure what the status of that is. If you know what the status of that is at this point, I would like to know what that is. And of course, this hearing I don't think should be closed until we understand what the result of that review is.

Hunter Place, I would agree with CSX issues, many issues regarding CSX. Not only the sewer and water, but from what I understand, there's an AT and T line that goes under there. At least one other person mentioned that. I don't know if you're aware of whether or not there's a communications line that goes underneath that.

And I got to thinking that, you know, when you're having anything on that side of the train tracks, those underpasses become a thoroughfare for not only traffic, not only water and sewer, but maybe communications lines as well. So those are all important considerations. And those answers should really be gotten before we give any approvals

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because that's a significant impact, and the chances of interrupting that process in the CSX line there is an important consideration.

CHAIRMAN KRAESE: You're running a little late.

MR. POTANOVIC: Okay. So it should not, we should not be closing this public hearing until these questions are answered. And I appreciate your time and attention. Thank you very much.

CHAIRMAN KRAESE: Thank you. And George, I just want to say the same thing I said to Kevin before. All the subjects, the issues you raised are being addressed by the Board, and we'll have answers before our final vote is done on this site plan.

MR. POTANOVIC: Okay, thank you.

CHAIRMAN KRAESE: Thank you for your concern. All right. Does the Board have any --

BOARD MEMBER JASLOW: One more, Gene.

CHAIRMAN KRAESE: Oh, I'm sorry. Jim.

MR. THOMPSON: Jimmy Thompson, 37 Hunter Place. They pretty much both said everything



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2 I was going to say. From the water pressure,  
3 sewers, traffic control going through there,  
4 the digging, the flooding.

5 We already flood out. We got a storm  
6 water drain that is there now. They have to  
7 raise it up supposedly another ten feet,  
8 supposedly, from what I heard. Like, another  
9 ten feet. We're definitely going to be a  
10 flood zone because we're flooding back there  
11 now. We see the water.

12 No one ever came around and talked to  
13 us. The only one who came around was  
14 Mr. Maher. He came over. He's the only one  
15 that, you know, we've been talking to, and  
16 this and that. George. No one else came  
17 around.

18 When they come, they come during the  
19 day. Would have been nice for them, you  
20 know, for you guys to come around, talk to  
21 the public. You know, I mean you're building  
22 something. That's the way I look at it. I  
23 mean, it would be nice. Hey, we're going to  
24 build this. You know, talk to the people,  
25 get to know the people, get to know your

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2 neighbors, right.

3 So other than that, these guys said it  
4 all. I'm just throwing two cents in. And if  
5 it happens, it happens. But do the right  
6 thing. That's all I can say.

7 CHAIRMAN KRAESE: All right. Thank you,  
8 Jim. Thank you. All right. Any more  
9 comments from the public?

10 I think I just want to say one thing,  
11 because I'm only the Vice Chairman, and I've  
12 been sitting here the whole time. I've been  
13 here for years. I have to say that this  
14 Board has been the most transparent Board  
15 regarding this project and any other project.  
16 We've had workshops. They were open to the  
17 public. There was comments made all along  
18 the, all along the process. What Kevin said  
19 today, what George said, and what Jim said  
20 are all issues that have been brought up to  
21 us many times. We are aware of them.

22 I've been out to that trestle many times  
23 by myself. I was down with Mark, even down  
24 with the secretary. So we got our eyes open,  
25 and we're going to do the best we can with

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2 what we dealt with. So that's, that's that.

3 MR. THOMPSON: Can I say one more thing?  
4 Does FEMA -- has anybody talked to the  
5 federal government with this? I mean, that  
6 might become a flood zone, too.

7 CHAIRMAN KRAESE: It's being, all this  
8 is being addressed by the Town Engineer.

9 MR. THOMPSON: All right. All right.

10 CHAIRMAN KRAESE: It's not just us.

11 MR. THOMPSON: All right.

12 CHAIRMAN KRAESE: No other comments?  
13 You're with the applicant, you have a  
14 comment?

15 MS. MELE: Yeah, I'm sorry. Answer to  
16 your question. If you look at Pages 18 to 20  
17 of the site plan that was just forwarded to  
18 you guys a couple of days ago, that has the  
19 Hunter Place detail on it. I would not  
20 presume to be able to explain the engineering  
21 plans to you, but I'm sure your engineer is  
22 going to be looking at it and will be  
23 commenting back to us on any changes he  
24 requires.

25 CHAIRMAN KRAESE: And I'm sure the Board

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2 will be looking at it.

3 MS. MELE: Thank you.

4 CHAIRMAN KRAESE: Any comments from the  
5 Board at this time?

6 BOARD MEMBER JOHNSON: I'll make a  
7 motion -- if not, I make a motion to close  
8 the public hearing.

9 CHAIRMAN KRAESE: Do we have a second?  
10 We have a second.

11 MR. HONAN: Mr. Chairman?

12 CHAIRMAN KRAESE: Will the applicant  
13 agree to waive the time restriction? I  
14 believe it's 62 days.

15 MS. MELE: Yes, we will. And I have a  
16 letter to hand to Mrs. Pagano.

17 CHAIRMAN KRAESE: Could you do that,  
18 please.

19 MS. MELE: Sure.

20 CHAIRMAN KRAESE: Do we have a second on  
21 closing?

22 BOARD MEMBER ROGERS: Second.

23 CHAIRMAN KRAESE: Second. Okay, so we  
24 have a motion and a second. All in favor?

25 (Response of aye was given.)

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2 CHAIRMAN KRAESE: Everyone, yes. I also  
3 add to the motion that we keep the written  
4 comments open for ten more days, for any  
5 written comments.

6 Now, just so the public understands,  
7 this is not the end. This is the end of our  
8 public hearing. We're still going on, we'll  
9 be at the TAC meetings. They'll still be  
10 coming here every month. This is -- it's not  
11 over yet, so.

12 And all -- as you heard tonight, all the  
13 comments were repetitious. So we are aware  
14 of your questions. We are aware of your  
15 concerns. And we're going to do the best we  
16 can. So, thank you.

17 That's the last -- so the public hearing  
18 is closed. Let's take a vote.

19 THE CLERK: Who seconded it?

20 CHAIRMAN KRAESE: Jerry. Mary?

21 THE CLERK: Mr. Jaslow?

22 BOARD MEMBER JASLOW: Yes.

23 THE CLERK: Mrs. Alessi?

24 BOARD MEMBER ALESSI: Yes.

25 THE CLERK: Mr. Johnson?

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BOARD MEMBER JOHNSON: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Chairman?

CHAIRMAN KRAESE: Yes. Okay. Other matters. Minutes of May 22, 2021 Planning Board meeting. All in favor?

(Response of aye was given.)

CHAIRMAN KRAESE: I want to thank everybody for coming. I think -- before you leave, I just want to say this, it just dawned on me. One of the major reasons that we had a public hearing tonight, and I understand what George said about being great on Zoom, but I and one or two other people felt it was important that there are some people out there that may not have a computer, are not that literate with their computer, or embarrassed to stick their hand up on a computer, or couldn't get through. And I thought it was a great opportunity to at least have one public hearing. And that's

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one of the main reasons why we had it tonight, so the average person could come to the talk.

Saying, that being said, thank you for coming. We'll see you next month.

THE CLERK: Close the meeting.

CHAIRMAN KRAESE: I make a motion to close the meeting. Second? All in favor?

(Response of aye was given.)

(Time noted: 7:54 p.m.)

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LETTER SUBMITTED BY AMY MELE

June 24, 2021

Via hand delivery

Town of Stony Point

Planning Board

74 East Main Street

Stony Point, New York 10980

Re: Eagle Bay Development (the "Project")

Dear Chairman Gubitosa and Members of the Board:

Please be advised that if the Planning Board votes to close the public hearing in the above-referenced matter, my client agrees to waive the 62-day time period set forth in Town Law §274-A(8).

Thank you.

Very truly yours,

Amy Mele, Esq.

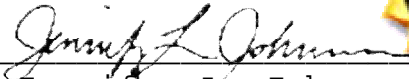
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THE FOREGOING IS CERTIFIED to be a true  
and correct transcription of the original  
stenographic minutes to the best of my ability.

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

