

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

3 -----X

4 IN THE MATTER

5 OF

6 BA MAR MANUFACTURED
7 HOME PARK

-----X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
Thursday
January 24, 2019
8:35 p.m.

11 BEFORE:

- 12 THOMAS GUBITOSA, CHAIRMAN
- 13 EUGENE KRAESE, BOARD MEMBER
- 14 ERIC JASLOW, BOARD MEMBER
- 15 PAUL JOACHIM, BOARD MEMBER
- 16 JERRY ROGERS, BOARD MEMBER
- 17 PETER MUELLER, BOARD MEMBER

18 APPEARANCES:

- 19 STEPHEN M. HONAN, ESQ., Special Counsel
- 20 MAX STACH, Town Planner
- 21 JOHN O'ROURKE, P.L.S, Town Engineer
- 22 WILLIAM SHEEHAN, Building Inspector
- 23 MARY PAGANO, Clerk to the Planning Board

24 ROCKLAND & ORANGE REPORTING
25 2 Congers Road
New City, New York 10956
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3 CHAIRMAN GUBITOSA: All right. Next
4 item on the agenda is Ba Mar Manufactured
5 Home Park located on the south side of
6 Grassy Point Road east of Nelly Drive. This
7 is a new application. This is the first
8 time that this Board has entirely -- has
9 seen this application.

10 MS. MIELE: Good evening, everybody.
11 Amy Miele, 4 Laurel Road, New City. Tonight
12 I am here of Counsel to Ira Emanuel on
13 behalf of the applicant for the project that
14 we're calling the Ba Mar Manufactured Home
15 Park. We're here to unveil the applicant's
16 plan to revive this manufactured home park.
17 As many of you know the park has existed in
18 some of form for seven decades.
19 Unfortunately this park was largely
20 destroyed by Super storm Sandy in 2012. The
21 owner, the Town, the County and the State
22 worked diligently with the families that
23 were displaced and now the park is largely
24 unoccupied.

25 I just want to point out that the Town's

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2 master plan which was amended in 2013
3 specifically calls for the maintenance of
4 existing manufactured home parks and
5 recognizes their significance to the
6 community. And it also recommends flexible
7 zoning regulations and better standards for
8 the protection of manufactured homes and I
9 think the Town has done that.

10 Since Sandy we've been in a holding
11 pattern and one of the main reasons we were
12 in a holding pattern was because the Town's
13 base flood elevations. Their -- the Town
14 regulations post Sandy defaulted to FEMA's
15 advisory base flood elevations. And you may
16 recall we were here before I think to ask
17 for your recommendations to the Town Board
18 on revising those base flood elevations to
19 be more in line with the reality of the
20 topography here where we're located.

21 So in May 2018 the applicant petitioned
22 the Town Board to revise the base flood
23 elevations and the town -- this Board
24 actually reviewed that and recommended the
25 revisions which were at adopted by the Town

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2 Board in August of 2018. So we're back and
3 we're ready to rebuild and we've done quite
4 a bit of work behind the scenes before
5 coming before this honorable board tonight.
6 We've been having several technical review
7 meetings, most recently on January 10th,
8 where we received a lot of valuable feedback
9 from you professional staff. A large
10 majority, if not most of that feedback has
11 been incorporated into the plans that are
12 before you tonight so we're a bit further
13 then conceptual. We're not, you know, site
14 plan ready, but I think everybody agrees
15 that we're a bit further along than just
16 conceptual plans.

17 So we're here tonight to present our
18 current plans which we think is quite
19 detailed, it addresses most of the feedback
20 we received thus far. I'll let Mr. Rocks
21 from Brooker Engineering walk you through
22 the details, but the following are some of
23 the highlights of the plan: We have
24 141 units as opposed to the 151 that were
25 there pre Sandy. We have a new layout that

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2 provides for better circulation and less
3 dead-end roadways and way better circulation
4 for emergency access vehicles. The main
5 access road is being raised above the
6 existing grade. The homes are being
7 relocated away from the wetlands area. The
8 individual homes will be two feet above your
9 new revised base flood elevation. Well
10 require some variances, we know we'll need a
11 lot width variance for the lots, there may
12 be others depending on how the plans
13 develop.

14 But what we're asking for tonight so we
15 can get moving is for the Board to declare
16 its intent to be lead agency so that we can
17 start the SEQRA process. If we had waited
18 to do this next month we wouldn't have been
19 able to do that until April. We're hoping
20 that you declare your intent tonight and
21 then you'll be in a position to declare
22 yourselves lead agency at your March 28th
23 meeting. So any feedback that we receive
24 tonight as well as any EAF form that's
25 required which was requested by your Town

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2 Planner will basically put is in a position
3 for February 26th and hope to be back at the
4 Board at your March 28th meeting. We're
5 happy to come to the February meeting as
6 well if you want an update, but we won't be
7 in a position to declare lead agency until
8 the March 28th meeting.

9 So with that I'm going to hand it over
10 to Mr. Rocks who can walk you through the
11 plan, unless you have any questions of me.
12 Okay.

13 MR. ROCKS: Thanks. Dennis Rocks from
14 Brooker Engineering, very happy to be here
15 tonight. So we have the sheet one if I
16 could just walk you through it. So this is
17 a vicinity map, this shows the site
18 boundaries, this shows Grassy Point Road,
19 here's the rail line, hear's Minisceongo
20 Yacht Club and then here would be the U. S.
21 (inaudible).

22 Without further adieu here is our
23 proposed plan, as Mrs. Miele was saying it
24 was very sad what happened in Sandy. We're
25 very excited to be participating in this

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2 project, it's a great projet and it's a
3 great project from an engineering standpoint
4 and I also happen to be a certified flood
5 plain manager and we're very excited to be
6 working on such a good project in really
7 every way. And so Ms. Miele was talking
8 about really what amounts to resiliency.
9 Resiliency is really how an environment or a
10 residence can really bounce back from a
11 significant environmental event like a big
12 rainstorm or hurricane or that kind of a
13 thing. So really what you see here is a
14 plan that elevates the roads, it elevates
15 the homes. She was talking about the
16 circulation patterns. If you remember and I
17 can show you the layout of the existing and
18 it's just a series of different of dead end
19 driveways that extend toward the railroad.
20 And now we have a beautiful circulation
21 pattern that really gets you around and
22 limits -- we have 150-foot dead end,
23 otherwise you can come through here and
24 circulate around.

25 The plan is really dynamite in that we

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2 reduce the number of homes, we reduce the
3 amount of impervious surface, we push back
4 from the wetlands and so it's -- it's a nice
5 plan, it's a better plan, it's an
6 improvement and I'd be happy to answer any
7 questions.

8 CHAIRMAN GUBITOSA: Max, anything?

9 MR. STACH: Max, not at this point, but
10 I'd think I'd like to go over the agencies
11 at the end.

12 CHAIRMAN GUBITOSA: All right. A
13 question, what's the distance between each
14 of the homes?

15 MR. ROCKS: So what we have here these
16 homes are all sixteen feet wide and so each
17 of em has an exterior staircase, but if you
18 just scale from home to home it's about
19 fifteen feet.

20 MR. O'ROURKE: Just to clarify for the
21 Board as to the latest plans which we
22 received last night, the home is fifteen
23 feet but when you add the porch and the deck
24 I think they're a little bit closer cause it
25 --

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2 MR. ROCKS: So if you go from a
3 staircase -- from the outside of the
4 staircase to the closest part of the next
5 unit is about ten feet; do you know what I'm
6 saying?

7 CHAIRMAN GUBITOSA: Yeah. And like John
8 said we just got the plans so you know right
9 now we're, like you said, we're looking at
10 things and we're probably gonna have a lot
11 more questions at the TAC meeting and the
12 next meeting.

13 MR. STACH: You know what useful
14 probably to go over tonight is the primary
15 reason for this change. I know you say
16 resiliency, but I think we discussed things
17 like what elevation you're gonna put the
18 road at in order to be able to be to access,
19 what elevation the units are at --

20 MR. ROCKS: Sure. I'd be happy to.
21 Thank you. So, the base flood elevation,
22 the 100 flood elevation which happens to be
23 about the same elevations that existed
24 during the peak of Sandy is ten. And so
25 these elevations, the elevations of the

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2 homes, the minimum elevation, is 12 so now
3 we're two feet above the base flood
4 elevation so that's a nice factor of safety.

5 Then we've elevated the roads to make
6 them passable as much as possible. There's
7 some locations where we're tied into
8 existing offsite properties, but by and
9 large we have situated the roads at an
10 elevation nine and so that would be -- the
11 wheels would be in the hundred year flood,
12 but the exhaust pipe would be above it and
13 the emergency vehicles would be able to
14 travel down the road.

15 BOARD MEMBER MUELLER: So you're going
16 to go raise the grade of that whole area?

17 MR. ROCKS: Yes.

18 BOARD MEMBER MUELLER: Not the unit that
19 grade, it's the whole elevation of the
20 property.

21 MR. ROCKS: It's both, yes, everything
22 is higher, yes.

23 MR. STACH: But the road in places will
24 be higher than the ground under the units;
25 is that correct?

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2 MR. ROCKS: Yes.

3 MR. STACH: So some of these units will
4 be five and six feet in the air; is that
5 correct, over the ground current grade?

6 MR. ROCKS: No, no, I think it's more
7 like four. The maximum is about four max
8 four.

9 MR. KRAESE: Is any of this in the
10 500-year flood plan?

11 MR. ROCKS: If it's in the 100, then
12 it's by definition in the 500.

13 MR. STACH: So the 100-year flood plain,
14 if you recall we did an action we previously
15 we provide some recommendation to the Town
16 Board Brooker Engineering did a flood study
17 to establish what the flood elevation would
18 be here at time of the 100-year flood. At
19 the time it was established it was ten feet.

20 MR. ROCKS: Elevation ten.

21 MR. STACH: Elevation ten. So anything
22 on this map that is under elevation ten is
23 going to be in that hundred year food plain.
24 I don't know that you have --

25 MR. O'ROURKE: The buildings have to be

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2 two feet above that.

3 BOARD MEMBER KRAESE: I understand that.

4 MR. STACH: Can you also describe how
5 many units there were before Sandy, how many
6 units there are now and how many are
7 proposed.

8 MR. ROCKS: Well, there were 151 and
9 we're proposing 141.

10 CHAIRMAN GUBITOSA: But after Sandy,
11 how many did you lose?

12 MS. MIELE: I have a map. I have a map
13 that might provide the answer to that
14 question. So this's less than 30 residents
15 there today. I had a rather rudimentary map
16 I can pass up. So this is sort of the
17 layout pre Sandy, but these were occupied
18 residents, they were seven vacant lots,
19 there was one office, if you add that up you
20 get 151 and you can sort of see what the
21 layout was before.

22 I'd also point out that, yes, there is a
23 little bit of intrusion into the flood plain
24 and both Ira and I have had conversation
25 with Mr. Sheehan about the applicability of

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2 the DEC flood plain regulations versus the
3 Town's and I think they'll be more
4 discussion about that at a subsequent TAC
5 meeting, but I believe this Board does have
6 the authority to permit some incursions into
7 that by virtue of your own code, but we're
8 also going to be getting the DEC permit. So
9 I think what we decided at the last meeting
10 was to get the DEC permit, see what the DEC
11 has to say and then see basically which ends
12 up being the most protective of the
13 wetlands.

14 BOARD MEMBER JOACHIM: You guys talked
15 about there's 30 families, residents that
16 are still there, is there any type of plan
17 moving forward with these guys, with the 30
18 families, what's the plan with these guys?

19 MS. MIELE: Well, Joel Brown who is a
20 principle of the applicant is here tonight.
21 I don't know if you have a plan yet to share
22 or --

23 CHAIRMAN GUBITOSA: Can you state your
24 name?

25 MR. BROWN: Joel Brown, I'm with the

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2 ownership of the group. The management New
3 York Rising has made arrangements for the
4 residents to allow them to be relocated and
5 they've provided funding for their
6 relocation so most of the families, all but
7 a handful of those families have accepted
8 that. I think there are less than five and
9 currently the families that have
10 participated have been relocated or are in
11 the process of being relocated.

12 So to answer the question at this point
13 almost all the families have been accounted
14 for in terms of where they're going to be
15 going.

16 MS. MIELE: When you say 30, there were
17 30 occupied residences; is that correct?

18 MR. BROWN: There were approximately --
19 nearly every home was affected and so
20 through the process of the New York Rising
21 what they've been able to do is they've --
22 the bar for whether or not a family or a
23 residents would be able to participate in
24 the program got lower and lower. So, like I
25 said, a large large majority of those

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2 families have taken advantage of the funding
3 that's been available to them. And so
4 what's happened is over the last couple of
5 years as they've gotten they funding and
6 they've found a place to relocate to they've
7 done that and so the number of residents in
8 the community is going down and down and
9 down. So by -- our hope is and expectation
10 is by the time that we're ready to redevelop
11 the community all of the residents will have
12 relocated somewhere. Most -- large large
13 majority of those were through New York
14 Rising funding.

15 BOARD MEMBER MUELLER: Where did they
16 get relocated to?

17 MR. BROWN: They've -- I'm not an expert
18 in where they've gone to. From what I hear
19 they've been able to buy houses that are
20 somewhere in Rockland County, alternative
21 housing, they've rented apartments, some
22 have gone to other mobile home parks not so
23 much in the area, but in and around, not so
24 much in Rockland County, but other parts.

25 CHAIRMAN GUBITOSA: All right. Good.

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2 Thank you. Amy, one last question, are you
3 doing with the Marina or is it just?

4 MS. MIELE: Yeah, that's to be
5 determined. We have to do a little more
6 title research on the ownership of the
7 marina and get back to you on that, but what
8 we're presenting here includes parking --
9 includes enough parking as though we're
10 keeping the marina. So it includes parking
11 for I think 32 boat slips which is probably
12 more than what is there actually right now,
13 and also whatever the requisite number like
14 one and a half times parking spaces for cars
15 -- trailers. So we're proceeding along the
16 lines that we'd like to keep it. We have to
17 do a little bit more legal research, title
18 research to determine that. But what we're
19 trying to propose to you here is, as always,
20 worst case scenarios so like, you know, the
21 highest elevations, the most number of
22 parking spaces, all of that so you can make
23 your determination based on that, but we'll
24 have an update for you as the project
25 proceeds.

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2 MR. BROWN: Can I just add one thing?

3 Probably the most important that I forgot
4 was that the biggest difficulty we had early
5 on with New York Rising be after the storm
6 was that all of the residents wanted to
7 stay, wanted to be the area. They liked
8 where they were living and finding
9 alternative housing that was comparable for
10 their families were here was not really easy
11 to do. So what we've heard over time is a
12 lot of these people went to apartments or
13 more transitional housing and what we've
14 heard is that they want to come back and so
15 we think that this plan and the new homes
16 that we intend to bring are gonna be
17 affordable and we think that there's gonna
18 be a large demand for them. We want to fill
19 that void for affordable housing and for
20 those people that have left and want to come
21 back.

22 CHAIRMAN GUBITOSA: Can you spell your
23 name?

24 MR. BROWN: My first name is Joel,
25 J-O-E-L, and my last name is Brown

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2 B-R-O-W-N.

3 CHAIRMAN GUBITOSA: Okay. Thank you.

4 MR. STACH: I have a couple additional
5 questions. The first is how has the DEC
6 wetlands affected the design for the Board's
7 benefit?

8 MR. ROCKS: The design -- well, first of
9 all we availed ourselves to a great
10 conference that the DEC has it's called the
11 pre application conference and it's a great
12 tool for really getting on the same page
13 with the DEC to understand what it is
14 they're interested in that's going to make a
15 successful application. So we met with the
16 DEC at the site and the primary component
17 that we're incorporated into this
18 application is to reduce the number of homes
19 and the impervious area and the proximity of
20 the development to the wetlands. So we've
21 pulled back and minimized.

22 MR. STACH: Okay. And the other one is,
23 in 1982 the flood elevation, the hundred
24 year flood elevation was set at seven feet,
25 now we have ten feet in 2018 and the

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2 projections are by 2050 we'll have another
3 30 inches, by 2080 it maybe 60, so sort of,
4 is there any thought, I understand we want
5 to make this resilient for now, but has any
6 thought been given to how to continue to
7 keep this resilient going forward as we
8 might be facing higher elevations down the
9 road?

10 MR. ROCKS: The short answer is no. The
11 proposal and how it relates to the 100-year
12 flood elevation would be two feet above that
13 and we're kind of really maximizing the
14 futility of this property to work with the
15 existing grade. For instance we have to tie
16 into Grassy Point Road, we have to tie into
17 the existing sewer system and so there are
18 similar limitations as to how this project
19 can fit in. Really you can't put a site on
20 a pedestal. A site has to relate to an
21 environment and a community and there's
22 limitations and we think we've achieved
23 that. So the minimum home elevation is 12
24 and we're pretty happy with that.

25 MR. STACH: Now going through the agency

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2 list that when we were preparing the draft
3 lead agency NOI we identified the Stony
4 Point Town Board for sewer hookups, the
5 Rockland County Health Department for water
6 main, sewer main extension, mosquito control
7 and actually they approved the initial site
8 plan of mobile home parks, also the US Arm
9 Corps of Engineers for approval water site
10 improvement for the event that you have
11 involving the marina, possible protection of
12 water, tidal, wetlands is DEC, approval of
13 water side improvements of marina for New
14 York State Department of State Office of
15 Planning and Development, Coastal Zone
16 Consistency is zoning for the waterfront
17 advisory committee which is the Planning
18 Board, County Stream, Rockland County
19 Drainage Agency, and we then also listed as
20 interested supervisor, the flood
21 administrator, the Rockland County Division
22 of Environmental Resources for the Stony
23 Point Marsh, the architectural review board,
24 Rockland County Planning, the fire district,
25 and the ambulances corps, can you think of

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2 anybody that we missed?

3 MS. MIELE: There's a park nearby, who?

4 MR. STACH: Yeah, that would be the
5 Stony Point Marsh. It's actually an open
6 space. That would be the Division of
7 Environmental Resources. The Town Park is
8 gonna be covered because the Town Board is
9 approving your sewer.

10 MS. MIELE: No, I can't think of anybody
11 else off the top of my head, but since we're
12 giving ourselves a little time to pull
13 together another submission if I do will I
14 let you know.

15 CHAIRMAN GUBITOSA: Steve, any comments?
16 All right. At this to make I just need a
17 motion to declare lead agency.

18 BOARD MEMBER ROGERS: Make that motion.

19 BOARD MEMBER JOACHIM: I second.

20 CHAIRMAN GUBITOSA: All in favor?

21 (A 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.

Melissa Pezzullo