

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

3 - - - - - X

IN THE MATTER

4 OF

EAGLE BAY

5 - - - - - X

Town of Stony Point

6 RHO Building

5 Clubhouse Lane

7 Stony Point, New York

September 24, 2020

8 7:05 p.m.

(via Zoom)

9

10 BEFORE:

11

THOMAS GUBITOSA, CHAIRMAN

12 KERRI ALESSI, BOARD MEMBER

MICHAEL FERGUSON, BOARD MEMBER

13 ERIC JASLOW, BOARD MEMBER

MARK JOHNSON, BOARD MEMBER

14 EUGENE KRAESE, BOARD MEMBER

JERRY ROGERS, BOARD MEMBER

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3 CHAIRMAN GUBITOSA: Next item on the
4 agenda, this is the application's review for
5 Eagle Bay. It's the review of the FEIS.

6 MR. ZIGLER: Hi. I'd like to hand this
7 over to Amy and Ramya to address this.

8 CHAIRMAN GUBITOSA: All right. Thank
9 you, Dave.

10 MR. ZIGLER: Yeah.

11 MS. MELE: Good evening, everybody. I
12 hope everyone is well. Amy Mele on behalf of
13 the applicant this evening.

14 As you know, this has been a long
15 process, a lot of iterations. We represent
16 Eagle Bay. They're looking to develop the
17 old marina. We had basically understood that
18 this was going to be an EIS, and we got
19 started on that a couple of years ago. I
20 think what you have before you tonight is a
21 completed product that has answered basically
22 all of the questions.

23 At the last workshop meeting, we had
24 narrowed it down I think to three or four
25 issues. We sent the Board the answers, and

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2 your consultants the answers to the remaining
3 questions that have hundreds, you know, that
4 were basically narrowed down to, you know,
5 under five I think it was. And I think that,
6 I know that Max and John had commented and
7 felt comfortable. We sent them to -- we sent
8 sort of a cheat sheet to the Board Members so
9 that they could see where in the EIS these
10 were addressed.

11 So what we're hoping for this evening is
12 basically acceptance of the FEIS, at which
13 point we'll go to print immediately. And
14 then if my SEQR handbook tells me correctly,
15 there is 30 days for adoption of the
16 findings, which I know that Max has already
17 been working on. And you know, and that's
18 upon filing the notice of completion. So
19 what we're really looking for tonight is
20 acceptance of the FEIS and authorization to
21 file the notice of completion.

22 CHAIRMAN GUBITOSA: All right. Thank
23 you, Ms. Mele.

24 MS. MELE: You're welcome.

25 CHAIRMAN GUBITOSA: What I'll do is I'll

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2 go to the consultants first, then I'll go to
3 the members. Max, you have any comments? I
4 know we have, we went through a lot of the
5 EIS. We had a lot of comments, a lot of
6 meetings, a lot of iterations. Which, what
7 comments do you have for tonight, just to
8 give us an update?

9 MR. STACH: Yeah, so that is correct.
10 We had really whittled it down a lot. The
11 applicant had responsive to our comments.
12 When last we discussed this issue at a TAC
13 meeting, there were just three or four issues
14 outstanding. The applicant had revised the
15 language in the FEIS in a manner that I felt
16 allows the Planning Board to make findings to
17 those final matters. And I felt that I, if
18 John would confirm and Steve would confirm,
19 with regard to those, the issue on Tomkins
20 and Beach Road, and the issue regarding the
21 status for the sewer, that the FEIS as
22 prepared is in an adequate state for adoption
23 by the Planning Board.

24 And as Ms. Mele has properly noted,
25 based on that, you would have 30 days

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2 following filing of the written findings
3 to -- I'm sorry, filing of the final EIS to
4 adopt findings. So one thing we haven't
5 discussed is how that meshes with the
6 calendar. I do believe -- well, is there 30
7 days between now and the next meeting, I
8 guess is the question. And I don't believe
9 there is. The next meeting would be on the
10 22nd. Today is the 24th.

11 So, really, I think if the Board was
12 looking to make its findings, it would need
13 to make the findings either -- well, I guess
14 we could go -- it's as much as 30 days. So
15 we could shoot to have the findings completed
16 for the next meeting on the 22nd.

17 CHAIRMAN GUBITOSA: I think the 22nd is
18 30 days, right? Is it from today or --

19 MR. STACH: Well, it's up to 30 days.
20 So that's the maximum, yeah.

21 MR. SHEEHAN: Yeah, no. The 22nd is,
22 like, 28 days. But you don't need the 30
23 days. You just have them.

24 CHAIRMAN GUBITOSA: Oh, okay. That's
25 right.

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2 MR. SHEEHAN: If you need it.

3 MR. STACH: That's the most you can get.

4 CHAIRMAN GUBITOSA: That's the most,
5 okay.

6 MR. STACH: So we would aim to have
7 draft findings in advance of the TAC meeting
8 for discussion by the Planning Board.

9 CHAIRMAN GUBITOSA: All right. All
10 right. John, you have any comments?

11 MR. O'ROURKE: No, I think Max has
12 summed it up pretty well. We've had lots of
13 comments over the multiple years we've been
14 playing with this. We're generally satisfied
15 with everything at this point.

16 CHAIRMAN GUBITOSA: All right. Bill,
17 any comments?

18 MR. SHEEHAN: No. No, I think like Max
19 and John pointed out, there was a couple
20 items loose at the last TAC meeting --

21 CHAIRMAN GUBITOSA: Right.

22 MR. SHEEHAN: -- that was worked out.
23 So I'm good.

24 CHAIRMAN GUBITOSA: All right. Gene, I
25 know you have some comments. I know you

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2 might have had some comments.

3 BOARD MEMBER KRAESE: I've had a lot of
4 comments.

5 CHAIRMAN GUBITOSA: I know.

6 BOARD MEMBER KRAESE: You know, after
7 talking with Mark, who made a visit to the,
8 to the sewer plant, and also looking at what
9 the FEIS was changed to, I feel confident
10 that we can move forward in that area. And
11 my only concern to begin with, so we all
12 understand this, is that I didn't want the
13 door to be closed in case something pops up
14 as far as the sewer situation. And if the
15 door is open, that we're going to mediate the
16 situation between the Town and the applicant.
17 So in that area I'm comfortable.

18 I'm still not comfortable, in talking to
19 Steve a couple of times, with the findings of
20 the traffic installation at Beach and
21 Tomkins, the underpass. Now, my
22 understanding, and I could be wrong, at the
23 TAC meeting, Dave did mention the fact that
24 it all hinged on the County. So we have an
25 email that the County verbally approved, they

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2 recognized the existing situation will be, it
3 will be improved by the plan effective.

4 Which means they're going to give it their
5 blessing eventually.

6 And looking at another part of it, it's
7 going to be -- the survey will be done after
8 the complex is constructed and occupied.

9 That, that, that kind of bothers me a little
10 bit. And I thought Dave and I -- Dave, if
11 I'm wrong, let me know -- I thought we were
12 talking about maybe doing that after the
13 second building is completed and there's some
14 occupancy in there. I mean, I could see
15 voting on this as it is.

16 MR. ZIGLER: No, no. The plans that
17 were submitted to the County was prior to us
18 discussing it, and we stand with what we told
19 you. That will be discussed and determined
20 at site plan. But in no -- there's no
21 intention to doing this as the last building
22 goes up. That's for sure. But that plan was
23 forwarded to the County prior to our last
24 discussion. That's why it says that.

25 BOARD MEMBER KRAESE: I just wanted to

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2 make the air clear for the Board.

3 MR. ZIGLER: That's fine.

4 BOARD MEMBER KRAESE: You know. Then at
5 this point, I'm satisfied, as long as the
6 door is not closed on the sewer situation and
7 the traffic situation.

8 MS. MELE: Yeah, we still have a whole
9 site plan process to go through.

10 CHAIRMAN GUBITOSA: Right.

11 MS. MELE: So tonight, we're just
12 focusing on the FEIS. But I totally
13 appreciate your comment.

14 BOARD MEMBER KRAESE: What I was trying
15 to do, Amy, is I didn't want -- don't take
16 this the wrong way -- I didn't want the
17 applicant coming back, saying hey, guess
18 what, you voted on this and, you know, we're
19 not doing it. We don't have that
20 relationship now. But I just, you know, for
21 the record, I think it's proper that we
22 should put it in.

23 MS. MELE: Sure. And I understand that,
24 and I think that that's completely
25 appropriate to raise at site plan in terms of

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2 the phasing and when we do things. And I
3 think that's within your purview, excuse me.

4 BOARD MEMBER KRAESE: Thank you.

5 MS. MELE: Sure.

6 CHAIRMAN GUBITOSA: Thanks. Thanks,
7 Gene. Mark, any -- I know you've been
8 involved a lot, like what Gene said, looking
9 at the sewer and all that.

10 BOARD MEMBER JOHNSON: Well, I was at
11 the TAC meeting a few weeks ago, and that
12 answered a lot of questions. Spoke to John
13 about some of my concerns about the sewer.
14 And then I talked to Roy down at the
15 treatment plant, and he kind of satisfied my
16 remaining concerns. So I'm actually pretty
17 good with it right now.

18 CHAIRMAN GUBITOSA: All right, good.
19 Jerry, how you doing?

20 BOARD MEMBER ROGERS: Well, yeah, okay.
21 My initial concern was the traffic. And I'm
22 just glad to see that the applicant has come
23 forward to put in the signal switching
24 system, rather than using the stop signs as
25 was first granted during the initial EIS. So

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2 I'm satisfied with that.

3 MS. MELE: Thank you.

4 CHAIRMAN GUBITOSA: Thanks, Jerry.

5 Eric, how about you? You're on mute, Eric.

6 There you are.

7 BOARD MEMBER JASLOW: No, I'm good.

8 Gene and I talked, and Gene said a lot of my

9 sentiments. So I'm good with everything.

10 CHAIRMAN GUBITOSA: All right, good.

11 BOARD MEMBER JASLOW: And with the

12 traffic lights and the site plan, we'll move

13 ahead with that.

14 CHAIRMAN GUBITOSA: All right, good.

15 Thank you, Eric. Mike, how about you? Mike,

16 you're on mute, Mike. There you are.

17 BOARD MEMBER FERGUSON: Okay. Basically

18 the same thing they were talking about. We

19 went over most of the stuff before. As of

20 now, I don't have any other questions.

21 CHAIRMAN GUBITOSA: All right. Thank

22 you, Mike. Thank you.

23 BOARD MEMBER FERGUSON: Welcome.

24 CHAIRMAN GUBITOSA: All right. And you

25 know, I thank Gene and Mark and everyone who

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2 has been on top of this. And like you said,
3 I've been in contact with Max and Steve and
4 Gene and Mark, and we've gone through all of
5 this. I think a lot of the questions and
6 everything's been kind of answered going
7 forward. And I think the applicant has been
8 very receptive to, you know, things that
9 we're going to need down the line. So that's
10 good.

11 Steve, anything? Any comments, or are
12 you good?

13 MR. HONAN: I think we've got to ask
14 Kerri if she has any comments. I don't think
15 I have a note that she was asked.

16 CHAIRMAN GUBITOSA: Kerri. Oh, Kerri,
17 sorry. I'm sorry. Go ahead, Kerri.

18 BOARD MEMBER ALESSI: That's okay. I'm
19 satisfied. I have some questions that will
20 come up when we do the site plan review. But
21 in terms of FEIS, I'm satisfied.

22 CHAIRMAN GUBITOSA: Good. Thank you.
23 Thank you, Steve. Sorry, Kerri. You were
24 down on my screen, I didn't see you there.
25 But no, I'm good with that. So like you

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2 said, I think if everyone's satisfied, then,
3 you know, I think I'd like to, you know, make
4 a motion to accept the FEIS.

5 BOARD MEMBER ROGERS: I'll make that
6 motion, Mr. Chairman.

7 MR. HONAN: Mr. Chairman?

8 CHAIRMAN GUBITOSA: Wait. Go ahead,
9 Steve.

10 MR. HONAN: I did circulate a proposed
11 resolution, I believe yesterday or the day
12 before, just so that the Board Members could
13 take a look at it and be satisfied with what
14 I included in the proposed resolution.

15 CHAIRMAN GUBITOSA: Right. And I think,
16 I know I did look at it. And I think we were
17 satisfied, you know, what we've talked about.
18 So, you know, I have a motion. I need a
19 second, and then we'll read the resolution.

20 MR. HONAN: Fine. If you'd like me to
21 read it, I would read it.

22 BOARD MEMBER ALESSI: I second the
23 motion.

24 CHAIRMAN GUBITOSA: All right.

25 THE CLERK: Who seconded?

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2 CHAIRMAN GUBITOSA: I think Kerri
3 second, or Gene or Kerri second.

4 BOARD MEMBER KRAESE: Kerri.

5 CHAIRMAN GUBITOSA: Yeah, Kerri. Yeah,
6 one of us. Yeah, Steve, if you want to just
7 go, you know, I guess hit the outlines of the
8 resolution, and then we'll vote on it.

9 MR. HONAN: Let me see. Do you want me
10 to read the entire thing? It's two pages,
11 it's about a page and a half. I'll do it
12 quickly, how is that?

13 CHAIRMAN GUBITOSA: Yeah, do it quick.

14 MR. HONAN: It is an important --

15 CHAIRMAN GUBITOSA: It is.

16 MR. HONAN: -- piece of business that
17 we've been working on for about two years.

18 CHAIRMAN GUBITOSA: Yeah, so I think
19 it's worth us going through it. And I agree.
20 Thanks, Steve.

21 MR. HONAN: Resolution of the Town of
22 Stony Point Planning Board adopting the Final
23 Environmental Impact Statement, FEIS, for the
24 Eagle Bay Mixed Use Development Project.

25 Whereas, the proposed action is on a

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2 project site located on Hudson Drive
3 approximately 600 feet north of the
4 intersection of Tomkins Avenue in the Town of
5 Stony Point, Rockland County, New York, in
6 the Planned Waterfront, PW, zoning district,
7 and this zone is designated for land along
8 the waterfront of the Hudson River in Stony
9 Point. The site consists of a total of 41
10 acres, of which 26.5 plus or minus acres
11 consist of environmentally restricted areas,
12 the remaining 14.5 plus or minus acres
13 consists of buildable land area. The site
14 consists of three tax parcels identified on
15 the Stony Point Tax Map as 15.05-6, Lots 3,
16 4, and 6. The applicant seeks to construct
17 four multi-unit residential buildings, a
18 commercial center building for various
19 commercial uses, a minimum of 100 boat slips,
20 and a pedestrian esplanade along the Hudson
21 River which will provide the public with
22 access to and enjoyment of the Hudson River
23 waterfront. For the purposes of analyzing
24 cumulative impacts, this site is identified
25 as prospectively including primarily

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2 residential structures with commercial and
3 potentially retail and restaurant uses, a
4 minimum of a 100 boat slips and an esplanade
5 permitting public access to the waterfront.
6 The site contains in excess of 1200 feet of
7 frontage on the Hudson River; and

8 Whereas, on December 12, 2019, at the
9 Town of Stony Point Planning Board meeting
10 and acting as lead agency pursuant to
11 New York State Environmental Quality Review
12 Act and its implementing regulations, this
13 Board accepted the Draft Environmental Impact
14 Statement, DEIS, for the Eagle Bay Mixed Use
15 Development Project as sufficiently adequate
16 with respect to scope and content for the
17 purpose of commencing public review and
18 comment, scheduled a public hearing, and
19 commenced the required public comment period
20 consistent with the requirements of SEQRA;
21 and

22 Whereas, on January 30, 2020, the
23 Planning Board conducted a public hearing on
24 the DEIS at which time comment was received
25 from the public. The public comment period

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2 was extended and held open to February 28,
3 2020, for receipt of additional public
4 comment; and

5 Whereas, the Final Environmental Impact
6 Statement, FEIS, for the Eagle Bay Mixed Use
7 Development Project was supplied at the
8 direction of the Planning Board to ensure
9 that the Planning Board, as well as other
10 involved agencies and the general public, are
11 able to carefully analyze and take a hard
12 look at the potential environmental impacts
13 of the proposed actions and the measures
14 proposed to mitigate such impacts; and

15 Whereas, in order to provide
16 comprehensive and thorough responses, the
17 FEIS contains additional information and
18 confirmatory analysis where appropriate to
19 assist the Planning Board in its analytical
20 and decision making obligations under SEQRA.
21 As discussed more fully in the FEIS, the
22 additional information and/or confirmatory
23 analyses contained in the FEIS comply -- I'm
24 sorry, amplify and examine in greater detail
25 the issues initially examined in the DEIS as

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2 a result of comments received from both
3 involved agencies and the public. The
4 additional information and the analyses are
5 consistent with the examination of issues
6 contained in the DEIS, and do not result in
7 the identification of any new or different
8 significant adverse environmental impacts.
9 Therefore, the Planning Board determines that
10 a Supplemental Environmental Impact
11 Statement, SEIS, is not warranted or
12 required, and would not assist the Planning
13 Board in analyzing the proposed action and
14 otherwise fulfilling its obligations under
15 SEQRA; and

16 Whereas, the FEIS was evaluated by the
17 Town consultants, including engineering and
18 planning consultants, as well as by Town
19 staff for substance, completeness, and
20 accuracy, with all concluding that the FEIS
21 is responsive to all substantive comments and
22 recommending that the FEIS be accepted; and

23 Whereas, this matter was an agenda
24 before the Planning Board on September 24,
25 2020, at 7:00 p.m., and all submissions

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2 relative hereto were duly considered by the
3 Planning Board.

4 Now, therefore, be it resolved, that
5 having given due consideration to the entire
6 record before it, and based on its own
7 independent examination and consideration of
8 the FEIS, including consultation of its
9 engineering and planning consultants, the
10 Town of Stony Point Planning Board, as SEQRA
11 lead agency, finds and determines that the
12 FEIS for the Eagle Bay Mixed Use Development
13 Project, last revised on September 11, 2020,
14 is satisfactory with respect to scope,
15 content, and substance, and the analyses and
16 conclusions accurately represent the Planning
17 Board's assessment and is hereby accepted,
18 approved, and adopted, and the Chairman is
19 hereby authorized to sign this resolution and
20 to permit same to be filed in the Office of
21 the Town Clerk, upon payment of any of all
22 outstanding fees to the Town, subject and
23 conditioned upon the following:

24 Number One, all of the whereas
25 paragraphs are incorporated herein by

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2 reference.

3 Two, the Town's planning consultant is
4 directed to take all actions necessary to
5 publish, file, and circulate the necessary
6 notices and the FEIS herein adopted as
7 required by SEQRA.

8 And Three, this resolution shall be
9 effective immediately.

10 CHAIRMAN GUBITOSA: All right. Thank
11 you, Steve. All right, I have a motion, I
12 have a second. Any discussion on the
13 resolution read by Steve?

14 BOARD MEMBER KRAESE: Excuse me. Tom,
15 could you have Steve -- Breda Beckerle is
16 trying to get on and she can't.

17 MR. HONAN: Oh, very good.

18 BOARD MEMBER KRAESE: Sorry to
19 interrupt.

20 MR. HONAN: That's all right. They
21 should all be joining now.

22 BOARD MEMBER KRAESE: Thank you.

23 CHAIRMAN GUBITOSA: All right, thank
24 you. Thanks, Steve. Thanks, Gene. All
25 right, so I have a motion, a second to accept

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2 the FEIS. Mary, can you just poll the Board?

3 THE CLERK: Mr. Kraese?

4 BOARD MEMBER KRAESE: Yes.

5 THE CLERK: Mr. Jaslow?

6 BOARD MEMBER JASLOW: Yes.

7 THE CLERK: Mr. Johnson?

8 BOARD MEMBER JOHNSON: Yes.

9 THE CLERK: Mrs. Alessi?

10 BOARD MEMBER ALESSI: Yes.

11 THE CLERK: Mr. Ferguson?

12 BOARD MEMBER FERGUSON: Yes.

13 THE CLERK: Mr. Rogers?

14 BOARD MEMBER ROGERS: Yes.

15 THE CLERK: Chairman Gubitosa?

16 CHAIRMAN GUBITOSA: Yeah. All right, so

17 we've adopted. And Dave, I mean, I guess

18 we'll see you at the TAC meeting.

19 MR. ZIGLER: Yeah. I guess the question

20 is are you going to have a live meeting?

21 Because next step we want to do is present a

22 site plan, which if you picked it up, it's a

23 monster, so we wanted to go over it.

24 CHAIRMAN GUBITOSA: It is. What I'm

25 working on with the Town is with the senior

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2 room to see if we can get it equipped for the
3 meeting there. They're looking, I guess
4 they're looking to get mics to extend. And
5 they've set up the room so it could be
6 spaced. So I'm just waiting to see if they
7 have all the necessary equipment in place for
8 us to hold the meeting, and then to see if it
9 will be, you know, it's set up. So as soon
10 as I find out this week, I'll, we'll let
11 everyone know.

12 MR. ZIGLER: All right. Thank you very
13 much.

14 CHAIRMAN GUBITOSA: Thank you.

15 MS. MELE: Yes, I thank everybody very
16 much. And I'll be in the background for your
17 other business later, because I know you're
18 looking at the petition before the Town Board
19 for the base flood elevation. So I'll just
20 be quiet and be around if you have any
21 questions. But I thank the Board for their
22 consideration.

23 CHAIRMAN GUBITOSA: Thank you, Ms. Mele.

24 MR. STACH: Can I ask a question, Tom?

25 CHAIRMAN GUBITOSA: Who is that?

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2 MR. STACH: This is Max. Yeah, yeah. I
3 just, for clarification, it says filed in the
4 Office of the Town Clerk upon payment of any
5 and all outstanding fees to the Town. Do I
6 have to check with Bill on that before I file
7 the notice of completion? And do you want
8 us -- so it says here that you want us to
9 publish, file, and circulate notices and the
10 FEIS. I mean, I would think that's something
11 that I'll provide the notice of completion
12 and work with the applicant who would provide
13 affidavits of mailing.

14 MS. MELE: That's fine.

15 CHAIRMAN GUBITOSA: I think that's --
16 yeah, Bill, that's how it works, correct?

17 MR. SHEEHAN: Yeah, yeah. And is Max
18 asking about fees?

19 MR. STACH: Yeah, that's what the
20 resolution said.

21 MR. SHEEHAN: Yeah, well, that's
22 standard language. I mean, obviously, before
23 we sign the map, all fees, inspection fees,
24 and any outstanding fees that are due are
25 paid prior to signing the map.

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2 MR. STACH: Yeah. This says, this
3 says --

4 MR. SHEEHAN: They just came in, they
5 just came in and replenished their escrow
6 account just less than a week ago. So we're
7 good.

8 MR. STACH: Okay. All right. So I will
9 get on that tomorrow. And I'll be in touch,
10 Amy, with you?

11 MS. MELE: Yeah. Me, and if you can't
12 get me, Ramya, because I think she's going to
13 be coordinating the printing of all of the
14 documents, so.

15 MS. RAMANATHAN: Yes.

16 MR. STACH: Excellent.

17 MS. MELE: We can have a quick call.
18 Happy to provide that. Ramya, how long do
19 you think for printing?

20 MS. RAMANATHAN: I think if you have the
21 notice of completion soon, then we should be
22 done in two weeks. We should be in good
23 shape to circulate.

24 MR. STACH: Okay. Well, we need to
25 have, just so you know, you need to have this

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2 thing filed ten days before the next Planning
3 Board meeting on the 22nd. So the last --
4 this should probably go out before the fifth,
5 let's say, or sixth, so these --

6 MR. SHEEHAN: Yeah. We should probably
7 shoot for prior to the TAC meeting so at the
8 TAC meeting, we know everything's been taken
9 care of.

10 MR. STACH: Yeah.

11 MS. RAMANATHAN: Okay.

12 MR. SHEEHAN: The second Thursday,
13 whatever date that is.

14 CHAIRMAN GUBITOSA: The eighth. Yeah,
15 the TAC meeting is the eighth, right.
16 Correct, Bill. Thank you.

17 MS. RAMANATHAN: We'll have it done by
18 then.

19 MS. MELE: Okay, great. All right.
20 Again, thank you.

21 CHAIRMAN GUBITOSA: Thank you, Ms. Mele.
22 You're welcome. Thank you.

23 (Time noted: 7:29 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