

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

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IN THE MATTER

4 OF

EAGLE BAY

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
May 23, 2019
7:04 p.m.

9 BEFORE:

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- THOMAS GUBITOSA, CHAIRMAN
- 11 PETER MULLER, VICE CHAIRMAN
- MICHAEL FERGUSON, BOARD MEMBER
- 12 ERIC JASLOW, BOARD MEMBER
- PAUL JOACHIM, BOARD MEMBER
- 13 EUGENE KRAESE, BOARD MEMBER

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15 APPEARANCES:

- 16 STEPHEN M. HONAN, ESQ., Special Counsel
- MAX STACH, Town Planner
- 17 JOHN O'ROURKE, P.L.S., Town Engineer
- WILLIAM SHEEHAN, Building Inspector
- 18 MARY PAGANO, Clerk to the Planning Board
- AMY MELE, ESQ., Attorney for Applicant

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21 ROCKLAND & ORANGE REPORTING
2 Congers Road
22 New City, New York 10956
(845) 634-4200

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3 CHAIRMAN GUBITOSA: All right. Next
4 item on the agenda is Item Number Two, which
5 is Eagle Bay. This is a site plan
6 conditional use located on the north end of
7 Hudson Drive, north of Tomkins Avenue, and
8 it's a review of the application.

9 MR. ZIGLER: Basically, for the last
10 couple of months, we've been formatting a
11 area along the river which would be, then,
12 the public access area. We've come up with
13 several plans, good and ugly and uglier. But
14 at the last meeting, at the workshop, we
15 received some direction. We made some
16 modifications to the plan.

17 The biggest thing is that we took that
18 first building, which is your commercial
19 building, and we slid it back almost 40 foot.
20 We were able to do that because we had
21 parking there at one time. So that parking
22 is gone. We slid the building back, and now
23 we just have truck delivery there.

24 The second thing we did was we pulled
25 three spaces off of each aisle length. And

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2 that's roughly 30 foot. So that slid this
3 curb line back 30 foot. That opened up this
4 whole front. At the workshop, they were
5 looking for more area in between the river
6 and the front of these two structures, the
7 parking lot and the building.

8 And then we also worked on our sand
9 filters. Each building has its own system, a
10 sand filter for the water and the drainage.
11 That's this clump of trees that you see
12 there, there, and there. We actually made
13 those sand filters smaller. And at one time,
14 we had a two-foot wall around them, sort of
15 like a small retaining wall. That's gone.

16 So these sand filters now are just a
17 puddle, a landscape puddle. And then we
18 picked that up by doing coarse pavement up on
19 the top of each one of these lots.

20 So Dan actually went through, and also
21 met with Mr. Lopez on trees. So what I'd
22 like to do now is hand it off to Dan to
23 explain what he's doing in each one of these
24 paddock areas. Five of them, one, two,
25 three, four, five.

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2 The only other thing that's new that
3 even the workshop didn't visualize, it just
4 kind of jumped at me one night, this area
5 here is going to be residence. So what we
6 did was we had a pool on one side of the
7 community building here, and this is going to
8 be strictly residence, that little, that
9 little area. So the rest of this would be a
10 common area. Like I said, Dan is going to
11 explain this, and then I'll come back at the
12 end. Where is Dan? That's you, Dan.

13 MR. SHERMAN: Hello. I'm Dan Sherman,
14 landscape architect with Eagle Bay. I did
15 meet on two occasions already with Steve
16 Lopez, and then reviewed ideas for trees and
17 shrubs and plants also for what is being
18 called the sand filters. I call them rain
19 gardens.

20 And there's a special kind of planting
21 that needs to be in the rain gardens, things
22 that can dry out and things that can also
23 take water. And there are some plants that
24 are suitable for that. In Piermont, where
25 I'm part of the commission reviews, sea oats

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2 and nutsedge and different things that have
3 worked well in that situation.

4 So Steve has worked with me on that.
5 I'll describe a few of them now, but in our
6 next presentation, that plant list will be
7 finalized and printed and submitted so you
8 can see.

9 But there are small shrubs such as
10 nannyberry and buttonbush that are native
11 things that are useful in pollinating, for
12 pollinating. And those work in that
13 situation. And like I said, sea oats, and
14 some different sedges. Small trees like
15 serviceberry and different trees, things
16 that -- so they won't look like a puddle or a
17 pond or a gravel basin, like sometimes you
18 see engineered drainage basins. But this
19 will look like a garden in a way.

20 And I've also supplied pictures of some
21 existing ones that we've done in the past.
22 That's in the -- I don't have a pointer, but
23 in those sand basins.

24 The lawns will be surrounded by
25 park-like trees. Swamp white oak can take a

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2 high water table, although we're raising the
3 water table. Red maple. There will also be
4 pin oaks and different kinds of park-like
5 trees surrounding the lawn areas.

6 Along the waterfront, I think I'll use
7 mulberries because on the Piermont pier,
8 those just do so well. They take high winds.
9 They can take a lot of beating and abuse from
10 the -- they grow right in the rocks. The
11 roots grow in the rocks.

12 So that's my plan for that. But all of
13 the plant choices will be looked at again by
14 Steve, and I'll have a report for the next
15 time.

16 Oh, and then there are some features
17 that aren't shown yet on this detail we'll be
18 clearer about. At the end, there's still
19 planned to be an eagle overlook, kind of a
20 platform area with a sign educating people
21 about the eagles that nest and are in the
22 swamp area to the north. And then the point
23 of land that's partway along, there will also
24 be some informational educational kiosk about
25 the river, and the fish in the river, and

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2 things about the river. So there will be two
3 educational destination points, and then the
4 lawn areas themselves.

5 There's dots. That's it. So, do we
6 have the next picture?

7 MR. ZIGLER: Yes.

8 MR. SHERMAN: So we just zoomed up.
9 It's the same illustration, but we've zoomed
10 up just to see. This is the area that could
11 have entertaining space on it, like little
12 lawn concerts and things like that.

13 This is a public parking area. It's
14 not -- it's still outside of the gate
15 enclosure. And then people can walk along.
16 So if you go to the next, these are just
17 snapshots we took.

18 CHAIRMAN GUBITOSA: What's the walkway?
19 Is that -- what's that going to be made of?

20 MR. SHERMAN: The walkway?

21 CHAIRMAN GUBITOSA: Yeah.

22 MR. SHERMAN: That's kind of a paver.
23 It will be hard. You can bicycle on it and
24 walk on it. It's a fire road.

25 MR. ZIGLER: It's basically going to be

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2 a road because it's got to take the weight of
3 the fire truck.

4 MR. SHERMAN: So you can see in this
5 rendering my version of what the rain garden
6 would look like. This cluster of trees, some
7 other things, drifts of flowering things and
8 grasses. So it will be attractive. It won't
9 just look like a drainage basin.

10 And then this little portion of lawn
11 near the residents center and the pool we
12 kind of closed off a little. It doesn't
13 completely restrict people to come and walk
14 and go in, but it encourages a privacy sense
15 for the people in the development to make use
16 of that particular lawn.

17 And then there's another lawn that's
18 opposite a seating area. That's the end of
19 parking. The public can use that. It's
20 filtered by some shade trees.

21 And the last lawn group is another big
22 circular lawn. Those are shade -- the trees
23 are shade trees, as I said, so you can look
24 right underneath them. So they don't really
25 block any access to it. Just creates a

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2 little sense of enclosure and some shadings.

3 And then you get around to where the eagle

4 overlook will be, and we'll be clearer on

5 what that will look like in the next

6 presentation. So I think it's very, quite

7 nice.

8 CHAIRMAN GUBITOSA: Dave, I think we

9 have some questions for you.

10 MR. ZIGLER: All right.

11 CHAIRMAN GUBITOSA: Last year, last

12 February, on the plan that we had, we see

13 there's a lot of stuff there. A pavilion.

14 There's all this stuff that was on our plan,

15 the pavilion, a walking area, a picnic area,

16 playground. What happened to it?

17 MR. ZIGLER: Cost analysis.

18 CHAIRMAN GUBITOSA: Huh?

19 MR. ZIGLER: Cost. Basically, at some

20 point, it was decided that this was going to

21 be handled by the residents of the

22 neighborhood. And the items you're talking

23 about, we would require a full-time team of

24 people working there. I'm even quite unsure

25 on how they're going to maintain this because

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2 as you know, you have one or two people that
3 go to each one of your parks every day. So
4 somebody's going to have to go there and pick
5 up litter.

6 Anything that's not a bench or something
7 is going to require maintenance. And
8 everything that requires maintenance is going
9 to be on the burden of these 264 units. So
10 we cut back on that and tried to open it up
11 into a passive area, and that was the major
12 change.

13 CHAIRMAN GUBITOSA: Is that lawn and all
14 along the walkway, is that public access?

15 MR. ZIGLER: It's all public. You want
16 to go to the -- our last film clip here
17 shows -- whoops.

18 CHAIRMAN GUBITOSA: All right.

19 MR. ZIGLER: Right there. That's the
20 area you were just looking at, everything in
21 the green.

22 CHAIRMAN GUBITOSA: Right.

23 MR. ZIGLER: So it would include all of
24 this as being public. And then very lightly
25 underneath there, you can see the walkway,

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2 which is actually a road. That road
3 continues through. These would all be public
4 areas.

5 The width of this right here in these
6 smaller spots are 40-foot. That's not going
7 to open up any. But as Dan has been working
8 on this, some of this will be pulled into it.

9 So right now, everything that's green
10 here -- and that excludes the rocks on the
11 bank, that excludes the walk -- everything
12 that's green here is 1.9 acres. And what's
13 that equal to? That's equal to both of your
14 river parks together and useable space. So
15 it's quite a bit of property. And it's 1200
16 foot long from the north end, the eagle watch
17 to when you hit the property line back here.

18 We're looking at passive access to the
19 river. Exactly what the code says. Pulled
20 out all of those fancy looking things because
21 of the cost. It's going to cost money to
22 have any of these things that you were
23 previously looking at, structures and
24 everything else.

25 BOARD MEMBER JASLOW: I'm sorry, go

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2 ahead. No, you go.

3 BOARD MEMBER KRAESE: So previously, in
4 the beginning, you came in here with this
5 plan to get a favorable opinion from the
6 Board and the, and the public. And as we go
7 along, it's been chipped away. That's just
8 my personal opinion. I'm -- again, we lost a
9 lot. I mean, looking at this, other than
10 giving some grass, there's nothing for the
11 public.

12 MR. ZIGLER: That's all the code asks
13 for. The code asks for access to the river.

14 BOARD MEMBER KRAESE: I know that. But
15 in the beginning -- I didn't say you promised
16 it. It was in the plan. And the other thing
17 that I'm not too crazy about, when you put up
18 that -- you're taking away the seawall to put
19 up the rip rap, how much of that are you
20 going to take from the property that should
21 have been or could have been used as public
22 access?

23 MR. ZIGLER: About 12 foot.

24 BOARD MEMBER KRAESE: So 12 foot's
25 12 foot, okay.

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2 MR. ZIGLER: The other thing is when we
3 first -- you know, if you're going to
4 remember B, you have to remember A, and A was
5 290 units. So when we went down in size of
6 units, that's a good percentage of increase
7 in common fees for 264 units. Not to say
8 that that's what changed it, but there is --
9 it's a dollars and cents movement. And going
10 from 290 to 264 put a hurt on the project.
11 And that's a fact, so.

12 You have more area now than you had in
13 any other previous plan that worked. You
14 might have seen plans that said large numbers
15 on them, but the units were all one bedroom.
16 This is factual building. And that area that
17 you're looking at in green is larger than the
18 areas that you were looking at on the other
19 ones.

20 CHAIRMAN GUBITOSA: Dave, what are those
21 little white areas?

22 MR. ZIGLER: That's the, that's the
23 tidal basins. They're both the ramps, right
24 now, where the ramps go out into the river.
25 So they're going to be like a stone dam

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2 across the front, they're going to become
3 tidal basins. So they would flood when the
4 tide comes in, and it's great for the DEC.
5 That's what I heard. So you have three of
6 them, where the beach was, let's say, and the
7 two boat launches.

8 CHAIRMAN GUBITOSA: All right. So
9 there's no beach anymore?

10 MR. ZIGLER: No beach.

11 CHAIRMAN GUBITOSA: You took the beach
12 out.

13 MR. ZIGLER: The beach is gone.

14 CHAIRMAN GUBITOSA: Eric, what did you
15 have?

16 BOARD MEMBER JASLOW: Pretty much the
17 same sentiment as Gene.

18 BOARD MEMBER KRAESE: Bill, can I ask
19 you a question?

20 MR. SHEEHAN: Sure.

21 BOARD MEMBER KRAESE: Of course. That
22 was a stupid question.

23 MR. SHEEHAN: That's why I came.

24 BOARD MEMBER JASLOW: Who owns the road
25 from the railroad to Hunter Place?

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2 MR. ZIGLER: The Town of Stony Point,
3 1948.

4 BOARD MEMBER KRAESE: So on the PR side
5 of business, I was approached by a resident
6 that was approached by an alleged, alleged
7 employee of that marina, and was hassled over
8 the fact it was their road, they're off it,
9 and something to that effect.

10 MR. ZIGLER: Well, I did notice people
11 were parking on the road. But it is the Town
12 of Stony Point's road. Deeded in 1948. The
13 original road isn't like Hunter Place is now.
14 The original Hunter Place come off of Lincoln
15 and went through here. And then back in the
16 60s and 70s, they squared that curve out.
17 But the original Hunter Place, in 1948 when
18 it was deeded, was this road all the way up
19 to Lincoln.

20 BOARD MEMBER KRAESE: Okay.

21 MR. SHEEHAN: Does that answer your
22 question? Glad I could be of help.

23 CHAIRMAN GUBITOSA: So, Dave.

24 MR. ZIGLER: Didn't even move your lips.

25 MR. SHEEHAN: I'm good that way.

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2 BOARD MEMBER KRAESE: He jumped the gun.

3 CHAIRMAN GUBITOSA: So, Dave, what's the
4 unit count now?

5 MR. ZIGLER: 264.

6 CHAIRMAN GUBITOSA: How much?

7 MR. ZIGLER: 264.

8 CHAIRMAN GUBITOSA: What was that in
9 one-bedroom, two-bedroom?

10 MR. ZIGLER: I don't know. I think we
11 got 12 three-bedrooms and how many -- I don't
12 know. There's more two-bedrooms than
13 anything else. And there's a few
14 one-bedrooms for the oddity in each building.
15 The larger units are, of course, at the end,
16 overlooking the river.

17 MR. SHEEHAN: There's a breakdown on
18 the -- not the landscaping plan, but the --

19 MR. ZIGLER: The sketch we were looking
20 at.

21 CHAIRMAN GUBITOSA: Max, do you have any
22 questions?

23 MR. STACH: No questions. I agree with
24 your sentiment. I think this was a very
25 impressive plan about a year ago as far as

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2 the public use, and access, and what was
3 being brought here. I understand the
4 concerns of the applicant, but I just -- and
5 I also agree with Gene's sentiment, where you
6 lost some distance because of the rip rap.
7 You lost some distance because the applicant
8 wasn't able to use storm water in their
9 driveways, and it's a pinch in the public
10 benefit.

11 I don't know if there's anything the
12 applicant can do to improve it at this point.
13 I do agree that moving back the commercial
14 building has opened up that area for use. I
15 think that's an improvement over what we saw
16 at TAC. But it's nowhere near as impressive
17 of a public space as what was submitted in
18 February of 2018, and I am not sure how much
19 the general public will be using this area.

20 One of the challenges that we had in
21 Haverstraw with the Ginsburg project was
22 because there's nothing to do there, nobody
23 goes there. And you know, you get a couple
24 of people from the Harbors walking around,
25 you get a couple of residents going down to

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2 fish. But generally, it's pretty isolated.

3 I think the idea here was to provide
4 some active uses. I'm glad the restaurant is
5 still there. I think that's a plus.

6 Hopefully, that will stay in the plan by the
7 time it gets approved. But other than that,
8 I don't know why this area provides any
9 advantage over the other two town parks at
10 this point. It certainly doesn't offer the
11 same level of activity and interest. Other
12 than that, I reserve my comments for future
13 submission.

14 CHAIRMAN GUBITOSA: John, any comments
15 here?

16 MR. O'ROURKE: No. At this point, there
17 really isn't any engineering. Once they have
18 the storm water, we'll take a look at it and
19 those calculations. But I think the Board
20 has to get set with the layout before they
21 finalize that.

22 MS. MELE: I just wanted to point out,
23 you know, I think, you know, what's missing,
24 really, when you get down to it is there were
25 more, you know, maybe benches and sitting

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2 areas, and there was a playground.

3 VICE CHAIRMAN MULLER: Quite a few
4 gazebos.

5 BOARD MEMBER JASLOW: Gazebos, ice
6 cream.

7 MS. MELE: Well, you know, and here's
8 the thing, and Mr. Honan and I have talked
9 about this, is this has sort of been a little
10 bit of a moving target since the beginning of
11 this project. You know, we've learned that
12 the Town doesn't want this in faith. They
13 only want an easement. And they're very,
14 very clear they don't want anything to do
15 with maintaining it.

16 So we're going to have to negotiate a,
17 an agreement between the homeowners
18 association and the Town as to how this gets
19 maintained. And the devil's going to be in
20 the details of that.

21 Now, you know, there might be further
22 discussions about -- I mean, I'm sure that,
23 you know, benches could be added and things
24 like that. But you know, if the Town is
25 going to be completely, we don't want to have

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2 anything to do with this, it's difficult to
3 say, you know, that we can maintain things
4 like playgrounds and stuff like that for --
5 and it's not required under the code.

6 So we think what we're giving, and I
7 know I use myself as an example, but you
8 know, I go to Hook Mountain State Park all
9 the time. I like to park in the little
10 parking area, and I like to go walk where
11 they have mile markers, and I walk, and I
12 just like walking by the river and having
13 that opportunity, and going back, and there's
14 nothing there, there's no concession stand,
15 there's no nothing.

16 You know, this will have, this will have
17 a restaurant. This will have lawn areas
18 where you can have concerts. I still think
19 it's a pretty nice chunk of Hudson riverfront
20 property that we're providing. And actually,
21 one of the reasons that we're here tonight is
22 that we hope that we'll get a referral to the
23 Architectural Review Board, who I'm sure may
24 have further comments on this as well, in
25 addition to, you know, the -- I think they

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2 review landscape as well, correct?

3 BOARD MEMBER KRAESE: Correct.

4 MS. MELE: So, I mean, I think that
5 we'll also get some feedback from that Board.
6 So, you know, while we're diligently working
7 behind the scenes on the DEIS and trying to
8 get that to you, we were hoping we could take
9 skip over to the ARB, get their feedback, and
10 then come back to you and, you know, maybe
11 this will be a little bit different.

12 VICE CHAIRMAN MULLER: You can charge a
13 common charge to the residents.

14 MS. MELE: Yeah, so --

15 VICE CHAIRMAN MULLER: So hire a
16 landscaping company to clean it.

17 MS. MELE: Excuse me.

18 VICE CHAIRMAN MULLER: They can hire a
19 landscaping company to come in and maintain
20 the property.

21 MS. MELE: Yeah, sure, they can. But
22 for, you know, for, you know, higher fees.
23 But that's what we're going to have to do.

24 VICE CHAIRMAN MULLER: You really think
25 to add a couple gazebos there to the cost of

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2 maintaining that area would be that much
3 more?

4 MS. MELE: I'm not sure.

5 VICE CHAIRMAN MULLER: You add some
6 benches, you really think it would add that
7 much more to maintain that area?

8 MR. ZIGLER: No, the benches, the
9 benches aren't on the plan.

10 MS. MELE: Yeah.

11 MR. ZIGLER: This was to look at overall
12 green area.

13 MS. MELE: Yes.

14 MR. ZIGLER: Any structures you're
15 talking about, well, that's something else.
16 But the benches --

17 VICE CHAIRMAN MULLER: Well, the whole
18 program that you had offered before, with all
19 the gazebos and sitting areas, and there was
20 meandering paths, and it was very inviting,
21 and now it's not. So my question to you is
22 since you're charging a maintenance fee to
23 the homeowners, and you're going to have a
24 landscape company come and maintain it, I
25 really don't see where the big difference is

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2 in maintaining it, putting in the things that
3 you had agreed to or had offered.

4 MS. MELE: Right.

5 VICE CHAIRMAN MULLER: So it's really
6 not that much -- I can't see what the cost
7 would be.

8 MS. MELE: I can't speak for my clients.
9 I'm sure they've given this some thought.
10 But I think maintaining landscape versus
11 maintaining structures, there probably, you
12 know, is a difference in cost. And like we
13 said, we're not, we're not adverse to -- you
14 know, at this point, we just wanted to show
15 the general layout and what it is that we
16 came up with at TAC. But you know, obviously
17 there's going to be some benches. I think
18 there was going to be a couple other
19 educational points along the way. We'll show
20 the eagle observatory, which, is that a
21 gazebo or is that a deck that kind of goes
22 out?

23 MR. SHERMAN: It's a deck. A kiosk.

24 MS. MELE: A kiosk.

25 VICE CHAIRMAN MULLER: Now, in those

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2 green areas, do you have power for anything?
3 Are there power outlets there? You talked
4 about having a concert. I was just wondering
5 how you're going to have a concert if there's
6 no energy brought to that area or lighting.

7 MS. MELE: Yeah.

8 MR. ZIGLER: There will be, there will
9 be energy there. We were just looking at the
10 green area. This doesn't show the details of
11 benches and lighting. There will be lighting
12 along there, and there will be power along
13 there. But this is, again, this is a park.
14 And your parks are closed at dusk.

15 VICE CHAIRMAN MULLER: But you also
16 talked about three times tonight you could
17 have concerts there. Wow, concerts.

18 MR. ZIGLER: Who's saying concerts? I
19 didn't say concerts.

20 VICE CHAIRMAN MULLER: She did. You
21 absolutely did. You talked several times
22 tonight about concerts.

23 MR. ZIGLER: It's fine. You can have a
24 concert there. Look, if this is a site plan
25 that you're looking at, and you approve a

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2 site plan with what's ever on there, and it
3 doesn't work, there's nothing we can do. If
4 this is a town park and something don't work,
5 or something's bad, or something's not living
6 like it should with the insurance purposes,
7 you can remove it. You're putting us into an
8 optioned area where these poor people have to
9 pay for it.

10 VICE CHAIRMAN MULLER: No, I think
11 actually the problem here, Dave, is that you
12 came with a plan --

13 MR. ZIGLER: I'm sorry, I couldn't hear
14 you.

15 CHAIRMAN GUBITOSA: Guys.

16 VICE CHAIRMAN MULLER: You came here
17 with a plan and it was beautiful, and there
18 was a lot to do for our residents. And there
19 was a big attraction for our residents coming
20 down there. And there were going to be
21 walking areas, there were going to be
22 gazebos, and there was going to be meandering
23 paths in it. It was going to be a nice, nice
24 area for it. But now there's nothing there.

25 MR. ZIGLER: Like I said, we also had

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2 290 units. And we had other things. You
3 can't -- you know, we lost something.

4 CHAIRMAN GUBITOSA: You only lost 24
5 units.

6 MR. ZIGLER: What do you think it might
7 take to maintain this with somebody going out
8 there every day during the week and picking
9 up the litter? Who is going to do that?

10 Hold on, hold on. Go down to your Stony
11 Point park and watch the people go in there
12 and clean it. Somebody's going to have to
13 pay for this.

14 Your code -- we offered a lot of things.
15 We had different plans. We had completely
16 different plan on this. This plan, this plan
17 doesn't show what the original plan does,
18 did, and it also doesn't reflect like the
19 original plan did. We also had different
20 buildings. The plan evolved. And one of the
21 things involved is we went into this, was the
22 cost analysis for maintaining the things that
23 were on the other plans. And it was lost.

24 VICE CHAIRMAN MULLER: Can I ask a
25 question? Did I bring this to you or did you

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2 bring this to us? Because you brought it to
3 us with things on it. And now it's
4 shrinking. So, I mean, I don't really --

5 MR. ZIGLER: Who erased the buildings?

6 Did you erase the buildings or did we? You
7 know, it goes both ways. We're working on a
8 plan, trying to build a plan.

9 Now, we also went to the workshop, and I
10 heard exactly the same thing. All I asked at
11 the workshop was I said here's a magic
12 marker, tell me what you're looking for. And
13 they did. They said why don't we do this
14 over here and move that back, we'll open it
15 up.

16 How about this Board getting together
17 and making a list of things they would like
18 to see on that promenade? That wouldn't hurt
19 anybody's feelings. And then we wouldn't
20 have to discuss this. And we could look at
21 the list and say oh, they don't want any
22 benches, they don't want anything but the
23 driveway. And you could say hey, we're done.
24 But no. If you would like something, make a
25 list.

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2 CHAIRMAN GUBITOSA: Dave, go ahead.

3 Based on the last plan, everything was there.

4 So now with this plan, you know --

5 MR. ZIGLER: The last plan was, you said
6 it. It was a year and four months ago.

7 CHAIRMAN GUBITOSA: But --

8 MR. ZIGLER: That's the last plan.

9 CHAIRMAN GUBITOSA: I know. The plan
10 keeps changing. That's what we're concerned
11 about, is a year ago, everything was there so
12 we didn't have to ask. Now, you're coming
13 back and it's everything is wiped, so that's
14 why we're concerned, and that's why -- if
15 this is just, like, the conceptual plan, now
16 we have to make comments on this.

17 MR. ZIGLER: I would like a generated
18 list. I don't think that's asking too much.
19 Just generate a list.

20 MS. MELE: Tell us what you want back in
21 that.

22 MR. ZIGLER: You know, any time you can
23 get to it, and we'll see what we can do.

24 BOARD MEMBER KRAESE: I brought this up
25 because it's not what we started. I

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2 understand where you're coming from, but
3 you're kind of putting the onus on the
4 Planning Board to tell you what to do. This
5 is your project. It's not our project. When
6 it first started, you showed all these
7 things. You should have maybe found out how
8 much it cost to do it to begin with. That's
9 not our decision.

10 All we're saying, all my first statement
11 was when this thing started was you had all
12 this stuff there and now you have nothing.
13 You lost 12 more feet from the, from the land
14 along the whole piece of property. So all
15 I'm saying is it appears as long as we go
16 down the road, we're losing, the community is
17 losing less and less and less to almost
18 nothing. As someone said, why would I walk
19 down there, there's nothing there?

20 But this is what dialogue is about. In
21 my impression, you come with something, we
22 comment. I obviously don't like what the
23 comments are, but we have a comment. We have
24 you know, we're just trying to -- we're not
25 trying to bury you. We're just trying to --

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2 MR. ZIGLER: All we're asking --

3 BOARD MEMBER KRAESE: You know, I'll
4 tell you right now --

5 MR. ZIGLER: At the workshop, we asked
6 the same thing.

7 BOARD MEMBER KRAESE: I'll never make
8 you -- I personally will not get involved in
9 giving you a list of anything. I mean,
10 that's, I think that's your job to come to
11 us. I mean, yes, we'll have to --

12 MR. ZIGLER: Then I think that's a poor
13 thought because there was no problem with any
14 of the Board Members saying there was too
15 many units. There was no problem when we had
16 to change the buildings. And there was no
17 problem when the other things.

18 And I think that, you know, there's
19 always comments. We get comments from your
20 advisers. Max put out a comment sheet. John
21 will put out a comment sheet. Everybody puts
22 out a comment. Bill will say comments. I
23 don't think it's going overboard asking this
24 Planning Board to come up with a list of
25 items that they would like to see along the

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2 walk. And if it is, I'm sorry I asked, then.

3 MS. MELE: I think the other thing is
4 that, you know, we viewed the purpose of
5 tonight, honestly, to kind of come back to
6 you all and show where we were with the
7 amount of land, and what we had to come up
8 with in terms of dedicating to the public
9 space. It was not ever meant to be, although
10 we will get to that point, a sort of 3D
11 walking down the park, and where the bench
12 is, and where the eagle overlook is, and
13 things like that. That will be back on
14 there. And that's one of the reasons that we
15 want to go to the ARB is because we'd like to
16 talk about, you know, the landscaping.

17 Like, I understand this doesn't look
18 that inviting. It wasn't meant to look that
19 inviting. It was meant to depict a certain
20 strip of land that we are now talking about.
21 But we will come back with the plans that
22 look more inviting.

23 And again, you know, we're happy for
24 your feedback, for your planners' feedback,
25 for the ARB's feedback. We're not saying

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2 there's not going to be benches. We're not
3 saying it's not going to be, you know, a user
4 friendly all the way through.

5 But you're right. Some of the bigger
6 ticket items like gazebos and playgrounds,
7 you know, turned out after some further
8 discussion to be, you know, not feasible from
9 a cost perspective. But I think, you know,
10 if we could get to the ARB, if we could hear
11 from your planners or you on things that you
12 think would, you know -- I mean, you know
13 your residents. You have parks here. You
14 know what they use. I don't.

15 So if you tell us that, you know,
16 something is a big attraction somewhere, like
17 an observatory or something like I think the
18 fishing pier is going to be a big attraction.
19 And again, you know, we've got -- Steve and I
20 have lots of negotiating to do over what can
21 go in there, you know, what kind of
22 insurance, who's going to be responsible for
23 what, what kind of maintenance schedule we're
24 going to have. You know, a lot of that is
25 still yet to come, and the devil's in the

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2 details there.

3 So, you know, I understand your
4 reaction. But you know, we didn't come to
5 show you look, we've taken away all this
6 stuff. We came to show you, you know, this
7 is where we are now with the public space and
8 the public walkway.

9 CHAIRMAN GUBITOSA: All right. Dave,
10 how wide is the road?

11 MR. ZIGLER: Twenty foot.

12 MS. MELE: Twenty, yeah.

13 VICE CHAIRMAN MULLER: That's 20 out of
14 40.

15 CHAIRMAN GUBITOSA: So from the --

16 MR. ZIGLER: Right.

17 CHAIRMAN GUBITOSA: So there's only 20
18 green space.

19 VICE CHAIRMAN MULLER: Ten on each side.

20 MR. ZIGLER: Yes, in those narrow spots,
21 yes.

22 CHAIRMAN GUBITOSA: Now, let me ask you
23 this question. The seawall. Now that it's,
24 like, what's it called, rip rap, is that
25 definite, or would you be able to go back to

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2 the original and get those 12 feet back?

3 MR. ZIGLER: That's definite.

4 CHAIRMAN GUBITOSA: That's definite.

5 MR. ZIGLER: That's locked.

6 CHAIRMAN GUBITOSA: Is that from the DEC
7 or is that from your design?

8 MR. ZIGLER: There's a couple of things
9 involved. But some of it's me, some of it's
10 design, and some of it's just pure money.
11 Again, anything, anything that's built there,
12 a seawall or something, is going to have to
13 be maintained by these people.

14 CHAIRMAN GUBITOSA: All right.

15 MR. ZIGLER: So this is a little bit
16 cost effective. Once it's constructed, it
17 should last.

18 MS. MELE: And also, by the way, I
19 should just point out maybe a few meetings
20 ago you met our sort of shoreline consultant,
21 Mr. Shea Thorvaldsen. And the rip rap and
22 stuff is also going to have vegetation, you
23 know, coming out of it, too. So it's not
24 just going to look like stone. They're going
25 to do plugs. There's going to be, I think he

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2 had, you know, an oyster pad, he had grasses.

3 CHAIRMAN GUBITOSA: But no one's, no
4 one's going to be able to walk on it.

5 MS. MELE: No, nobody's going to be able
6 to --

7 CHAIRMAN GUBITOSA: That's what I mean.
8 I mean, already we lost 32 feet between the
9 20-foot road, the 12 foot of the, for the
10 seawall. We've lost 32 feet. I mean, with
11 the green stuff. So I just want to make sure
12 I'm looking at it right.

13 MS. MELE: Understood.

14 CHAIRMAN GUBITOSA: I think -- well, I
15 guess, Dave, the Board has been -- we're all
16 discussing what -- before we send you to the
17 ARB, we want to see more. They want to see
18 elevations and stuff. And what else? I
19 mean --

20 MR. ZIGLER: Elevations of what?

21 CHAIRMAN GUBITOSA: I mean, this is the
22 new plan, right? We don't have the updated
23 plan, right?

24 MR. ZIGLER: Nobody has this. This is
25 the first time it's been born. What

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2 elevations are you looking for?

3 BOARD MEMBER JASLOW: We want to see
4 what you're going to put in there before we
5 want to send it to the ARB.

6 CHAIRMAN GUBITOSA: Or is the ARB just
7 looking at, are they going to be looking
8 at -- Bill, what's the ARB is going to --

9 MR. SHEEHAN: Yeah. I mean, in all
10 fairness, we've been going back and forth on
11 the public area, and really haven't
12 concentrated too much on the actual site
13 plan. If I can make a suggestion, is I think
14 this plan as far as the area is the best
15 we've seen. Especially on the south end
16 where we pushed the fire access road and
17 walking path to the north. We opened up that
18 area, you know, to green instead of all kind
19 of useless area, you know, where the old
20 beach was. What I think maybe what we should
21 do is, like we used to do in the old days, a
22 concept plan of the public area, just the
23 layout.

24 CHAIRMAN GUBITOSA: Right.

25 MR. SHEEHAN: And then have them

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2 actually do some renderings and maps of just
3 the public access, including the fishing
4 pier, because we're forgetting about the
5 fishing pier, what that's going to look like,
6 and what kind of access or uses that's going
7 to have for the public. If I remember
8 correctly, somewhere along the fishing pier
9 there was a bump out or something, or a T or
10 something.

11 MR. ZIGLER: At the end.

12 MR. SHEEHAN: I'd be interested in
13 seeing benches and, you know, obviously on
14 the plan. But I think the applicant really
15 needs, like, okay, this is the area that
16 we're working with. Now put a plan together
17 of what's going to be in that. As far as my
18 opinion, as far as a playground, I thought we
19 ruled that out months ago as far as, you
20 know, monkey bars and things of that nature.

21 You know, one thing that Stony Point's
22 always been is they don't want anybody
23 outside of Stony Point in our parks. And
24 here, you know, this isn't the waterfront in
25 Yonkers or in Newburgh where you have, you

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2 know, a half a dozen restaurants. So you're
3 not going to really, no matter what you do
4 down there at this point, attract a lot of
5 people from outside of town to come up there.
6 You will somewhat by putting a gazebo on
7 north end or something like that. I don't
8 believe that's going to bring in any more
9 people.

10 I think it would be nice to have a
11 gazebo on the north end. I think one of the
12 reasons they're probably not proposing it is
13 for the view from that building on the north
14 end. That's going to block the view from the
15 river from that building. Which I can
16 understand. You know, that's one of the
17 selling points of this project for them
18 business-wise, is the views.

19 But that's why I think what we should do
20 is, I would definitely send them to ARB
21 because I think the ARB is going to give them
22 a lot of input on what type of plants and so
23 forth, which would help this Board. ARB is
24 not going to just do one meeting. Obviously,
25 they're going to have a lot of input from the

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2 ARB, is going to be several meetings. And
3 they're an advisory board, anyway.

4 CHAIRMAN GUBITOSA: Right.

5 MR. SHEEHAN: So it's not like they
6 have, whatever they say goes.

7 CHAIRMAN GUBITOSA: Right.

8 MR. SHEEHAN: So we can always add to it
9 and so forth. But I think we should kind of
10 get some type of feedback from them.

11 CHAIRMAN GUBITOSA: Just have another
12 set of eyes looking at it.

13 MR. SHEEHAN: Yeah, it wouldn't hurt.
14 Because they might come up with something
15 that we're not even thinking about that might
16 be great, that might alter this plan
17 somewhat.

18 I think it's a big improvement on what
19 they had. You know, I was talking about the
20 site plan because I'm a little concerned
21 about they did exactly what we asked them to
22 do from the workshop. But I'd be interested
23 in what kind of park is left in that common
24 area because we did lose some spots, which we
25 knew we were going to.

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2 MR. ZIGLER: Twenty-two.

3 MR. SHEEHAN: Yeah. And you did have,
4 you did have more parking than what was
5 required. But I'd say, you know, we need to
6 look at that. That roundabout takes up a lot
7 of room, but.

8 MR. ZIGLER: I mean, to tell you the
9 truth, if they went to the ARB with just the
10 buildings by the time, that's going to take a
11 while. And then if you just limit it to the
12 buildings, then we could -- landscape will be
13 back here with you at least once or twice
14 before ARB gets the landscape.

15 MR. SHEEHAN: And I think you also got
16 to realize that, you know, we're talking
17 about the fire, it has to be 20-foot wide
18 because that's the code, building code. But
19 also the zoning code requires that the hard
20 surface be broken up with pavers and, you
21 know, that road, in my opinion, is not going
22 to be just an asphalt road. It's going to be
23 broken up with pavers and different designs.
24 But it's also more, it's more going to be
25 used for walking, and sitting on, or next to

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2 benches than for any type of vehicles. And
3 you know, hopefully you'll never see a fire
4 truck down there.

5 I think it's a big improvement on what
6 we have. It does get to a point where, you
7 know, economics does play a big part in this.
8 And we haven't even gotten to the point where
9 the lease agreement, because we're not taking
10 it in a fee with the Town, what that's going
11 to entail -- or the easement agreement, I
12 should say, it's not a lease -- what rights
13 the Town would have if they wanted to add
14 something later on, or things of that nature.
15 Because maybe right now, there's no call for
16 some type of pavilion or something to that
17 effect.

18 But if the marina ever develops to the
19 south and puts up another restaurant or
20 something, and now you got a couple
21 restaurants, then you might be attracting
22 people from the outside which would warrant
23 some more public features. But I think we
24 have to kind of give the applicant a, you
25 know, say okay, this is a pretty decent

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2 concept, now develop it. I don't mean
3 physically go down and develop it, I mean
4 develop the plan.

5 BOARD MEMBER KRAESE: I kind of, I kind
6 of agree with Bill. We should send them to
7 the ARB because it is an advisory board and
8 they're not going to make any real decision.
9 But I also like to say that you put benches
10 back, and a gazebo back, it's going to
11 benefit the people that live there more than,
12 more than the Stony Point residents. So it's
13 a two-way street. I mean, the town will
14 benefit, and so will the people that live
15 that. That's just my two cents.

16 MR. SHEEHAN: Which will be Stony
17 Pointers.

18 VICE CHAIRMAN MULLER: I disagree with
19 sending them to the ARB because I don't like
20 the plan as it sits. Too much was taken
21 away. We see a plan that's green from one
22 end to the other. But the reality is that
23 whole two middle, that whole middle section,
24 the one on the left and the one on the right,
25 it's a 20-foot road with only ten foot of

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2 grass on each side. So even the rendition
3 we're being shown here tonight, it looks like
4 it's all this green space, and it's not. And
5 I don't like what's been taken away. And I
6 don't think ARB needs to make suggestions
7 when we don't like it to begin with. So I'm
8 going to, I'm going to opposition to send
9 them to ARB.

10 CHAIRMAN GUBITOSA: All right. And I'm
11 going to, I think I'm going to agree with
12 Pete on this one. What do you guys think?
13 Yeah, take a vote. If you think we should
14 send them to the ARB, yes or no. Yes? Wait.

15 All right, we'll make a motion to send
16 them to the ARB. I need a second.

17 BOARD MEMBER KRAESE: I'll second.

18 BOARD MEMBER JASLOW: Who made the
19 motion?

20 CHAIRMAN GUBITOSA: Who made the motion?
21 Oh, I made the motion. All right.

22 VICE CHAIRMAN MULLER: If you make a
23 motion, how do you vote against it?

24 CHAIRMAN GUBITOSA: All right, I made a
25 motion, I got a second. Let's vote on it.

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2 Mary, just take a poll.

3 THE CLERK: Mr. Jaslow?

4 BOARD MEMBER JASLOW: No.

5 THE CLERK: Mr. Joachim?

6 BOARD MEMBER JOACHIM: No.

7 THE CLERK: Mr. Ferguson?

8 BOARD MEMBER FERGUSON: Yes.

9 THE CLERK: Mr. Kraese?

10 BOARD MEMBER KRAESE: Yes.

11 THE CLERK: Mr. Muller?

12 VICE CHAIRMAN MULLER: No.

13 THE CLERK: Mr. Gubitosa?

14 CHAIRMAN GUBITOSA: No. All right,
15 we're not going to send you this month. Come
16 back, I guess next month with something.
17 Yeah.

18 MR. SHEEHAN: Well, what do you want?
19 Because if you want a wider green spot, with
20 those buildings, it's impossible.

21 CHAIRMAN GUBITOSA: I guess we'll -- we
22 go through it at the TAC meeting.

23 VICE CHAIRMAN MULLER: It wasn't
24 impossible if they pull that wall out twelve
25 feet like they were going to do originally.

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2 That's one of the things they can consider.

3 MR. SHEEHAN: Well, we've been talking
4 about this for almost a year on that rip rap.

5 CHAIRMAN GUBITOSA: Right.

6 MR. SHEEHAN: And it was okay until
7 tonight.

8 VICE CHAIRMAN MULLER: This is the first
9 time we saw this plan with everything taken
10 away.

11 MR. SHEEHAN: No, it's not.

12 VICE CHAIRMAN MULLER: It's the first
13 time I saw it.

14 MR. SHEEHAN: Yeah, this is -- yeah, it
15 was a lot worse than this. That rip rap's
16 been in the last dozen plans.

17 VICE CHAIRMAN MULLER: All right. But
18 where were all the other items they were
19 talking about at that time? It was assumed
20 that we were getting the gazebos and the
21 meandering paths and the benches on the wider
22 space.

23 MR. SHEEHAN: Well, the only thing
24 you're missing is the gazebo and the monkey
25 bars.

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2 VICE CHAIRMAN MULLER: No, it's a
3 different plan. If you want to see the plans
4 that we --

5 MR. SHEEHAN: I've seen every one of
6 them.

7 CHAIRMAN GUBITOSA: This was the one --

8 BOARD MEMBER JOACHIM: Exactly. When
9 that was brought to us, that looked nice to
10 me.

11 MR. ZIGLER: Shea, Shea actually made a
12 presentation on the rip rap four months ago.

13 BOARD MEMBER JOACHIM: Right. Maybe we
14 saw the rip rap before. This is not the
15 first time I saw it. And I'll speak up,
16 comment on what we were talking about.

17 When these first plans -- this is the
18 one that we have. The first plans -- I don't
19 want to say first plans. When these plans
20 came out, and the gazebos and the fire pit
21 and, you know, the chairs, and then you had
22 like a little observation deck up top, and
23 you know, then we went over by where the
24 eagle observation was, it was nice. I went
25 wow, this is, you know, I could see myself

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2 coming down here. When I look at this, I
3 can't see myself coming down there and, you
4 know, with no gazebo, you know, then when it
5 gets sunny, you know, then where are you
6 going to sit on the lawn, and people that are
7 fishing. It didn't wow me.

8 MR. SHEEHAN: Are you talking about when
9 the architect came in and did the rendering?

10 BOARD MEMBER JOACHIM: No, I'm just
11 saying, if you come over, you may take a look
12 at these plans, and you could see, you know,
13 you could see the gazebos. You could see --
14 right, and the renderings when they came over
15 and they talked with the chairs, and they had
16 the fire pit.

17 MR. SHEEHAN: Right, and the beach and
18 all that.

19 BOARD MEMBER JOACHIM: And the beach.
20 And that would change everything. So I
21 understand now how plans are going to change.
22 I mean, it went from --

23 BOARD MEMBER JASLOW: 100 to zero.

24 BOARD MEMBER JOACHIM: Like, it's, like,
25 a lot.

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2 MR. SHEEHAN: Yeah. And if you remember
3 what I said at that meeting, that it was a
4 nice rendering, but what's it really going to
5 look like.

6 BOARD MEMBER JOACHIM: Right, sure.

7 MS. MELE: Well, also --

8 BOARD MEMBER JOACHIM: But that's what
9 happened. You sold, you know, you showed us
10 something that looked really nice.

11 MS. MELE: And I think actually some of
12 the fire pit areas and whatnot were actually
13 not for the public, were for the residents.
14 We actually in conjunction with meeting at
15 workshop pushed a lot of this back to be for
16 the public and not for the residents.

17 BOARD MEMBER JOACHIM: So the fire pit
18 and everything was down over by the beach.

19 MS. MELE: There was the fire pit
20 feature. But I mean, now, as we're talking
21 about this all being public space, to
22 maintain a fire pit, I mean it's kind of
23 like, you know, that's sort of, that's kind
24 of -- that could be somebody's full-time job.

25 BOARD MEMBER JASLOW: You keep talking

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2 about that. But if you're expecting a
3 hundred people to go down there a day,
4 whether there's a gazebo or a fire pit, it's
5 still going to be the same amount of people
6 that are going to need to clean it up.

7 MS. MELE: I'm talking more about more
8 like the liability and maintenance that would
9 be added with some of the features than I am
10 than I am about drawing the crowds in. But I
11 guess my, you know, I know you took your vote
12 and I respect that. I guess my question,
13 though, is that, you know, we're moving
14 along. You don't want to see us until next
15 month. There is an ARB in between. Like,
16 you know, what's kind of the harm in going to
17 an ARB where you have a different set of eyes
18 looking at it who might say you know what,
19 we'd like to see this, this, or this.

20 BOARD MEMBER JASLOW: I guess by the
21 vote, you didn't satisfy --

22 MS. MELE: So is it that you want to see
23 a change to the green space layout, or you
24 just want to see more, you want to see more
25 detail of the features that we can provide on

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2 the green space? I just want to clarify.

3 BOARD MEMBER KRAESE: I think that last
4 one hit the nail on the head. Show us what
5 you're going to do there. Right now, it
6 shows nothing. I understand you got to do it
7 in the future, but you got to get away from
8 us. Show us now. We got some of the
9 pictures here.

10 CHAIRMAN GUBITOSA: Like this one. This
11 was from March of '18. We're looking at
12 that, and then we see that. It's, like, what
13 happened.

14 MS. MELE: Yeah, and I understand, I
15 understand where you're coming from. It's
16 just not, you know --

17 CHAIRMAN GUBITOSA: Yeah, this is from,
18 it was from March, March of 2018, March 21st,
19 the rendering.

20 BOARD MEMBER JOACHIM: The color
21 rendering.

22 CHAIRMAN GUBITOSA: It was the color
23 rendering. And, you know.

24 BOARD MEMBER FERGUSON: The boat hotel.

25 CHAIRMAN GUBITOSA: Yeah, you had this.

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2 BOARD MEMBER JASLOW: There was a boat
3 hotel there.

4 CHAIRMAN GUBITOSA: Yeah, that's when we
5 had the boat. But we still had, you know, a
6 lot of space going from the river up to the
7 things. And then we had this last one, which
8 was January of this year, January of 2019.
9 It shows the trees, walkway.

10 MS. MELE: And we have, we have, you
11 know, we have that.

12 CHAIRMAN GUBITOSA: I know, but --

13 MS. MELE: There are trees and
14 landscape, and Mr. Sherman spoke a lot.

15 CHAIRMAN GUBITOSA: But it's not this,
16 right?

17 MS. MELE: I can't see what you're --

18 CHAIRMAN GUBITOSA: This was January,
19 January 24, 2019. That's different than what
20 you have there.

21 MS. MELE: It's probably different in
22 some way. But in a lot of ways, this, it
23 is -- this is Mr. Sherman's plan. So these
24 are still the types of trees. These are
25 still the aisles in the parking lots. I

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2 mean, those haven't gone away.

3 BOARD MEMBER KRAESE: We're not
4 questioning the trees.

5 CHAIRMAN GUBITOSA: Go ahead.

6 MR. SHERMAN: So this was intended to
7 show the green areas that we were able to
8 open to the public use. We didn't put
9 benches and things on it yet. So we spent a
10 lot of time talking about that now, but we
11 are adding a lot of that to it. You know,
12 these aren't renderings. Those are the inner
13 parking areas. So there will be development
14 here.

15 MS. MELE: Yeah.

16 CHAIRMAN GUBITOSA: All right. I
17 guess --

18 MS. MELE: We have that.

19 MR. SHEEHAN: You know, just for the
20 record, that road is a lot shorter now than
21 it was, than it ever was because they pushed
22 that road to the north.

23 MR. SHERMAN: Also, at the next
24 presentation, we'll be showing what it looks
25 like along the waterfront.

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2 CHAIRMAN GUBITOSA: Yeah.

3 MR. SHERMAN: You'll see the view. And
4 you'll see benches and features in there.5 CHAIRMAN GUBITOSA: Yeah. All right,
6 then we'll see you --7 MR. POTANOVIC: Do we have an idea of
8 when the DEIS is going to be available at
9 all?10 CHAIRMAN GUBITOSA: George, we don't
11 know yet, so. All right, so.

12 MS. MELE: We'll see you next month.

13 CHAIRMAN GUBITOSA: We'll see you next
14 month. We'll see you at the TAC.15
16 (Time noted: 7:54 p.m.)17 oOo
18
19
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and correct transcription of the original
stenographic minutes to the best of my ability.

Jennifer L. Johnson