

In The Matter Of:
Town of Mamakating
Planning Board

Special Meeting - Chestnut Ridge
July 13, 2016

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

Original File MamaPB_07-13-16.txt

Min-U-Script® with Word Index

COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

SPECIAL MEETING

RE: CHESTNUT RIDGE DEVELOPMENT

----- X

Town Hall
Town of Mamakating
July 13, 2016
7:00 P.M.

PLANNING BOARD MEMBERS:

STANLEY ZAMONSKY, III, Chairman

MORT STAROBIN, Board Member

ALEX GOODMAN, Board Member

RICHARD GLISSON, Board Member

LORRENCE GREEN, Board Member

PATRICK KELLER, Board Member

ERIC COLLIER, Board Member

LINDA FRANCK, Secretary

STU TURNER, AICP, Planner

E. BENJAMIN GAILEY, ESQ., Attorney

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

Reported by: Rosemary A. Meyer

1 - CHESTNUT RIDGE -

2 CHAIRMAN ZAMONSKY: Everybody hear me?

3 AUDIENCE: Yes.

4 CHAIRMAN ZAMONSKY: Okay. Do I have a motion to call
5 the meeting to order?

6 BOARD MEMBER STAROBIN: Motion.

7 CHAIRMAN ZAMONSKY: Motion by Mort.

8 BOARD MEMBER KELLER: Second.

9 CHAIRMAN ZAMONSKY: Pat.

10 All in favor?

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER STAROBIN: Aye.

13 BOARD MEMBER KELLER: Aye.

14 BOARD MEMBER GLISSON: Aye.

15 BOARD MEMBER GOODMAN: Aye.

16 BOARD MEMBER COLLIER: Aye.

17 CHAIRMAN ZAMONSKY: Aye.

18 (The motion was agreed and carried.)

19 CHAIRMAN ZAMONSKY: Do I have a motion to go into
20 Executive Session for advice of counsel with all members
21 present and Ben Gailey?

22 BOARD MEMBER STAROBIN: Motion.

23 BOARD MEMBER KELLER: Second.

24 CHAIRMAN ZAMONSKY: All in favor?

25 BOARD MEMBER GREEN: Aye.

1 - CHESTNUT RIDGE -

2 BOARD MEMBER STAROBIN: Aye.

3 BOARD MEMBER KELLER: Aye.

4 BOARD MEMBER GLISSON: Aye.

5 BOARD MEMBER GOODMAN: Aye.

6 BOARD MEMBER COLLIER: Aye.

7 CHAIRMAN ZAMONSKY: Aye.

8 (The motion was agreed and carried.)

9 CHAIRMAN ZAMONSKY: Thank you.

10 (A recess was taken from

11 7:00 p.m. to 8:12 p.m.)

12 CHAIRMAN ZAMONSKY: Do I have a motion to come out of
13 Executive Session?

14 BOARD MEMBER GOODMAN: Motion.

15 CHAIRMAN ZAMONSKY: Alex.

16 Do I have a second?

17 BOARD MEMBER STAROBIN: Second.

18 CHAIRMAN ZAMONSKY: Mort.

19 All in favor?

20 BOARD MEMBER GREEN: Aye.

21 BOARD MEMBER STAROBIN: Aye.

22 BOARD MEMBER KELLER: Aye.

23 BOARD MEMBER GLISSON: Aye.

24 BOARD MEMBER GOODMAN: Aye.

25 BOARD MEMBER COLLIER: Aye.

1 - CHESTNUT RIDGE -

2 CHAIRMAN ZAMONSKY: Aye.

3 (The motion was agreed and carried.)

4 CHAIRMAN ZAMONSKY: Okay.

5 MR. GAILEY: Okay. The Board has had a draft
6 resolution for quite a few days that the members of the
7 board have been reviewing. There were subsequent drafts of
8 the resolution, as well. We have spent the last --

9 MR. TURNER: We can't hear you.

10 AUDIENCE: We can't hear you.

11 MR. GAILEY: We have spent the last hour --

12 UNIDENTIFIED SPEAKER: Hour and 15 minutes.

13 MR. GAILEY: -- hour and 15 minutes discussing various
14 provisions of the draft resolution, and the Board receiving
15 advice of counsel. I'm going to summarize the resolution
16 that the Board will be voting on tonight. It's a 20 page
17 document all together. We're not going to read it. Like I
18 said, I will summarize the primary terms of the resolution.

19 First, the resolution determines that based on the new
20 evidence received by the Planning Board in the documents
21 that were disclosed the federal court, based on the
22 material change in facts that the Board is now aware of,
23 and based on the material false statements and
24 misrepresentations made by the developer during the project
25 review process, that that warrants and requires the

1 - CHESTNUT RIDGE -

2 recision of the development approval.

3 In addition, the new evidence demonstrates adverse
4 effects regarding fiscal impact, water supply and traffic
5 that are significantly at variance with the project review.
6 The resolution determines that the recision of the
7 subdivision and site plan approval does not affect the 51
8 lots and the dwelling units that are completely
9 constructed. It does affect the remainder of the property.

10 The resolution states that no building permits or
11 certificates of occupancy may be issued, and no additional
12 dwelling units should be sold or occupied until the
13 developer and the code enforcement officer demonstrate
14 compliance of the constructed and proposed fire apparatus
15 access road with the state fire code, and submit an amended
16 plan showing compliant fire access roads. That
17 demonstration of compliance must be made to the Department
18 of State.

19 The resolution concludes that the developer may
20 submit, to the Planning Board, a new application providing
21 valid information and compliance with the state fire code
22 and all applicable laws, rules and regulations.

23 Like I said, it's a 20 page resolution which supports
24 the Board's determination, and those are the primary
25 components of the resolution.

1 - CHESTNUT RIDGE -

2 CHAIRMAN ZAMONSKY: Do I have a motion to approve the
3 resolution to rescind approval of the Village of Chestnut
4 Ridge project?

5 BOARD MEMBER GLISSON: I make a motion.

6 CHAIRMAN ZAMONSKY: Rich, first

7 BOARD MEMBER GREEN: Second.

8 CHAIRMAN ZAMONSKY: Lorry, second.

9 All in favor?

10 BOARD MEMBER GREEN: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 BOARD MEMBER KELLER: Aye.

13 BOARD MEMBER GLISSON: Aye.

14 BOARD MEMBER GOODMAN: Aye.

15 BOARD MEMBER COLLIER: Aye.

16 CHAIRMAN ZAMONSKY: Aye.

17 (The motion was agreed and carried.)

18 CHAIRMAN ZAMONSKY: Unanimous.

19 Do I have a motion to close this meeting?

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

21 CHAIRMAN ZAMONSKY: Alex.

22 BOARD MEMBER STAROBIN: Second.

23 CHAIRMAN ZAMONSKY: Mort.

24 All in favor?

25 BOARD MEMBER GREEN: Aye.

- CHESTNUT RIDGE -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD MEMBER STAROBIN: Aye.

BOARD MEMBER KELLER: Aye.

BOARD MEMBER GLISSON: Aye.

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER COLLIER: Aye.

CHAIRMAN ZAMONSKY: Aye.

(The motion was agreed and carried.)

CHAIRMAN ZAMONSKY: Thank you.

UNIDENTIFIED SPEAKER: Thank you.

(Time noted: 8:16 p.m.)

* * * * *

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, 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: August 16, 2016

		5:2 disclosed (1) 4:21	10,25	17,19,20;7:8 must (1) 5:17
A	C	discussing (1) 4:13	H	N
access (2) 5:15,16	call (1) 2:4	document (1) 4:17	hear (3) 2:2;4:9,10	new (3) 4:19;5:3,20
addition (1) 5:3	carried (5) 2:18;3:8;4:3;6:17; 7:8	documents (1) 4:20	hour (3) 4:11,12,13	noted (1) 7:11
additional (1) 5:11	certificates (1) 5:11	draft (2) 4:5,14	I	O
adverse (1) 5:3	CHAIRMAN (23) 2:2,4,7,9,17,19,24; 3:7,9,12,15,18;4:2,4; 6:2,6,8,16,18,21,23; 7:7,9	drafts (1) 4:7	impact (1) 5:4	occupancy (1) 5:11
advice (2) 2:20;4:15	change (1) 4:22	during (1) 4:24	information (1) 5:21	occupied (1) 5:12
affect (2) 5:7,9	CHESTNUT (7) 2:1;3:1;4:1;5:1; 6:1,3;7:1	dwelling (2) 5:8,12	into (1) 2:19	officer (1) 5:13
agreed (5) 2:18;3:8;4:3;6:17; 7:8	close (1) 6:19	E	issued (1) 5:11	order (1) 2:5
Alex (2) 3:15;6:21	code (3) 5:13,15,21	effects (1) 5:4	K	out (1) 3:12
amended (1) 5:15	COLLIER (5) 2:16;3:6,25;6:15; 7:6	enforcement (1) 5:13	KELLER (7) 2:8,13,23;3:3,22; 6:12;7:3	P
apparatus (1) 5:14	completely (1) 5:8	Everybody (1) 2:2	L	page (2) 4:16;5:23
applicable (1) 5:22	compliance (3) 5:14,17,21	evidence (2) 4:20;5:3	last (2) 4:8,11	Pat (1) 2:9
application (1) 5:20	compliant (1) 5:16	Executive (2) 2:20;3:13	laws (1) 5:22	permits (1) 5:10
approval (3) 5:2,7;6:3	components (1) 5:25	F	Lorry (1) 6:8	plan (2) 5:7,16
approve (1) 6:2	concludes (1) 5:19	facts (1) 4:22	lots (1) 5:8	Planing (1) 5:20
AUDIENCE (2) 2:3;4:10	constructed (2) 5:9,14	false (1) 4:23	M	Planning (1) 4:20
aware (1) 4:22	counsel (2) 2:20;4:15	favor (5) 2:10,24;3:19;6:9, 24	material (2) 4:22,23	pm (3) 3:11,11;7:11
Aye (35) 2:11,12,13,14,15, 16,17,25;3:2,3,4,5,6, 7,20,21,22,23,24,25; 4:2;6:10,11,12,13,14, 15,16,25;7:2,3,4,5,6,7	court (1) 4:21	federal (1) 4:21	may (2) 5:11,19	present (1) 2:21
B	D	few (1) 4:6	meeting (2) 2:5;6:19	primary (2) 4:18;5:24
based (3) 4:19,21,23	days (1) 4:6	fire (4) 5:14,15,16,21	MEMBER (40) 2:6,8,11,12,13,14, 15,16,22,23,25;3:2,3, 4,5,6,14,17,20,21,22, 23,24,25;6:5,7,10,11, 12,13,14,15,20,22,25; 7:2,3,4,5,6	process (1) 4:25
Ben (1) 2:21	demonstrate (1) 5:13	First (2) 4:19;6:6	members (2) 2:20;4:6	project (3) 4:24;5:5;6:4
BOARD (47) 2:6,8,11,12,13,14, 15,16,22,23,25;3:2,3, 4,5,6,14,17,20,21,22, 23,24,25;4:5,7,14,16, 20,22;5:20;6:5,7,10, 11,12,13,14,15,20,22, 25;7:2,3,4,5,6	demonstrates (1) 5:3	fiscal (1) 5:4	minutes (2) 4:12,13	property (1) 5:9
Board's (1) 5:24	demonstration (1) 5:17	G	misrepresentations (1) 4:24	proposed (1) 5:14
building (1) 5:10	Department (1) 5:17	Gailey (4) 2:21;4:5,11,13	Mort (3) 2:7;3:18;6:23	providing (1) 5:20
	determination (1) 5:24	GLISSON (6) 2:14;3:4,23;6:5,13; 7:4	motion (16) 2:4,6,7,18,19,22; 3:8,12,14;4:3;6:2,5,	provisions (1) 4:14
	determines (2) 4:19;5:6	GOODMAN (7) 2:15;3:5,14,24; 6:14,20;7:5		Q
	developer (3) 4:24;5:13,19	GREEN (6) 2:11,25;3:20;6:7,		quite (1) 4:6
	development (1)			

	21;6:11,22;7:2		
R	state (3) 5:15,18,21	Z	
read (1) 4:17	statements (1) 4:23	ZAMONSKY (23) 2:2,4,7,9,17,19,24; 3:7,9,12,15,18;4:2,4; 6:2,6,8,16,18,21,23; 7:7,9	
received (1) 4:20	states (1) 5:10	1	
receiving (1) 4:14	subdivision (1) 5:7	15 (2) 4:12,13	
recess (1) 3:10	submit (2) 5:15,20	2	
recision (2) 5:2,6	subsequent (1) 4:7	20 (2) 4:16;5:23	
regarding (1) 5:4	summarize (2) 4:15,18	5	
regulations (1) 5:22	supply (1) 5:4	51 (1) 5:7	
remainder (1) 5:9	supports (1) 5:23	7	
requires (1) 4:25	T	7:00 (1) 3:11	
rescind (1) 6:3	terms (1) 4:18	8	
resolution (12) 4:6,8,14,15,18,19; 5:6,10,19,23,25;6:3	together (1) 4:17	8:12 (1) 3:11	
review (2) 4:25;5:5	tonight (1) 4:16	8:16 (1) 7:11	
reviewing (1) 4:7	traffic (1) 5:4		
Rich (1) 6:6	TURNER (1) 4:9		
RIDGE (7) 2:1;3:1;4:1;5:1; 6:1,4;7:1	U		
road (1) 5:15	Unanimous (1) 6:18		
roads (1) 5:16	UNIDENTIFIED (2) 4:12;7:10		
rules (1) 5:22	units (2) 5:8,12		
S	V		
Second (7) 2:8,23;3:16,17;6:7, 8,22	valid (1) 5:21		
Session (2) 2:20;3:13	variance (1) 5:5		
showing (1) 5:16	various (1) 4:13		
significantly (1) 5:5	Village (1) 6:3		
site (1) 5:7	voting (1) 4:16		
sold (1) 5:12	W		
SPEAKER (2) 4:12;7:10	warrants (1) 4:25		
spent (2) 4:8,11	water (1) 5:4		
STAROBIN (9) 2:6,12,22;3:2,17,			