

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

3 - - - - - X

IN THE MATTER

4 OF

BA MAR MANUFACTURED HOME PARK

5 - - - - - X

Town of Stony Point

6 RHO Building

7 5 Clubhouse Lane

Stony Point, New York

January 23, 2020

8 8:43 p.m.

9 BEFORE:

10

THOMAS GUBITOSA, CHAIRMAN

11 KERRI ALESSI, BOARD MEMBER

ERIC JASLOW, BOARD MEMBER

12 MARK JOHNSON, BOARD MEMBER

EUGENE KRAESE, BOARD MEMBER

13 JERRY ROGERS, BOARD MEMBER

14

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1 Proceedings

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CHAIRMAN GUBITOSA: Next item on the
4 agenda is a public hearing. This is for
5 Ba Mar Manufactured Home, site plan located
6 on the south side of Grassy Point Road 800
7 east of Nelly Drive. All right.

8

MS. MELE: Me again. Good evening,
9 everybody. On this application, it's Amy
10 Mele, 4 Laurel Road, New City, New York. I
11 am of counsel to Mr. Emanuel on this
12 application.

13

We're going to be very brief tonight.

14

We're just here to give you an update. I
15 don't think that there's any action you can
16 take, but we do have some interesting updates
17 to give you. I'm going to let Brian Brooker
18 speak first to tell you about the changes to
19 the plans since the last time it was
20 presented to you and now. And then it's our
21 intention to come back next month with a
22 fully revised plan. And we can talk about
23 our progress with the DEC, and I'll get to
24 that.

25

CHAIRMAN GUBITOSA: All right. Thank

1 Proceedings

2 you, Ms. Mele.

3 MS. MELE: Sure.

4 MR. BROOKER: Hi. Brian Brooker from
5 Brooker Engineering. Suffern, New York, is
6 our offices. I understand that you're
7 familiar with this plan, so I won't go into
8 great detail. But I would like to just bring
9 up some of the changes since the last time
10 you saw this, I believe was in August,
11 something like that.

12 Just very slight changes have been made.
13 The main thing is the unit count has dropped
14 from 140 down to 138.

15 We had some additional grading right
16 along some telephone poles that support the
17 Orange and Rockland power lines. They
18 required some grading changes because of the
19 material that their poles are made of can't
20 be buried by the raising of the site. As you
21 know, that's proposed. So those will be
22 welled out so that the poles are not further
23 buried below the ground.

24 We added a little bit of riprap on the
25 east peninsula. We had a couple of sidewalks

1 Proceedings

2 perpendicular to the parking area at the end
3 of Ba Mar Drive.

4 And the office building that was
5 proposed was a long thin structure. We
6 changed the shape of it. It still sits on
7 the existing foundation.

8 That's essentially the changes. So very
9 minor change from the last time you saw the
10 plan.

11 One thing I do want to bring up. I
12 don't know if you want to go into any other
13 slides, but before you do, off of this slide,
14 a member of the public had submitted a
15 complaint about the, why analysis with the
16 HEC-RAS program was not submitted to
17 demonstrate the impacts of filling that's
18 proposed. And I want to just explain why a
19 HEC-RAS analysis does not, would not be
20 utilized to model this material. Just hand
21 out a copy of the FEMA floodplain maps so you
22 can understand what I'm talking about.

23 BOARD MEMBER KRAESE: Got some extras
24 for the second row?

25 MR. BROOKER: Yeah. So basically, what

1 Proceedings

2 I just handed out to you is the official FEMA
3 flood map. It's called a FIRM map because
4 it's a part of the overall flood map.

5 The Hudson River is a tidal estuary, and
6 the portion of this project is located in the
7 tidal marsh. It's not located on a stream
8 that flows in one direction. So typically, a
9 HEC model, as it's known, models flow from a
10 high ground to the ocean. In effect, once
11 you have a tidal situation, that's basically
12 considered the ocean.

13 And so if you look at this model, if you
14 look at this map, you'll see Section A and B
15 and all the flood mapping is starting at the
16 trestle. The reason is that the water flows
17 down into the river through the trestle, but
18 in the marsh, it flows both ways. Sometimes
19 when the tide's going out, the water goes
20 through the Pennybridge and out into the
21 river. Sometimes when the tide is coming in,
22 the river flows back through the same opening
23 and floods the tidal marsh.

24 As the tidal estuary flood elevations
25 are measured by a storm surge, and you know

1 Proceedings

2 what happened in Sandy, the ocean rose
3 because the winds pushed the ocean into the
4 mouth of the Hudson River, and the Hudson
5 River actually flowed north. And the water
6 was higher in the ocean than it was in
7 Stony Point. And it continued to flow all
8 the way up to Albany.

9 So in a tidal estuary modeling, a river
10 structure such as the Cedar Creek or Tiorati
11 Brook, which flows from Tiorati Lake down
12 into the Hudson River, the portion that's
13 shown on this map as flood way, which you'll
14 see a little in your lower left-hand corner,
15 that is modeled with a HEC-RAS analysis. And
16 that is where you establish a flood way. And
17 that's where filling in the fringe of the
18 flood way or the fringe of the river could
19 affect the elevation of the flood. Filling
20 in the tidal marsh doesn't affect the
21 elevation of the flood.

22 So that's why modeling this with a
23 HEC-RAS, as was suggested, is not appropriate
24 and it's not done. The modeling that's done
25 is similar to the previous presentation that

1 Proceedings

2 you saw where, you know, a tidal estuary is
3 modeled in a different manner. And fill is
4 not the main component of that.

5 CHAIRMAN GUBITOSA: All right.

6 MS. MELE: Any questions for
7 Mr. Brooker?

8 BOARD MEMBER KRAESE: I got one. I must
9 have missed a TAC meeting somewhere along the
10 line. I think one of the conversations that
11 we had at one of the TAC meetings, we're
12 talking about one Orange and Rockland,
13 correct?

14 MR. BROOKER: In terms of?

15 BOARD MEMBER KRAESE: Well, the well
16 that you're building because --

17 MR. BROOKER: I believe there's three or
18 four.

19 CHAIRMAN GUBITOSA: Bill?

20 MR. SHEEHAN: No, I believe we -- that
21 road shifted over to the, down to the south
22 to avoid that. That's what squared off that
23 four-way intersection there.

24 MR. BROOKER: There's at least one pole
25 that needs to be welled out.

1 Proceedings

2 MR. SHEEHAN: Right. But that one
3 that's by the out parcel is the reason why we
4 shifted that road over, because that pole was
5 going to be in the middle, those two roads at
6 one point and so forth. Yeah.

7 MR. BROOKER: That's correct.

8 MR. SHEEHAN: Right.

9 BOARD MEMBER KRAESE: The only reason I
10 bring that question up, it seems like it's
11 been months that that one Orange and Rockland
12 pole, you were going to put a well around it.
13 And then at one point, I believe you were
14 going to take it out and redo it, make it
15 level. I'm just concerned having a well
16 around a telephone pole like that in a
17 residential area. I mean, if it was ten
18 poles, I mean, it would be something, but one
19 pole. I brought this up before.

20 MR. BROOKER: Well, we discussed it with
21 Orange and Rockland, and they're okay with
22 the pole. Your objection to the pole is
23 because of the way the well looks, or you're
24 saying --

25 BOARD MEMBER KRAESE: Well, the depth of

1 Proceedings

2 the well. It could be, it could be a hazard
3 from where it's located, from my recollection
4 of where it is.

5 MR. BROOKER: Yeah.

6 BOARD MEMBER KRAESE: But I'll look back
7 by the next meeting.

8 MS. MELE: Pardon us. We're at a slight
9 disadvantage because Ken, who was dealing
10 directly with O and R, isn't here tonight.
11 But I know he had discussed that issue with
12 them, and I'm certain there are going to be
13 some measures taken to make sure that it
14 doesn't constitute a hazard. O and R doesn't
15 want that any more than we do.

16 BOARD MEMBER KRAESE: No, I understand
17 that. And that you don't want it, they don't
18 want it, we don't want it, nobody wants it.
19 But it's one pole. I mean, it's a matter of,
20 you know, the cost of one pole, a project
21 this size is minimal.

22 MS. MELE: Oh, in terms of whether we
23 could move it?

24 BOARD MEMBER KRAESE: Well, whether you
25 could move it, or level the ground and put a

1 Proceedings

2 different pole in. That's it.

3 MS. MELE: Yeah. I know that we've
4 gotten an email from O and R basically
5 indicating their satisfaction with the
6 current design, which we've forwarded along
7 to the Board. But I think at the next
8 meetings, I believe we're going to have to
9 continue this, and we're going to have a more
10 detailed answer to that question.

11 BOARD MEMBER KRAESE: I'm a big nut on
12 safety, you know. The cost of -- again, I
13 have no idea how much a pole costs. It could
14 be a thousand, 2,000, 3,000. Compared to one
15 injury and one lawsuit.

16 MS. MELE: Yeah, no, no. We understand.
17 But there were specific reasons for why the
18 poles were relocated to where they were, and
19 that we did minimize --

20 BOARD MEMBER KRAESE: And I'll look into
21 it again, too.

22 MS. MELE: So we'll get you an answer to
23 that.

24 BOARD MEMBER KRAESE: Thank you.

25 MS. MELE: Sure. Now I just have a

1 Proceedings

2 really brief update on --

3 CHAIRMAN GUBITOSA: Yeah, give the brief
4 update, and then we'll open the public
5 hearing.

6 MS. MELE: Sure. So just briefly from
7 me, I'm happy to report that we got all the
8 variances that we requested and required for
9 the current plan. We have ARB endorsement.
10 I know they're advisory, but they've endorsed
11 basically all of the architectural elements.

12 We have three home types. They're all
13 three-bedroom and two bath. They've approved
14 the entryway monument sign, mailbox
15 structures, landscaping plan, a new office
16 and the playground. We've conformed with
17 materials for all that. So I'm sure they'll
18 be submitting their recommendation for you.
19 So we're through that process. I think they
20 were pleased with the look, and I think you
21 will be, too.

22 O and R, we just discussed. DEC, that's
23 been sort of what's been holding us up. Our
24 clients were able to secure a meeting with
25 the DEC on January 16th. And Mr. Sheehan and

1 Proceedings

2 Mr. Larkin were invited by the DEC to attend
3 that meeting as well, which was really
4 helpful that they could be there.

5 And I think we whittled down the issues
6 to basically the wetland buffer and the
7 various tide levels on the plans. We're
8 making some minor changes to the plans, which
9 will be presented at the next TAC meeting.
10 We didn't want to come back with those plans
11 here and give them to you until we had gone
12 over them at TAC. So that's why we'd like to
13 put off until next month the presentation
14 just to make sure TAC's okay with the changes
15 that we made.

16 We were asked to address wetlands
17 approvals and waivers, stream protection,
18 LWRP consistency. We have previously
19 submitted these letters, and I think that
20 they should suffice for submission for all of
21 those items.

22 As far as the residents go, I'm not
23 personally dealing with the negotiations with
24 the residents. But my understanding is that
25 we're working with each resident on a case by

1 Proceedings

2 case basis to ensure that their needs have
3 been met. Some residents have already agreed
4 upon compensation. Some have actually
5 already left the complex. We'll continue to
6 work on that. We understand, you know,
7 that's an important issue to the Town.

8 So that kind of sums up where we are.

9 And so we'd ask to be placed on the next
10 Planning Board agenda to come back and
11 hopefully present you with what we think is a
12 final plan.

13 CHAIRMAN GUBITOSA: All right, thanks.

14 All right, what I'm going to do tonight, I'm
15 going to open the public hearing. And we're
16 probably going to continue it to next month.

17 But I'll open the public hearing. And
18 if you'd like to speak, just state your name,
19 address, sign in, and address the Board.

20 And, you know, any comments or concerns you
21 have on the site plan, that's what we'll be
22 taking. I know there's a lot of issues going
23 on between the residents and the applicant.

24 But that's something that this Board, it's
25 not in our venue, or not our purview to look

1 Proceedings

2 at. But we'll take your comments tonight.

3 So I'll open the public hearing.

4 George?

5 MR. POTANOVIC: Good evening, Board

6 Members, members of the public. My name is

7 George Potanovic. I live at 597 Old Gate

8 Hill Road in Stony Point, and I'm the

9 president of the Stony Point Action Committee

10 for the Environment. I'm going to make a few

11 comments to supplement the written comments

12 that I've already submitted to the Board.

13 I'm not against this project. I think

14 it's obviously needed to improve Ba Mar and

15 make it into a viable place for people to

16 live. And I'm sure that RHP Properties, once

17 this project is underway, will do a very good

18 job to make improvements and the improvements

19 needed.

20 We've done several things in terms of

21 improving the road access for fire

22 emergencies. I recognize that we've had some

23 obstacles with the utilities. Emergency

24 access is important. And of course, the

25 height elevation issues due to the flooding

1 Proceedings

2 is important, are all important.

3 But I am concerned about the process,
4 and the amount of density that's in this
5 development. The Building Inspector's role
6 is to determine compliance with the code, the
7 Town Code, and to make decisions identifying
8 what variances are needed. And we've heard
9 earlier that the ZBA has reviewed the
10 variances that were requested. It was a
11 number of variances.

12 My understanding is that the number of
13 units that could be built on this project, if
14 we followed the Town Code, the current Town
15 Code, would be somewhere around a hundred
16 units. And the applicant was expecting many
17 more than that, closer to 150. And now we're
18 seeing that it's down to 138. I question
19 that, and why the applicant feels entitled to
20 have more than what the Town Code provides.
21 Not to say we couldn't go more than a
22 hundred, but 138 is quite an increase.

23 We also heard that the Building
24 Inspector worked with the applicant to come
25 up with a site plan map, which you then

1 Proceedings

2 passed over to the Zoning Board. My concern
3 with that is the Building Inspector working
4 with the applicant and with this, to provide
5 this map to the Zoning Board, which the
6 Zoning Board reviewed, didn't seem to have
7 any ability to make any changes to the plan.
8 That was my understanding, that they couldn't
9 really make any, as a Zoning Board might do
10 in a subdivision, when you're reviewing a
11 subdivision and variances are requested.

12 They would look at the individual lots
13 and decide whether those variances were
14 appropriate. Or if an individual came to the
15 Zoning Board and asked for a variance, area
16 variance, you'd make decisions based on
17 whether you thought they were reasonable, or
18 whether the neighbors complained, or some
19 other reasons. You'd make, the Zoning Board
20 would make those decisions.

21 In this case, the map was provided by
22 you pretty much completed. It was an
23 18-month project, from what we heard, handed
24 over to the Zoning Board. And I would call
25 that an example of a rubber stamp. I mean,

1 Proceedings

2 the Zoning Board, in my view, had no
3 authority to make any changes.

4 Like I said, I went to the hearings, and
5 I spoke, and I submitted written comments.
6 And that's disturbing to me, because we
7 should have some kind of checks and balances.
8 The Zoning Board itself should have the right
9 to examine individual lots, maybe some of
10 those variances.

11 We're talking about over 250 variances.
12 124 of the 138 units that are in this project
13 needed variances. So it's quite extensive
14 that this was done and the applicant was led
15 to believe that these were acceptable because
16 the Building Inspector and you handed this
17 over to the Zoning Board as a unit, as a
18 whole project.

19 And just accept it the way it is gives
20 no real room for the Zoning Board to make any
21 changes. And that's disturbing to me, that
22 that's the process that we're using to
23 approve this plan. No choice regarding the
24 map, the changes within the map, and I think
25 that's wrong.

1 Proceedings

2 Also, the issue regarding the families
3 is an important issue, and I do want to make
4 a comment about that. There's about nine
5 families in Ba Mar being asked to leave or
6 purchase a new unit. These families are part
7 of the Stony Point community. They work
8 here, they have families here, they have
9 roots in our community. They have also
10 significant investments in a mobile home that
11 they cannot easily move to another location.

12 The personal expense and hardship for
13 them -- in some cases, these families have
14 lived at Ba Mar for, in some cases, 20 years,
15 and are being told that they must leave
16 because the new park cannot accommodate the
17 existing mobile home. In another case, one
18 individual saved for years as a down payment
19 to secure a mortgage to purchase a unit, and
20 in 2015 -- in 2015, took out a mortgage, but
21 were told by -- were never told by RHP
22 Properties that they would eventually evict
23 them only four years later.

24 Currently, these families are in
25 negotiations with the owner, as we heard

1 Proceedings

2 earlier, for a fair and equitable buyout.

3 They should have a fair and equitable buyout
4 in their units, for their units, or some
5 other equitable resolution.

6 Fortunately, some of these families have
7 an attorney supplied by Legal Aid, thanks to
8 a referral by James Skoufis, Senator James
9 Skoufis. However, these families are
10 fighting on an unequal playing field for
11 their homes, their location to employment,
12 their connection to the community. And the
13 idea of being uprooted is taking an emotional
14 toll on them.

15 And while I heard the Chairman say that
16 you, as a Board, don't have the authority to
17 influence that, this is our town. And I
18 think we should do better than this. I think
19 we should find a way for the applicant --
20 because once this project is done, they're
21 going to do fine. They're going to have this
22 project. They will probably be receiving
23 rents from new units.

24 You're giving them variances. The
25 Zoning Board gave them variances which gives

1 Proceedings

2 them greater value and use of their property.

3 And I think there ought to be some serious
4 negotiations regarding resolving these issues
5 for the current Stony Point residents who are
6 going to be displaced. And I thank you for
7 your attention.

8 CHAIRMAN GUBITOSA: Thank you, George.

9 Go ahead. Any other comments? Go ahead,
10 George. I mean Bill.

11 MR. SHEEHAN: Yeah. Normally I don't
12 respond to accusations by George because he's
13 going to put it on social media tomorrow,
14 whatever he wants, anyway, if it's the truth
15 or not.

16 But as everybody knows that is on this
17 Board, 99 percent of any application that
18 comes before this Board come through the
19 Building Department the Fire Inspector. And
20 we do meet prior to submitting anything to
21 the Board. It's just a smart thing for an
22 applicant to do. There's no sense wasting
23 money on their consultants and so forth until
24 they have some type of plan that's
25 presentable to the Board.

1 Proceedings

2 Numerous of you members come to the TAC
3 meetings. So you're very familiar that this
4 plan, through your guidance, has been changed
5 several times. There was no rubber stamp.
6 It's always been reviewed. It's probably
7 been at the TAC meetings over a dozen times
8 over the last --

9 BOARD MEMBER JASLOW: It's going to
10 change again.

11 MR. SHEEHAN: -- two years. Again, I
12 met privately with the Fire Inspector at the
13 DEC office last week on their invitation. I
14 guess I probably should have informed George
15 that I was going up there. The map changed
16 again. So for him to say that this isn't
17 right or the way it's done, he doesn't know
18 how these things operate. He's not in the
19 Building Department, Planning Department.

20 Normally, in any town, there is a staff
21 that reviews site plans and subdivisions. If
22 you go to Clarkstown, you're probably in
23 front of the staff a year before you ever see
24 anybody on the Planning Board. We're in a
25 very small town, so we do it in my office.

1 Proceedings

2 You know, we don't have an actual department
3 that does this, or staff that does this. The
4 Fire Inspector, myself, and the Town Engineer
5 review it.

6 So for someone to come up here and say
7 this was rubber stamped and when you got it,
8 you couldn't change it, as you know, I'm
9 speaking for the audience, you're well aware
10 that the Planning Board is, ultimately has
11 the last approval process, and it was very
12 active in all our projects. So I just wanted
13 to put that on the record.

14 CHAIRMAN GUBITOSA: Thank you.

15 BOARD MEMBER KRAESE: I'd just like to
16 address --

17 CHAIRMAN GUBITOSA: Let me just finish
18 with the --

19 MR. POTANOVIC: I want to respond.

20 CHAIRMAN GUBITOSA: George.

21 MR. POTANOVIC: Well, with the Zoning
22 Board --

23 CHAIRMAN GUBITOSA: George, George,
24 George. I'm not going to go back and forth,
25 all right.

1 Proceedings

2 MR. POTANOVIC: It wasn't an accusation.

3 CHAIRMAN GUBITOSA: I know. George.

4 MR. POTANOVIC: Okay.

5 CHAIRMAN GUBITOSA: I welcome your
6 comments, but I'm not going to have a debate
7 back and forth, all right.

8 Just state your name, address, sign up.

9 MS. DeCRESCENZO: Hello. Hello. My
10 name is Jocelyn DeCrescenzo. I live in
11 Valley Cottage. And I actually take umbrage
12 at that last statement. I don't think the
13 fellow was speaking for the audience when he
14 said that. I'm in the audience, and you were
15 certainly not speaking for me.

16 MR. SHEEHAN: I didn't say speaking for,
17 speaking to.

18 MS. DeCRESCENZO: I think you said
19 speaking for.

20 CHAIRMAN GUBITOSA: No, he said speaking
21 to.

22 MS. DeCRESCENZO: Whatever. You
23 certainly weren't representing me.

24 CHAIRMAN GUBITOSA: You need to address
25 the Board.

1 Proceedings

2 MS. DeCRESCENZO: So I am, I'm very
3 concerned that it seems like the department
4 is working hand in glove with the developer.
5 I didn't realize that it was the job of this
6 Board and Fire Inspector to actually make it
7 easy for the applicant to breeze through and
8 get what they want. I didn't believe that
9 that's the purpose of this Board. So I am a
10 little upset that that's what I'm seeing.
11 And it kind of breaks my heart. And there
12 are people in this community who are deeply
13 rooted in the community, and their needs are
14 not being met in any way, shape, or form.
15 And that upsets me a lot. Thank you.

16 CHAIRMAN GUBITOSA: All right. Any
17 other comments from the public?

18 MS. GIZZI: Boni Gizzi, 34 Terry Lane,
19 Stony Point. Sorry. Little bit of a cold.

20 I am going to disagree with your comment
21 before. I'm sorry. We are still there. I'm
22 actually -- I spoke with Alex Bursztein, our
23 lawyer, today. He couldn't be here tonight.
24 However, he did request that he'd like to
25 issue a statement to the Planning Board at

1 Proceedings

2 the next meeting if it's still going to be
3 open in February.

4 CHAIRMAN GUBITOSA: It's still going to
5 be open for our next meeting.

6 MS. GIZZI: I appreciate that. Thank
7 you very much. And as for Amy's comment --
8 sorry -- about us being, trying to get this
9 issue resolved, it's just not happening.

10 With certain people, yeah. They offer
11 \$10,000 for a house, yeah. Confidentiality
12 agreement signed, yeah. That's not
13 everybody.

14 We're still there. My daughter is still
15 there. We're still there. Barb is there.
16 Erica is there. Who else is there?
17 Chrissy's there. You guys in the back are
18 there. We're still freaking there.

19 Construction trucks going up and down
20 the street, dumping rocks, almost running
21 their kids over the other day. That's right?
22 It's not right. I'm ashamed.

23 CHAIRMAN GUBITOSA: Thank you. Go
24 ahead. Just state your name and sign in.

25 MS. DRECHSLER: Hi, my name is Jackie

1 Proceedings

2 Drechsler, and I'm in Valley Cottage. And
3 I'm sure some of you on the Board wonder why
4 someone from Valley Cottage, myself and my
5 sister, come to these meetings. Primarily,
6 we come to a lot of meetings because we're
7 really concerned about environmental issues.
8 And actually, quite honestly, today I just
9 came from a meeting that was the big town
10 meeting, where they had all the town
11 supervisors. And the biggest thing that came
12 up was land use issues, of why there are so
13 many problems in our county.

14 But forget about the land use problem.

15 I mean, I'm personally, I think it's not so
16 much a land use problem here. It's a
17 developer's entitlement to be making money is
18 the problem. And really at the expense of
19 the people who have lived in this community.

20 And at today's meeting, which had about
21 300 people at it, including all the town
22 supervisors and all the police chiefs,
23 everyone in that room agreed that we need to
24 be better. We need to be better. And I
25 think this Board needs to be better. And the

1 Proceedings

2 Zoning Board needs to be better.

3 And I'm not going to be hurling any
4 accusations at anyone. But certainly, the
5 people who are currently living there need to
6 be treated with dignity and respect, and they
7 need better treatment than they are getting.

8 Thank you.

9 CHAIRMAN GUBITOSA: Thank you. All
10 right, any other comments from the public?

11 MR. LARKIN: Yes, Mr. Chairman.

12 CHAIRMAN GUBITOSA: Mr. Larkin.

13 MR. LARKIN: Tom Larkin, Fire Inspector,
14 74 East Main Street. In rebuttal to
15 Mr. Potanovic and these two ladies about a
16 rubber stamp, when we go in and have these
17 meetings, we have these TAC meetings once a
18 month, and we are working with the utility
19 companies, and we may have to reference the
20 Town Engineer, I resent that for both my boss
21 and myself that a statement like that was
22 made tonight. I've done this job for 22
23 years, and volunteered in this Town for 47
24 years. I've never seen some of these other
25 people volunteer. And if we want to get into

1 Proceedings

2 a rubber stamp, let's talk about the rubber
3 stamp of the water line that went up Gate
4 Hill Road with no fire hydrant.

5 MR. POTANOVIC: We'd like to have one if
6 you can get it done.

7 BOARD MEMBER KRAESE: Let's not have a
8 discussion between yourselves.

9 MR. LARKIN: Okay. Excuse me.

10 CHAIRMAN GUBITOSA: Thank you, Tom. Any
11 other comments from the public? Because
12 we're going to leave the public hearing open.
13 All right, I just need a motion to --

14 BOARD MEMBER KRAESE: Hold it, hold it,
15 hold it, hold it. I told you I want to say
16 something.

17 CHAIRMAN GUBITOSA: Go ahead.

18 BOARD MEMBER KRAESE: You're going to
19 adjourn this to next month, right?

20 CHAIRMAN GUBITOSA: Yes.

21 BOARD MEMBER KRAESE: All right, I want
22 to talk first. I'm a little embarrassed and
23 I'm a little upset. I've been on this
24 Planning Board for a long time. We don't
25 rubber stamp anything. I've been to many of

1 Proceedings

2 those TAC meetings, and we do diligence here.

3 Now, as far as the ZBA goes, we referred
4 that to the ZBA. We don't tell the ZBA what
5 to do. They make up their own mind what to
6 do. We just take what comes back from them
7 and we deal with that.

8 And if -- it's unfortunate sometimes the
9 public can't come to a TAC meeting. But we
10 really go through a lot of things. I still
11 had questions tonight. So I just take that,
12 you know, I'm just upset that this got to
13 this point.

14 CHAIRMAN GUBITOSA: Thank you, Gene.

15 MR. POTANOVIC: My comment regarding --

16 CHAIRMAN GUBITOSA: George.

17 MR. POTANOVIC: I want to be clear about
18 it.

19 CHAIRMAN GUBITOSA: George, George,
20 George.

21 MR. POTANOVIC: It's being
22 misrepresented.

23 CHAIRMAN GUBITOSA: No, George.

24 MR. POTANOVIC: It was about the Zoning
25 Board, not the Planning Board. That's what I

1 Proceedings

2 said, if you listened to what I said. You
3 didn't listen to what I said.

4 CHAIRMAN GUBITOSA: Thank you, George.
5 All right, one comment before I adjourn the
6 public hearing to next month.

7 What we do at the TAC meetings, just for
8 everyone's knowledge, we do this with every
9 applicant. It's not just this applicant. We
10 sit with each applicant two weeks before the
11 meeting to make sure they have the proper
12 paperwork, and we review the plans.

13 So it's not the Building Inspector.
14 It's not this -- all of us. We look at the
15 plans. We make changes at the TAC meeting,
16 or we recommend things that we see. So it's
17 not just someone saying go ahead.

18 We do this with every applicant. We
19 look at the plan. Our Town Engineer looks at
20 it. Our planner looks at it. Our legal team
21 looks at it. Our Fire Inspector. We have
22 everyone looking at this plan.

23 And then what we do is we recommend
24 changes. We tell them maybe you should move
25 this over here. Maybe you move that over

1 Proceedings

2 here. It's not that they come in and we say
3 go. We look at it. And it's not a one week,
4 one meeting thing. We keep going on.

5 This has been before us for a while. So
6 we do this with every application. With
7 Eagle Bay, same thing. They come in, they
8 show us a plan. We review it all. It's not
9 just the Building Inspector. It's all of us.
10 It's three Planning Board Members. It's the
11 engineer, all of us. We look at it.

12 Everyone makes a recommendation. Maybe you
13 should move this over here. Maybe move that
14 over there.

15 So each time the plan comes, it's
16 different every time because we change it.
17 It's not that it just zooms through. So we
18 do this with every application. It's not
19 just this.

20 And even though working with the tenants
21 is not within our purview, we've done it at
22 this meeting. We do it at TAC. We've gone
23 to the applicant and told them make sure you
24 take care of the residents. It's not within
25 our purview. We can't -- it's part of the --

1 Proceedings

2 it's not part of the land use, the site plan.

3 But we've gone in and we've made
4 recommendations. You need to do this, you
5 need to do that.

6 So to say that we're not looking out for
7 the residents, we take offense to that.
8 Every meeting, we sit and we talk to the --
9 even though it's not part of our thing, we
10 say what can you do for the residents. Some
11 of them, they've moved. Some, they're still
12 working on. We don't have any control over
13 that. But we're telling them we can't make a
14 decision based on that. But we can guide
15 them and say hey, it would be nice if you
16 could do this.

17 So like Gene said, Bill said, all of us,
18 you know, we're a small town. So we have a
19 small resource center. But we try to do the
20 right thing. We have everyone looking at
21 this.

22 So when people come in and say you're
23 pushing this through, or you look at other
24 towns, look at Stony Point -- you look at
25 other towns, what they do, they don't go into

1 Proceedings

2 the detail that we do, of what we look at,
3 the process. So like Gene says, and Bill,
4 you know, we take, I take offense to it that
5 we do look out for the residents.

6 So at this time, I'm going to ask that
7 we --

8 BOARD MEMBER JASLOW: I'll make a
9 motion.

10 CHAIRMAN GUBITOSA: To adjourn the
11 public hearing to next month?

12 BOARD MEMBER ROGERS: I'll make that
13 motion.

14 CHAIRMAN GUBITOSA: Can I have a second?

15 PUBLIC SPEAKER: Can I ask a question?

16 CHAIRMAN GUBITOSA: No, there's no
17 questions. All in favor?

18 THE CLERK: Who seconded?

19 CHAIRMAN GUBITOSA: Mark. All right,
20 Mark, second. All right, we're going to move
21 the public hearing to --

22 THE CLERK: February 27th.

23 CHAIRMAN GUBITOSA: -- February 27th.
24 All right, so we'll see you then.

25 MS. MELE: I'd like to thank the members

1 Proceedings
2 and the staff for their clarification. Thank
3 you.

4 (Time noted: 9:16 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