



## **EAGLE BAY (SP-418N)**

- 2 Waterfront mixed-use developments must comply with the bulk requirements of Use Group N. The bulk table indicates this proposal is required to meet the requirements of Use Group O. In addition, there are inconsistencies with the data given in the bulk table: Building 1 has a different development coverage percentage than the other buildings on the site; and the lot width is given as zero feet. Also, the use of separate columns for each building can be confusing as yard depths are not measured to principal structures. The bulk table must be revised to indicate the correct bulk requirements and correct these inconsistencies.
- 3 The parking calculation provided indicates that this proposal requires 682 parking spaces. The site plan illustrates that 737 spaces are provided; a surplus of 55 spaces. Considering that Section 215-92.3.G of the zoning regulations allows for a reduction of parking requirements for uses that have offset peak demand times within a mixed-use development, the applicant must provide an explanation as for the need for these excess parking spaces. In addition, the Town must consider alternatives to traditional parking areas that will mitigate the impact on water quality and drainage, such land banking areas for future parking if it becomes necessary or the use of pervious parking surfaces.
- 4 The project narrative states that public park and esplanade will be accessed through a landscaped pedestrian walkway opening to Hunter Place. The site plan indicates that the railroad underpass that connects to Hunter Place will have curbs that allow for vehicular access. The applicant must clarify their intentions regarding this underpass. Is it intended solely for pedestrian access, will this be a secondary access point for vehicles, or is it intended to provide emergency access? If the underpass is intended to provide an additional point of access for vehicles, then the applicant must address the impact of the additional traffic within the Hunter Place neighborhood. The site plan must be amended to specify the type of access provided by the underpass.
- 5 The main entrance on Hudson Drive must provide access for traffic generated by 268 residential units, 13,400 square feet of commercial space, 90 boat slips, and 5.2 acres of waterfront park. This sole accessway, with only a single lane in each direction, is insufficient to accommodate this level of use. This accessway must be expanded, or a secondary accessway added, to maintain a safe and efficient traffic flow.
- 6 The orientation of the residential buildings results in a substantial portion of each building having limited or no views of the river. The buildings must be reoriented to better take advantage of surrounding scenery.
- 7 The engineer of record shall certify to the floodplain administrator for the Town of Stony Point that the proposed construction is in compliance with the floodplain regulations of the Federal Emergency Management Agency and Chapter 112, Flood Damage Prevention, of the Town's regulations, particularly the construction standards for residential and non-residential structures in coastal high hazard areas in Sections 112-18 and 112-20.
- 8 A loading berth must be provided for the commercial building. In addition, the marina use requires double-length parking spaces to accommodate boat trailers. There is also no vehicular access to a boat launching facility. Users of the boat slips must be able to transport their boats to and from the water.
- 9 The Town shall be satisfied that the proposal complies with all Conditional Use Standards for waterfront mixed-use developments as listed in Section 215-92.3.
- 10 The proposal shall be reviewed by the Town of Stony Point Waterfront Advisory Committee for consistency with the Local Waterfront Revitalization Program.
- 11 The subject property is located in close proximity to the Hudson Highlands Scenic Area of Statewide Significance (SASS). The Town must confirm that the proposed development is consistent with the policies, and does not impair the scenic qualities, of the SASS.
- 12 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

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13 Although the subject property is not located within 500 feet of a county road, all traffic into and out of the site will, by necessity, use a county highway. Therefore, a review must be completed by the Rockland County Department of Highways, any comments or concerns addressed, and any required permits obtained from them.

14 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of July 11, 2018.

15 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

16 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

17 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

18 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

19 If any disturbance is proposed within the federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

20 A review shall be completed by the New York State Department of Environmental Conservation for the wetlands on site, and any required permits obtained.

21 A review must be completed by the New York State Department of State and any comments or concerns addressed.

22 The Town shall be satisfied that the proposal complies with Chapter 112, Flood Damage Prevention, of the Town Code, particularly Sections 112.18 and 112.20.

23 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Stony Point Fire Inspector, or the Stony Point Fire Department to ensure that there is sufficient maneuverability on site and access for fire trucks, in the event an emergency arises. This review must include an evaluation of the railroad underpasses at Hunter Place and Tompkins Avenue. Both underpasses have limited vertical clearance and may not be able to accommodate emergency vehicles. As a result, Beach Road, which lies within the FEMA floodplain, offers the only feasible route to the site for trucks and emergency vehicles. A single access route that is vulnerable to flooding is an unacceptable safety hazard. A secondary means of access must be available for emergency vehicles. This may require lowering the grade to increase the vertical clearance and widening the opening of one of the railroad underpasses.

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- 24 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 25 This proposal occupies three separate lots that must be merged. The applicant must confirm that amended deeds are filed with the Rockland County Clerk and an updated tax parcel identification number is produced.
- 26 A landscaping plan shall be submitted for our review.
- 27 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 28 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and customers.
- 29 All signs shall be shown on the site plan and comply with the town's sign ordinance.
- 30 The site plan shall contain map notes that include district information.
- 31 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 32 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 33 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 34 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

In addition to a Concept Site plan, this department has received a draft scope for a forthcoming Draft Environmental Impact Statement. The following comments are offered with respect to this scoping document.

- 35 Part III, Section D.1 proposes to include Stony Point Battlefield State Park to the north and the surrounding waters to the east in its description of the environmental character of the site and adjacent land. This section must also include a description of the areas to the south and west of the site.
- 36 Greater attention must be focused on the site's placement within a floodplain, including a discussion of the extent and damage of recent flooding events, an analysis of the proposed development's impact on adjacent properties during flooding (specifically whether or not the proposal will exacerbate flooding on neighboring properties), and an evaluation of the impacts of sea-level rise on the proposal.

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37 As the only major north-south artery in the area, Route 9W/202 will be significantly impacted by the increased traffic generated by the proposal. The traffic impacts of this proposal will likely extend beyond the immediate vicinity of the project. The Transportation section must examine these impacts throughout the length of the 9W corridor.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Stony Point Fire District  
New York State Department of State  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Department of Highways  
New York State Department of Environmental Conservation  
New York State Department of Transportation  
United States Army Corps of Engineers  
Rockland County Office of Fire and Emergency Services  
  
Atzl, Nasher & Zigler P.C.

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

