

In The Matter Of:
Town of Mamakating
Planning Board

Paradise II Resort, Inc.
March 22, 2016

Jeric Corporation
Court Reporting Services
P.O. Box 385
Narrowsburg, NY 12764
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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

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PARADISE II RESORTS, INC. SPECIAL USE PERMIT
Tax Map Section 63; Block 1; Lots 43.9
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
March 22, 2016
7:01 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: Michael Blustein, Esq.

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

Reported by: Rosemary A. Meyer

1 - PARADISE II RESORTS, INC. -

2 ACTING CHAIRMAN STAROBIN: Okay, we're ready to start.

3 This is the March 22nd Planning Board meeting. I'm
4 filling in for Stosh. He's away this week.

5 The first order of business is the adoption of the
6 minutes from January 26. Do we have a vote on this?

7 BOARD MEMBER GREEN: Motion.

8 ACTING CHAIRMAN STAROBIN: Second?

9 BOARD MEMBER GOODMAN: Second.

10 ACTING CHAIRMAN STAROBIN: Vote.

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER COLLIER: Aye.

13 BOARD MEMBER GLISSON: Aye.

14 BOARD MEMBER GOODMAN: Aye.

15 ACTING CHAIRMAN STAROBIN: Aye.

16 (The motion was approved and carried.)

17 ACTING CHAIRMAN STAROBIN: Okay. The first item is
18 Paradise Resorts.

19 MR. BLUSTEIN: Good evening, everybody. I'm Michael
20 Blustein from Blustein, Shapiro, Rich and Barone in Goshen.
21 I'm here with Joe Pfau, Pietrzak and Pfau Engineering from
22 Goshen. We represent a contract vendee looking to purchase
23 the Paradise II Resort. It's in the MG Zone. It's
24 currently used, I guess as a motel type of use in the
25 summertime. It's an approved use. We're looking actually

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2 not to change anything on the site, and we're looking to
3 get a use for a summer camp, which is an approved use, a
4 permitted use in the MG Zone, of course, with the Planning
5 Board's approval as a conditional use.

6 With that, I'll just ask Joe to run through a couple
7 of things about site.

8 MR. PFAU: I don't know how familiar everybody is with
9 the property, but it's the existing Paradise Resort. It's
10 about 45 acres, the property. It's on both sides of South
11 Road. There are 31 buildings on the site, a mix of uses.
12 When you total up all of the bedrooms on site, there's 97
13 bedrooms. What we did was we took the portion of the zone
14 density calculations for the proposed use, which is
15 summer/day camp. That's the use that we utilized and that
16 closest in the zoning. We did density calculations two
17 ways, the first based on the number of buildings, and the
18 second based on number of bedrooms. We put both of those
19 calculations on and we're well within the allowable acreage
20 for that.

21 As Mr. Blustein said, there's really no proposed
22 improvements to the site. The water and sewer is there,
23 the buildings are there, the parking is there. We're
24 really not proposing to do any additional improvements to
25 the site, just basically change the in use.

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2 ACTING CHAIRMAN STAROBIN: Larry, do you have
3 comments?

4 MR. PAGGI: We do have some comments.

5 In order to qualify what they're saying, no changes in
6 use, or I'm sorry, no modifications to the site, we would
7 need to know that the things that they're saying are, in
8 fact, documented to the file, that the sewage disposal
9 systems are adequate for the intended use; we would want
10 that documented. The water supply is appropriate. I think
11 this kind of sign goes hand in hand with some of the
12 comments that our building inspector has relative to the
13 intended use.

14 It's intended to be a children's overnight camp?

15 MR. BLUSTEIN: Yes. I think we said day camp. It's
16 going to be an overnight camp.

17 MR. PAGGI: It's going to be an overnight camp. Okay.
18 So there's going to be some Health Department involvement
19 with that. They're going to need to look at the buildings.
20 We're going to need to get reports from them relative to
21 that.

22 I have two concerns relative to the site itself that I
23 would like to make the Planning Board aware of. They may
24 sound obvious. There's a road running right through the
25 middle of the camp and if it's going to be a children's

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2 camp, I mean I would think that that should be something
3 that the Planning Board should carefully consider, would be
4 the safety of the children with a road running through the
5 summer camp.

6 And the second item is there's a body of water, I'll
7 call it a pond, in the middle of the site. When I had
8 driven by looking at another project, there's no protection
9 to the pond. There's no fencing around it, it's readily
10 open. So again, I would suggest that the Planning Board
11 consider the safety of the children that will occupy camp
12 relative to that pond.

13 MR. BLUSTEIN: I've been to many summer camps and I've
14 never seen one. Every summer camp I've ever been to has
15 had a road running through it and had a lake that's not
16 fenced in.

17 MR. PAGGI: Okay. I'm bringing this up just for the
18 Planning Board's consideration. Okay?

19 MR. BLUSTEIN: Okay.

20 MR. PAGGI: There's a couple of items in the EAF that
21 need to be verified or further documented. They mention
22 that no permits from other agencies are required. We don't
23 think that that's accurate. If they take issue with that,
24 they need to document to us why there are no permits
25 required from the DOH for this.

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2 They've identified a 100-year floodplain, which makes
3 sense. It should be clearly indicated on the plans.

4 And the Planning Board has, with this project, and I
5 think with a of couple projects that it's going to be
6 talking about tonight, has to determine whether they're
7 going require all of the components of a site plan
8 application to be provide since they're claiming that
9 there's not going to be any site modifications. We may
10 have to take this in steps. We may have to get some
11 documentation to find out if, in fact, there are going to
12 be no site modifications. If there are going to be site
13 modifications, that may impact what you want to see and
14 what you may be willing to waive. But I believe that at a
15 minimum, the Applicant should present to the Planning Board
16 a specific waiver request for anything that they are
17 requesting a waiver for relative to each specific component
18 of our code, Section 199 of our Zoning Code, and state why
19 they are requesting that waiver so that the Planning Board
20 can make a determination on each item.

21 That's my perspective. I think both Stu and Mary are
22 going to want to weigh in on this.

23 ACTING CHAIRMAN STAROBIN: Yes.

24 MR. TURNER: Well -- I'm sorry. Go ahead.

25 ACTING CHAIRMAN STAROBIN: Let's have Mary give her

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2 insight.

3 MR. TURNER: Yes, absolutely.

4 ACTING CHAIRMAN STAROBIN: Mary is our building
5 inspector, for those of you who don't know.

6 MS. GRASS: A couple things that I noticed. They did
7 have site plan approval in 1997 for the resort country
8 special use. On March 25, 2003 they have an amended site
9 plan approval for the resort country use where they had a
10 that was for the residents only, not open to the public.

11 On the site plan that was provided now there shows up
12 a sauna, a tennis court and a kiddie pool next to the pool
13 that was approved on both of those site plans. We have no
14 approvals for those so we would need to know when and where
15 they were built, and if they can locate any approvals
16 because I don't have any.

17 MR. BLUSTEIN: That was for the sauna, the tennis
18 court and the kiddie pool?

19 MS. GRASS: Yes.

20 MR. BLUSTEIN: Okay.

21 MS. GRASS: As I say, we don't have any construction
22 permits for those items.

23 ACTING CHAIRMAN STAROBIN: We'll give you a copy a
24 Mary's comments.

25 MR. PFAU: I appreciate that.

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2 MS. GRASS: Under a summer camp there are certain
3 things, that the buildings and recreational facilities
4 shall not be less than 200 feet from any lot line. None of
5 that is shown on the site plan. We would like to see that.

6 Also, any outdoor lighting is not shown on the site
7 plan. Under summer and day camps the lighting should be
8 directed down so that it doesn't shine into any neighbor's
9 properties.

10 We'd also need to know if there is a public address
11 system going to be used at the camp because there are
12 stipulations in our code for that, as well.

13 We would also need, like Larry said, Health Department
14 approval for the buildings.

15 You said it's a sleepaway summer camp. We would need
16 to know some information. We would need to know the period
17 of operation, we would need to be provided with the
18 recreational and other programs that are going to be
19 offered to benefit the children staying there.

20 On the site plan that's provided, next to Building
21 No. 30 there seems to be a tractor trailer body on the
22 site.

23 MR. BLUSTEIN: That's a violation from our report that
24 they know they have to remove.

25 MS. GRASS: That's a different violation that they did

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2 remove.

3 MR. BLUSTEIN: Okay.

4 MS. GRASS: This one is up in the woods. I can see
5 it, a tractor trailer body on the property.

6 And also, and I'm sure it's just a typo. On the site
7 plan you have two numbered buildings 28. But near each of
8 those buildings there seems to be some kind of structure,
9 maybe, and/or debris. If you look closely at it, I know
10 it's a little -- if you want me just to step up.

11 So over here there seems to be stuff. Those may have
12 been the trailers that were removed. And this also No. 28.
13 There's something over here. I don't know that is. We
14 would like that to be noted.

15 And then my only other thing to the Planning Board is
16 this is a special use. If the Planning Board so chooses to
17 issue the special use permit, the Building Department is
18 asking for a one year permit with renewal 30 days before it
19 expires. I do quote the section of the code in there.

20 MR. PAGGI: Before Stu jumps in, two other items that
21 I just would like to mention for the Planning Board, and
22 they're included in our comment letter for the Planning
23 Board's information, is as we did with all the other camps,
24 the issue about ADA accessibility has to be addressed,
25 whether or not they're required to conform. I think the

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2 onus is upon them to demonstrate whether or not they are,
3 and if they are, to demonstrate that they can, in fact,
4 achieve those requirements.

5 The second thing is as we would normally do, we would
6 ask that the fire department weigh in on their ability to
7 provide emergency services to the site for a children's
8 camp.

9 ACTING CHAIRMAN STAROBIN: Stu, how about your
10 comments?

11 MR. TURNER: We have many of the same comments, but I
12 think the most important one from the Board's perspective
13 is that we actually has a memorandum, I guess early on, in
14 February. Since this is a change in the use we think that
15 a narrative is going be very helpful to the Board, a
16 description of how the camp is going to function. I think
17 Mary addressed the question of time, the number of children
18 that will be there, number of staff or faculty, staff,
19 particularly what the pattern of development or the
20 schedule of activity is so that we have some better of
21 handle on what changes in the traffic pattern are likely to
22 occur or what traffic issues may occur different from the
23 former use, which is quite different, I think a more family
24 oriented vacation type use.

25 MR. BLUSTEIN: Certainly, traffic would be much less.

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2 MR. TURNER: It may be you. I think a lot of the
3 things we're asking or suggesting is really just to make
4 sure the Board has the information that they need to make a
5 judgment. The code is very clear on what needs to be put
6 onto a site plan, but you may want to request waivers of
7 some of those things, as Larry had suggested. But I think
8 we need more on the plan, more description. There are some
9 items in the Environmental Assessment Form Larry eluded to.
10 We had several. Before the Board does anything as far as
11 SEQRA or a coordinated review, I think we have to clarify
12 whether, in fact, there are more agencies than just the
13 Planning Board. I mean if the Department of Health has to
14 be involved. We have to do a 30 day coordinated review for
15 SEQRA. So those items I think all need to be assembled for
16 the Board. It's really more information in there that they
17 have from the material that's submitted. In our initial
18 look at it, I think we had some sense of what you were
19 proposing to do, but it's not clear how big because the
20 buildings will be used differently, how many children will
21 be involved, and so on.

22 There was a memo. I thought, Michael, according to
23 this, you were copied, but maybe you weren't really copied.

24 MR. KAUFMAN: No, because we got snowed out on the
25 last one. And certainly, if we had these memos we probably

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2 would have addressed them.

3 MR. TURNER: February. This was in February.

4 MR. KAUFMAN: Yes, the meeting got snowed out so we
5 never got any memo.

6 MR. TURNER: So it wasn't sent to you, in other words.
7 We'll make sure it gets sent to you.

8 MR. BLUSTEIN: Because I think a lot of the items
9 you're addressing can be easily dealt with --

10 MR. TURNER: I'm sure.

11 MR. BLUSTEIN: -- but we kind of just lost a month by
12 not having any of that.

13 ACTING CHAIRMAN STAROBIN: Well, one thing, we have
14 workshops every month. I think it's the second Tuesday.
15 Possibly by working with us in the workshop with our
16 planner, engineer and our attorney you could expedite the
17 process coming so you don't come here and find out you
18 don't have everything you need. Linda can fill you in on
19 the details if you're interested.

20 John, do you have any comments?

21 MR. CAPPELLO: I really have nothing to add. I think
22 Mary, Stu and Larry hit on all my comments. Once we get
23 information we'll coordinate SEQRA, if necessary, then the
24 Board can determine if and when they're ready to set a
25 public hearing. This is a special use so a public hearing

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2 will required at one point to have a complete application
3 and have enough information.

4 ACTING CHAIRMAN STAROBIN: Do any of the board members
5 have questions?

6 BOARD MEMBER GREEN: Just one. Item 12, the proposed
7 action is located in an archaeological sensitive area, yes.
8 I just want some more information to find out why.

9 MR. PFAU: Yes. That came up on the mapper.

10 BOARD MEMBER GREEN: Thank you.

11 MR. BLUSTEIN: So are we going to get the comments
12 from all three? I mean I know Mary. Do you have your
13 comments to provide?

14 ACTING CHAIRMAN STAROBIN: I have Mary's comments.

15 MS. GRASS: I gave them to him.

16 MR. BLUSTEIN: We got one.

17 MR. TURNER: As a matter of fact, here's an extra copy
18 I have.

19 MR. PAGGI: I can give him mine.

20 MR. TURNER: I'm sorry. I thought our office either
21 faxed it to you or sent it to you.

22 MR. BLUSTEIN: Obviously, we were hoping to get a lot
23 further tonight than we did. We would like to get on the
24 next agenda and attend the next work session, if possible.

25 MS. FRANCK: Do you want to come to the work session?

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2 MR. BLUSTEIN: It can't hurt. Sure. I mean if we
3 can't make it then we'll let you know.

4 MR. PFAU: Yes, we would like to get in the next
5 workshop, yes.

6 MS. FRANCK: Okay. I'll get in touch with Larry.

7 MR. PFAU: Thank you.

8 MR. BLUSTEIN: And we'd like to keep a spot on the
9 next agenda because we do have some time deadlines if we
10 want to get open by summertime, obviously.

11 MS. FRANCK: Okay.

12 ACTING CHAIRMAN STAROBIN: Okay.

13 MR. BLUSTEIN: Thank you.

14 ACTING CHAIRMAN STAROBIN: Hopefully, we will see you,
15 I believe it's the second Tuesday of the month; right?

16 MS. FRANCK: Yes.

17 ACTING CHAIRMAN STAROBIN: The second Tuesday of the
18 month.

19 MR. TURNER: That's in the morning.

20 MR. PFAU: In the morning?

21 MR. BLUSTEIN: And do we get on the agenda from there,
22 or how does that work?

23 MR. CAPPELLO: Depending on what happens at the work
24 session, then we'll coordinate with the Chair.

25 MR. BLUSTEIN: Thank you.

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- PARADISE II RESORTS, INC. -

MR. PFAU: Thank you.

MS. FRANCK: You're welcome.

MR. BLUSTEIN: Thank you.

(Time noted: 7:19 p.m.)

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3 REPORTER'S CERTIFICATION4
5 I, ROSEMARY A. MEYER, a Shorthand Reporter and
6 Notary Public in and for the State of New York, do
7 hereby certify:8
9 That the foregoing transcript is an accurate
10 record of the proceedings in the matter of Paradise II
11 Resorts, Inc., to the best of my knowledge and belief,
12 having been stenographically recorded by me and
13 transcribed under my supervision.14
15 I further certify that I am in no way related to
16 any of the parties to this action and that I have no
17 personal interest whatsoever in the outcome thereof.
1819
20 21
22 ROSEMARY A. MEYER23
24 Date Transcribed: May 12, 2016
25

| A | 8:8;15:2 appreciate (1) 9:25 appropriate (1) 6:10 approval (4) 5:5;9:7,9;10:14 approvals (2) 9:14,15 approved (4) 4:16,25;5:3;9:13 archaeological (1) 15:7 area (1) 15:7 around (1) 7:9 assembled (1) 13:15 Assessment (1) 13:9 attend (1) 15:24 attorney (1) 14:16 aware (1) 6:23 away (1) 4:4 Aye (5) 4:11,12,13,14,15 | body (3) 7:6;10:21;11:5 both (4) 5:10,18;8:21;9:13 bringing (1) 7:17 building (4) 6:12;9:4;10:20; 11:17 buildings (9) 5:11,17,23;6:19; 10:3,14;11:7,8;13:20 built (1) 9:15 business (1) 4:5 | claiming (1) 8:8 clarify (1) 13:11 clear (2) 13:5,19 clearly (1) 8:3 closely (1) 11:9 closest (1) 5:16 code (5) 8:18,18;10:12; 11:19;13:5 COLLIER (1) 4:12 coming (1) 14:17 comment (1) 11:22 comments (11) 6:3,4,12;9:24; 12:10,11;14:20,22; 15:11,13,14 complete (1) 15:2 component (1) 8:17 components (1) 8:7 concerns (1) 6:22 conditional (1) 5:5 conform (1) 11:25 consider (2) 7:3,11 consideration (1) 7:18 construction (1) 9:21 contract (1) 4:22 coordinate (2) 14:23;16:24 coordinated (2) 13:11,14 copied (2) 13:23,23 copy (2) 9:23;15:17 country (2) 9:7,9 couple (4) 5:6;7:20;8:5;9:6 course (1) 5:4 court (2) 9:12,18 currently (1) 4:24 | D |
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