

In The Matter Of:
Town of Mamakating
Planning Board

Heaven Dao Temple
March 22, 2016

Jeric Corporation
Court Reporting Services
P.O. Box 385
Narrowsburg, NY 12764
(845) 252-3515

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

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HEAVEN DAO TEMPLE
Tax Map Section 66; Block 1; Lot 4.1
Mountain Greenbelt Zone

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Town Hall
Town of Mamakating
March 22, 2016
7:20 P.M.

PLANNING BOARD MEMBERS:

- MORT STAROBIN, Acting Chairman
- ALEX GOODMAN, Board Member
- RICHARD GLISSON, Board Member
- LORRENCE GREEN, Board Member
- ERIK COLLIER, Board Member
- LINDA FRANCK, Secretary
- JOHN CAPPELLO, ESQ., Attorney
- STU TURNER, AICP, Planner
- LAWRENCE PAGGI, P.E., Engineer
- MARY GRASS, Building Inspector/Code Enforcement

Also Present: William Norton, on behalf of Applicant.

Jeric Corporation
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - HEAVEN DAO -

2 ACTING CHAIRMAN STAROBIN: The next applicant is
3 Heaven Dao. It's Bill Norton.

4 MR. NORTON: Good evening. We're back. We are
5 representing Heaven Dao Temple's Cemetery Site Plan in
6 Haven. We've been working with Mr. Paggi on some revisions
7 to the plan. We heard from the Planning Board and there's
8 a lot of details they want.

9 Just to review with the Planning Board what we are
10 doing and what is there now, this is the existing condition
11 part of the plan here. Basically, there are some burial
12 sites that have already been used on the site. The roads
13 have been built that loop around, and there's another road
14 that goes to the back of the property.

15 On this side of the plan you'll see two proposed new
16 buildings. There's a 2,000 square foot, what we're
17 labeling as a prayer building in the front. This will be
18 utilized by the folks coming up if you have inclement
19 weather or want to meet a little bit before or after the
20 services, they can get inside and get out of the weather.
21 And in the back we're proposing a 12,000 square foot ash
22 wall building for those that would like to be buried in ash
23 form be stored and covered.

24 Along with those, we had to do some engineering to
25 help out with the buildings. The prayer building in the

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2 front, we proposed a drilled well. There was an existing
3 shed by the stormwater pond, which we moving those to the
4 left of the proposed side of the building. We show some
5 handicapped parking, sewage disposal system and a small
6 stormwater basin to take care of at least the water coming
7 off the roof of the building.

8 On the back building, the 12,000 square foot building,
9 again, we show parking, some handicapped parking, some
10 grading, and also a stormwater area to pick up some of the
11 flow from that side, as well.

12 We have adjusted some of the grades on the roads in
13 the middle so it agrees with a maximum ten percent. One
14 area is a little steep. And we showed some pull-off areas,
15 some signage for both employees. And we decided that the
16 road that wraps around the back by the ash wall building
17 will be a one-way road so that the traffic flow will
18 continue on a burial service and not get bottled up in
19 two-way traffic.

20 I think that's about it.

21 ACTING CHAIRMAN STAROBIN: Larry, comments.

22 MR. PAGGI: The reason why I wanted Bill's firm to
23 come back and talk to the Planning Board was to go over
24 some of the ideas that the Planning Board's really going to
25 have to make a decision on. We've taken no exception with

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2 some of their proposals, but it's really going to be
3 ultimately the Planning Board's call. Those items, in
4 particular, are one of the shale drives was that at 15
5 percent which exceeds our regulations for a driveway. They
6 are proposing to maintain a portion of the driveway at 15
7 percent. Other portions they're going to grade down to
8 ten. But the portion that remains at 15, they're going to
9 designate exclusively for employee only access, basically
10 making a maintenance drive. We don't have any problem with
11 that as long as it remains stable and that it is basically
12 limited to maintenance vehicles.

13 Bill, are you able to show them that portion of the
14 drive that's going to be designated? Can we take a look at
15 that?

16 MR. NORTON: So when you come in the site through the
17 gate here, if you stay to the right you can loop around
18 behind this building and then go in between the burial
19 sites right here. The section of the road we're talking
20 about is right here. The topography is relatively steep.
21 So this section of the road that comes down here will be
22 strictly for employees only.

23 ACTING CHAIRMAN STAROBIN: Larry, can you tell us the
24 importance of 15 percent being restrictive?

25 MR. PAGGI: Well, there's actually several reasons for

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2 it. I mean first of all, in the cemetery, cemetery use, I
3 think we all agree that what probably will occur, if
4 there's a burial, is cars may line up and just stop on the
5 road and exit for the burial service. To stop a car, open
6 a door, keep the door open and then try to negotiate a 15
7 percent slope is going to be difficult, at best. So that's
8 why we're saying that it's okay for maintenance access but
9 we wouldn't recommend that, a 15 percent slope for this
10 type of use, in particular, because it will be parked on.
11 Generally, in a parking lot, to give you an idea, we don't
12 see grades over five percent because you don't want doors
13 swinging closed on people. So I mean ten percent, we do
14 have roads at ten percent, people do park on roads at ten
15 percent, but 15 percent is kind of going above and beyond.
16 Again, maintenance access, you've got a four-wheel drive
17 vehicle, we don't have an issue, but that's really the
18 Planning Board's call on that.

19 There was another aspect of the site plan. Let's see.
20 You are showing a 18-foot wide grass overflow parking area
21 that will serve as a pull-off area. Can you show them
22 where that is?

23 MR. NORTON: This road, as you wrap around the
24 building, you come back. What you see here will be a
25 grassed area, 18-foot wide. So if there is a burial

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2 service on either side there, the people will be able to
3 park quite a few cars in this area.

4 MR. PAGGI: So again, we don't have an issue with
5 that. We think that's a good idea. It is kind of steep,
6 but at that portion of the road, I think portion of that
7 road are at ten percent, but it's a cemetery.

8 MR. NORTON: Really, the only portion of the road that
9 is ten percent --

10 MR. PAGGI: Is up towards the top?

11 MR. NORTON: Right here, this last little section
12 here. It comes back to the intersection.

13 MR. PAGGI: Okay, good.

14 So those are really the items that we wanted to bring
15 to the Planning Board's attention along with the fact that
16 they have provided renderings. And again, that's something
17 that the Planning Board needs to weigh in on, is what the
18 buildings are actually going to look like.

19 Bill mentioned that there's still some technical
20 details that they're working out. Most of them look like
21 they're nuts and bolts type things.

22 Bill, there is one new technical comment. I don't
23 know whether I missed it on previous reviews. But in this
24 area right here, there's this swale. It looks like it's
25 discharging directly over top of the septic tank. So

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2 that's just a tweak that you guys are going to have to take
3 a look at.

4 But again, so renderings, maintenance drive and grass
5 pull-over area for the Planning Board's consideration.

6 ACTING CHAIRMAN STAROBIN: Stuart, do you have any
7 comments?

8 MR. TURNER: I have very, very, in fact, probably
9 nothing to add at this point.

10 Early on, when this project was being reviewed, there
11 were comments made and responded to. I don't believe SEQRA
12 has ever been finished on this. There was a coordinated
13 review early on; nobody objected. So I think when you're
14 ready and before you take an action you'll have to complete
15 that, probably a Negative Declaration at this point.

16 So Larry's covered, I think, the remaining technical
17 issues. Planning wise, it's a cemetery, it doesn't have
18 the kind of demand that many other sites have with parking.
19 I think we've addressed those issues in our various
20 discussions, so I have really very little, nothing more to
21 add.

22 ACTING CHAIRMAN STAROBIN: Do any board members have
23 comments on this?

24 BOARD MEMBER GOODMAN: In terms of the 15 percent
25 grade if that is just for employee use, I have no concern

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2 with that. That's something we have to say yes, we're
3 willing to put up with that, and the other things, also.

4 The renderings, you were saying we were asking for
5 renderings?

6 MR. PAGGI: They provided them. They should have been
7 in your package when you took a look. I think, I'm pretty
8 sure.

9 MR. TURNER: Probably sometime back.

10 BOARD MEMBER GOODMAN: Oh, not --

11 MR. TURNER: They're not new ones, I think, are they?

12 MR. PAGGI: I think they were. My comment letter
13 says: The architectural plans of the proposed ash wall
14 building were supplied and are to be approved by the
15 Planning Board.

16 BOARD MEMBER GOODMAN: Were those several meetings
17 ago, then? Those renderings, I mean when?

18 MR. PAGGI: That was just my last comment so I'm
19 thinking it came through with the last package.

20 Bill, did you get a copy of our letter?

21 MR. NORTON: Yes.

22 MR. PAGGI: Okay.

23 BOARD MEMBER GOODMAN: But you can't see anything from
24 the road and this building has public access and it has
25 locked gates and all that.

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2 MR. CAPPELLO: I guess the question is is the Board
3 ready to act on SEQRA. Stu mentioned that this was a
4 coordinated review. No one else wanted to take Lead Agency
5 so the Board assumed Lead Agency status. The next step
6 would be to consider a Negative Declaration under SEQRA
7 based upon the site plan, if the Board is so inclined.

8 ACTING CHAIRMAN STAROBIN: Motion for --

9 BOARD MEMBER GOODMAN: I'll make a motion.

10 BOARD MEMBER COLLIER: I'll second it.

11 ACTING CHAIRMAN STAROBIN: Vote.

12 BOARD MEMBER GREEN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER GLISSON: Aye.

15 BOARD MEMBER GOODMAN: Aye.

16 ACTING CHAIRMAN STAROBIN: Unanimous.

17 (The motion was approved and carried.)

18 MR. CAPPELLO: Now, the next issue I just want to make
19 sure that this is in the record, this is a special use was
20 granted for a cemetery. This is a cemetery. The Board
21 would have to deem if this modification to the site plan is
22 to the extent that would require a public hearing, a major
23 amendment to the special use, or if you want to consider
24 this as a site plan amendment for a special use that's
25 already permitted, a cemetery. It's your call.

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2 BOARD MEMBER GOODMAN: You're saying there's an
3 option?

4 MR. CAPPELLO: I think you acknowledge that the public
5 hearing was held for the original special use and this is
6 really adding buildings to it. If you think it's
7 substantial, it may not require a public hearing, if the
8 Board is satisfied that the amendment is of the extent that
9 would not require a public hearing because it's essentially
10 an amendment to a site plan, not an amendment to the use
11 itself. It's just adding to the site for a use that is
12 already permitted.

13 MR. NORTON: If I may add a couple little strokes to
14 that. The total number of grave sites is a little bit
15 less, actually, than was originally approved on the first
16 site plan. If any of you have been on the site, there are
17 no visible neighbors on any part of the site to impact. On
18 the adjoining areas, the minimum may be traffic going by
19 the houses.

20 ACTING CHAIRMAN STAROBIN: And this is a special use
21 as a cemetery.

22 MR. CAPPELLO: Yes.

23 ACTING CHAIRMAN STAROBIN: Which means you're not
24 going to have music festivals there.

25 MR. NORTON: No.

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2 ACTING CHAIRMAN STAROBIN: So John, can you sort of
3 rephrase it so that the Board understands the choices?

4 MR. CAPPELLO: I think the Board would entertain, if
5 they wish, a motion to acknowledge that the special use
6 permit had been granted for a cemetery already. That the
7 modification to the structures that have essentially
8 already been approved into the site. And given the fact
9 that there are very few neighbors around the property and
10 no public, no one has commented against it during the prior
11 process and this process yet, that the Board acknowledges
12 that a public hearing not be warranted on this matter.
13 Then the Board can not waive, but acknowledge that a public
14 hearing isn't required and consider granting a site plan
15 approval to the amendments proposed based upon final
16 addressing of the few outstanding minor comments raised by
17 the Town engineer's letter.

18 And I guess the question is do you want to include a
19 requirement that in a year they come back just to show that
20 they demonstrated that all the conditions have been met and
21 the special permit is renewed.

22 ACTING CHAIRMAN STAROBIN: Everybody got that?

23 BOARD MEMBER GOODMAN: Got it. I'll make a motion.

24 ACTING CHAIRMAN STAROBIN: Motion.

25 BOARD MEMBER GREEN: Second.

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2 ACTING CHAIRMAN STAROBIN: Second.

3 Vote.

4 BOARD MEMBER GREEN: Aye.

5 BOARD MEMBER COLLIER: Aye.

6 BOARD MEMBER GLISSON: Aye.

7 BOARD MEMBER GOODMAN: Aye.

8 ACTING CHAIRMAN STAROBIN: Unanimous.

9 (The motion was approved and carried.)

10 MR. NORTON: Was that also to the fact that we come
11 back in a year, or not?

12 MR. CAPPELLO: Just to demonstrate that all the
13 conditions have been met.

14 MR. NORTON: Do you notify us or do we just show up?

15 MR. CAPPELLO: I would suggest you show up.

16 MR. NORTON: All right.

17 ACTING CHAIRMAN STAROBIN: We're coming up with a
18 computer system that will ...

19 MS. FRANCK: Thank you.

20 (Time noted: 7:37 p.m.)

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings in the matter of Heaven Dao Temple, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: May 15, 2016

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