

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

8 Town of Stony Point  
9 RHO Building  
10 5 Clubhouse Lane  
11 Stony Point, New York  
12 Thursday  
13 January 24, 2018  
14 8:35 p.m.

15 BEFORE:

- 16 THOMAS GUBITOSA, CHAIRMAN
- 17 EUGENE KRAESE, BOARD MEMBER
- 18 ERIC JASLOW, BOARD MEMBER
- 19 PAUL JOACHIM, BOARD MEMBER
- 20 JERRY ROGERS, BOARD MEMBER
- 21 PETER MUELLER, BOARD MEMBER

22 APPEARANCES:

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

26 ROCKLAND & ORANGE REPORTING  
27 2 Congers Road  
28 New City, New York 10956  
29 (845) 634-4200

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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.

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Melissa Pezzullo