

STATE OF NEW YORK
TOWN OF STONY POINT: PLANNING BOARD OF APPEALS
-----X

IN THE MATTER

OF

EAGLE BAY

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Town of Stony Point
Rho Building
5 Clubhouse Lane
Stony Point, New York
August 24, 2017
7:16 p.m.

B E F O R E :

THOMAS GUBITOSA, CHAIRMAN
ERIC JASLOW, BOARD MEMBER
PAUL JOACHIM, BOARD MEMBER
GENE KRAESE, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
MARY PAGANO, SECRETARY
JOHN O'ROURKE, TOWN ENGINEER
WILLIAM SHEEHAN, BUILDING INSPECTOR
STEVEN HONAN, TOWN ATTORNEY

APPEARANCES:

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THE CHAIRMAN: Next item on the agenda is Eagle Bay. This is a site plan conditional use located on the north end of Hudson Drive.

We're going to switch lawyers. This is a review of the application is. Dave, you're doing Eagle Bay?

(Whereupon, at this time, a recess was taken.)

THE CHAIRMAN: Thank you. Next is Eagle Bay.

MR. SHULMAN: Good evening, my name is Mark Shulman.

THE CHAIRMAN: Guys, can you just -- thank you. Sorry.

MR. SHULMAN: We're the architects for the project. We're here -- we were here in June to give an overview of the project, and since then we've had several meetings and have received some feedback.

The primary issues are less about program and more about public parking and amenities. So we're here to show some progress based on everything we've heard,

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and show you some of the changes we made based on those meetings.

CHAIRMAN GUBITOSA: Thank you.

MR. SHULMAN: So this is the site plan we submitted -- presented back in June, a couple months ago. We have the next slide the new site plan. I'll show it to you now.

What you'll see here is very little change, actually, in configuration. We're still talking about four buildings, we're still talking about the same number of dwelling units, but what we have focused our attention on here are all the public components.

I just want to point something out, because I just want to make sure it's clear, we did mention this last time. The developed area of this project is about 15.4 acres.

CHAIRMAN GUBITOSA: Guys, can you just bring it out in the hallway if you're going to discuss? Thank you. Go ahead.

MR. SHULMAN: And this area that's shaded out is the public area, which is

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5.5 acres. So roughly 35 percent developed area is actually devoted to the public.

The site is substantially larger as it includes in the water, but we're not even talking about that as a portion here right now. We're just talking about the developable area.

So the major changes since June are primarily two things. More public parking, previously we submitted a proposal for 100 parking spaces, and we've added now an additional 95 parking spaces, nearly doubling the amount of parking and more public amenities.

If you remember, last time we concentrated all the amenities at the southern portion of the site, and there was concern maybe we should stretch this up the Hudson River to the north. That's what we've done.

As an overview, on the public parking, we've essentially added 50 commercial parking spaces to the public lot that should come in. That lot goes from 100 to 150

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parking spaces. We're providing dedicated public marina parking and a convenient loading area.

When I say loading, it's not boat loading. There is no boat loading. It's really for people to unload vehicles, get things to their boats and then park their vehicles and get it back. We have an additional 15 parking spaces for that.

We've also added public parking at the north end of the site, where we are providing a nature observation area. That's an additional 15 parking spaces.

And then for folks who want to -- the public that wants to have a marina or boat slip, those renters will have access to public parking to the resident center as well. There's additional 15 parking spaces as well.

On the public amenities front, we've added a fitness trail and exercise stations, more picnic areas, playground, outdoor game tables. We've got more covered -- space covered gazebo areas. We've added two river

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decks, what we call Shady Grove, which is a shady area on a hot summer day. It's nice to get some relief. We've got areas like that.

As I said before, there's a nature observation area. We're going to do a nature walk or an educational walk, so all along the riverfront, which, by the way, is about a quarter of a mile, there will be side boards along the river describing the natural elements and historical things that have happened along that part of the Hudson Bay -- there's a lot of history there -- and a lot more street furniture and benches.

Very simply, what we brought -- I don't know if we could kill this light, if that's possible.

BOARD MEMBER KRAESE: Can you kill those lights back there?

THE CLERK: Shut the lights?

BOARD MEMBER KRAESE: Yes.

MR. SHULMAN: Just two videos, and you'll get kind of an overview. I don't know if I need to talk or just let thing

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run.

This is the main entrance as you come in by vehicle and enter through the site. So you approach -- I apologize if this is slow for some and fast for others, but we had to pick some speed.

So as you come in, essentially there's a traffic circle here, indicating off to the left are the residents off to the right. This whole area is the commercial parking area. This is the area that we've actually increased, got 150 parking spaces in this southern lot.

In this drive, as you turn east, this is where the commercial building is. It's 14,000 plus square feet. I think the proportion of this is a little off. We had to squeeze this down a little bit.

This is where we have a marine center, again, river tours. I think the proportions are off slightly here. It's too tall.

THE PUBLIC: Is this better?

MR. SHULMAN: Maybe. That's better.

And then -- so on the eastern end of

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this is the commercial building. We have restaurants, bar, grill, kiosk area. There is a little beach front that we plan on keeping intact, the public pier that goes out to the water. You have an observation deck, fire pit along the way here, and then you start this walk all along.

About here, all the way to the north, it's about a quarter of a mile, and we have really, you know, pretty landscaping and a variety of things.

We've activated the whole walkway, so picnic area, barbecue grills and tree-scape seating. These little areas off the path that have some covered sitting areas.

The parking lots on the left-hand side are between the buildings. Those are private once you get into that first lot, with the exception of a handful of spaces.

Off to the right is the marina, and then there's little sidewalk areas that allow the residents to also make their way down to the public river walk.

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buildings, we really cut in kind of deep here, and again, provide a lot more greenery, gardens, table games.

This is our Shady Grove where people can sit. A lot of the furniture we're proposing to do is kind of like Bryant Park, moveable furniture, where you can move it around wherever you'd like to. Playground components. There's really just something for everybody here in the plan.

So aside from having things on the left side of the river walk, there are also places to congregate closer to the water.

We're covering over the boat drop-off areas and those will become decks. This space is between Buildings 3 and 4.

What we have is the resident center. That's private to the residents, with the exception of folks from the public who rent slips will also have access to the resident center.

As you make your way south to north, it gets a little bit more passive, and that's on purpose. I think the idea is

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there's really a lot of action, it's very lively on the southern end where the restaurants are, the beach and the observation deck.

As you make your way north, it's a little bit more serene, a little quiet. Some of the exercise stations we have are kind of nested away. There are four different areas of different exercise stations. Again, it's a quarter-mile walk.

You make your way up to the end, you actually approach this observation area, the nature observation area. Again, people have said it would be great if there was some educational component to the project, so if you want to do a class trip and come up and look at the eagles or anything that's out there, also something we would take into consideration.

So that's the first video. We have one more. It's essentially just a different perspective, but it will give you it's all the same design.

We actually come in off the water from

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the Hudson River, probably a few hundred yards off of the edge of the river, you make your way. If you were approaching by boat a few hundred yards off the river's edge. You make your way towards the marina.

THE PUBLIC: How many buildings are there?

MR. SHULMAN: There are four buildings and one commercial building, four residential buildings.

It's giving you an aerial perspective, a little bit easier to see. There's Dave Zigler's boat. It's a better view of the resident's center nested between the buildings. That's it.

CHAIRMAN GUBITOSA: Thank you.

BOARD MEMBER KRAESE: Can you put the lights on?

MR. SHULMAN: Hopefully that gives you some sense of what that will feel like. If I can answer any questions, I'm happy to do that.

CHAIRMAN GUBITOSA: Hold on one second, we brought up some --

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BOARD MEMBER KRAESE: We brought up some subjects in the subjects at the TAC meeting. I know this is kind of early, because you don't have the DEIS yet, to really address some of the concerns that we have.

Looking at this, what you presented today, is a very large scale. It's kind of hard to grasp that, because that looks too big for where you're putting it.

My opinion would be, you're asking a lot, and I know we weren't -- the numbers on parking weren't right to begin with at the TAC meeting, (inaudible), so we'll have to deal with the parking situation.

(Inaudible). My question would be -- my concerns are, even though other Boards members may have the some, I'll speak for myself. The entrance area here where the commercial building is, I just don't see it, being it's just, to me, overwhelmingly crowded.

I mean, you're presenting a building, a two-story building with a tiki bar outside

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and some tables and a beach area and observation. Looking at the blueprints, it just looks like a very congested area. The rest of the place is not as congested. That's an issue I've always had from day one and I expressed that.

I'm getting to be uncomfortable with the amount of 290 as an amount of -- before we even got into the traffic study and the infrastructure, with the two roads leading to this.

I'm telling you where my concerns are coming from. If you're looking for input, that's my concern.

My other concern at the TAC meeting was, and the attorney doesn't have the complete answer yet is, who owns the right of way or not owns the right of way? Is it filed? Who filed it? If it is, it's fine, but we have to have a 50-foot right of way there.

Again, we're not dealing with the flood sewage situation today and the light at the Tompkins and 9W, which I feel should

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be, because we don't have the traffic study.

I know they've been out there surveying Beach Road and Tompkins Avenue, so I know you're working on it. So we can't comment on that until we get that.

That's about all I have to say right now.

CHAIRMAN GUBITOSA: One question, the overall site is about 41 acres?

MR. SHULMAN: Right. Yes.

CHAIRMAN GUBITOSA: Out of that 41 acres, what did you say, five acres would be public?

MR. SHULMAN: Yes. Well, five of that developable.

CHAIRMAN GUBITOSA: Five developable. Is that including like the parking, the public parking?

MR. SHULMAN: Just --

MR. SHEEHAN: It includes the parking.

MR. SHULMAN: It includes the public parking.

BOARD MEMBER KRAESE: I did present to David at the TAC meeting that somewhere

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along the line, when we get to public input or wherever, we're going to have to stake out these buildings and that area.

So, you know, I'm not an engineer, but to me it looks crowded, but if you can show me on land when I'm standing there, you know --

MR. SHULMAN: I think the site is very large.

BOARD MEMBER KRAESE: I know it's a large site. You're putting a lot of stuff into the site.

MR. SHULMAN: I think what is deceiving, because it's deceiving for us even as we look at this, you could fit a football field between these buildings.

This is a very large space. While on a piece of paper it feels crowded, I think it's getting over that sense of scale on the project, quite frankly, because it's something that we've had to adjust to ourselves as you get close to it.

There's 120 feet between the commercial building and the vertical bar of

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2 that building. That is a significant is
3 distance that you would have in an
4 environment.

5 And I think the other idea is to
6 concentrate more of the commercial into one
7 location. If you want these uses to feed
8 off of one another and if they're going to
9 be successful, if you could concentrate them
10 and get a couple of restaurants that are
11 near one another, you create synergy and
12 excitement by having, you know, high energy
13 concentrated in one location.

14 That was really the sense of what we
15 tried to do from a planning perspective. It
16 gets quieter as you make your way up to the
17 north, it gets more diluted. By design, I
18 would not put a restaurant here, one at the
19 middle and one at the top. You just dilute
20 them. You're better off having them
21 (inaudible).

22 BOARD MEMBER KRAESE: I wasn't saying
23 it was a bad option to put them all in one
24 place. All I'm saying it is --

25 MR. SHULMAN: It's concentrated.

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BOARD MEMBER KRAESE: So somewhere along the line, we're going to have to see -- this Board will have to see exactly where you are. In reality, it may not be as big as we're looking at on paper.

MR. SHULMAN: I think that's the reality.

BOARD MEMBER JASLOW: One other thing we talked about -- two things we talked about in the TAC meeting, one, how many people are going to be -- what's the occupancy, the max occupancy, of the restaurant, the bar, along with if it was Memorial Day weekend, and people were on the boats, and you were having a concert down at the beach, and a wedding at the bar, is 190 spaces or 150 spaces or 150 parking spaces going to be enough?

MR. SHULMAN: That's a good question. I think there are ways to deal with that if you have events. I think we've done this on other projects.

There are operational ways of dealing with large events, but you don't design for

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the large events, because then you have 250 parking spaces and you've got -- they sit unoccupied and you've got a lot of pavement there that sits, (inaudible).

There are ways of doing that, whether you valet or you open up sections of the residential parking along the tracks. There are ways of doing that. If you valet, you can get another one third more parking spaces in the same area that it could otherwise.

I think the other reality is, we don't have a past, so we showcase what we think. The merchandising strategy of having restaurants and some kind of recreational use makes sense there. That would be, if I would bet on it, this would be probably the right place to have that there.

So I think time will tell, and I think it would be smart to come up with an operational plan, how do you deal when you have a crowd so that you're not rejecting people in the front. It makes sense to do that, to make an operational plan.

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2 CHAIRMAN GUBITOSA: One other thing,
3 going back to what Gene said, you know, the
4 site is massive, from what we're seeing.
5 The entrance, like he said, the right of way
6 is, for us, it's deceiving, because we don't
7 know what's marked, who owns what. Nothing
8 is marked, so that's what our concern is,
9 getting into the site.

10 When you pull in there now, you know,
11 it was -- when you pull in there now,
12 depending -- I used to see when the guys
13 were pulling in with the boats or the
14 trucks, one guy would have to stop and one
15 guy would go around. So I know that
16 entrance, getting into the site, like Gene
17 said, is one of our concerns.

18 Nothing is marked, so we really don't
19 know, like Gene said, what 50-foot is, where
20 everything is going.

21 MR. SHULMAN: Right. I agree. I
22 think -- just maybe to give you some comfort
23 level, everything been engineered on the
24 site to handle tractor-trailer, fire truck
25 access everywhere.

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So we've got large radiuses. Even the traffic circle, you can drive right over it. If you look at the first part of that video, I think we should just take a quick note that -- because I share the concern that you don't want a little dinky trail that leads you to this project.

So right now, the property line is essentially right here, (indicating). These monument signs sit on our property line. What happens in the foreground is something that we have to figure out. It's got to be designed to handle the traffic. It's got to be substantial enough and should have a significant right of way bringing utilities into the property.

CHAIRMAN GUBITOSA: If you go back to the picture that we had before with the layout, with the slips and everything. Now, is there going to be any additional work in the water, any new slips, any area in there?

So like I know Eric talked about like with the restaurant, are people going to be able to pull up with their boats? Are there

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going to be enough area --

MR. SHULMAN: I don't have the answer to that right now. I think the plan is not to do that. Dave, (inaudible).

MS. MELE: Good evening, everybody. Amy Mele, 4 Laurel Road, New City, New York. I'm sorry I walked in a little late.

I think if I can clarify just a couple of things. First, what we're doing here tonight is just to give you an informal update on the changes that we've made as a result of the feedback from TAC.

So I just want to assure everybody that behind the scenes there's a lot going on in terms of hiring professionals and trying to finish up the EIS -- the DEIS.

Normally, this would be kind of unveiled later in the process, but we really wanted to get before you and get more feedback, and we'll continue to meet with your technical staff offline during this whole process, because we really want to come to you with something -- when we have the final DEIS, that it's something that you

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like.

In terms of the marina, we're in the process of engaging a group called Normandeau Associates, who is a premiere sort of environmental firm that deals with marinas and permitting and the Hudson River.

They actually keep the inventory of sturgeon for the Hudson River for the DEC, so they're experts in Hudson River wildlife. They've got retired colonels from the Army Corpse of Engineers to help us with the permitting.

The issue here with the permitting is going to be, what can we do and what can we restore that was wiped out in Sandy that won't rise us to a higher level of permitting.

So we're sort of wading through those issues a little bit now. We'll have more definitive answers for you at future updates, but we are bringing some very, very qualified professionals on board to help with wildlife habitat, the marina permitting issues and the eagles as well.

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I'd like to you give you a definitive answer right now, it's a little bit in flux because there are permitting issues that involve, you know, what existed before Sandy? What can we do in terms of replacing? And we'll know that a little bit further down the line after they've been retained.

CHAIRMAN GUBITOSA: Thank you.

BOARD MEMBER KRAESE: Before you leave -- thank you very much. The comments I made tonight were comments that were brought up at the TAC meeting.

What I do when we go to a TAC meeting, as you know, it's between the applicant and three members -- hopefully three members of the Planning Board -- this is for the public's information.

What I brought up here is what was discussed at the TAC meeting, but it wasn't on the record. Most of my statements, if not all of them, is what was brought up at the TAC meeting, just to put on the record, because of the information and feedback you

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2 want from us that you're getting, and the
3 public at this point is privy to that
4 information.

5 MS. MELE: I would confirm that that's
6 completely fair.

7 BOARD MEMBER KRAESE: I just want
8 everyone to understand, and I know you
9 people do --

10 MS. MELE: We certainly do.

11 BOARD MEMBER KRAESE: -- that this is
12 something that I didn't come up today and
13 I'm going to say this. This is something
14 that was discussed, (inaudible).

15 MS. MELE: We very much appreciate the
16 open dialogue at TAC and I confirm that,
17 indeed, you have raised these concerns and,
18 you know, we are trying to address them.

19 BOARD MEMBER KRAESE: Right.

20 MS. MELE: We'll continue to meet with
21 you all at TAC and with your building
22 inspector to work out some of the issues
23 with respect to the bulk tables and the
24 parking and that.

25 We really wanted to come back to you

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and show you that we heard what you had to say, we didn't come back and add 20 more spaces. We added 80 more spaces, perhaps more.

If you recall, at the last presentation, it was basically everything east of the walkway was dedicated to public space, and we've really broadened that and heard what you said about drawing people down the walkway to the end and making it truly, you know, more public and a little less feeling like the other side was kind of private property.

So that's what we wanted to kind of give you the gist of this evening, and we do appreciate your feedback.

CHAIRMAN GUBITOSA: Bill, do you have any comments?

MR. SHEEHAN: I do. I won't go into detail, because we'll be meeting and so forth, I don't know when they want to submit the DEIS, but I've always been the thinking of, you really got to get the site plan down to reasonably what it's going to end up at

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for your DEIS.

I mean, 290 units -- you know, if it meets zone and I don't have any issue going to the maximum development coverage and the units and so forth, but it has to work.

You know, I think in the 14,000-square foot of commercial has to be kind of ironed out a little bit better what the uses are. Because parking -- there's different parking for different uses for the commercial end.

I would really like to see a site plan from Tompkins Avenue in, what the boulevard or entrance is going to look like. I think that will relieve some of their questions.

And again, it doesn't matter to me when it comes in, I think the more that comes in quicker, the easier the process will go.

Somewhere along the line you're going to have to show 290 slips. So those types of things, which we'll bend and discuss and talk about, but those types of things, from my end, I really need to see at some point.

MS. MELE: We understand that and we

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not only agree with your statement, but I always think it is better to have the plans as nailed down as possible at the DEIS stage, because it's going to make the site plan process make that much easier if you have addressed all those issues in the environmental review phase.

So we will continue to meet. I know you also wanted to bring your fire inspector out for a personal tour to go around to, you know, look at turning radiuses, and things like that and walk the property.

We understood that the Board wanted to see things staked out, which we will do.

We've already done the balloon test. We have done some traffic, but we're updating those count, obviously, for the new plan.

I just want to assure everybody that there's a lot going on behind the scenes, and it's all intended to move this project forward in a positive manner.

BOARD MEMBER ROGERS: If I'm looking at this correctly, it seems several of these

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units are building not only up 100-year flood plane, but to 500-year flood plane; is that correct?

MS. MELE: I'll did defer to Dave on that.

MR. ZIGLER: Dave Zigler from Atzl, Nasher & Zigler. You're correct. We have four different zones on this, basically.

We're going to sit down with Bill and go over the zones, the FEMA zones. Each one of the zones have some kind of requirement of construction or no construction or just grading. So we're going to go over that with Bill and also go over the parking issue.

We made a parking table of all the uses, including the slips, and we wanted to sit down and go over those technical things with Bill. That will also cover the bulk coverages of the site.

One of the things that Gene said was about staking the building. And as I was sitting back there, I think besides staking the buildings, I think we should stake the

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limit of the east side of the parking lot,
so then you could see where the buildings
sit and then you would see how close the
parking area is to the river.

We can do whenever you want. If you
want to set that date, we can do it. If you
want to set it next month, whenever you want
to do it, you just got to give us about a
week, because we're a little slow.

BOARD MEMBER KRAESE: Make it sometime
in September.

MR. SHEEHAN: If I can interject. I
don't know how much time we have -- if
you're willing to do it, you should stake it
out before the DEC meeting, so we can
discuss it at the DEC meeting. I don't know
if there's enough time.

BOARD MEMBER KRAESE: That's a good
point, Bill. I'd like to have the whole
Board go out, too. That's the most
important. We can do it before.

MR. SHEEHAN: Yeah, you can do that.
Yeah.

THE CLERK: Do you want to do it at

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night, like we did at the GML?

BOARD MEMBER KRAESE: I prefer daylight.

MR. ZIGLER: It looks better in the dark.

BOARD MEMBER KRAESE: I'm good.

MR. SHEEHAN: I mean, I don't know if they can do it before then.

MR. ZIGLER: We can actually do it tomorrow. I'm busy Saturday.

CHAIRMAN GUBITOSA: Can you do it towards the night? Because the TAC is on the 14th.

MR. ZIGLER: You want to come out the 9th, we'll have it done before the 9th? What we'll do is, like we did the last time when we did the display, we'll do the buildings in different colors, and then we'll do the edge of pavement in the same color.

I'll send you a map, and you can go out -- if you happen to miss the field trip, you can go out and look yourself. So we'll set it up for the 9th?

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CHAIRMAN GUBITOSA: Yes, that sounds good. Before we go --

MR. ZIGLER: I have one other question -- statement -- observation.

CHAIRMAN GUBITOSA: We can do -- yeah. Before we do that, John, do you have any other questions on this or we're going to wait for the --

MR. FURST: We're going to wait for the whole site plan. One thing that wasn't mentioned, just the emergency access we talked about the before under the railroad tressel that has to be staked out and coordinated in this area and shown on the site plan as well. (Inaudible).

BOARD MEMBER JASLOW: And in the circle in the front.

MR. ZIGLER: Right. I have one other comment. I like comparisons, I'm simple like that. If you take from right here, where that brown sidewalk ends, and take that common area all the way up to the eagle observation, which is over there on the right at the north end of the site, the

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statement was made that it's 1200-foot long.
That's hard to vision.

But if you take River Park, that area there is bigger than River Park, including just the land that we were just talking about, going down River Park and walking around the perimeter of the property.

If you take Clark Park, where the park -- is not the parking, we're talking about the park, if you walked around Clark Park, that is larger in area than -- and it's pretty close of being larger than both of them put together.

It is kind of hard to see the open area, but that is quite a bit of open area, and I think with when we stake the buildings and you see almost 300 feet between them, you'll see that.

As far as the front, that's another question, but I think you'll see it when we put the stakes in, how fast it is.

MR. SHEEHAN: Can you give us the acreage on the green, public, without the parking lot?

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MR. ZIGLER: About 2.9 roughly, nothing, again, is final, but I was guessing around 2.9, but it really -- I didn't have that area around there in the middle. I'm go to go say well over two.

CHAIRMAN GUBITOSA: Mr. Larkin, do you have any comments on this yet?

MR. LARKIN: No. As I said before, we could have no comments until we review the stake out and we review the auto turn test.

CHAIRMAN GUBITOSA: Steve, anything? Anybody, Mike?

MR. FERGUSON: Are you going to be redoing the bulkhead, I assume?

MR. ZIGLER: Yes. We're going to submit it to Bill once (inaudible). We'll go over the bulk, go over this --

MR. SHEEHAN: I think he meant the bulkhead, not the bulk table. Don't submit the bulkhead to me.

MR. ZIGLER: It's possible. We're looking into it, resurfacing it, yeah.

MR. SHEEHAN: Because it looked beautiful on the rendering. Right?

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CHAIRMAN GUBITOSA: I think that's it.
Any other comments, Bill?

MR. SHEEHAN: No.

CHAIRMAN GUBITOSA: We'll do, what,
8:00 or 8:30? We'll do 9:30 on the 9th.

MS. MELE: 8:30 on the 9th.

CHAIRMAN GUBITOSA: Yes, if that
changes I'll let you know.

MS. MELE: That's great. We'll be
back at the TAC on the 14th. Thank you very
much.

CHAIRMAN GUBITOSA: All right. So
we'll see you on the 9th.

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(Time noted: 7:53 p.m.)

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Esther Katz



ESTHER KATZ