

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

6 RHO Building

5 Clubhouse Lane

7 Stony Point, New York

October 24, 2019

8 7:23 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

JERRY ROGERS, BOARD MEMBER

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2 CHAIRMAN GUBITOSA: Item Number 4, this
3 is Eagle Bay. It's just a site plan
4 conditional use, located at north end of
5 Hudson, and it's a review. We have anyone --

6 MR. ZIGLER: Basically, I was under the
7 impression that actually Max was going to get
8 up and explain the --

9 CHAIRMAN GUBITOSA: Oh.

10 MR. ZIGLER: Where we're at with this.
11 And read the consultants' letters and bring
12 the Board up to speed. And then we had,
13 during the workshop, we laid out a path of
14 November and December and January.

15 CHAIRMAN GUBITOSA: All right.

16 MR. STACH: So, Mr. Chairman, where are
17 we in the process tonight with regard to the
18 application for Eagle Bay.

19 CHAIRMAN GUBITOSA: Right.

20 MR. STACH: We received just prior to
21 the September technical meeting a draft EIS,
22 Environmental Impact Statement, responding to
23 the scope that was adopted last year. And
24 that document had been forwarded to the
25 Planning Board's consultants. The Planning

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2 Board currently is retaining, in addition to
3 the Town Engineer and my firm as the Town
4 Planning consultant, they are retaining Tim
5 Miller Associates to review the landscaping,
6 as well as the aquatic ecology of the
7 proposal. And correct me if I'm wrong, John,
8 is it Atlantic Traffic or Provident Traffic?

9 THE CLERK: Provident.

10 MR. STACH: Provident, thank you.

11 Provident Traffic to review the traffic
12 impacts of the proposal.

13 Over the last 45 days or so, the
14 consultants have reviewed the document with
15 regard to completion. And when you do a
16 completion review on a DEIS, what you're
17 looking for is to make sure that the
18 information that is required by the statute,
19 SEQOR, as certain items that have to be in the
20 EIS, that those are provided; that the
21 information required by the final scoping
22 document that the Board adopted subject to
23 public and agency review, that all of that
24 information is contained; and that the
25 information and analyses that are presented

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2 meet accepted standards; and that the
3 document is written, for example, not to be
4 conclusory, but to be analytic.

5 The Planning Board has received back
6 correspondence and review letters from all
7 four consultants reviewing the document. And
8 all four of those consultants requested
9 changes be made before the Planning Board
10 find this document as complete. So those
11 notes, as we understand it, have been sent
12 back to the applicant. And the Planning
13 Board tonight should indicate to the
14 applicant whether or not you agree with the
15 comments provided by the consultants, and add
16 to that record any comments that you may have
17 so far on the completeness of the document.

18 At this point, I think we have suggested
19 that we conduct a meeting, or at least make
20 available ourselves to conduct a meeting with
21 the applicant's consultants to answer any
22 questions they may have on those technical
23 comments. The date for that has been
24 tentatively scheduled for November 7th.

25 CHAIRMAN GUBITOSA: This would be like a

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2 regular TAC meeting?

3 MR. STACH: It's really going to be a
4 TAC meeting, but it's sort of on a separate
5 date because it's, there's a lot of comments.
6 I mean.

7 CHAIRMAN GUBITOSA: Right.

8 MR. STACH: You know, there's several
9 pages of comments that the applicant will
10 have to address. And that's not to say that
11 this document wasn't well-written. Because
12 as I actually said in my first comment, this
13 is actually, or this was actually a document
14 that was much more complete than is typical
15 for a first draft. So there's still a lot of
16 work to do but, you know, I think the
17 applicant should be commended on the first
18 draft being so complete.

19 With that, once the applicant has
20 received our comments, it is really up to the
21 applicant to respond, make the proper
22 revisions, and resubmit. Once that is done,
23 you and your consultants will have 30 days to
24 review that document again and provide your
25 comments back to the applicant if there are

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2 further changes that need to be made.

3 If there are no further changes to be
4 made at that point, the next step in the
5 process would be to schedule a public hearing
6 on the DEIS, and to distribute that DEIS to
7 all of the other agencies that are
8 responsible for issuing permits and approvals
9 with regard to this application. It includes
10 agencies like DEC and other interested
11 agencies. For example, the Palisades
12 Interstate Park Commission, and all the list
13 of agencies that we had prepared when we did
14 the scoping document originally.

15 If the Board have any other questions
16 with regard to the process at this point.

17 CHAIRMAN GUBITOSA: No. I mean, so the
18 7th, with the, for this TAC, we're just going
19 to go over all the comments.

20 MR. STACH: Yeah. We're really -- it's
21 to make the technical consultants available
22 if the applicant requires any clarifications
23 on our comments.

24 CHAIRMAN GUBITOSA: All right.

25 BOARD MEMBER KRAESE: What time of the

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2 day are we having this?

3 MR. STACH: It's a 1:00 p.m. meeting on
4 the 7th. The same location as the regular
5 TAC meeting.

6 PUBLIC SPEAKER: Where is that?

7 CHAIRMAN GUBITOSA: Who said that?

8 BOARD MEMBER KRAESE: Usually, it's not
9 open to the public.

10 CHAIRMAN GUBITOSA: This is just a TAC
11 meeting where we do maybe three of the Board
12 members, all our consultants, and the
13 applicant. And we go over things. We go
14 over questions that we're asking them to make
15 sure that for the next meeting, they have all
16 the proper paperwork so that they don't show
17 up for the next meeting, and we're asking for
18 this, and we're asking for that.

19 What we do is sit at the TAC meeting
20 with all the consultants. And they go over
21 everything with the applicant to make sure
22 they have all the correct paperwork, all the
23 correct forms. And then we sit with them to
24 make sure they get it. And then if they have
25 it, they'll come to the next meeting, and

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2 then they'll go over it with the public.

3 So that's -- the TAC meeting is, we only
4 do three Board members, all the consultants,
5 the Fire Inspector, the Engineer, and we just
6 go through the process of making sure that
7 all the forms and everything we need to make
8 decisions or give to the public they have.
9 So that's what the TAC meeting is for.

10 MR. STACH: So, Tom, to give an example
11 of the type of things that will be discussed.
12 So the applicant had submitted a document
13 that has a chapter regarding the impacts on
14 ecology.

15 CHAIRMAN GUBITOSA: Right.

16 MR. STACH: And one of the things that
17 was required in the scope is that there be a
18 list of species likely to be found on the
19 site. The applicant in their document
20 identified the species that, the threatened,
21 endangered, and rare species that had been
22 identified by the state federal agencies as
23 possibly existing on the site, but they
24 didn't respond to the detailed scope in
25 providing a list of all species that are

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2 likely to occur.

3 CHAIRMAN GUBITOSA: All right.

4 MR. STACH: So that was a technical
5 comment. And because of that technical
6 comment, along with the other comments
7 provided by the other consultants, that, you
8 know, volume of comments makes this draft not
9 yet ready for public review. So once they
10 provide the additional information in the
11 document, including those list of species,
12 that will make the document more ready for a
13 public review and agency review. And at that
14 point, once all that information is ready, we
15 will send it out to the public. We will send
16 it out to agencies. At this point, the
17 document is not complete.

18 CHAIRMAN GUBITOSA: It's not ready.

19 MR. STACH: So this workshop is only for
20 the purpose of clarifying our comments on
21 what is not complete at this point. So some
22 of them -- that was an easy one -- some of
23 them may be a little more technical. So they
24 may, you know, one of the engineers may
25 disagree with one of the analyses and how

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2 that was performed. If that's the case, they
3 can discuss that, make sure they agree on how
4 that analysis is supposed to be performed,
5 and then have it resubmitted to the
6 satisfaction of the Planning Board's
7 consultants.

8 So it's still, you know, a little bit
9 early in this process. It's still part of
10 the technical review. Once that's done, and
11 once the Planning Board can rely on those
12 analyses, then it goes to the public.

13 CHAIRMAN GUBITOSA: Got you. Thank you,
14 Max.

15 MR. STACH: You're welcome.

16 CHAIRMAN GUBITOSA: All right, so for
17 November 7th, we'll have that. That will be
18 our TAC meeting.

19 BOARD MEMBER KRAESE: We adjourn this to
20 December 12th.

21 CHAIRMAN GUBITOSA: And then maybe it
22 will be back on the agenda -- Dave, are you
23 going to be back on December 12th, maybe?

24 MR. ZIGLER: I don't see any reason to
25 be on in December 12th if we're on workshop.

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2 CHAIRMAN GUBITOSA: All right.

3 MR. ZIGLER: The 7th. Our intention is
4 to have addressed all the comments. I mean,
5 you have comments from your advisers, and you
6 had Bill Sheehan's comments. So we're
7 addressing all the comments. And probably
8 the hardest ones to do will be the normal
9 that touch on the Hudson River information.
10 But the rest of them, we're addressing them.
11 And we hope to sit down on December 7th and
12 show you -- November 7th, show you where we
13 did that so you can review the document.

14 CHAIRMAN GUBITOSA: All right. Good.
15 John, any comments or anything?

16 MR. O'ROURKE: No. Again, we provided
17 several pages of comments to the applicants.

18 CHAIRMAN GUBITOSA: All right. Steve,
19 anything?

20 MR. HONAN: No.

21 CHAIRMAN GUBITOSA: All right, we'll see
22 you on the 7th.

23 (Time noted: 7:34 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