

**In The Matter Of:**  
*Town of Mamakating*  
*Planning Board*

---

*Catskill Outdoor Enterprises, Inc.*  
*March 22, 2016*

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*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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CATSKILL OUTDOOR ENTERPRISES, INC.  
AMENDED SITE PLAN  
Tax Map Section 14; Block 1; Lot 14  
and Section 15; Block 1; Lot 1  
Mountain Greenbelt Zone  
----- X

Town Hall  
Town of Mamakating  
MS. GRASS 22, 2016  
8:02 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: Martin Miller, Esq., on behalf of  
Applicant

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

Reported by: Rosemary A. Meyer

1                   - CATSKILL OUTDOOR ENTERPRISES, INC. -

2           ACTING CHAIRMAN STAROBIN: The next one is Catskill  
3 Outdoor Enterprises, Amended Site Plan.

4           MR. MILLER: Good evening, everyone. We're going to  
5 make this by way of an update and keep it brief and try and  
6 respond to questions, if appropriate.

7           We want to thank you. The footings are going in right  
8 now for the replacement building, and that's well moving  
9 towards schedule. We're projecting that it won't be  
10 available the entire summer, but we're projecting sometime  
11 in July, hopefully early July, to have the building up. So  
12 thank you for that.

13           I brought with me, I believe the Board already has  
14 seen them, but we promised you color photos of the  
15 gatehouse, which is, in fact, a trailer that's on some sort  
16 of piers with what has been described as a pond in front.  
17 The pond is, in fact, one of those plastic, I'll use the  
18 word bathtub type devices that you pick at Home Depot or  
19 Lowe's. It's much a pond as the gatehouse is a castle, so  
20 depending upon your perspective on that. But I would hand  
21 that up.

22           Linda, if you don't have the copies you can pass it  
23 down, but I think everyone's probably now familiar with it.

24           We are at the juncture now where we would like to be  
25 able to replace our pump station. The weather has been

1                   - CATSKILL OUTDOOR ENTERPRISES, INC. -

2       extraordinarily cooperative. We have approval from the  
3       DEC, so we're asking for that at this juncture.

4                There are some issues on the loop that we're still  
5       exploring and we will probably discuss with you at a future  
6       meeting. That would be RV sites. We're focusing today on  
7       the pump station because that's important. The pump  
8       station we have that's functioning now is, in fact,  
9       functioning, but it's a senior citizen and we don't want to  
10      have an issue in the summer, especially when the DEC's  
11      already given us the ability to upgrade. So what we're  
12      asking for is the approval on that station. I don't think  
13      there are any questions from -- I'm getting an affirmative  
14      response, which is to say I know, from the engineer. So if  
15      we could move forward on that issue, we'll then discuss the  
16      other stuff at a future meeting, as long as you promise not  
17      to get us iced or snowed out in April.

18                ACTING CHAIRMAN STAROBIN: Mary, do you have any  
19      comments?

20                MS. GRASS: I do. Just a couple of things that were  
21      mentioned at the work session.

22                There's across the street, on the opposite of the  
23      Lybolt Road, there's an area on their site plan that shows  
24      they can probably, they actually have trailers stored  
25      there. That's not on their approved site plan.

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2           They also have two areas, I guess like for garbage and  
3 one has a couple of sheds on it and there's another wooded  
4 area that's not on the site plan.

5           The site plan shows on the front page it's a special  
6 use permit for a vacation campground, but there was also a  
7 note on there for the multi-purpose building restaurant.  
8 We discussed at the workshop that that would make that a  
9 mixed use. That should come off. It is an amended site  
10 plan for a vacation campground, not have the mixed use on  
11 it.

12           I mean it's just not a complete site plan showing all  
13 of the sites that are that are approved and exactly what  
14 we're doing, I just want to make sure that what we  
15 approved. We found in the workshop there were a couple of  
16 site plans that were out there that were approved. What  
17 we're approving now, we want to make sure that everything  
18 is there, what we're approving, and we know where  
19 everything is.

20           Also, on the site plan it does not show the distance  
21 from the new building to the existing building and the  
22 recreation area. After the workshop and conferring with  
23 the attorney, it was okay for me to issue the permit, but I  
24 have no site plan to go off of to issue that permit. That  
25 should probably be noted on the plan, as well.

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2           And again, if the Board wishes to issue the special  
3 use permit, we ask that it be a year and within 30 days of  
4 the expiration they come back for review.

5           ACTING CHAIRMAN STAROBIN: Did you get all that?

6           MR. MILLER: Most of it. I'm not sure we got all of  
7 it, but we'll hit Rosemary for it later.

8           ACTING CHAIRMAN STAROBIN: Will we have a copy of  
9 these questions for them?

10          MS. GRASS: I can make one.

11          ACTING CHAIRMAN STAROBIN: Larry, do you have  
12 comments?

13          MR. PAGGI: We have a couple of comments that I think  
14 were comments for the conditioned approval that was  
15 previously granted. We asked the Planning Board to kind of  
16 weigh in on the elevations. I think that was going to be  
17 kind of done offline. There was lighting at the gatehouse.  
18 There were some floodlights. I think that was going to be  
19 weighed in on as a condition of the approval.

20          I think the real issue why these guys were coming back  
21 was that there was a 1999 approval; right?

22          MS. GRASS: Yes.

23          MR. MILLER: Yes. We figured we'd address that later.

24          MR. PAGGI: Yes.

25          MR. MILLER: John and I spoke about it. We've had

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2   some discussions. There may be some legal questions and  
3   we're not sure what the answers are.

4           MR. PAGGI: I'll leave that alone and let that --

5           MR. MILLER: So that's why I figured we'd deal with  
6   that later on because right now that issue is really, while  
7   it is important, I think when we get into the discussion of  
8   it the next time you'll see that it's probably not really,  
9   I think, a concern. I appreciate the issue. We only  
10   discovered the 1999 approval or plans. I don't know if  
11   it's an approval, a site plan from 1999, because we  
12   discovered it in the Town file. It was something that has  
13   never been anything that we had operated under or knew  
14   about, which is just one of those circumstances.

15           Barry was not the original developer of this project,  
16   I believe George Hanson was. George sold it so many years  
17   ago, around 1999, 2000. It was principally operated by a  
18   fellow by the of Alan Walker. Although Barry was  
19   affiliated with Alan, they separated very shortly  
20   thereafter. Barry did not come back into the campground in  
21   until 2007. At that point the campground was operating  
22   substantially as it is today. When I say that, there  
23   haven't under been any changes internally from that time.  
24   Although improvements have been made, the site locations  
25   and all that have been what they were. So there was no

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2 knowledge of another potential location or expansion, which  
3 is what the '99 plan addresses. It was news to us when we  
4 saw it. So I think we can discuss that and I think we're  
5 going to probably be asking the Board to abandon it. In  
6 fact, I know it. The letter that I'm going to give to the  
7 Board in a second says we'd like to abandon it. But those  
8 are legal issues that we need to discuss. We figured  
9 you're really here for an update on a building and to  
10 discuss the sewer, and then the other stuff we can deal  
11 with. It's important, but not critical. And we're not  
12 taking any action on the other stuff until we ...

13           MR. PAGGI: I don't know if I agree that it's not  
14 critical.

15           MR. MILLER: Right.

16           MR. PAGGI: I don't know that I agree with you that  
17 it's not critical.

18           John, correct me if I'm wrong, but the significant  
19 aspect of the 1999 approval was that it eliminated the  
20 approval of the loop that they're proposing to improve for  
21 mobile home site.

22           MR. MILLER: You're right. I don't mean to disagree  
23 with you.

24           MR. PAGGI: Right.

25           MR. MILLER: But what I'm saying is it also allowed

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2 for the installation of a score or more sites in a  
3 different location. So I think --

4           MR. PAGGI: And that's exactly the case. But by the  
5 fact that those sites were no longer approved brings into  
6 question the validity of the approval that this board  
7 granted because they don't exist.

8           MR. MILLER: The only thing that I want to point out  
9 to you is that not knowing that they didn't exist on the  
10 technical plan from 1999, they have been in use  
11 continuously, they just haven't been in use for RV  
12 vehicles. They've been in use, as we've disclosed early  
13 on, before we knew there was an issue. And then I guess it  
14 an admission against interest. It's been used for tent  
15 camping for as long as Barry's been there, so for the last  
16 eight, nine years. I can't tell you what happened before  
17 then, he wasn't there, but I'm presuming that it was always  
18 used for tent camping. So the fact of the matter is if  
19 somebody came in with a plan in '99, no one ever executed  
20 the plan in '99. And the plan which, in '97, which was the  
21 approved plan that showed that as a loop with camping, was  
22 continuous. As far as we understand, there was no  
23 interruption in that operation. So I can't tell you why, I  
24 can't tell you who, I can't you how. We weren't involved.  
25 But obviously, there was some understanding between whoever

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2 was operating and the municipality that the '99 plan wasn't  
3 going into effect, otherwise, they would have stopped the  
4 camping in the loop in all those later years.

5           MR. CAPPELLO: I would take the position, anyway, that  
6 in December there was a site plan and that site plan was  
7 approved and that site didn't show the 1999 stuff which  
8 makes the 1999 stuff go away. So I think what the Board  
9 could consider here is there are some issues. I don't  
10 disagree to say that they're not important. But the  
11 question is this Board did grant a site plan. It probably  
12 was issued. But what I think the Board could consider  
13 doing, if the Applicant would agree, when we talked about  
14 doing stuff in phases, that the building which is a  
15 replacement of the prior building, albeit it in a different  
16 place, was part of the approved site plan and be amended to  
17 include the sewer pump station which our engineer has  
18 reviewed. And ask the Applicant if they have a problem  
19 with the condition that before that CO is issued for the  
20 building and the pump station, that you come in here and we  
21 have clarified once and for all what is approved, what's on  
22 the site and what you're going to do. And in the meantime,  
23 also include in the resolution that any trailers that are  
24 stored across the street be addressed; the areas for  
25 garbage, the shed; that the site plan, as is, be amended to

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2 show that it is not a multi-use building, that that  
3 building is an accessory as part of the campground; the  
4 distances from the new building and what would be any other  
5 uses --

6           MR. MILLER: The recreational area.

7           MR. CAPPELLO: The recreation area be shown; and that  
8 the Town engineer's comments from the prior approval be  
9 addressed. So with that, I think the Board can grant it  
10 for limited purposes, relying on a full permit to begin  
11 construction of the septic pump station that's been  
12 approved by DEC, that will improve the situation for  
13 everyone using the facility, subject to those conditions  
14 being met before a CO is issued, I think we would be in  
15 good standing.

16           ACTING CHAIRMAN STAROBIN: Stu, do you have any  
17 comments?

18           MR. TURNER: No. I actually thought the questions  
19 were answered. Now I'm not certain. They can proceed with  
20 the building even though they don't have a plan?

21           MR. CAPPELLO: We did grant site plan approval. They  
22 do have a plan.

23           MR. TURNER: They have a plan for that and the pump  
24 station.

25           MR. CAPPELLO: Yes.

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2           MR. TURNER: So they just have to show. Because the  
3 contractor had an issue with the dimensions so we need the  
4 dimensions on the plan.

5           MR. DeWINTER: We put the building. The surveyor  
6 staked it a little bit different, slightly shifted, but we  
7 resolved that. We have the dimensions as shown on the  
8 approved plan.

9           MR. CAPPELLO: You just have to demonstrate that.

10          MR. DeWINTER: Yes.

11          MR. TURNER: Just demonstrate that.

12          MR. PAGGI: So John, what you're saying basically is  
13 that the most recent site plan superseded the 1999  
14 approval, pretty much.

15          MR. CAPPELLO: Yes.

16          MR. PAGGI: Yes, that makes sense.

17          MR. TURNER: Yes. Okay. I have no comments.

18          ACTING CHAIRMAN STAROBIN: Just to clarify, we're  
19 voting on the pump station tonight.

20          MR. CAPPELLO: Yes.

21          ACTING CHAIRMAN STAROBIN: Can you make that a motion?

22          MR. CAPPELLO: The Board can entertain a motion to  
23 authorize the site plan approval for construction of the  
24 sewer pump station as depicted on the plan and as approved  
25 by --

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2           Is it the Health Department of DEC?

3           MR. PAGGI:   DEC.

4           MR. DeWINTER:   The DEC.

5           MR. CAPPELLO:  -- as approved by the DEC and that  
6 approval be limited to the pump station and the replacement  
7 of the building; and that prior to a CO being issued for  
8 the building that the Applicant appear before the Board and  
9 provide a plan showing all the camping and tent location as  
10 pursuant to existing conditions so this Board can approve  
11 it; and address the comments in the Code Enforcement  
12 Officer's memo relating to storage of trailers, areas for  
13 garbage, amendment to the multi-purpose building and depict  
14 also distances from the building.

15          ACTING CHAIRMAN STAROBIN:  You got that?

16          Motion?

17          BOARD MEMBER GREEN:  Motion.

18          ACTING CHAIRMAN STAROBIN:  Lorry.

19          BOARD MEMBER GOODMAN:  I'll second it.

20          ACTING CHAIRMAN STAROBIN:  Alex.

21          Vote.

22          BOARD MEMBER GREEN:  Aye.

23          BOARD MEMBER COLLIER:  Aye.

24          BOARD MEMBER GLISSON:  Aye.

25          BOARD MEMBER GOODMAN:  Aye.

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2           ACTING CHAIRMAN STAROBIN:   Aye.  Unanimous.

3                   (The motion was agreed and carried.)

4           MR. MILLER:   Thank you.

5           ACTING CHAIRMAN STAROBIN:   Can I bring up a point,  
6   though?  It's been brought to our attention that a lot of  
7   the organic debris on the property is being dumped close to  
8   the stream.  Can you --

9           MR. MILLER:   All of the organic material from the  
10   site, somebody said it's being dumped close to the stream.

11          MR. COMER:   Organic, you're talking leaves?

12          ACTING CHAIRMAN STAROBIN:   Leaves, brush, that type of  
13   thing.

14          MR. COMER:   I know we use stockpile.  It's off the  
15   street.  I don't think there's a stream that's near the  
16   area.  It's on top of Lybolt Road.  I think Mr. Lybolt  
17   might be able to elaborate a little better on that because  
18   he knows the area, he knows the stream.  I think it goes  
19   back to his property.

20          ACTING CHAIRMAN STAROBIN:   Okay.  Well, it's something  
21   to be concerned about.  I think Mary's --

22          MR. COMER:   It's a compost pile.  We do recycle the  
23   leaves back in the area.  But there are some tree shrubs  
24   and different types of things over there.  But if you're  
25   asking me if I can clean it up, I'd be happy to clean it

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2 up.

3           ACTING CHAIRMAN STAROBIN: Well, Mary will check it  
4 and she'll let you know.

5           MR. COMER: Okay.

6           MS. GRASS: I didn't get complaints. I mean I  
7 didn't ...

8           ACTING CHAIRMAN STAROBIN: Well, it's been brought to  
9 my attention.

10          MS. GRASS: Okay. I'll give you a report

11          ACTING CHAIRMAN STAROBIN: It's just want to make sure  
12 you're in compliance. Okay?

13          MR. MILLER: Sure.

14          I just have one question on the information for the  
15 map. There are two things, and I want to make clear. One,  
16 it seems like you're asking for an as-built on the overall  
17 project.

18          MR. CAPPELLO: We're asking that you come in before  
19 you get the CO and say, This is what is going to be on this  
20 campsite, this is what the campsite is approved for, so in  
21 the coming years we have a document to work out. If you  
22 want to add to after that --

23          MR. MILLER: Oh, okay.

24          MR. CAPPELLO: -- you come back to the Planning Board.  
25 It's just so everybody knows what the plan is, what's

1                   - CATSKILL OUTDOOR ENTERPRISES, INC. -  
2 approved, so we can throw the 1999, 1997, all those plans  
3 and work off of the 2016.

4           MR. MILLER: Just so you understand, the '97 plan  
5 shows a significant number of campsites yet to be  
6 developed. We're not surrendering those campsites, we're  
7 just not building them now. We're not anticipating  
8 building them now, but they're potential expansions. I  
9 mean it's a campground, and what it takes to put in a  
10 campsite is not a whole lot compared to what it takes put  
11 in construction of a structure. So that potentiality would  
12 always exist.

13           MR. CAPPELLO: This board can look at it and say  
14 future tent campsites, whatever, and --

15           MR. MILLER: Because those were already approved a  
16 long time ago. But certainly, I think we can get you  
17 pretty much what you want. It may take some doing, but we  
18 can probably do it. It's a lot of detail work on a large  
19 parcel because there's a lot of small things to locate.

20           With that, we thank you. Barry will be in for permits  
21 in the next little bit.

22           I can leave the letter or I can mail it.

23           MS. GRASS: That's Mary's comment letter.

24           MR. DeWINTER: Is that the same comment letter we had  
25 previously, Mary?

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2           MS. GRASS: I mean, it's just ...

3           ACTING CHAIRMAN STAROBIN: This is as of today.

4           MS. GRASS: It's as of today.

5           MR. DeWINTER: Oh, it's as of today? Okay.

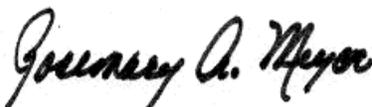
6           MS. GRASS: It's just more or less pinpoint things  
7 that need to be done.

8           MR. MILLER: Okay. Thank you.

9                               (Time noted: 8:21 p.m.)

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3 REPORTER'S CERTIFICATION4 I, ROSEMARY A. MEYER, a Shorthand Reporter and  
5 Notary Public in and for the State of New York, do  
6 hereby certify:7 That the foregoing transcript is an accurate  
8 record of the proceedings in the matter of Catskill  
9 Outdoor Enterprises, Inc. Amended Site Plan, to the  
10 best of my knowledge and belief, having been  
11 stenographically recorded by me and transcribed under  
12 my supervision.13 I further certify that I am in no way related to  
14 any of the parties to this action and that I have no  
15 personal interest whatsoever in the outcome thereof.  
1617  
18 19  
20 ROSEMARY A. MEYER21  
22 Date Transcribed: May 12, 2016  
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