1	STATE OF NEW YORK : COUNTY OF ROCKLAND
2	TOWN OF STONY POINT: PLANNING BOARD
3	X
	IN THE MATTER
4	
	OF
5	
	EAGLE BAY
6	X
7	Town of Stony Point
	RHO Building
8	5 Clubhouse Lane
	Stony Point, New York
9	Thursday
	December 13, 2018
10	7:19 p.m.
11	
	BEFORE:
12	THOMAS GUBITOSA, CHAIRMAN
	MICHAEL FERGUSON, BOARD MEMBER
13	ERIC JASLOW, BOARD MEMBER
	PAUL JOACHIM, BOARD MEMBER
14	JERRY ROGERS, BOARD MEMBER
15	
	APPEARANCES:
16	
	STEPHEN M. HONAN, ESQ., Special Counsel
17	MAX STACH, Town Planner
	JOHN O'ROURKE, P.L.S, Town Engineer
18	WILLIAM SHEEHAN, Building Inspector
	MARY PAGANO, Clerk to the Planning Board
19	
20	
21	
22	ROCKLAND & ORANGE REPORTING
23	2 Congers Road
24	New City, New York 10956
25	(845) 634-4200

Τ	Proceedings
2	CHAIRMAN GUBITOSA: All right. Thank
3	you. All right. On the agenda, just to
4	note, item number three the TD Bank has been
5	taken off. The applicant asked that it be
6	taken off. So now we'll good to number two,
7	Eagle Bay and it's just a review.
8	MS. MELE: Good evening everybody, Amy
9	Mele, 4 Laurel Road, the attorney for the
10	applicant. As Chairman Gubitosa stated,
11	we're here tonight to give you a brief
12	interim update of where we are with the
13	project. We went to a workshop section a
14	couple of weeks and we presented what we
15	think, believe, hope is our final preferred
16	option. It has slightly less unites, we're
17	at 264 units. So we'll be studying in the
18	DEIS the 290 option, the 264 option, the 200
19	option, and the no build option. So this is
20	the 264 unit option which Dave is going to
21	walk you through in a minute. There were
22	also some questions about the bulkhead and
23	some issues with the sewer water. We
24	brought with us our permitting expert, Shea
25	Torvelson, and he's going to speak after

1 Proceedings 2 Dave and update you on some of the changes 3 to the plans in that regard. Thank you. CHAIRMAN GUBITOSA: Thank you, Ms. Mele. 5 MR. ZIGLER: I'm Dave Zigler from Atzl, Nasher & Zigler. Amy pretty well summed it 6 7 up. Since the end of I'd say the summer the 8 owner and Mark Shoman, the architect, have 9 been reviewing the buildings and they 10 decided to eliminate some of the one 11 bedrooms so when you start to eliminate the 12 one bedrooms in turn you turn them into two 13 bedrooms it changes the unit count and 14 that's -- with that and some of the dead space between the differences of the unit 15 16 count you end up with shorter buildings. So 17 you if really look at the map really quick 18 you would say well there's no difference, 19 there's still four buildings and there is 20 still four buildings, but the difference 21 here in some area instead of thirty, forty 22 foot, like before we were pretty close to 23 that fifty-foot setback line. Now this 24 one's the only one that's close it's about sixty foot and that's to the balcony. So 25

1	Proceedings
2	now we're measuring to the balconies and all
3	these building are over ninety foot from the
4	shoreline so that's where the major
5	difference is. But if you take the
6	264 units and we have it broken down on the
7	front page on the left side, the one
8	bedrooms now total 46 units and we had
9	probably twice as many one bedroom units
10	before so that's that's the difference.
11	Now it does make a change to the parking
12	somewhat because if you remember your code
13	is one space per bedroom. So the two
14	bedroom to increase to two bedrooms you
15	have to have two parking spaces, but to
16	offset that because we're down to 264 now
17	our commercial shrinks a little bit. So you
18	take the 264 by 50 square foot required
19	commercial for each unit and we're down to a
20	little over 13,000 square foot. So if you
21	look at this plan we have there's really
22	some minor changes around the entrance, you
23	have a cul-de-sac and you have this throat
24	which gives the effect that you're moving
25	into a private development and we had

1	Proceedings
2	parking all along the edge of the right of
3	way for the railroad and then you had
4	parking of course between the buildings.
5	And when we did the park calculation,
6	there's enough parking within this envelope
7	around the building to service this building
8	so we're not counting the parking spaces,
9	you know, 300-foot from the building as part
10	of the building parking. But this map right
11	now totals over 700 spaces. We actually
12	only 611. So we were discussing at the
13	workshop of taking 80 some spaces, this is I
14	believe 88 space, taking that and putting it
15	into reserve. In other words, not building
16	them, landscaping it. As soon as one
17	building is constructed there and C of O's
18	starting to be issued here you're going to
19	find out in real life how many parking
20	spaces you're going to need for these
21	buildings, but we can pretty well be assured
22	these 88 spaces we're not going to need.
23	Another area we were looking to turn
24	into reserve would be to the left here of
25	the tunnel and that that would also help

1 Proceedings for the landscaping. So just taking off 2 3 this 80 we would be down to 655 spaces and really we still need 611 so without any type 5 of cross-use, just going looking at the 6 standards, looking for a commercial use here 7 and the units we have plenty of parking. 8 That seemed to be a question before and I 9 think we solved that by dropping down to the 10 264 units. The other things that we've done is 11 we've kinda boxed out and shadow this 12 13 proposed offering or however you want to 14 call it, this going to be public access to the river. So we still have the walkway 15 16 meandering along between the buildings and 17 this block you see right there (indicating), which Shea's going to explain, and that --18 that right now will total over two acres. 19 20 So this shaded area, the dark shaded area, 21 is well over two acres of offering for 22 public access and it's going to connect to 23 this parking lot up here and it's going to 24 be proposed to meet the property line on the south side so that it can be continued on 25

1	Proceedings
2	land to the south if something's ever
3	developed there.
4	The building itself, the commercial
5	building, is still the same size because the
6	13,000 it basically takes like a half a
7	floor off the top so the footprint, the
8	commercial footprint, is still the same
9	size. Inside these buildings you still have
10	the same amenities that you seen in the
11	original pictures, the same size
12	basically the same size units, there's no
13	change to the concept of the inside of the
14	buildings. And if you look at your inside
15	addition of the Journal News there's a
16	building that would be a sister building
17	kind of. This is the kind of development
18	that you're looking at. That was
19	highlighted in the real estate area. We
20	still have this rec right here for the
21	community, that would be for the people who
22	live in these four buildings, there would be
23	a pool, outside sitting area, and then, of
24	course, we're going to landscape this and
25	the access for the public will be landscaped

1	Proceedings
2	and benches and things like that. That
3	we're going to get into. The applicant just
4	hired an architect that has worked on
5	several projects up and down the Hudson
6	River so he's done a good amount of
7	landscaping because it's not like a shopping
8	center, it's not like a home, because you're
9	gonna have people in here up seven, eight
10	foot above the grade looking out on their
11	balconies and you don't want em to turn
12	around and look out and see a Pine Tree down
13	there. So there's gonna have to be a
14	careful analysis of the height and what
15	we're doing and where they're placed. If
16	you place a tree down at the end of the
17	building which is at elevation seven and
18	you're up here on your balcony at elevation
19	eighteen we gotta make sure that ten years
20	from now you're not looking at a birds's
21	nest so that something else that we have to
22	work towards.
23	And now we've started to do the DEIS on
24	this, we're analyzing and we're going for
25	the utilities, we made the contact with the

1	Proceedings
2	United Water and we're doing the sewer
3	analysis. Once we got our favorite plan
4	it's a lot easier to start going for the
5	hard facts. So right now unless you have
6	any other questions on the I'm gonna go to
7	the sea and have Shea come up and explain
8	the new thought on the shoreline.
9	MR. TORVELSON: Shea Torvelson from TMS
10	Waterfront in Port Chester. One of the
11	lessons learned and one of the things that
12	we really took a good look at was the hard
13	strong lane that exists currently with a
14	very simple navy wall bulkhead which is
15	kinda standard for any river and it's even
16	down in Jersey, but. One of the things
17	we're concerned about and as we advance with
18	sea level rise is is the energy that we're
19	gonna see on the waterfront here. As you
20	start to raise sea levels, you have boats
21	transiting, everybody knows that waves come
22	in pretty significantly there, so what we
23	were looking at and the original bulkhead
24	had a limited lifespan due to dry rot or
25	collapse and it didn't do anything to raise

1	Proceedings
2	the flood protection or the resilience of
3	its shoreline. It was around plus four. We
4	really want the site to be much higher. In
5	fact, the way the site's created with Dave's
6	plan is that the site behind that is
7	actually quite a bit higher and we wanted to
8	level that off a little bit while not
9	compromising the waterfront.
10	So what we've done, what we've been
11	successful doing in other places is taking
12	the old navy wall, the remnants of the old
13	navy wall, and actually leave it there as a
14	tow, so it's a structural toe to maintain
15	the shoreline, and actually do a soft
16	shoreline with riprap stone, stone, the
17	potential to add some specific highlights in
18	the shoreline that could be used or expanded
19	as habitat enters, plantings, and other
20	items such that we want to break the energy
21	of waves and break the energy of flooding.
22	The benefit riprap stone is that it's
23	porous, it's not a hard vertical surface, it
24	don't rebound waves, and if it gets over top
25	of the bulkhead then washes out behind it

1	Proceedings
2	actually create more erosion. We've looked
3	at the (inaudible) in terms of how the Army
4	Corps analyzes it with stream flow, we
5	believe that the energy reduction can be up
6	as much as 80 to 85 percent, meaning, you'll
7	get no rebound, you'll get waves that get
8	reduced in energy, the over topping, the
9	amount of flooding, the amount of waves that
10	actually reach upland will be greatly
11	reduced. And because this no longer will
12	reflect or we rebound waves it will actually
13	positively effect any adjacent owner to the
14	south and the wetlands to the north so we
15	don't continue to amplify waves and size.
16	At the same time it allows us to rate
17	the whole site without compromising
18	anything. We do lose a little bit of land
19	right here (indicating), but what we're
20	doing is we're actually are restoring some
21	of the Hudson River Waterway so from a from
22	(inaudible) analysis and stream analysis I
23	don't think there's any issues with EIS in
24	terms of restriction or flooding, meet all
25	the NSG requirements.

1	Proceedings
2	And then as we work with the landscape
3	architect here to figure out either through
4	live staking or title pools, things like
5	that, how do we induce growth, algae growth,
6	not invasive species, but we have a very
7	SAV's, submerged aquatic vegetation, all
8	throughout here, we want to be able to
9	expand that closer to the land a little bit
10	cause that will bring everything to it.
11	So I'm sure this is a difference,
12	complete difference than has been presented
13	before. I was wondering if you guys had
14	specific questions on this while we're look
15	can at it and while I can answer them
16	hopefully.
17	CHAIRMAN GUBITOSA: Bill, you have any
18	questions on this?
19	MR. SHEEHAN: Yeah, well I've seen this
20	obviously before but don't the distance
21	from the buildings to the shoreline, Dave,
22	was that due to the proposed shoreline or
23	the existing one?
24	MR. ZIGLER: Actually it's from the
25	proposed.

1 Proceedings MR. TORVELSON: From the crest. So what 3 we're looking at is the crest right here. What we've shown in the drawing is 5 effectively a Jersey Barrier, heavy duty 6 curb, what we've given back is this distance 7 from the bulkhead high water mark. Actually we've given back almost an acre of Hudson 8 9 Rive. 10 MR. SHEEHAN: What exists between the 11 existing bulkhead and the --MR. TORVELSON: This is only ten feet. 12 13 One on one slow, it'll meet the Army Corps 14 standards and DEC. MR. SHEEHAN: The other thing we spoke 15 16 about since your, obviously this is out of 17 the water, potentially DEC, but you're also 18 gonna be some work in the water with the 19 docks? 20 MR. TORVELSON: Yes. 21 MR. SHEEHAN: So there will be some permit needed. 22 23 MR. TORVELSON: Yes.

MR. SHEEHAN: So that raises the

question about the travel lifts and the what

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Τ	Proceedings
2	we're going to go do with those?
3	MR. TORVELSON: So the DEC does govern
4	the river cause we're altering the water
5	portion of the high tide, same thing with
6	the Army Corps. So we'll have the navigable
7	Water Way Department that we have to deal
8	with Section 10 and then 15 because we're
9	also excavating the waterway we'll have 401
10	water quality and 404.
11	MR. SHEEHAN: You know where I'm going
12	with this; right?
13	MR. TORVELSON: Yeah. What we're doing
14	for the docks the docks is everybody
15	knows that the existing marina we
16	subsequently filed to have the marina docks
17	replaced for this season coming up. We've
18	had some significant comments back. The
19	concern for this permit and for the wave
20	fence specifically applies to visual and the
21	adjacency of the Battle Field. So what
22	we're anticipating is the new part of this
23	that won't be permitted by that time is the
24	spear so that'll be new. We anticipate the
25	docks with permitted before this plan.

Τ	Proceedings
2	MR. SHEEHAN: Right, but my point is
3	since the original plans the applicant was
4	trying to stay away from the permit process.
5	MR. TORVELSON: Oh, yeah. We're not.
6	MR. SHEEHAN: So since you're not, my
7	question is, are we going to take the
8	existing bulkheads for launch?
9	MR. TORVELSON: No, we are not going to
10	close them up. The idea is we want to
11	create an intertidal habitat there. We
12	actually want to create it's actually
13	something we did over at Beaumont Pond in
14	Haverstraw where we created a sill at the
15	lower water mark near the high water mark
16	and then behind that either through live
17	staking or plantings we actually created
18	intertidal so between this one there will
19	be this one is the larger one that's on
20	the north side and the intent is to be able
21	to break that off and provide a tidal
22	shallow. The ones to the south are pretty
23	shallow. We're probably just going to just
24	riprap protect it. So it'll wind up being a
25	natural shoreline.

1 Proceedings MR. SHEEHAN: When you're using your 3 riprap, how far back will it come past those existing --5 MR. TORVELSON: On this one right here 6 it goes right up here (indicating). 7 MR. SHEEHAN: So it'll blend right in? MR. TORVELSON: It will blend. As a 8 matter of fact, that's what we use on the 9 10 Jersey Barriers, we're going to set the Jersey Barriers --11 MR. SHEEHAN: We just didn't want --12 13 MR. TORVELSON: Further back, no. 14 MR. SHEEHAN: Yeah, we just didn't want an opening in the middle of all this. 15 16 MR. TORVELSON: So that height is only 17 about three feet so you're really looking 18 about six foot riprap and then we'll end it 19 and bury it in and then you'll see an intertidal with a sill. We'll work with the 20 landscape architect to really --21 22 MR. SHEEHAN: So when once you do the 23 EIS we're eventually going to be seeing the 24 landscaping plans detailed? MR. TORVELSON: Exactly. We just 25

Τ	Proceedings
2	haven't gotten we're gonna cut cross-
3	sections probably after the New Year and
4	start to discuss the type of plants, salt
5	tolerant and marsh plants, the things
6	that'll survive in this area without having
7	to replace year after year.
8	MR. SHEEHAN: The Board tonight they're
9	gonna most likely bring him on, the
10	landscape architect, and all those other,
11	traffic consultant so we'll be interested in
12	what you submitted.
13	MR. TORVELSON: Yeah. One of the other
14	things we're looking at, I happen to be on
15	the Board for the Billion Oyster Project in
16	New York City. We've done the salinity
17	studies up here and one of the things we're
18	looking at is the living shoreline and the
19	sill is whether we can actually plant some
20	reefs up here as part of it. So we're
21	entering into discussion with them for a
22	potential pile study for same thing here.
23	MR. SHEEHAN: Okay.
24	CHAIRMAN GUBOTISA: Max, anything?
25	MR. STACH: What does the replacement of

1	Proceedings
2	the bulkheads with the riprap do, if
3	anything, to the siltation of the area?
4	MR. TORVELSON: So that's a very
5	difficult question, but silt is such a weird
6	thing. Right now to give you an idea, you
7	know, everybody know current flows north to
8	south and then it gets really bad. This
9	area has become so shallow the current that
10	you actually see prevailing that wash just
11	bounce around that and curl in here a little
12	bit. This work won't probably effect
13	anything in terms of siltation in this area.
14	What you will find is that the silt that's
15	been built up to only about a foot or a foot
16	and a half or two foot water depth on that
17	bulkhead there will probably wind up laying
18	flat and smoothing out and spreading out.
19	So you won't see as high up mud line there,
20	but it'll probably all wind up in stasis at
21	some point.
22	The one thing it will do because it will
23	make waves break when it hits the riprap
24	through is that there will be some once
25	it comes to this and breaks there will be

1	Proceedings
2	some flow in that direction, and one of the
3	things we have to make sure of is that that
4	riprap and how it's shaped winds up being in
5	certain spots like here on the point and
6	over here (indicating) so that there's a
7	semblance of a groin to present heavy
8	current flow through that so we are
9	transporting so that in a storm event
10	that comes from the north that we're not
11	transporting sediment all the way down
12	through there and then it's just gone. So
13	the point here will be a part of that, and
14	believe it or not, the barrier where there's
15	a sill with also assist in that in reducing
16	the water flow through there. Obviously, a
17	marina that's full, if it's an active
18	marina, it's healthy it keeps the sediment I
19	move too believe it or not that's actually a
20	good thing. And the deeper and the more
21	sediment that moves through there and as we
22	open it up what we're also doing as
23	everybody knows is removing the junk from up
24	here (indicating) that should also induce
25	some additional flow and hopefully it will

Τ	Proceedings
2	clean out the area.
3	MR. STACH: Does that work on the junk
4	and the existing brake wall, is that
5	something that's going to be done as part of
6	this project or is that part
7	MR. TORVELSON: Actually, this break
8	wall removal and this break water right now
9	what the rebuilt docks are sitting on now
10	this is what the DEC and the Army Corps have
11	now, they've responded with a notice of
12	incomplete application for this. The Army
13	Corps wants a quick additional analysis of
14	EFH, essential fish habitat, and the DEC has
15	requested a long form EAF of course because
16	of the Stony Point Battlefield so we are
17	completing that EAF and resubmitting it to
18	them.
19	Inherently it is an existing marina.
20	One of the concerns of DEC was that this
21	marina operating wasn't tied to the
22	development. So in discussions with our
23	client we were able to produce a report with
24	them saying it's an existing marina, it'll
25	continue to be an existing marina and

1 Proceedings irrelevant of the development we want this 3 marina to be operational in 2019. MR. STACH: You had mentioned living reefs? 5 MR. TORVELSON: Yes. 7 MR. STACH: Where would the location be 8 and what would the purpose be? 9 MR. TORVELSON: So right in front of the two areas here (indicating). The idea is 10 11 for pilot reefs to act as a sill just like 12 the sill on your house provides an area for 13 a stop for water rolling in the front door. 14 The reefs will self generate, they'll self precipitate and develop their own growth. 15 16 The idea is if we can see them we can 17 actually advance em and do some filtration 18 and cleaning of the water. So what we do on 19 Long Island and what we did for the living shorelines on Staten Island is is we've 20 21 taken old shells we've collected from all the local restaurants that do clams and 22 23 oysters, we then seed those and put them in cages and put them on site and then if 24 there's additional growth and they can 25

Т	Proceedings
2	precipitate they'll actually be self
3	sustaining. The Tappan Zee just installed
4	the same 1400 cages. The benefit is of
5	course oysters create their own
6	calcification and what it does is it
7	reenforces any living shoreline so where you
8	might have weak grasses and plants in the
9	first ten years of growth before they root
10	an (inaudible) or oyster cages, something
11	that has filtration will also stabilize the
12	areas. The idea here is in these
13	intertidals is that we want to be able block
14	that off and use them and also provide
15	something that, you know, has a history with
16	the Hudson River.
17	Again, salinity changes so drastically,
18	we've had so many changes in the last ten
19	years. We have successful habitats as far
20	north as Haverstraw right now. We're trying
21	to determine whether we're going even
22	further north, but again it's really not to
23	stabilize what we're considered to be
24	living.
25	MR. STACH: You had mention that had

1	Proceedings
2	did you mention that the total increase in
3	height of the existing bulkhead is ten feet?
4	MR. TORVELSON: Two feet. There's
5	ten-foot between the existing bulkhead and
6	the new crest. This bulkhead is three to
7	four and I think we're coming up to plus
8	seven so three, three and a half feet so
9	we're actually increasing right now, if
10	everybody's been down there, at a real high
11	moon tide you're topping the bulkhead. So
12	now instead of having to worry about that
13	we'll have two or three feet of free board
14	for additional flood protection or erosion
15	protection.
16	CHAIRMAN GUBITSOA: John?
17	MR. O'ROURKE: No questions at this
18	time.
19	CHAIRMAN GUBITOSA: On the bottom
20	bulkhead where you said you have other
21	examples of places you've been doing.
22	MR. TORVELSON: The riprap and bulk
23	head?
24	CHAIRMAN GUBITOSA: Yes.
25	MR. TORVELSON: Yeah, fifteen or twenty

- 1 Proceedings 2 We did it at Long Horn up -- in the Hudson we did it in Kingston, at American Dog and 3 Pile, we did it at Longhorn, for Hudson 5 Scenic, sorry, Scenic Hudson, we did for the 6 Department of Sanitation in Harlem River 7 which as a high current flow. We're currently -- this is a design that was just 8 9 approved for grounds field at 47 Kent, 10 Brooklyn, where they're cutting down the bulkhead, Astoria All lost their creek. 11 CHAIRMAN GUBITOSA: All right. What was 12 13 it called again? 14 MR. TORVELSON: Revapment. 15 CHAIRMAN GUBITOSA: All right. You guys 16 have any other questions for now? Once we 17 go further on --18 MR. TORVELSON: There's gonna be a lot. 19 CHAIRMAN GUBITOSA: There's gonna be a
- MR. TORVELSON: And the good thing is we
 can -- the DEC, Steven's Institute, Scenic
 Hudson there's a lot of documentation on
 living shorelines for the Hudson River.

lot more. We're just like in the first

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stages.

1 Proceedings 2 It's been studied quite extensively and they 3 actually have guidelines that helps everybody select based on the type of background so it's not without some 5 6 additional information that we're working 7 on. 8 CHAIRMAN GUBITOSA: Good. Anything 9 else, Dave? Bill, anything else? All 10 right. Good. We'll see you next year. 11 MR. ZIGLER: One other thing, the second 12 page of this has a emergency access on it I 13 don't know if Tom --14 MR. SHEEHAN: I forgot to bring up about getting back to the landscaping we are 15 16 pushing for some kind of landscaping in the 17 parking lots. 18 MR. ZIGLER: Yes. MR. SHEEHAN: Which we did discuss with 19 20 you and it was supposed to be meeting I 21 quess with the architect about some areas for the fire trucks for the 26-foot aisles 22 23 or areas so now that we got so much paring we might be able to free up parking. 24

MR. ZIGLER: Yeah, well he's looking

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1	Proceedings
2	right here (indicating) this is the front
3	door and there's on each one of these units
4	there's like I think six parking spaces
5	there, five, six, so that would make enough
6	for a fire truck to come in and have a
7	hydrant there with the 26 feet, more than 26
8	cause you'd have the aisle. Let's say
9	20-foot for the space and 26-foot so you'd
10	have 46 foot and a hydrant and you'd be
11	within the working distance of the hydrant.
12	MR. SHEEHAN: Do you have any idea when
13	we'll start seeing landscaping plans?
14	MR. ZIGER: The landscaper said he would
15	start working on them immediately and that's
16	that's our next stage as we go.
17	MR. SHEEHAN: I don't know what
18	immediately means.
19	MR. ZIGLER: He said today so.
20	MR. SHEEHAN: When are we going to see
21	something cause we're bringing people on
22	board?
23	MR. ZIGLER: We would like to keep the
24	processing so probably next month. He's
25	already did photos.

1	Proceedings
2	MR. SHEEHAN: Probably have something
3	before January's meeting?
4	MR. ZIGLER: Yes, yes, he already has
5	taken photos and put landscaping on the
6	floor so that'll be a good way to open up
7	the presentation to the Planning Board.
8	MR. SHEEHAN: We hire these guys we gone
9	at do something with them.
10	MR. ZIGLER: That's it.
11	CHAIRMAN GUBITOSA: Thank you, Dave.
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1	Proceedings
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