

In The Matter Of:
Town of Mamakating
Planning Board

Paradise II Resort, Inc.
May 24, 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

----- X
PARADISE II RESORTS, INC.
Special Use Permit
Tax Map Section 63; Block 1; Lot 43.9
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
May 24, 2016
7:00 P.M.

PLANNING BOARD MEMBERS:

- STANLEY ZAMONSKY, III, Chairman
- MORT STAROBIN, Board Member Acting
- ALEX GOODMAN, Board Member
- RICHARD GLISSON, Board Member
- LORRENCE GREEN, Board Member
- PATRICK KELLER, Board Member
- ERIC COLLIER, Board Member
- LINDA FRANCK, Secretary
- JOHN CAPPELLO, ESQ., Attorney
- STU TURNER, AICP, Planner
- LAWRENCE PAGGI, P.E., Engineer

Also Present: Michael Blustein, Esq., on behalf
of Applicant

Jeric Corporation
Court Reporting Services
P.O. Box 385

Narrowsburg, New York 12764
Reported by: Rosemary A. Meyer

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2 CHAIRMAN ZAMONSKY: Hello, everybody. Welcome to the
3 Town of Mamakating Planning Board meeting for May 24, 2016.
4 Do I have a motion to open the meeting?

5 BOARD MEMBER GOODMAN: Motion.

6 CHAIRMAN ZAMONSKY: Alex.

7 BOARD MEMBER GREEN: I'll second it.

8 CHAIRMAN ZAMONSKY: All in favor?

9 BOARD MEMBER KELLER: Aye.

10 BOARD MEMBER GREEN: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 BOARD MEMBER GLISSON: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 CHAIRMAN ZAMONSKY: Aye.

15 (The motion was approved and carried.)

16 CHAIRMAN ZAMONSKY: The first applicant, Paradise II
17 Resorts, Inc. Special Use Permit, Tax Map Section 63; Block
18 1; Lot 43.9 in the Mountain Greenbelt Zone. Property is
19 located on South Road. Approximate acreage is 45 acres.

20 MR. BLUSTEIN: Good evening.

21 CHAIRMAN ZAMONSKY: Good evening.

22 MR. BLUSTEIN: Good evening, everyone. My name is
23 Michael Blustein, from the law firm of Blustein, Shapiro,
24 Rich and Barone in Goshen, along with Joe Pfau, Pietrzak
25 and Pfau Engineering and Surveying in Goshen, as well as a

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2 couple of the executive members of the applicant who are
3 sitting at the table with us.

4 As you do recall, you were here last month and we
5 received comments from your professionals.

6 CHAIRMAN ZAMONSKY: If you could just talk into the
7 microphone. Thank you.

8 MR. BLUSTEIN: We received comments from your
9 professionals. We revised the site plan, responded to
10 those comments and we've also prepared a project narrative
11 which addressed many of those comments.

12 Subsequently, we had a site visit with your
13 professionals and one Planning Board member last Tuesday to
14 go through the site.

15 The reason we're here this evening is, I think we've
16 made a lot of headway addressing and providing the
17 additional information that you've asked for at the last
18 meeting, at this meeting we hope to possibly go through and
19 review the waivers that we're requesting. There's a number
20 of waivers we are requesting because the facility is
21 existing and there really is virtually no proposed
22 improvement to the site.

23 And then lastly, we hope to be able to schedule a
24 public hearing for this project.

25 CHAIRMAN ZAMONSKY: Larry, do you want to walk through

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2 your comments? I know that there was a workshop in
3 between.

4 MR. PAGGI: Again, Joe just mentioned, what they're
5 presenting tonight is their request for waivers. What
6 we've done is we've prepared a memo just of items that have
7 come up during our conversations at workshop and were a
8 result of our site observations last week.

9 Some of those waiver requests are not to provide a
10 detailed boundary and topographic survey. They're
11 basically making the claim that there's not going to be any
12 site improvements, what they're presenting to legitimize
13 that request, and that certainly makes sense. If they're
14 not going to have any site improvements, you're not going
15 to alter anything, then why should we make them go through
16 the expense of preparing those documents.

17 The purpose for us listing these things is to bring
18 these items to the Planning Board's attention that we would
19 normally look for if we were starting from scratch with a
20 site plan. This is an existing site. It was a resort.
21 They're planning on using it as a summer camp. The
22 children that are going to be there, I understand, are 14
23 to 16 years old. Is that correct? It's kind of going to
24 be a boarding school, but in a summer camp environment.
25 There will be several families there of staff that may have

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2 small children.

3 I really don't want to, unless, Stosh, unless you want
4 me to go through and read them. Everybody can kind of read
5 this memo. But some of the more significant items that we
6 noticed were some of the uses are not connected to the
7 sidewalks; they would to walk on a town road or through
8 parking areas. Some of the grades of those driveways are
9 steep. Some of the ways that those features were
10 constructed are not how they would be constructed today.

11 There's a guide wire in the middle of one of the driveways.
12 There's some shallow pipes that don't have cover that would
13 need to be developed in a plan for a new installation. But
14 they're existing. They're preexisting. So the Planning
15 Board needs to kind of take these things consideration.

16 The other concern is there is lighting on the site.
17 Actually, when we were leaving and walking out, down the
18 road, at the end of the observation, we noticed lighting on
19 the town road which has got positives and negatives. I
20 mean it's great that they've got lighting because that's
21 where pedestrians are going to be walking and you want some
22 safety aspects. But it's privately owned lighting on a
23 town road. I don't know if those facilities are on town
24 property. I don't know how they're maintained. I don't
25 know what the light intensities are, if they're

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2 appropriate, if they're too high, if they're too low.

3 And there are also some other issues that almost seem
4 to need to be considered before the Planning Board even
5 goes much further with this. I think those are the
6 Department of health issues, whether or not the water and
7 the sewer facilities have been approved by DOH for this
8 type of facility, for the type of use. Joe has provided us
9 some background information. Their existing SPDES permit
10 has expired; they've applied for renewal. That's in the
11 process. I think the DOH is in the process of reviewing
12 it.

13 John, have you been in contact with DOH?

14 MR. PFAU: DOH would come out after the application is
15 completed.

16 MR. PAGGI: Okay. So that's relative to the camp
17 itself, or probably resort, or whatever they're applying
18 for. But the DOH, it's going to have to sign off to the
19 Planning Board that the sewage disposal facilities are
20 appropriate for the change in use and the water supply is
21 appropriate.

22 And just one parting word here. The restaurant, which
23 will be the dining hall, and one of the residence halls
24 which is intended to accommodate approximately a hundred
25 students, are located in very close proximity to the road.

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2 There should be some -- well, I suggest to the Planning
3 Board that you may want to consider that there might be
4 some method to provide safety for people walking,
5 congregating in that area, waiting to go into the dining
6 hall, crossing the road.

7 That's kind of it. I mean I think, really, the task
8 we have here now is is the Planning Board willing to grant
9 these waivers or are you going to say: We're not going to
10 grant these waivers. We want you to provide this
11 information and then we'll move on. So I think to try to
12 get this thing on track, that's really the decision that's
13 here.

14 CHAIRMAN ZAMONSKY: Stu.

15 MR. TURNER: Yes. Actually, I don't want to repeat
16 everything Larry said. We were all out there together.

17 Is this on? It doesn't seem to be working. It
18 doesn't seem to be working. Let me try this one.

19 So he's listed a lot of matters that we were concerned
20 about when we were out there. I had four or five more
21 points that I wanted to add to his list. I have copies; I
22 didn't distribute it. The list is not as extensive, but
23 I'll just comment on them because I think that as Larry
24 says, I think your initial task is to, or one of your
25 initial tasks is to address the Applicant's request to

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2 waive submission of certain requirements. Not to waive
3 requirements, they're asking to waive the submission of
4 information or data because their proposal, from their
5 perspective, is not to change anything on the site.

6 One of the things that, again, if it becomes a camp,
7 it's not just a family retreat or family resort. There is
8 a pond there. It's very pretty and it's nice. I think you
9 just have to be concerned about any safety issue because
10 there will be primarily -- they should address how they're
11 going to deal with it. It's primarily young boys, teenage
12 age boys.

13 I think Joe has already talked about, they're
14 indicating they don't really need a great deal of parking
15 the way they operate. I think they can go over that again
16 with you. But they have staff that's on site. They don't
17 have visitors, regular visitors, except for two times
18 during the year, according to their proposal, parents come.
19 They also indicate they don't stay there, they just come,
20 pick up children and leave and come back, I guess later in
21 the day or the next day. Nevertheless, it's a matter to
22 discuss, about the parking. If they're going to use some
23 of the little parking areas that exist now, one of them, at
24 least, is right on the road. The cars would back out right
25 onto the road. I think when we were out there Joe

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2 indicated he probably wouldn't keep that on the plan. So
3 there may be some more changes to the plan. This is a
4 matter we talked about, potential alternative parking
5 areas.

6 So the main point really is that when you're out on
7 the site and you think of it in terms of housing 200 young
8 boys, there's a lot of topography on the site. There's a
9 lot of places where they might be -- the kids will all be,
10 I think, on side of the street the way they proposed it.
11 But people will be crossing the street, crossing the road.
12 There's no indication that it will be clearly marked. So
13 there are these issues that I think Larry's indicated that
14 we all felt, we that were out there, felt really had to be
15 looked at more intensively. And there are the technical
16 issues like the water and sewer and on.

17 So I just would encourage you to think carefully about
18 your willingness to waive any of the submissions. Well,
19 not any them, but a number of the submissions requirements.
20 There are some that you probably could waive that they may
21 not need to provide as much detail as a new site plan, but
22 there are some matters, such as topography, that you really
23 should not waive. We don't believe you should waive. It's
24 your call. So that's it. They're required to submit them
25 unless you do waive them. So it's really something you

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2 have to decide.

3 CHAIRMAN ZAMONSKY: Right.

4 MR. TURNER: Nothing's been done with SEQRA on this
5 yet. I think as Larry said, it's early.

6 MR. BLUSTEIN: Can I just step in and remind everybody
7 that this planning board approved this site plan twice
8 already, as recently as 2003. So with all due respect to
9 the Town's consultants, it's not like this is an ancient
10 facility. It's operating. It's operated every season,
11 it's going to operate this season as it already had with a
12 more intense use than my clients are proposing going
13 forward. They make it out like there's all these
14 topography issues and people can get hurt in the road.
15 There's never been a problem over there. There's always
16 been families there, there's always been little kids over
17 there, every summer, as used by the current applicant. It
18 was just approved in 2003. This is the same. We're not
19 proposing any additional use. And for us to have to go and
20 survey the whole property, the topography, that's
21 ludicrous.

22 And I strongly object to having to get waivers, that
23 this board would make this religious organization go
24 through this ordeal. That is totally uncalled for, for us
25 to have to have a topography survey for this property.

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2 We've had meetings with Mr. Turner and we've had work
3 sessions. This wasn't brought up. Frankly, I feel it's
4 uncalled for and I would appeal to the Board. This is not
5 an ancient camp that's sitting there, decrepit. This is a
6 facility that this board approved only 13 years ago.
7 What's changed in the lighting? It's the light that's
8 always there. Everything there was approved by this board
9 except for a tennis court, which is not a structure.
10 Everything there was approved.

11 CHAIRMAN ZAMONSKY: Excuse me. You're changing some
12 of the uses of the buildings, as well; correct?

13 MR. CAPPELLO: Stosh, can I?

14 CHAIRMAN ZAMONSKY: Yes.

15 MR. CAPPELLO: I just wanted to chime in to the Board
16 on a few of these issues just to --

17 MR. BLUSTEIN: I wasn't done speaking yet. I'm sorry,
18 but -- I appreciate what you're saying, but we've been
19 coming here since February and all we're doing is getting a
20 run around, and this is ridiculous.

21 MR. CAPPELLO: Now?

22 MR. BLUSTEIN: Now I'm done.

23 MR. CAPPELLO: What the Applicant's applied to, what
24 they have a special use permit for is a resort country inn.
25 That's a special permit use in the Mountain Greenbelt.

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2 They're changing the use to a summer day camp. Now --

3 MR. PFAU: It's not a --

4 MR. CAPPELLO: Summer camp and day camp is what's
5 listed in the code, so it's a summer camp.

6 The requirements are listed in the table of bulk use
7 requirements. I think if you look at the application,
8 several of the buildings may not meet the yard
9 requirements, but I think if you look at the requirements
10 for a resort country inn, just as it relates to bulk,
11 versus a summer and day camp, specific, a summer day camp,
12 the bulk requirements are a little less restrictive as far
13 as yard requirements than the resort country inn. Resort
14 country inn requires 25 acres, summer day camp is 10. Lot
15 width for a resort is 300 versus 200. So I think as far as
16 the location of the buildings, I think it's no more -- no
17 less nonconforming? No more -- no more nonconforming than
18 as exists. Once again, the nonconformity is to the
19 location, not to the use. Both uses are special use
20 permits that are permitted in the zone. So I think as far
21 as that goes, there's no need for this to go to the ZBA.

22 Now, what you do have, and I believe you all have
23 before you, is a project narrative that was prepared by the
24 engineer. This part of the narrative goes through all the
25 waivers that the Applicants are requesting. I know we have

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2 discussed this off and on at the consultants' work session.
3 You've heard the Applicants' attorney's position; you've
4 heard your consultants. But part of the most important
5 aspect of this was to do an actual site inspection. So
6 what the Board has to do is to look at the request and look
7 at those specific elements that they're requesting a waiver
8 on and to see if that waiver is appropriate. The buildings
9 do exist, but I think your consultants said, it's your
10 determination. A resort use where children may be there
11 with their parents on a vacation, is that the same as a
12 summer camp where children are there for extended periods
13 of time with counselors and supervision, but is any of that
14 change of use something that will require certain revisions
15 or amendments to the plan and what information do you need
16 to decide that. So it's really your determination.

17 I don't know if you want to go through the -- it
18 starts on -- there's no page numbers on these. Towards the
19 middle of this narrative you'll see a Roman numeral III,
20 Zoning, and then the next page the actual waivers that are
21 requested for the information. Certain informations are
22 cited there. So the Board has the determination, did the
23 Applicant prove this and is this change of use, are all of
24 them appropriate to waive, any of them appropriate to
25 waive. You've heard the planner and the engineer, but it's

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2 your decision. I know a couple board members actually also
3 visited the site. So a picture or an inspection is worth a
4 thousands words. I think that's where we are. But this is
5 a new use so you have to make a determination as to whether
6 any impacts associated with the new use of the property,
7 are there any modifications or revisions necessary to the
8 site, to meet that was explained by Larry and Stu.

9 BOARD MEMBER KELLER: Do you mind if I ask you
10 something? When it comes to the attractive nuisances, is
11 there a difference in the law for like a pond or a pool
12 when it comes to like a resort versus a camp? Like having
13 a fence around it?

14 MR. CAPPELLO: I think that's up to the Board, what's
15 an attractive nuisance. There are specific building code
16 requirements for a pool. I don't know if there is for a
17 pond or swimming hole or a lake just due to the size of it.
18 So you would have to characterize the results. I guess you
19 can have an oceanfront resort in camp. Do you fence off
20 the ocean? But I think it comes to practical, depending on
21 the location of the pond, how it's located and whether is
22 is something that could cause an issue.

23 MR. PAGGI: One thing that should be noted is one of
24 the comments that the Applicant's made is that they would
25 be willing to fence the pond. That was something that they

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2 would concede.

3 MR. PFAU: Yes.

4 MR. PAGGI: I'm correcting in saying that?

5 MR. PFAU: Yes. And we had also discussed the height
6 of the fence. Instead of making a high fence, they figured
7 a 14 to 16-year-old, if they want to get over a fence
8 they'd hop it. So it's really small kids, so we're
9 thinking maybe a four foot fence, decorative wood, some
10 type of a chain link or something else behind it. It was
11 really a question where of to locate it, if it was going to
12 be completely around it, just in the area of where the
13 housing was. So that was really the only thing we didn't
14 really finalize, is where to place that fence if the
15 Planning Board even wanted it.

16 CHAIRMAN ZAMONSKY: Do the board members have any
17 questions?

18 BOARD MEMBER GREEN: I guess one of the things I guess
19 I'm trying to get a sense of is how much -- the camp has
20 300 people, students, and the staff. How does that
21 actually compare to when it was operating as a resort?
22 Were there 300 people there, 24/7?

23 MR. BLUSTEIN: You have to remember, this is a
24 seasonal facility.

25 BOARD MEMBER GREEN: Yes, I know that.

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2 MR. BLUSTEIN: It's comparable.

3 MR. PFAU: Well, the original number of units was 97.
4 So I suppose if you had three persons per, two, three, four
5 I guess you could certainly have more than that.

6 And the SPDES permit kind of bears that out, as well,
7 because the flows for the SPDES permit are for that amount
8 of people.

9 BOARD MEMBER STAROBIN: I have a question. John, if I
10 understood you, is this a change of use?

11 MR. CAPPELLO: Yes, it definitely changes. It was
12 approved as a resort hotel. I have a list there. It was a
13 resort country inn is what it was approved for. Now it's
14 changing to a summer camp.

15 BOARD MEMBER STAROBIN: And it requires different
16 standards which they have to meet now to comply with --

17 MR. CAPPELLO: There are different area standards.
18 The summer camp does have, in its special use permits, as
19 it relates to PA systems and some of the other provisions,
20 there are different. A resort has to provide so much
21 recreation as part of the resort hotel. The summer camp,
22 there are different requirements for a summer camp.

23 BOARD MEMBER STAROBIN: Getting back to it again, if
24 it was a change in use, do they have to meet ADA
25 requirements, disabilities?

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2 MR. PFAU: We have to meet the Department of Health
3 standards to operate a camp and part of that would be the
4 ADA. That's part of their purview. You can't operate a
5 camp without getting a permit from the Department of
6 Health.

7 MR. CAPPELLO: There's a specific Department of Health
8 requirement for camps that is different than a resort hotel
9 which would just require approval of the water system.

10 Summer camps they look a little differently as we
11 experienced with the other camps. They look at the food
12 facilities and different areas and it's a specific approval
13 that's required. Obviously, if the Board did consider any
14 approval, it would be subject to obtaining that Health
15 Department approval.

16 BOARD MEMBER STAROBIN: Larry, I have a question for
17 you. How close are they to meeting those requirements as
18 it stands now? Do you know that?

19 MR. PAGGI: I don't know that. I don't know that at
20 this point.

21 CHAIRMAN ZAMONSKY: The comment letter, it was just
22 based on the site visit. I mean we haven't had a full
23 application. They're asking for waivers so they won't have
24 to submit.

25 MR. PAGGI: We would certainly want all correspondence

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2 to and from the Department of Health so that this board is
3 aware of what's being proposed and it's in line with the
4 application. But to date, we haven't seen any of that
5 information other than what Joe has proposed as a waiver
6 request. He's kind of outlined what he anticipated those
7 flows were.

8 Joe, I had asked you to provide documentation from the
9 DEC that they wanted to use that particular rate.

10 MR. PFAU: Yes. And I have it.

11 MR. PAGGI: So there is a little bit of documentation
12 that's got to be provided along that line; absolutely.

13 BOARD MEMBER STAROBIN: Are we supposed to vote
14 tonight?

15 CHAIRMAN ZAMONSKY: It's on this petition, but it's
16 really the special waivers at this point.

17 BOARD MEMBER STAROBIN: I'm not exactly sure what the
18 vote is and we're being consistent with votes that we've
19 done in the past. I just want to make sure we're treating
20 everybody the same.

21 BOARD MEMBER GLISSON: That was one of my questions.

22 MR. CAPPELLO: But from that aspect, I just want to
23 clarify when you say vote. You're being asked to waive
24 certain requirements of site plan because this is an
25 existing facility, so that's what you're weighing right

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2 now. You don't have to vote because the law, your code
3 says this is what's required. If you want to waive it,
4 whether it be this meeting or next, whenever you have
5 information, if you want to waive certain requirements, you
6 would have to vote to say we vote to waive it and here's
7 the reasons we're waiving it, which the Applicant has
8 provided their position in this document. But we're not at
9 the position where we were going to approve it. You still
10 need information to make a SEQRA determination and
11 eventually consider an approval, whatever appropriate
12 conditions are. The question is do you need all the
13 information that they're requesting a waiver from: a full
14 survey, a topo based upon whatever regulations. Do you
15 need all of that information, or do you need some of that
16 information, or do you need none of that information to be
17 able to make a decision. That's what they need to prove to
18 you. But that's what you're considering here.

19 BOARD MEMBER STAROBIN: Okay.

20 MR. BLUSTEIN: For instance, this is a fairly wooded
21 site and fairly mountainous in areas. That's not used. So
22 we're asking for a waiver of a two foot topography because
23 for the most part, a lot of the property in the back is not
24 utilized. So to go and survey that would be at a large
25 expense for property that's wooded, that's hilly and it's

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2 not utilized. A lot of the existing facility, as I say, it
3 was approved by this board. We're changing the use, but
4 we're not changing any of the facilities. And that's why a
5 lot of these requests, it's really going to be -- my
6 clients want to run a clean, nice operation. This road is
7 barely ever traveled. You can stand in the middle of the
8 road and not get hit by a car. It's not like it's 209 or
9 is a major thoroughfare. There are no neighbors. It's
10 surrounded by state land and vacant land. There really are
11 not a lot of neighbors that can see the lighting. It's
12 what's existed. We'd be more than happy to make any
13 reasonable accommodation that the Planning Board, in their
14 judgment, recommends as site improvements.

15 I've been to 20 sleepaway camps in my day. I've never
16 seen a pond or a lake fenced in. That being said, my
17 client is concerned about the safety of their students. If
18 the Planning Board requires it, they will do that. They
19 want to work with you, but we need to get over this hurdle
20 of what do we actually need to do to satisfy you. They're
21 only going to utilize this, for the most part, just like
22 any other summer camp, for a couple of months during the
23 season, during the summer. We understand we have to meet
24 the water, sewer and the Department of Health requirements.
25 Obviously, Joe's job is to prove that to your satisfaction,

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2 to the consultants' satisfaction. What we're really
3 talking about is a waiver -- if you say that we need a --
4 the town road runs right through it. You can argue that
5 every single building violates the bulk requirements.
6 Okay? It's been like that forever. So what we're saying
7 to you is we're just taking this existing facility. We not
8 adding anything. We're not adding a building, we're just
9 taking this existing facility. We're looking for a change
10 of use that's going to be less intense.

11 You talk about traffic. People can come up. You have
12 97 bedrooms, you've have 97 vehicles that have been there.
13 There's going to be no vehicles there. So a lot of the
14 things that are being addressed by your consultants, I'm
15 telling you, Mr. Pfau is going to tell you, that this is
16 going to be a less intense use of the site and more in
17 conformity with the Greenbelt area.

18 MR. PFAU: And as far as that checklist and the
19 waivers requesting, that information, is it usable. If we
20 provide the two foot contour intervals, is that going to --
21 that's not going to change any of the buildings. Just on
22 that particular instance which I outlined with Mary, you
23 had previously approved this, I'm assuming you waived the
24 two foot contours on that application because there are no
25 two foot contours on that, there's only 20 foot contours.

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2 I don't know if you waived it or not, but I'm just
3 indicating that on the previously approved plan --

4 CHAIRMAN ZAMONSKY: Can I just jump in? 2003 was a
5 time ago. In the time, in this town the zoning has changed
6 substantially since then, as well. So in my opinion,
7 that's not really an argument that our board approved it
8 because none of the people on this board were there at the
9 time. So it's not an argument. We're trying to bring all
10 of the applicants, all of the camps that come in front of
11 us, we're trying to make them safer. If you have a road
12 that bisects your camp, yes, you go and you can stand out
13 there. But in the middle of the night people fly up and
14 down that road all the time. So I think our consultants
15 have come to us, have presented a very rough outline of the
16 issues with the camp. I think that we can walk through the
17 waivers at this point and talk about it as a board. Some
18 of them may be able to be waived and some of may not. So
19 we'll go through that.

20 So the waivers start at A(6). Is that correct?

21 MR. PFAU: Correct. That's correct.

22 CHAIRMAN ZAMONSKY: Certified survey in a scale of one
23 inch equals 50 feet or larger or information to define
24 precisely the boundary of the property.

25 So we do not have a boundary survey?

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2 MR. PFAU: What we do is we have a boundary survey
3 that is -- it's not a certified survey. We did not go out
4 and survey. This is a survey from previous information,
5 basically from the town.

6 CHAIRMAN ZAMONSKY: Okay. So it is not a certified
7 survey.

8 MR. PFAU: Correct. It's not a certified survey.
9 We're not proposing any improvements so we felt that there
10 was no need. We know we're within our property bounds. We
11 know we're not going to be doing anything else out of our
12 property bounds. We're not concerned about setbacks.
13 That's basically our reason.

14 CHAIRMAN ZAMONSKY: Anybody have a comment on that?

15 I mean personally, a survey shouldn't be extremely
16 expensive. It's fairly easily done. I think the only way
17 for us to prove that everything you're saying is true is
18 show us the map.

19 MR. PAGGI: Can I interject something?

20 CHAIRMAN ZAMONSKY: Yes.

21 MR. PAGGI: Just relative to the survey, one of the
22 issues that would be of interest in our review, in Stu's
23 and my review, would be a certified property line to find
24 out what's on and what's off the property.

25 CHAIRMAN ZAMONSKY: Well, that's why.

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2 MR. PAGGI: Some of the lighting, I don't think some
3 of the lighting is even shown on the plans that we have.
4 So again, a certified boundary would basically draw the
5 line in the sand and you'd know what's on and what's off
6 the property.

7 The point relative to the topographic survey, I know
8 you're going to get to that, but topography is flow
9 aerially. It's not like somebody is going to climb the
10 mountain and surveying that. But the point is well taken.
11 Perhaps it doesn't have to be in as significant a detail in
12 the areas that are heavily wooded. But we have no
13 topography in the areas where we are concerned about the
14 safety of the people that are going to be occupying the
15 site.

16 CHAIRMAN ZAMONSKY: Is two feet reasonable? I mean
17 that's typical.

18 MR. PAGGI: Two foot is typical. We generally look
19 for something tighter than that to determine grades,
20 specific grades, with spot elevations.

21 CHAIRMAN ZAMONSKY: Okay. So we're back to the
22 survey. Do you see any reason to waive the requirement for
23 a survey?

24 BOARD MEMBER GREEN: I just want to clarify. There's
25 never been a survey done on this property?

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2 MR. PFAU: I'm sure there has been, but we have not
3 prepared a certified survey. We've done a deep lot based
4 on deeds and the information from the Town.

5 BOARD MEMBER KELLER: And knowing that the lighting is
6 on their property, they're not changing, how does that fit?

7 MR. PAGGI: Well, if they're maintaining something
8 that's on Town property, I think that that might present
9 some issues for the Town as far as liability, them working
10 in the town right-of-way. And the Town may have some
11 responsibility relative to the lighting levels at that
12 point in time if it's within their road right-of-way. So I
13 mean maintenance, I think, is probably a couple of the
14 critical issues there. And if there's obstruction within
15 the road right-of-way, if they've constructed walls or
16 fences or anything like that within the town right-of-way,
17 that could be an issues for the Town.

18 MR. PFAU: Yes. Those lights are on utility poles in
19 the town right-of-way.

20 CHAIRMAN ZAMONSKY: Are they on timers?

21 MR. PFAU: I do not know. As a matter of fact, I
22 thought that they were not owned by the owner.

23 MR. PAGGI: Right, I did, too.

24 MR. PFAU: And honestly, I don't know one way or the
25 other if those lights are owned by the owner or if they

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2 are --

3 MR. PAGGI: Well, the owner say that he did own them
4 when we were out there.

5 CHAIRMAN ZAMONSKY: Okay.

6 MR. PFAU: We can certainly remove those lights, as
7 well. I mean they didn't show up on the approved site
8 plan, I mean I've got no problem taking those lights down.

9 CHAIRMAN ZAMONSKY: Waive B(1), they're asking to
10 waive the existing contours with intervals of two feet or
11 less.

12 MR. BLUSTEIN: Did you to anything with A(6)?

13 CHAIRMAN ZAMONSKY: I don't think anybody sees a
14 reason to waive it.

15 MR. BLUSTEIN: I would ask, then, silence doesn't say
16 anything.

17 CHAIRMAN ZAMONSKY: Okay.

18 BOARD MEMBER GREEN: The only thing I would ask if
19 they could find an old survey then we know exactly. It's
20 important that we know where the boundaries of the land
21 are.

22 CHAIRMAN ZAMONSKY: But the only survey --

23 MR. PFAU: I mean you have the old survey map on file
24 at your town hall, that was previously approved.

25 CHAIRMAN ZAMONSKY: Right. But they may not have the

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2 light poles or have any other improvements that have been
3 made the past 13 years.

4 Okay. So assuming that silence means that you do not
5 see a reason to waive this, I don't think we have to vote.
6 It's part of the requirements.

7 Jumping over to B(1), the existing contours with
8 intervals of two feet or less, does anybody have any
9 comments on that?

10 MR. BLUSTEIN: I just have a question. If that
11 information is provided, what benefit would that have to
12 the board as far as your decision making?

13 MR. PAGGI: Let me give the Board a little bit more
14 background to answer that question.

15 To summarize what Stu and I have said, the conditions
16 out on the existing site are existing. They may very well
17 be substandard to what current regulations are. We don't
18 know that without the information that's being provided.
19 So the Board needs to decide if it is something that's
20 substandard, is it something that you're going to ask them
21 to bring into conformance because it's a new use or are you
22 going to allow it. If you're going to allow it, then maybe
23 it is moot, that they don't have to provide it. But it
24 could also be a matter of degree, how far is it out of
25 conformance. We don't know that.

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2 CHAIRMAN ZAMONSKY: I mean we have pictures of the
3 parking, pictures of the walkways and everything else. It
4 could be too steep for handicapped children if you have
5 those campers, which are required. I mean as a new use, as
6 a commercial use, so you'd be required to meet ADA
7 standard. I mean I know the Health Department will require
8 it, as well.

9 MR. PFAU: Well, I guess the question is there's been
10 a special use permitted on this for years and it's been in
11 operation and I think code enforcement, and there's been no
12 issues, and I don't know why all of sudden --

13 CHAIRMAN ZAMONSKY: Because you're proposing a brand
14 new use of the site, so we're evaluating it.

15 MR. GLISSON: If I sell my house, if I sell my house
16 right now and ownership transfers and something changes
17 significantly about the camp, in this case the use, does
18 the law require me to get a new survey when you get your
19 house? New survey, I've got to get a survey.

20 MR. BLUSTEIN: Absolutely not. Nobody's required to
21 get a survey to buy a house.

22 BOARD MEMBER GLISSON: All right.

23 CHAIRMAN ZAMONSKY: Okay. So we're back to the
24 existing contours. My opinion is I think, with the
25 consultation of the engineer and the planner, it seems

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2 reasonable to me to have the contours done in the areas,
3 not through the woods, where the people will be using the
4 camp.

5 Does anybody else have any other take on that?

6 MR. BLUSTEIN: But before you guys vote on that, I
7 mean I know one of the gentleman on the board was out
8 there. Two of them. Somebody said a picture is worth a
9 thousand words. Has anybody complained? Has anybody
10 fallen there and gotten hurt in the last X amount of years?
11 It's the same type of use. These kids, they're not going
12 to be outside playing softball. For the most part, it's
13 Talmudic study inside. You're making issues of contours
14 that somebody may trip walking around. With all due
15 respect, it's ludicrous, absolutely ludicrous. This site
16 has been in existence and has been utilized. It's not the
17 same exact use, but it's pretty darn similar. You've had
18 families congregating there for summers for years. Okay?
19 I don't see how you can put this applicant through these
20 hurdles that you didn't make these people go through. If
21 the code has changed? Well, you know what? This is
22 existing and it can continue to exist in this fashion for
23 the next hunting years or longer. Okay?

24 BOARD MEMBER KELLER: Right now you're changing the
25 use and it's going to a camp. If you sell that camp

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2 tomorrow and it becomes a 300, 400 person camp where they
3 are playing softball, then it's on us if they get hurt. If
4 there's no fence around that pond and somebody drowns,
5 that's on us.

6 MR. BLUSTEIN: That's not required. They're willing
7 to do that if you make them do that.

8 Have you ever been to a summer camp?

9 BOARD MEMBER KELLER: I go to them at least once or
10 twice a year because of kids that drown in ponds.

11 MR. BLUSTEIN: Do they all have fences?

12 BOARD MEMBER KELLER: No. That's why the kids are
13 drowning in the ponds.

14 MR. BLUSTEIN: None of them do. Okay? None of them
15 do. I've been in Pennsylvania, I've been in New York, I've
16 been in New Jersey.

17 MR. CAPPELLO: The point is we can argue --

18 MR. BLUSTEIN: You're holding us to a different
19 standard than you've held everybody else.

20 CHAIRMAN ZAMONSKY: No, we're not.

21 MR. BLUSTEIN: Now we can start FOIL-ing the old
22 applications because I'm getting --

23 MR. CAPPELLO: First of all, give me any kind of
24 precedence that shows a planning board, on a new
25 application, is held to what planning boards in history

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2 does. You know you don't have it. You can argue. If you
3 want to show it to me, write a letter and show it to me.

4 MR. BLUSTEIN: I'm going to --

5 MR. CAPPELLO: No, no. Write a letter and prove me
6 the law, your position, and you support your position that
7 a planning board on a new application for a new use is held
8 to a prior planning board's. If you show me that, I'll do
9 it. But you're not going to find it, but you look and
10 provide it in writing.

11 MR. BLUSTEIN: I'm asking --

12 MR. CAPPELLO: Let's not argue.

13 MR. BLUSTEIN: Understanding that you have a lot of
14 camps in this town --

15 MR. CAPPELLO: That's fine if you want to say --

16 MR. BLUSTEIN: And I want to know because I want to
17 know what you've held them to when they've come before you.

18 MR. CAPPELLO: You can stay for the next application.

19 MR. BLUSTEIN: This town reeks of discrimination.

20 MR. CAPPELLO: The issue the Board is saying is this
21 is not the same use, it's a change of use, therefore, the
22 State is going to require you to be ADA compliant. You're
23 required to be ADA compliant. You need to demonstrate to
24 us and provide us the information to prove to us that
25 you're going to be ADA compliant. Now, if you're asking

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2 for a waiver, if you're asking for a waiver, show us what
3 you can provide to convince us that this is compliant. Not
4 that it may have existed and been noncompliant in years
5 prior, what can you show us and what information are you
6 willing to present to this board and say: This is what we
7 can give you to show we're compliant. Then this board can
8 consider a waiver. Because it exists and it may not have
9 been complaint and prior boards may not have done their due
10 diligence on applications doesn't mean it's permitted to
11 exist. You're required to meet ADA compliance
12 requirements. You're required to show us where the units
13 are, that they're not off a road. If a light was approved
14 in a town right-of-way and it has no right to be there
15 because a prior planning board made a mistake, that doesn't
16 mean it's right to be there. You saw the concerns of the
17 Board as it relates to the safety. So instead of telling
18 us we're discriminating, why don't you tell us how you can
19 prove and address those issues and what information you can
20 provide us to address those issues to try to convince the
21 Board that it doesn't maybe need everything. But it's
22 clear that as it relates to walkways, as it relates to
23 access, as it relates to ADA compliance, some topo is
24 needed to show that these facilities comply.

25 MR. PFAU: I mean that would be more providing spot

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2 elevations in parking areas and walking areas, not
3 providing -- I mean two foot contours aren't going to show
4 anybody that anything is ADA compliant. I mean I'd hate to
5 go through and spend \$10,000 on an aerial survey to find
6 out that that doesn't do anybody any good. I mean spot
7 elevations in parking areas and showing existing slopes and
8 grades makes more sense to me than providing two foot
9 contours on a 48 acre piece of property where more than
10 half of it isn't being utilized.

11 MR. TURNER: Is it possible --

12 MR. BLUSTEIN: Is there any merit to detail? Is that
13 accurate, to do spot elevations? What would be missing?

14 MR. PAGGI: I can't speak specifically about the cost.
15 I would find it difficult to believe that you couldn't fly
16 that property, an aerial of that property, at significantly
17 less cost to provide the detail that you would need with
18 even spot elevations. These guys, they'll guarantee it to
19 a hundredth of a foot in certain areas with spot
20 elevations, depending on the flight. And again, we don't
21 need the wooded area. We can do areas that are less than
22 that. To have somebody go up there and get the level of
23 detail that they would need and actually get spot
24 elevations along the roads, along the entrances, and
25 something that would be provided throughout the site with

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2 an aerial survey. I mean if they want to go there up and
3 manually do it and give us significant spot elevations, my
4 only caution would be that at that point, we may be coming
5 back and saying we some additional information here. If
6 you get an aerial, you know you're going to get the whole
7 area. I don't think we can tell them how they're going to
8 do the survey. We're just looking for the information to
9 determine what's the significance of any potential
10 nonconformity.

11 CHAIRMAN ZAMONSKY: So where were we? We're back to
12 B(1), existing contours with intervals of two feet or less.

13 Pat.

14 BOARD MEMBER KELLER: No waiver.

15 CHAIRMAN ZAMONSKY: Anybody else? That's on the
16 waiver. See any reason to waive it?

17 MR. PFAU: Can we ask that it at least be just the
18 area --

19 CHAIRMAN ZAMONSKY: Yes.

20 BOARD MEMBER GREEN: Confine it to the area where the
21 people going to be.

22 CHAIRMAN ZAMONSKY: The engineers will work on it.

23 So this, again, relates to survey. Location of
24 existing watercourses, marshes, wooded areas, rock
25 outcropping, isolated trees, et cetera, et cetera.

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2 I don't believe that we had required this on the other
3 applications, Larry?

4 MR. PFAU: We're not proposing -- I mean typically,
5 the reason to locate the large trees is so that the Board
6 knows that we try to save them, if possible. We're not
7 proposing to take any tree down. So we were hoping for
8 that waiver. I mean that's the reason to show those large
9 trees, is to show the Board that we're trying to protect as
10 much as possible. We're not removing a stitch of
11 vegetation so we were hoping to get a waiver on that.

12 MR. PAGGI: My only caution on watercourses and
13 natural features are if there have to be any modifications
14 you're not going to that information. I mean --

15 CHAIRMAN ZAMONSKY: In the future. There's no
16 modifications now.

17 MR. PAGGI: Right.

18 MR. PAGGI: KELLER: And again, if you did an aerial,
19 they'd show up.

20 MR. PFAU: Well, the existing watercourses are okay.
21 I guess it's the rock outcrops, isolated trees are really
22 the main thing.

23 CHAIRMAN ZAMONSKY: And some of the rock outcropping
24 are going to show up on the topo.

25 MR. PFAU: I mean the rock outcrops are up on the

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2 mountain.

3 CHAIRMAN ZAMONSKY: Yes.

4 MR. PFAU: There's probably a thousand of them.

5 MR. CAPPELLO: I mean you could put a condition on any
6 approval that says if any new construction occurs on the
7 site, a delineation of the wetlands or et cetera,
8 demonstration that it's not affecting the wetlands would be
9 applicable.

10 CHAIRMAN ZAMONSKY: Right.

11 Do we have to vote on the individual waivers?

12 MR. CAPPELLO: Well, if you want to give that waiver,
13 I would say go ahead or not. Let's go through them and
14 then maybe you could do a resolution to say we're waiving
15 this one, this one and this one.

16 CHAIRMAN ZAMONSKY: Depending on no work being done.

17 MR. CAPPELLO: Right.

18 MR. PFAU: Could we just go through the rest of it
19 because the last part of that sentence is important for us.
20 It says: Freshwater wetlands under the jurisdiction of the
21 Army Corps and New York State DEC shall be delineated.

22 We have the map of the original delineation and I
23 guess, again, we're not proposing to do any work at any
24 level. We're not proposing to do any work anywhere. We're
25 certainly not going to do anything in the wetlands. We

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2 were hoping that to do a full delineation, actually go get
3 the soil sample, to get the Army Corps out, get the DEC
4 out, we were hoping to ask for that waiver.

5 CHAIRMAN ZAMONSKY: Again, we can fall back on the
6 fact that no work is to be performed.

7 MR. TURNER: Right

8 MR. PAGGI: I agree.

9 MR. TURNER: I would, yes.

10 CHAIRMAN ZAMONSKY: So D(3): Copies of single-line
11 building floor plans and elevations.

12 No buildings are being modified; correct?

13 MR. PFAU: Correct.

14 CHAIRMAN ZAMONSKY: It's just the use is changing.

15 MR. TURNER: Generally, it's provided, I think the
16 number of students that will be living in each of the
17 buildings --

18 MR. PFAU: Correct.

19 MR. TURNER: -- I think you provide on the map.

20 MR. PFAU: That's correct.

21 MR. TURNER: I don't know if you need that. Mary
22 probably needs that to make sure the buildings comply. I
23 would recommend that you could waive that.

24 CHAIRMAN ZAMONSKY: Does the Board --

25 MR. TURNER: It says floodplains. It means floor

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2 plans.

3 CHAIRMAN ZAMONSKY: Again, since there's no
4 modification, I think we'll use that comment that as long
5 as there's no modification to the existing buildings, we'll
6 waive D(3).

7 Location, direction, power, design and a time of use
8 for any proposed outdoor lighting, public address system,
9 isolux curves may be required.

10 Did I see a comment somewhere that music will be
11 played over the loudspeakers?

12 BOARD MEMBER STAROBIN: I would like to comment on
13 that. You know have a town code on that.

14 MR. PFAU: Yes.

15 BOARD MEMBER STAROBIN: it's very specific. Not
16 supposed to go past the borders of the camp.

17 MR. BLUSTEIN: We will comply with anything the town
18 requires.

19 MR. CAPPELLO: But do you know the location and
20 direction? I mean that, to me, would be something kind of
21 easy to --

22 MR. PFAU: The PA was not operating at the site at the
23 site visit.

24 MR. CAPPELLO: So you know where the PA --

25 MR. PFAU: We know, but it wasn't working.

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2 MR. CAPPELLO: Oh.

3 CHAIRMAN ZAMONSKY: In my opinion, I'll discuss it
4 with the Board, considering the fact that they will be
5 playing music and that there are some questions about the
6 outdoor lighting, I don't see that we have to waive that.

7 MR. PFAU: Well, I guess when you say waive it,
8 there's a lot of information you're asking for in there.

9 MR. UNIDENTIFIED SPEAKER: If they don't want
10 loudspeakers, we'll get rid of the loudspeakers.

11 MR. PFAU: Well, that's only part of it, is the PA
12 system. The other thing is the isolux curves for the
13 lighting, that's something when you're designing a lighting
14 plan.

15 CHAIRMAN ZAMONSKY: Yes. I mean, obviously, there
16 could be some issues with the light shine on the road if
17 that's the case. But we don't know. It's not on the plan.
18 We don't know. Even if you were to show some simple
19 foot-candles when they're on at night just so we
20 understood. But again, the PA system and the lighting.

21 BOARD MEMBER GOODMAN: Is that a modification on the
22 requirement, then?

23 CHAIRMAN ZAMONSKY: No, no. So I'm saying in my
24 opinion, I'm not in favor of waiving this. I don't want to
25 waive it since it's a requirement of the town.

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2 MR. PFAU: Even the isolux curves? You want to see
3 that, as well?

4 CHAIRMAN ZAMONSKY: Well, how else are we going to
5 know where the lights are shining, how bright they are. I
6 mean like I said, if you want a foot-candle, it would at
7 least give us some understanding of --

8 MR. PFAU: Not to provide iso lines. What you're
9 requesting --

10 CHAIRMAN ZAMONSKY: Right.

11 MR. PFAU: I mean that's ...

12 CHAIRMAN ZAMONSKY: I'm not sure about iso lines. I
13 don't know about anybody else, but I would like to
14 understand where they shine and how bright they are.

15 MR. PFAU: We can show the locations of the lights and
16 give you the model --

17 CHAIRMAN ZAMONSKY: The wattage.

18 Anybody else?

19 BOARD MEMBER GOODMAN: It's a modification.

20 CHAIRMAN ZAMONSKY: It's a modification. So you have
21 to show the lighting. We'll waive the isolux.

22 And if you are going to get rid of the PA system,
23 that's fine. but if not, you need to explain that.

24 MR. BLUSTEIN: Yes. I mean ...

25 CHAIRMAN ZAMONSKY: This is another waiver. They're

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2 looking for location and arrangement or proposed means of
3 access and egress, including sidewalks, driveways or other
4 paved areas.

5 MR. PFAU: It's not that part we're looking for. If
6 you keep going. I'm highlighting the whole ...

7 CHAIRMAN ZAMONSKY: The whole section.

8 MR. PFAU: The whole section.

9 CHAIRMAN ZAMONSKY: You're requesting a waiver of
10 providing profiles of grading and cross sections.

11 MR. PFAU: Right.

12 CHAIRMAN ZAMONSKY: I don't think at this point that
13 the cross sections are critical, but you'll be giving us
14 the grade with the topo.

15 MR. PFAU: Well, we're not proposing any grading. I
16 will give you the two foot contours, but we're not
17 proposing --

18 CHAIRMAN ZAMONSKY: That's what I'm talking about.
19 The grading is apart of the site plan.

20 Is everybody comfortable with that?

21 BOARD MEMBER GOODMAN: You're saying we'll be getting
22 that?

23 CHAIRMAN ZAMONSKY: Yes. We'll be getting most of
24 this. I mean the sidewalks and all, that will be on the
25 survey.

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2 MR. PFAU: Yes. We're requesting a waiver of the
3 profiles of grading and cross sections.

4 CHAIRMAN ZAMONSKY: Yes.

5 MR. PFAU: The grading will show up on the existing
6 contours.

7 CHAIRMAN ZAMONSKY: Does that make sense?

8 BOARD MEMBER GOODMAN: Yes. So we're waiving that
9 portion.

10 CHAIRMAN ZAMONSKY: Yes, we're waiving the cross
11 sections.

12 Waiver E(1): Existing and proposed contours at a
13 maximum of two feet vertical interval extended 100 feet
14 beyond the property lines. We're waiving that. We're
15 looking for only the contours to be shown in the area of
16 use. That'll be determined in conjunction with the
17 Planning Board engineer.

18 Location and types, sizes, slopes, where pertinent, of
19 existing and proposed waterlines, water wells, valves and
20 hydrants, storm and sanitary sewer lines, individual sewage
21 disposal systems, electric lines, telephone lines, gas and
22 other utility lines and utility poles. You're looking to
23 waive. Can we boil that down? You're looking waive
24 everything?

25 MR. PFAU: No, no. The waiver is pretty much for the

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2 slopes of the sanitary facilities and the underground.

3 CHAIRMAN ZAMONSKY: Okay. There were some concerns
4 about what appeared to be recently buried wires, conduits
5 near the road. Is that ...

6 MR. PAGGI: I mean as we were leaving out there, there
7 was a conduit with what appeared to be an electric line
8 that was very near the surface of the town road. So again,
9 I don't know when it was installed, if it was approved, how
10 that all happened, whether it's permitted to run across a
11 town road like that.

12 CHAIRMAN ZAMONSKY: Well, obviously, then, as we go
13 through the project we'll have to be shown that the Town
14 has approved it. So have Buddy be the guy to take a look
15 at that?

16 MR. PAGGI: I think we have to know what it is first
17 and then we can bring it to Buddy's attention and ask him
18 if he's okay with the existing conditions.

19 MR. PFAU: What about the flows?

20 CHAIRMAN ZAMONSKY: At this point I don't see a
21 reason.

22 Larry, do you see any reason to evaluate the septic if
23 the Health Department has approved it and it passed and it
24 meets the flows?

25 MR. PAGGI: Well, I don't know that the Health

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2 Department -- you can say that the Health Department has
3 approved it in the past. I think we can cover the waiver
4 by just saying that we're going to require that the
5 Planning Board be demonstrated that the DOH has approved
6 the sufficiency of the existing facilities, water and
7 sewer, for the proposed use.

8 CHAIRMAN ZAMONSKY: Everybody okay with that?

9 BOARD MEMBER GREEN: Yes.

10 CHAIRMAN ZAMONSKY: E(3), Waiver E(3): Existing and
11 proposed stormwater drainage and underdrain systems,
12 including location, size, slopes and all pipes, swales,
13 including inverts and top elevation of each, et cetera et
14 cetera.

15 This is the Applicant's response: There's no proposed
16 improvements. There will be no increased impervious areas
17 to the site, and as such, there will be no proposed
18 stormwater facilities proposed or required.

19 So again, my opinion is I'm fine with that as long as
20 there are truly no changes. So at this time --

21 MR. CAPPELLO: You have demonstrate that they're
22 functioning? I don't know detail, but there should be some
23 demonstration that whatever there is is functioning
24 correctly, not collapsed or nothing is backed up and you
25 provide --

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2 MR. PFAU: I mean as far as existing stormwater
3 facilities ...

4 CHAIRMAN ZAMONSKY: Then Mary will do a site
5 inspection.

6 BOARD MEMBER COLLIER: Does the tennis court have
7 anything to do with the impervious area that wasn't
8 approved?

9 MR. CAPPELLO: Yes is the answer. I mean it's fairly
10 small, but you should address it.

11 CHAIRMAN ZAMONSKY: So is the Board comfortable
12 waiving that with the understanding that the tennis court
13 will be addressed and stormwater will be addressed?

14 John, are you writing all this down?

15 MR. CAPPELLO: I'm going to try to summarize it at the
16 end.

17 CHAIRMAN ZAMONSKY: Soil and erosion sediment control
18 plan for a waiver. There was no disturbance.

19 BOARD MEMBER GREEN: Yes.

20 CHAIRMAN ZAMONSKY: Again, it's contingent upon no
21 work being done.

22 Landscaping plan: Based on site inspection, there is
23 significant landscaping on site. As there will be no new
24 proposed facilities, there is no new proposed landscaping.

25 MR. CAPPELLO: On some of these I don't know if you

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2 need to waive them other than --

3 CHAIRMAN ZAMONSKY: They just --

4 MR. CAPPELLO: If the landscaping plan is the existing
5 landscaping that's there, then you're approving that
6 existing landscaping. So that is your landscaping plan, is
7 the vegetated areas that are on the plan will remain. So I
8 don't necessarily know that you need to waive that.

9 CHAIRMAN ZAMONSKY: They just need to show --

10 MR. CAPPELLO: You just show what's there that is
11 vegetated --

12 MR. PFAU: Just notate that existing landscaping will
13 remain?

14 MR. CAPPELLO: Yes. I mean that's your plan; right?

15 MR. PFAU: Okay. I've got no problem with that.

16 CHAIRMAN ZAMONSKY: So Waiver H, Stormwater Management
17 Plan: There's no proposed improvements. Again, I think
18 this falls in the same category. At this point, I don't
19 think they need to file a stormwater management plan.

20 That's correct, that's what you're looking for; right?

21 MR. PFAU: I'm sorry?

22 CHAIRMAN ZAMONSKY: That's what you're looking for;
23 right? Stormwater management plan?

24 MR. PFAU: Yes. I'm looking not to be able to have to
25 do a plan.

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2 CHAIRMAN ZAMONSKY: That's it.

3 MR. PFAU: That's it.

4 CHAIRMAN ZAMONSKY: John, are you able to regurgitate
5 all that stuff back to us?

6 MR. CAPPELLO: Yes. As I hear it, the Board will
7 require a certified survey. Whether one exists or not, the
8 certified survey will be required as per the code.

9 You're not, at this point, ready to waive what we'll
10 refer to as A(6).

11 That the Board will require existing contours at
12 intervals of two feet in those areas that existing
13 facilities, roadways, sidewalks and improvements exist, but
14 not in areas that are wooded and unoccupied.

15 That the Board will waive D(3) as far as the location
16 of existing marshes, wooded areas, rock outcrops and
17 isolated trees so long as there's a note there that any new
18 work required may require those areas that might be
19 disturbed be delineated, including freshwater wetlands, but
20 that the Board will require a showing of any existing
21 watercourses.

22 D(3): The Board, as part of site plan review, will
23 not require copies of single-line building floor plan and
24 elevations for existing buildings so long as any changes
25 are submitted to the Building Department and/or Health

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2 Department, as necessary, for review. And if it's
3 determined that any of those revisions require any site
4 modification as it relates to access or accessibility, that
5 that will need to be shown as part of site plan.

6 MR. TURNER: You might want to consider, the Applicant
7 is indicating they're probably not going to change the
8 exterior. But if their exterior elevation changes, I think
9 the Board might want to have that.

10 MR. PFAU: We're not proposing --

11 MR. TURNER: I know you're not proposing it.

12 MR. CAPPELLO: So include that, then. Any changes to
13 exteriors will also be shown.

14 D(6): The location, direction, power, design and time
15 of use for any proposed outdoor lighting or public address
16 system shall be shown on the plan, along with cutouts and
17 details regarding the area that those lighting systems will
18 design, but at this point, isolux curves are not required.

19 The Board, once you look at it, you may want something
20 depending on

21 For D(8): No cross sections will be required for
22 existing roads so long as it's demonstrated that they meet
23 all requirements as it relates to access without any
24 improvements.

25 MR. PFAU: John, and profiles?

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2 MR. CAPPELLO: If I didn't say, and profiles.

3 For E(1): Existing and proposed contours at a maximum
4 of two foot vertical intervals extending 100 feet beyond
5 the property line, the Board waives that because it only
6 refers to beyond the property lines.

7 E(2): The Board will require the location, types and
8 sizes of existing waterlines, will require the location and
9 type of existing waterlines, water wells, valves and
10 hydrants, storm and sanitary sewer lines, but will not
11 require profiles and slopes unless required by Health
12 Department. And such facilities shall be approved by the
13 Health Department. If any revisions are necessary, site
14 plan approval will be required.

15 Stormwater drainage: Existing needs to be shown and
16 demonstrate that it's in working condition. Since there's
17 no improvements, no additional work will be done. The
18 Applicant will address any additional runoff, if any, from
19 the tennis court.

20 Soil erosion and control: A sediment plan is waived
21 subject that it be demonstrated that no soil disturbance is
22 proposed.

23 Landscaping plan I'm not going to address because I
24 think we've addressed it. I think we'll just look at
25 what's there and he'll determine if that's suitable.

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2 And stormwater management plan is waived at this time
3 since there are no proposed improvements other than the
4 existing tennis court which is limited in size.

5 So with that, the Board can make a motion if you agree
6 to that. I don't know if the Applicant, or if you want any
7 revisions to that.

8 CHAIRMAN ZAMONSKY: Do I have a motion to approve the
9 waivers as described by Mr. Cappello?

10 BOARD MEMBER KELLER: Motion.

11 BOARD MEMBER GREEN: Second.

12 CHAIRMAN ZAMONSKY: Pat, motion. Lorry.

13 All in favor?

14 BOARD MEMBER GREEN: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 BOARD MEMBER GLISSON: Aye.

17 BOARD MEMBER COLLIER: Aye.

18 BOARD MEMBER KELLER: Aye.

19 CHAIRMAN ZAMONSKY: Aye.

20 (The motion was approved and carried.)

21 BOARD MEMBER GREEN: I'd just like to make a comment
22 because of all the rancor that you heard here when this
23 discussion was started. By my count, we have one that we
24 did not waive and all the rest were either totally waived
25 or partially waived.

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2 MR. BLUSTEIN: Thank you.

3 CHAIRMAN ZAMONSKY: Thank you.

4 MR. BLUSTEIN: So with all that, I think we've met the
5 requirements to get a public hearing scheduled for next
6 month.

7 CHAIRMAN ZAMONSKY: I don't actually think so. Once
8 we see the topo we're going to have to make some judgments
9 on the pathways and also in terms of the road and where the
10 lights are located. So I'd like to at least get through
11 that process before we set a public hearing.

12 MR. CAPPELLO: And has the Applicant been provided a
13 copy of the memo?

14 MS. FRANCK: Yes.

15 MR. TURNER: Not this one. This one is much shorter.
16 I can give you a copy.

17 MR. CAPPELLO: Okay.

18 MR. PFAU: I have.

19 MR. TURNER: You have it?

20 MR. PFAU: I don't have yours, Stu, if you have one.

21 MR. TURNER: It's very short.

22 CHAIRMAN ZAMONSKY: All right. The next applicant --

23 MS. MEDLEY: Excuse me Stosh, I just have one
24 question.

25 CHAIRMAN ZAMONSKY: Yes.

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2 MS. MEDLEY: Where is -- I mean you've probably eluded
3 to it -- the environmental review process. Where is this
4 board with the environmental review process? I mean I saw,
5 in the file, a two-page short EAF, Environmental Assessment
6 Form. I mean have you declared yourself Lead Agency or --

7 CHAIRMAN ZAMONSKY: No.

8 MR. TURNER: No.

9 MS. MEDLEY: So in terms of a public, just my point of
10 view --

11 CHAIRMAN ZAMONSKY: Paula, it's not public comment.

12 MS. MEDLEY: I know, I know. But I thought I'd try to
13 get in.

14 CHAIRMAN ZAMONSKY: Good try.

15 (Time noted: 8:12 p.m.)

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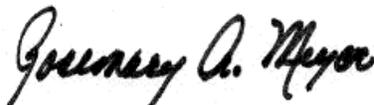
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REPORTER'S CERTIFICATION

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 Paradise II Resort, Inc., 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

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