

In The Matter Of:
Town of Mamakating
Planning Board

Meeting Minutes
1-8-19
January 8, 2019

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

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TOWN OF MAMAKATING
PLANNING BOARD MINUTES

January 8, 2019

TOWN HALL

WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

STANLEY ZAMONSKY, Chairman

LORRENCE GREEN, Vice Chairman

ALEX GOODMAN, Board Member

ERIK COLLIER, Board Member

JOSEPH RUSSEK, III, Board Member

MORT STAROBIN, Board Member

MARY GRASS, Building Inspector/Code Enforcement

JOHN CAPPELLO, ESQ., Attorney

LAWRENCE PAGGI, P.E., Engineer

ADRIANA BELTRANI, Planner

JERIC CORPORATION
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P.O. Box 385
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Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Congregation Chasidei Belz Beth Maika
(Paradise II Resorts, Inc.)
Request for Extension
Tax Map Section 63; Block 1; Lot 43.9
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
7:00 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: ZACHARY KELSON, ESQ.
on behalf of Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -

2 (The minutes of the commencement of the
3 meeting were taken by Kyra Platt, Building
4 Department.)

5 Chairman Stanley Zamonsky III opened the meeting. He
6 asked Mary Grass, Building Inspector and Planning and
7 Zoning Clerk to read in the agenda.

8 MS. GRASS: Just a small housekeeping note. We would
9 like to congratulate Joe Russek on the birth of his
10 daughter, December 4th, 2018.

11 There has been a small change to the Planning Board.
12 Our new chairman is Stanley Zamonsky, and Mort has stepped
13 way, way down. He's already in retirement mode.

14 The first item on our agenda is to accept the minutes.
15 We are accepting the November minutes. There was a typo on
16 the agenda. We are accepting the November minutes.

17 CHAIRMAN ZAMONSKY: Can we make a motion to accept the
18 November minutes?

19 BOARD MEMBER RUSSEK, III: I'll make that motion.

20 BOARD MEMBER GOODMAN: I'll second it.

21 CHAIRMAN ZAMONSKY: All in favor?

22 BOARD MEMBER GREEN: Aye.

23 BOARD MEMBER GOODMAN: Aye.

24 BOARD MEMBER COLLIER: Aye.

25 BOARD MEMBER RUSSEK, III: Aye.

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 BOARD MEMBER STAROBIN: Aye.

3 CHAIRMAN ZAMONSKY: Aye.

4 (The motion was approved and carried.)

5 MS. GRASS: First on our agenda is a public hearing
6 for Mount Vernon Acres LLC. It is a four-lot subdivision,
7 Tax Map Section 14; Block 1; Lot 20.1. The property is
8 located on Mount Vernon Road and is approximately 76.52
9 acres and lies in the Mountain Greenbelt Zone.

10 Oh, I read the old one.

11 UNIDENTIFIED SPEAKER: You read the second one.

12 MS. GRASS: I'm sorry, I read No. 4 instead of No. 3.

13 First on the agenda is Congregation Chasidei Belz
14 Maika for a request for an extension, Tax Map Section 63;
15 Block 1; Lot 43.9. The property is located at 437-438
16 South Road, and is approximately 45.16 acres and lies in
17 the Mountain Greenbelt Zone.

18 MR. KELSON: Should I go to the podium? Should we
19 wait for Rosemary to set up? I'll wait for Rosemary to set
20 up.

21 MS. GRASS: That's what Kyra is here for. We can
22 start.

23 MR. KELSON: Okay.

24 My name is Zachary Kelson. I represent Paradise II
25 Resorts, Inc.

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -

2 The Board may remember that back in June of 2017 you
3 granted special use permit and site plan approval, the
4 operation of a summer camp. The Applicant, at that time,
5 got approval. I'm not sure they would have been able to
6 operate that summer, then they walked away from the
7 project. They lost hundreds of thousands of dollars.

8 We are actively looking to sell the property. We now
9 have a contract of sale with the present contract vendee
10 who is Yeshiva Beth Haverdrash Shaarei Yosher. I'm
11 surprised I could pronounce that. Things are a little
12 different. When I say they're a little different, the
13 Applicant, we have Mr. Isaac Herbst and Mr. Israel
14 Grunwald, have experience running camps. I think that the
15 difference between the last project and today's project is
16 that they have plenty of time, to the extent of the site
17 plan and special use permit, to do everything that you've
18 asked for them to do.

19 It's my understanding, and I think the engineer will
20 confirm that, that there will be no changes to the
21 previously approved plans and site plan approval. And they
22 will agree to anything, any reasonable request that you've
23 asked for.

24 There was a discussion about whether the site plan has
25 expired or not. Rather than get into that discussion,

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 we're here tonight. We're asking that you extend it for
3 another 18 months and that all the same conditions that
4 were previously granted be subject to.

5 Mr. Pfau is here. Oh, there you are.

6 Do you want to just brief them as to what's happened
7 and what's going on?

8 (The remainder of the minutes were recorded
9 by the stenographer.)

10 MR. PFAU: Yes. Hi. My name is Joe Pfau.

11 Since we received the conditional approval we did
12 receive our sanitary SPDES permit from the New York State
13 DEC. I think that was a big condition.

14 I've also got a sign off from DOH for the water
15 supply. Those were slightly pending when we got
16 conditional final approval. We did receive those, both
17 those, right after we received the approval.

18 And to confirm Mr. Kelson, there is no change to the
19 site plan with this new applicant.

20 MR. KELSON: Just to add to what Mr. Pfau said, I know
21 you reviewed with the Applicant the conditions --

22 MR. PFAU: Right.

23 MR. KELSON: -- and have gone through each one, spent
24 a couple hours with it and explained to them so that
25 there's no confusion. They also understand they need to

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 work with the Building Department, with the Planning Board
3 attorney and the Planning Board engineer and other
4 professionals if there are any issues that come up, and
5 that they need to work with the Board. I'm pretty
6 comfortable that these people will be good neighbors.

7 We ask that you extend the permit application, unless
8 there's anything you want to add.

9 CHAIRMAN ZAMONSKY: John, can you bring us up to speed
10 a little bit on what's happened since?

11 Is it June of '17 that you received a conditional?

12 MR. KELSON: Actually, it was June 2017, but the
13 actual resolution wasn't filed and signed until July 25th
14 of 2017 and filed with the Town clerk and the Planning
15 Board clerk on, I believe July 26th of 2017. So within the
16 18 months, just to clarify.

17 CHAIRMAN ZAMONSKY: And the conditions of approval?

18 A. MR. CAPPELLO: Yes. This is what was going to
19 come up later on our agenda. Really, the approvals run
20 with the land, and not necessarily with the applicant.
21 this really is as if the original applicant came in, as
22 we've had in other instances, and said, Yes, I'm still
23 pursuing it diligently, would like to continue to go.
24 They're subject to the same approval. Whenever they do
25 come in to do any work, Mary will have to contact everyone

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 to say, Hey, or look at the list of all the conditions on
3 the approval, and there is a written resolution, that it's
4 been met. They'll have to demonstrate for the Board they
5 are able to do it. If, in the meantime, they determine
6 they need to make some changes then they would have to come
7 back here and amend the approval. But usually, the test on
8 extensions of approval is has there been any substantial
9 circumstances that have changed from in the time that the
10 approval was granted to present that would significantly
11 alter it. Sometimes you could have significant time passes
12 and things that are discovered. We had an approval and we
13 went through it a long time, as I recall.

14 CHAIRMAN ZAMONSKY: I guess I was wondering is where
15 do we stand with that approval.

16 MR. PAGGI: Well, to refresh everyone's memory, the
17 application was for a camp. Really, I mean like a summer
18 school, my recollection was, was more teenage aged
19 children, but there was going to be some camp, like
20 instructors or counselors that could have children there.
21 There were several safety issues relative to the road that
22 weren't address. Crosswalks, lighting was an issue. The
23 demonstration of lighting I think was one of the conditions
24 of approval once they were in operation. They couldn't
25 demonstrate because the power had been turned off. Noise I

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 think was also an issue with the speaker system. There is
3 a resolution in place. I don't know that we've seen
4 anything as of yet to say that those conditions have been
5 addressed. I guess my questions would be, at this point,
6 is the use going to be identical in nature. If not, what
7 are the differences. If so, then perhaps if they could
8 submit their information that addresses our conditions,
9 then we could review them.

10 MR. KELSON: Just if I might, there are no changes.
11 There are no proposed changes --

12 MR. PAGGI: Okay.

13 MR. KELSON: -- whatsoever, structural or otherwise,
14 to the camp. So there's actually none.

15 MR. PAGGI: How about use?

16 MR. KELSON: No change at all.

17 MR. PAGGI: Okay.

18 MR. KELSON: None whatsoever. I make that statement
19 knowing that this was a question that was going to be
20 asked, I went through it thoroughly. There is not going to
21 be one single change. In essence, just it's a name change.
22 When I say name change, there's a totally different
23 applicant who has a lot more experience. I think we saw it
24 in the last application, that there were some problems with
25 them getting their act together. But the Board was patient

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 enough, and I appreciate that, to grant them the approval
3 after some lengthy time of getting them up to speed. The
4 difference here is that the people that are going to
5 operate this camp have already operated camps. They know,
6 they deal with the Department of Health all the time. They
7 deal with engineers such as yourself, and professionals.
8 There will be no changes whatsoever. Again, I want to just
9 state that. I'm not sure if there's anything new to say
10 exactly what it's going to be. And they also understand
11 that if that changes, they can't do anything unless they
12 come back to this Board and consult with the Planning Board
13 attorney, the engineer, as well as the Building Department,
14 and Ms. Grass.

15 MR. CAPPELLO: I mean that's what they're asking for
16 an extension of, is time to meet the conditions of the
17 approval. When they submit the information to go for a
18 building permit they'll have to submit a package like other
19 camps have now had to do to say, Here's the evidence that
20 we've met all the special permit conditions. And at that
21 point, the evidence that they submit, Mary looks at it or
22 calls Larry or calls me and says, No, this is a different
23 use or it's expanded, then they would have to come back
24 here and have us look at that at that time. Right now all
25 they're asking for is 18 months to do what was approved by

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 this property owner.

3 MR. KELSON: And just to clarify, and I appreciate,
4 we're asking for 18 months but it's our expectation, based
5 on the experience of the people that are now in contract
6 with us, that hopefully, they will be open this summer, but
7 they will do it in a manner which is they will not open,
8 they will not accept anybody in there until the Planning
9 Board, the Town engineer and the professionals and the
10 building inspector and Mr. Cappello feel that all
11 conditions have been met. I want to be very clear about
12 that.

13 CHAIRMAN ZAMONSKY: Any questions or comments from the
14 Board?

15 BOARD MEMBER RUSSEK, III: Are there any open fees or
16 anything else from previous?

17 MR. CAPPELLO: Not to my knowledge, but that ...

18 BOARD MEMBER RUSSEK, III: Okay.

19 MR. KELSON: And just to clarify, one of the
20 conditions of the approval was that all fees be paid. So
21 if there's anything outstanding, whether it's from the
22 prior applicant or not, we understand it has to be taken
23 care of before everybody will sign off. We're talking
24 about the Building Department saying it's good to go.

25 MR. CAPPELLO: But there's no indication that there

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 was because in addition to what Mr. Kelson said, I think
3 one of our standards that this Board has applied when
4 giving extensions is to make sure at that time there's no
5 due and owing. There's been no evidence provided to me
6 that there is.

7 BOARD MEMBER GOODMAN: I recall getting a long
8 narrative from the last applicant about the use of the
9 camp. Is that something that's going to be at the next
10 step along the way or is that something that Mr. Kelson is
11 saying that they're going to be using it the same or is
12 that something new?

13 MR. KELSON: It's the same exact. There's not going
14 to be any change.

15 MR. CAPPELLO: Well, Mary will have to look at it, the
16 building. They're going to have to file to do repairs, a
17 building permit applications and applications for COs for
18 the switching use. At that time Mary can say showing all
19 the conditions.

20 MR. KELSON: Right, all the conditions have to be met
21 before anybody can either -- you know, before they do
22 anything. And certainly, all the conditions have to be met
23 subject to what Mary says before children can be at the
24 camp.

25 MR. CAPPELLO: And there will need to be Health

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 Department approvals --

3 MR. KELSON: Correct.

4 MR. CAPPELLO: -- for the operation of the camp, as
5 well, for water and sewer.

6 MR. KELSON: And as indicated before, these particular
7 -- well, my clients have experience in dealing in Sullivan
8 County with the Department of Health. They know exactly
9 what has to be done. It's my understanding, and Mr. Pfau,
10 tell me if I'm wrong, that the DEC has signed off on the
11 wetlands issue which was a condition.

12 MR. CAPPELLO: That's part of the permitting process,
13 the DEC permit.

14 MR. KELSON: And the Department of Health has
15 indicated, subject to the usual opening testing, that the
16 water supply will be sufficient and satisfactory.

17 MR. PFAU: Yes. And we can provide it in writing. I
18 have all the documents for both.

19 MR. PAGGI: So there's no required modifications for
20 or improvements to the sewage disposal system? It's going
21 to be used --

22 MR. PFAU: None.

23 MR. KELSON: And Joe, I assume you'll supply whatever
24 documents.

25 Mr. Pfau is going to be working with the Applicant,

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 with the Planning Board, with the building inspector, to
3 make sure that everything is met. And frankly, it actually
4 makes a lot of sense because he's been through the history
5 so he's got everything and it makes sense to continue with
6 him with the process.

7 MR. PAGGI: Makes sense?

8 BOARD MEMBER RUSSEK, III: Next step.

9 CHAIRMAN ZAMONSKY: Okay. So we'll just make a motion
10 to extend it for 18 months?

11 MR. CAPPELLO: Yes.

12 BOARD MEMBER RUSSEK, III: You want to stay with the
13 18 months?

14 MR. CAPPELLO: I would just say subject to
15 confirmation that all fees have been paid and subject to
16 the Applicant's testimony, meaning that everything, the use
17 of this would be the same and approved by this Board.

18 CHAIRMAN ZAMONSKY: Okay. That would be part of it.

19 MR. CAPPELLO: Yes. We'll put it in the record here.

20 BOARD MEMBER GREEN: Are you anticipating the same
21 number of campers?

22 MR. KELSON: We anticipate that it will not exceed the
23 amount of campers that you previously approved. And if it
24 changes, obviously, they understand that they need to come
25 back to you. I don't anticipate that it will be greater.

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -

2 CHAIRMAN ZAMONSKY: Okay.

3 Do I have a motion to extend conditional approval for
4 Paradise II Resorts, Map Section 63; Block 1; Lot 43.9 for
5 18 months? Do I have a motion?

6 BOARD MEMBER RUSSEK, III: I'll motion.

7 CHAIRMAN ZAMONSKY: Do I have a second?

8 BOARD MEMBER GOODMAN: Second.

9 CHAIRMAN ZAMONSKY: Alex.

10 All in favor?

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER RUSSEK, III: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 CHAIRMAN ZAMONSKY: Aye.

17 (The motion was approved and carried.)

18 CHAIRMAN ZAMONSKY: Okay. It's unanimous.

19 MR. KELSON: Thank you very much. Have a good
20 evening.

21 (Time noted: 7:22 p.m.)

22 * * * * *

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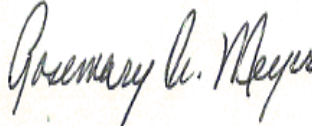
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REPORTER'S CERTIFICATION

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 Congregation Chasidei Belz Beth Maika (Paradise II Resorts, 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

Date Transcribed: February 7, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Mount Vernon Acres LLC/Jack Kitzis
Tax Map Section 14 ;Block 1; Lot 20.1
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
7:23 P.M.

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- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
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- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Larry Marshall, P.E.
on Behalf of Applicant

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(845) 252-3515

Reported by: Rosemary A. Meyer

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 MS. GRASS: The next applicant, for a public hearing,
3 Mount Vernon Acres, LLC, four-lot subdivision. Tax Map
4 Section 14; Block 1; Lot 20.1. The property is located on
5 Mount Vernon Road and is approximately 76.52 acres and lies
6 in the Mountain Greenbelt Zone.

7 MS. GRASS: We received the mailings.

8 CHAIRMAN ZAMONSKY: Do you explain the project?

9 MR. MARSHALL: My name is Larry Marshall from
10 Mercurio-Norton-Tarolli-Marshall, the Applicant's engineer
11 and land surveyor.

12 This application is a four-lot subdivision located in
13 the MG Zoning District. The site, in total, is 76 acres,
14 and we're subdividing three lots or, four lots off, so four
15 lots in total, with lots ranging in size from 4.16 acres to
16 up 59.87 acres.

17 We've completed all the soils testing on the site.
18 We're in the process of completing one of the septic
19 systems for Lot 4.

20 We do have some minor comments that remain to be
21 addressed from the Town's engineer, which we're working on.
22 But all major items have been addressed.

23 CHAIRMAN ZAMONSKY: Okay. Thank you.

24 There's a sign up sheet. Does anybody have any public
25 comments? I don't know ...

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 Do I have a motion to open the public hearing?

3 BOARD MEMBER COLLIER: Motion.

4 CHAIRMAN ZAMONSKY: Erik.

5 BOARD MEMBER RUSSEK, III: Second.

6 CHAIRMAN ZAMONSKY: All in favor?

7 BOARD MEMBER GREEN: Aye.

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER COLLIER: Aye.

10 BOARD MEMBER RUSSEK, III: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 CHAIRMAN ZAMONSKY: Aye.

13 (The motion was approved and carried.)

14 CHAIRMAN ZAMONSKY: All right, with that, the public
15 hearing is open for Mount Vernon Acres, LLC.

16 MR. D. LYBOLT: Me?

17 CHAIRMAN ZAMONSKY: You can go. Go ahead.

18 MR. D. LYBOLT: Thank you.

19 I'm Dave Lybolt. I live in Summitville.

20 I just have really one question. Exactly where on
21 Mount Vernon Road is the subdivision?

22 MR. MARSHALL: The property is located to the, I guess
23 the west of where Budd Road is.

24 MR. D. LYBOLT: Okay. So this is Budd, Lybolt Road?

25 A. MR. MARSHALL: Yes.

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 MR. D. LYBOLT: On the right side, then?

3 MR. MARSHALL: Yes. So you have Lybolt Road and you
4 have Fordham Road. And then Budd Road is on the right.
5 This property is past Budd Road on the left, on the same
6 the side as Lybolt.

7 MR. D. LYBOLT: Oh, so it's where the other houses are
8 now, where it's the newer houses?

9 MR. MARSHALL: There are three houses upfront, yes.

10 MR. D. LYBOLT: Oh, so it's part that subdivision?

11 MR. MARSHALL: Yes. So these, the three houses that
12 were up front, the newer houses along Mount Vernon, they
13 were previously part of this parcel.

14 MR. D. LYBOLT: Got you.

15 MR. MARSHALL: That was subdivided off previously. So
16 the owner of this property is just looking to subdivide
17 three additional parcels off of the 76 acres for a four-lot
18 subdivision.

19 MR. D. LYBOLT: Okay. Thank you.

20 MR. MARSHALL: You're welcome.

21 CHAIRMAN ZAMONSKY: Okay. Anybody to speak?

22 (No verbal response.)

23 CHAIRMAN ZAMONSKY: Okay. Do I have a motion to close
24 the public hearing?

25 BOARD MEMBER GOODMAN: I'll make the motion.

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 CHAIRMAN ZAMONSKY: Alex.

3 Do I have a second?

4 BOARD MEMBER RUSSEK, III: I'll second.

5 CHAIRMAN ZAMONSKY: Joe.

6 All in favor?

7 BOARD MEMBER GREEN: Aye.

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER COLLIER: Aye.

10 BOARD MEMBER RUSSEK, III: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 CHAIRMAN ZAMONSKY: Aye.

13 (The motion was approved and carried.)

14 CHAIRMAN ZAMONSKY: Okay. Larry, do you want to bring
15 us up to date?

16 MR. PAGGI: The technical comments that Larry was
17 referencing are actually from the December meeting. There
18 was no new information submitted for this meeting. I agree
19 with his description as them being minor. They really are,
20 as I like to say, nuts and bolts types of issues. There's
21 some additional design information for Lot 4's septic
22 system, some sight distance calculations that they need to
23 provide. I'm sure that that information will be
24 forthcoming.

25 MR. MARSHALL: Yes.

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 CHAIRMAN ZAMONSKY: Okay.

3 MR. PAGGI: You had some question about the bats.

4 MS. BELTRANI: The bats.

5 MR. PAGGI: Did you guys go to DEC asking if there
6 were any?

7 MR. MARSHALL: We didn't specifically ask them
8 regarding the bats yet. We are working with them on the
9 wetland delineation --

10 MR. PAGGI: Okay.

11 MR. MARSHALL: -- the verification of that. We're
12 running into some issues with the validation of the
13 wetlands just because of the time of year. We actually had
14 them out shortly after the snowfall in November. They
15 couldn't complete the validation. We're trying to work
16 with them once as opposed to multiple times, but we will
17 reach out to them and make sure that the restriction is
18 adequate.

19 MR. PAGGI: Very good.

20 CHAIRMAN ZAMONSKY: Any questions or comments from the
21 Board?

22 (No verbal response.)

23 CHAIRMAN ZAMONSKY: Grant conditional?

24 MR. CAPPELLO: You have to do a SEQRA determination
25 before you can grant. Given the DEC clarification and the

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -
2 bat issue, what I would suggest that you do consider a
3 Negative Declaration under SEQRA, that you mention it's
4 based upon the information that you have. And since this
5 is a subdivision, maybe if you want to consider preliminary
6 and consider final as long as it comes back and the DEC
7 confirms that those the boundaries of the wetland is
8 correct, it hasn't changed substantially and that the
9 mitigation measures they propose for the bats are okay, and
10 the Board at that time, if you want to consider that.

11 The next resolution would be to just reference that
12 the Board has reviewed the Environmental Assessment Form
13 and the issued proposed for the subdivision and based upon
14 the information submitted by the Applicant, you consider a
15 Negative Declaration under SEQRA for this project.

16 CHAIRMAN ZAMONSKY: Does anybody on the Board have an
17 issue with that? There's two items of SEQRA, the wetlands
18 and then the bats. Is there mitigation by the Applicant?

19 MR. CAPPELLO: Yes. The Applicant has provided
20 mitigation. I'm saying you can say, if you were
21 comfortable, that based on that, you grant a Negative
22 Declaration. Then when they come back for final, if the
23 DEC has changed or the boundaries are substantially
24 greater, then you could rescind the Neg Dec and require
25 more information. If they confirm the wetlands, you can

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -
2 consider final.

3 CHAIRMAN ZAMONSKY: Do I have a motion for a Neg Dec?

4 BOARD MEMBER RUSSEK, III: I'll make that motion.

5 BOARD MEMBER GREEN: Second.

6 CHAIRMAN ZAMONSKY: All right. All in favor?

7 BOARD MEMBER GREEN: Aye.

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER COLLIER: Aye.

10 BOARD MEMBER RUSSEK, III: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 CHAIRMAN ZAMONSKY: Aye.

13 (The motion was approved and carried.)

14 CHAIRMAN ZAMONSKY: Okay. So you can come back next
15 month and get conditional and final?

16 MR. CAPPELLO: Preliminary.

17 CHAIRMAN ZAMONSKY: Preliminary.

18 MR. CAPPELLO: You can consider preliminary. The DEC
19 is not going to confirm it 'til spring.

20 MR. MARSHALL: There's a very real possibility that,
21 depending upon the weather, that the DEC is not to confirm
22 the wetland boundary until the spring.

23 CHAIRMAN ZAMONSKY: Okay.

24 BOARD MEMBER RUSSEK, III: So this is just on hold
25 until DEC confirms everything.

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -

2 CHAIRMAN ZAMONSKY: Yes.

3 MR. CAPPELLO: Well, the question is is the DEC going
4 to confirm it with the Neg Dec, will they go ahead and
5 confirm it. If that, then he can just come in and get
6 preliminary and final. At the same time, if you're more
7 comfortable more wetland, come get the preliminary, come
8 and get for final. It's six of one, half a dozen of the
9 other.

10 MR. MARSHALL: Is there any issue with the timing, the
11 62 days?

12 CHAIRMAN ZAMONSKY: After the public hearing?

13 MR. MARSHALL: Because you closed the public hearing
14 and issued a Neg Dec?

15 MR. CAPPELLO: Well, you could come in and say you're
16 entitled to a preliminary by default and then we'd say
17 you're getting a default preliminary subject to you still
18 have to get DEC confirmation. I would suggest the Board
19 consider preliminary approval.

20 CHAIRMAN ZAMONSKY: Is the Board accepting of that?

21 MR. CAPPELLO: The resolution, the Board grants
22 preliminary approval to this, subject to the DEC confirming
23 that the Applicant's representation on the bat information,
24 mitigation is correct and that the wetlands delineated by
25 the Applicant are substantiated, confirmed by DEC, and

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -
2 subject to whatever other comments in the December 24th,
3 2018 letter from the Town engineer.

4 CHAIRMAN ZAMONSKY: Okay. Do I have a motion?

5 BOARD MEMBER STAROBIN: I'll make that motion.

6 CHAIRMAN ZAMONSKY: Mort.

7 Do I have a second?

8 BOARD MEMBER RUSSEK, III: Second.

9 CHAIRMAN ZAMONSKY: Joe.

10 All in favor of preliminary?

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER RUSSEK, III: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 CHAIRMAN ZAMONSKY: Aye.

17 (The motion was approved and carried.)

18 MR. CAPPELLO: Now that I got you to do the
19 preliminary, I would just suggest you slightly amend it,
20 based on the subdivision, to make a finding, a
21 determination that the original three lots, when approved,
22 that the final would create a need for potentially
23 additional recreation facilities within the town, and
24 therefore, condition of final approval, so the Applicant
25 knows now, will be paying the appropriate recreational fees

1 - RE: MOUNT VERNON ACRES, LLC / JACK KITZIS -
2 as set by the Town Board.

3 CHAIRMAN ZAMONSKY: Okay.

4 Do I have a motion to amend that?

5 BOARD MEMBER STAROBIN: I make that motion.

6 CHAIRMAN ZAMONSKY: Mort.

7 Second?

8 BOARD MEMBER GOODMAN: Second.

9 CHAIRMAN ZAMONSKY: Alex.

10 In all favor?

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER RUSSEK, III: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 CHAIRMAN ZAMONSKY: Aye.

17 (The motion was approved and carried.)

18 MR. MARSHALL: Thanks very much.

19 (Time noted: 7:33 p.m.)

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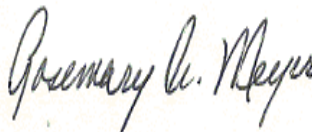
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REPORTER'S CERTIFICATION

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 Mount Vernon Acres LLC/Jack Kitziis, 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: February 7, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
All 4 The Children LLC/ Frank Roe
4 Lot Subdivision
Tax Map Section 10; Block 1; Lot 66
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
7:33 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Ross Winglovitz, P.E.
on behalf of Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - RE: ALL 4 THE CHILDREN, LLC -

2 MS. GRASS: The next applicant is also a public
3 hearing, All 4 The Children, LLC, additional information
4 brought in for a four-lot subdivision, Tax Map Section 10;
5 Block 1; Lot 66. The property is located on Ski Run Road.
6 The property is approximately 10 acres and lies in the
7 Burlingham Residential Zone.

8 MR. WINGLOVITZ: Good evening. For, the record, Ross
9 Winglovitz with Engineering and Surveying Properties here
10 on behalf of All 4 The Children, LLC for their application
11 for a four-lot subdivision.

12 I'll present this.

13 (Mr. Winglovitz presented the mailings.)

14 MR. WINGLOVITZ: The application, as I noted, is for a
15 four-lot subdivision. The property is on Ski Run Road,
16 about one mile northwest, I guess, or west of Burlingham
17 Road. The property is on the south side of the road. It's
18 an existing 10 acre lot. The lot was on the market for
19 about three-quarters of the year, I guess, when Mr. Roe saw
20 it and decided to purchase it.

21 What he's proposing is four new lots ranging in size
22 from just over two acres to approximately 3.25 acres, all
23 the frontage on Ski Run Road. There will be two lots in
24 the rear and two lots on the front so as you're going down
25 Ski Run Road it will appear like it's two lots with one

1 - RE: ALL 4 THE CHILDREN, LLC -
2 common driveway between those two lots servicing the rear
3 two properties.

4 All the houses are going to be served by well and
5 septic. The soils testing was completed this summer.
6 There's excellent soils for septic on the site. We've
7 done an extensive grading and drainage plan that the Board
8 has reviewed.

9 CHAIRMAN ZAMONSKY: Okay. Thank you.

10 Do I have a motion to open the public hearing?

11 BOARD MEMBER RUSSEK, III: Motion.

12 BOARD MEMBER GOODMAN: Second.

13 CHAIRMAN ZAMONSKY: Joe and Alex.

14 All in favor?

15 BOARD MEMBER GREEN: Aye.

16 BOARD MEMBER GOODMAN: Aye.

17 BOARD MEMBER COLLIER: Aye.

18 BOARD MEMBER RUSSEK, III: Aye.

19 BOARD MEMBER STAROBIN: Aye.

20 CHAIRMAN ZAMONSKY: Aye.

21 (The motion was approved and carried.)

22 CHAIRMAN ZAMONSKY: Just so everybody knows, we had a
23 sign up sheet. If anybody would like to be added, it's up
24 here.

25 I'll start calling names.

1 - RE: ALL 4 THE CHILDREN, LLC -

2 The first one, Elizabeth Cassidy.

3 MS. E. CASSIDY: Good evening.

4 CHAIRMAN ZAMONSKY: Good evening.

5 MS. CASSIDY: I did prepare a written comment, and my
6 apologies, I didn't realize there was a new chairman so
7 it's addressed to you as former chairman.

8 Good evening. My name is Elizabeth Cassidy. I am an
9 attorney. I represent the Pollina family who owns the
10 adjoining parcel. They've asked me to review the
11 application and make some comments to the Board. I won't
12 go into too terribly much detail. You'll have my written
13 comment.

14 One of the biggest concerns which you've already
15 received some correspondence in the prior application
16 before you this evening, the bats. When they did go into
17 the site to do their water testing they experienced swarms
18 of bats. My clients have lived in their property for 18
19 years and this is the first time that they had experienced
20 something like that. They're used to seeing bats fly
21 around at night, but not swarming activity like that. I
22 did note that your consultant had raised it as an issue so
23 I just ask the Board to take a hard look at that and get
24 the DEC determination and make sure that that is taken care
25 of both for the bats, as well as the quality of life for

1 - RE: ALL 4 THE CHILDREN, LLC -

2 the surrounding property owners.

3 I also note that the Applicant has proposed two flag
4 lots. Under your code flag lots are permitted. However,
5 they are to be used when a suitable lot configuration can't
6 be established, almost as a last resort. I did go through
7 the minutes that were available, as well as the application
8 material, and I didn't see any indication that that showing
9 was made. I question why was a cul de sac, a standard cul
10 de sac, not proposed. I ask the Board to consider it.

11 There's a couple reasons why. One, you have three separate
12 driveways on Ski Run Road. Now, I appreciate it's a fairly
13 residential road at slower speeds, but again, you have
14 three driveways when one could be accomplished.

15 There's concerns about the length of the road. One is
16 well over 500 feet and it's a single lane road. So if
17 there's a problem, somebody's coming in, somebody's going
18 out, where do you go, concerns like that. I know your
19 consultants raised questions about the turn around for
20 emergency vehicles.

21 Also, I note they moved the driveway away from both
22 adjoining property owners. I notice that the first and
23 third driveway are fairly close to the adjoining property
24 owner. The one proposed driveway for Lot 1 brings it
25 within 25 feet of the lot line. I also question, given the

1 - RE: ALL 4 THE CHILDREN, LLC -
2 proximity, we're going to have headlight issues shining
3 into those two residences on that side.

4 And I also note that it appears the one proposed
5 septic system for Lot 1, there's supposed to be a 25 foot
6 buffer, it appears that that septic system is within the
7 buffer of the proposed flag. So again, I ask the Board to
8 take a look at that.

9 Three, drainage. Taking a look at the drainage, the
10 drainage generally goes, and I misstated this, I think this
11 map shows the lot numbers differently than the map I'm
12 looking at, but I'll just show you on the map. What's
13 shown on this map is Lot 2 down to Lot 4. The plan I have,
14 I think they're different lot numbers. My clients have had
15 concerns in the past with drainage in the current
16 conditions in that. The water tends to run down, collect
17 at the bottom of the driveway. We want to make sure that
18 the drainage is explored thoroughly so that the clearance
19 that's anticipated with this project won't exacerbate
20 existing conditions.

21 I also note that your code requires a SWPPP. Your
22 consultants have pointed that out, that a SWPPP is
23 required.

24 I also note that your code says no application for
25 approval of land development shall be reviewed until the

1 - RE: ALL 4 THE CHILDREN, LLC -

2 SWPPP is received, so hopefully, that gets submitted.

3 I also ask the consultant to take a hard look at the
4 topography and drainage. Mr. Winglovitz, the drainage
5 plan. I'm a little concerned. Just given the topographic
6 numbers of the proximity of the proposed septic for this
7 lot and the one well, which is very close to the property
8 line. I did an informal measurement off of a photocopy.
9 It's very close. I just ask that that be confirmed that
10 there's enough separation so we don't have a well, septic
11 issue.

12 Lastly, the neighbors are fairly close to this
13 project. We ask that the Board spell out clearly what the
14 hours of construction are and that be included, recommended
15 as part of the approval. Not that I anticipate it will be
16 a problem, we just want to make sure that those hours are
17 set forth.

18 In closing, I ask that you all take a hard look. It
19 looks like you're doing that. And I look forward to
20 monitoring the project as it moves forward.

21 Thank you.

22 CHAIRMAN ZAMONSKY: Thank you.

23 MS. E. CASSIDY: I believe I have enough copies.

24 (Ms. Cassidy distributed documents to the
25 Planning Board.)

1 - RE: ALL 4 THE CHILDREN, LLC -

2 CHAIRMAN ZAMONSKY: Okay. Kristin Bayer. Did I say
3 that correct?

4 MS. K. BAYER: Yep, that's it. Thank you.

5 Hi. I live on 257 Ski Run Road which also borders
6 this project. It's says Bayer on the tax map there.

7 I've got a few concerns I would like for the Board to
8 take into consideration.

9 One is originally, when we bought this property, it
10 was agriculture and residentially zoned and we always
11 intended to do agricultural work, eventually. And so the
12 drainage is really a concern for me. Where the -- over
13 here, where the -- no, I'm sorry.

14 On the map that I've seen, what would be Lot 2,
15 there's a bit of an elevation. So the septic concerns me
16 as it flows down into my property. That's one thing I'm
17 concerned about.

18 The other concern I have is that there is no other
19 precedent for this sort of configuration on Ski Run Road
20 and as somebody committed to living in a rural community,
21 to have, you know, a rectangle that is shaped this way and
22 four houses, it's very different. There's no other shared
23 driveway, as far as I know, on Ski Run Road. And if we're
24 committed to maintaining a certain complexion of morality
25 in where we live, I think that's something I think the

1 - RE: ALL 4 THE CHILDREN, LLC -

2 Board should consider.

3 I appreciate your time. Thank you.

4 CHAIRMAN ZAMONSKY: Thank you.

5 Would anybody else from the public like to speak
6 before we close the public hearing?

7 (No verbal response.)

8 CHAIRMAN ZAMONSKY: Okay. Do I have a motion to close
9 the public hearing?

10 MR. CAPPELLO: Stosh, we were just talking. We have
11 comments here and there are a few. I don't believe the
12 SWPPP comments have been there. You might want to direct
13 Ms. Cassidy to give a copy of a letter to the Applicant and
14 that ask them to respond in writing in a couple week
15 before the next meeting, and also respond to Larry's. Then
16 we could have it all available, the public comment on the
17 new submission and then we could consider whatever
18 conditions or determination you approve.

19 MR. WINGLOVITZ: I think we've heard everything the
20 public has to say.

21 There was a SWPPP submitted with the plan. It's this
22 SWPPP. I think there's only two additional items that
23 Larry was looking for regarding the plan. I don't think
24 that we need to keep it open. We'd be glad to address any
25 of the comments Larry had. We just received them last

1 - RE: ALL 4 THE CHILDREN, LLC -
2 week, and there was really only four comments. One is the
3 title block. Two is a maintenance agreement for the
4 entrance. Three was sight distance, additional sight
5 distance for a left turn lane which we've done and it's
6 very good. And fourth one was regarding certification of
7 the topography.

8 MR. PAGGI: I guess the only thing I would add to
9 that, Ross, is that what's come to light, which is what the
10 purpose of the public hearing is, is that there's drainage
11 concerns. I would like to hear your response specifically
12 to that.

13 MR. WINGLOVITZ: We have no problem.

14 MR. PAGGI: Okay.

15 MR. WINGLOVITZ: That's fine.

16 MR. PAGGI: I mean that's the Planning Board --

17 MR. CAPPELLO: I mean the Board could close the
18 hearing and vote at your next meeting. But I would think
19 given the fact that we do have some comments here, having a
20 formal response and then having the folks who live there
21 have the opportunity to review and provide whatever
22 comments to the Board regarding that response before you
23 vote is probably the way to go. So I don't necessarily
24 think if all the comments are addressed appropriately that
25 it would preclude you from voting at the next meeting.

1 - RE: ALL 4 THE CHILDREN, LLC -

2 Whether you close the public hearing or not doesn't
3 necessarily mean -- I would rather have you keep it open in
4 case something came up in their response. Then we have to
5 renotice and do another whole hearing. This is people here
6 will know that whatever the submission date is for the
7 February meeting ...

8 MS. GRASS: February's submission date is January
9 22nd.

10 MR. CAPPELLO: So by January 22nd, Ross, if you could
11 submit a reply and then the neighbors will know on January
12 23rd, that you should contact Mary, get a copy of that
13 reply and come to the meeting in February with whatever
14 comments you may have on February 12th.

15 MS. GRASS: Just for the record, construction is
16 between seven a.m. and nine p.m.

17 CHAIRMAN ZAMONSKY: Probably on the web site?

18 MS. GRASS: It's in the zoning code.

19 BOARD MEMBER STAROBIN: I have a question.

20 CHAIRMAN ZAMONSKY: Sure.

21 BOARD MEMBER STAROBIN: Larry, regarding the septic
22 systems, in an area that has good drainage, what is the
23 plume of a septic system? Is that a valid type of question
24 to ask?

25 MR. PAGGI: I'm not really sure how to answer that.

1 - RE: ALL 4 THE CHILDREN, LLC -

2 There are certain requirements that the State health code,
3 Part 75-A, requires to protect groundwater and well water.
4 They've got to provide two foot separation vertically to
5 any groundwater. They've got to provide a hundred foot
6 separation from an uphill well, 200 foot separation to a
7 downhill well. So I don't know that a plume, per se, is
8 something that would be necessarily evaluated in a sewage
9 disposal system.

10 BOARD MEMBER STAROBIN: Okay. Thank you.

11 MR. WINGLOVITZ: And we did locate all the neighboring
12 wells as part of the survey work that was done so that we
13 could establish where they were. There was some concern
14 from neighbors about that. That's one of the reasons we
15 had to do that. All the septic and wells comply with the
16 required separation.

17 CHAIRMAN ZAMONSKY: I have one question.

18 MR. WINGLOVITZ: Okay.

19 CHAIRMAN ZAMONSKY: Why in the world can't the front
20 two lots also use the same driveway as the back two lots?

21 MR. WINGLOVITZ: Then we would have -- to me, common
22 driveways are a good tool in a certain perspective, but if
23 we can have our own entrance it's preferred. And this is
24 not dissimilar. I think we actually have greater
25 separation on these driveways, these three driveways, than

1 - RE: ALL 4 THE CHILDREN, LLC -
2 the neighboring properties have on their driveways. So
3 this is not dissimilar to the neighborhood. It's very
4 similar to what's out there right now. And if we can
5 provide our own entrance, we prefer to have our own
6 entrance.

7 CHAIRMAN ZAMONSKY: I know maintenance becomes an
8 issue. I mean it's an issue already because you have two
9 people sharing. Who's going to plow.

10 MR. CAPPELLO: And I think four lots sharing a
11 driveway is a private road. I don't think you can do a
12 private road.

13 CHAIRMAN ZAMONSKY: Okay.

14 MR. CAPPELLO: Not that it wouldn't be something to
15 explore, but ...

16 BOARD MEMBER GOODMAN: Does a road have to be built to
17 specs, then?

18 MR. CAPPELLO: Well, we talked about whether we have
19 road specs. We're going to get road specs for quite a
20 while now. Hopefully, in 2019 the Town will have road
21 specs. Some municipalities don't provide private roads
22 don't allow private roads at all. Some prefer private
23 roads. It's a debate the township.

24 MR. WINGLOVITZ: Is there an extra copy of the letter
25 for us?

1 - RE: ALL 4 THE CHILDREN, LLC -

2 MS. CASSIDY: Ross, I'll e-mail it to you.

3 MS. GRASS: Absolutely. Right here.

4 MR. WINGLOVITZ: Thank you.

5 CHAIRMAN ZAMONSKY: I think there's one question about
6 the septic system being in the buffer.

7 MR. PAGGI: There was a comment noted by Elizabeth
8 that: I note, also, that it appears that the proposed
9 septic system for Lot 1 is within the 25-foot buffer of the
10 flag in contravention of Section 1199-9(h)(g). I'd have to
11 look at that myself because I'm not sure what's being
12 describe there. We'll take a look at that. I'll review it
13 and I'm sure Ross will, as well.

14 CHAIRMAN ZAMONSKY: Any other questions or comments
15 from the Board?

16 (No verbal response.)

17 CHAIRMAN ZAMONSKY: Okay. Thank you.

18 MR. WINGLOVITZ: Are you going to make a motion?

19 MR. CAPPELLO: Yes. The Board could adjourn the
20 public hearing until the February meeting.

21 CHAIRMAN ZAMONSKY: Do I have a motion to adjourn the
22 public hearing until the February 12th meeting?

23 BOARD MEMBER RUSSEK, III: I'll make that motion.

24 CHAIRMAN ZAMONSKY: Joe.

25 BOARD MEMBER GOODMAN: Second.

1 - RE: ALL 4 THE CHILDREN, LLC -

2 MR. CAPPELLO: Just for the public, just so you know,
3 you're not going to get another notice so this is your
4 notice for the February 12th meeting.

5 CHAIRMAN ZAMONSKY: All in favor?

6 BOARD MEMBER GREEN: Aye.

7 BOARD MEMBER GOODMAN: Aye.

8 BOARD MEMBER COLLIER: Aye.

9 BOARD MEMBER RUSSEK, III: Aye.

10 BOARD MEMBER STAROBIN: Aye.

11 CHAIRMAN ZAMONSKY: Aye.

12 (The motion was approved and carried.)

13 (Time noted: 7:52 p.m.)

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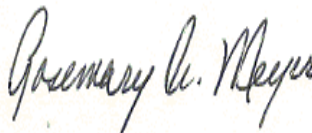
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REPORTER'S CERTIFICATION

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 All 4 The Children LLC / Frank Roe, 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: February 10, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

Musto & Kalantgis
Lot Line Change
Tax Map Section 77; Block 1; Lot 33 and
Tax Map Section 77; Block 1; Lot 31.5
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
January 8, 2019
7:52 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Michael Arnold
on Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

1 - RE: MUSTO and KALANGIS -

2 MS. GRASS: The next applicant is Musto and Kalantgis
3 for a lot line change. Tax Map Section 77; Block 1; Lot 33
4 and Tax Map Section 77; Block 1; Lot 31.5. The properties
5 are located on David Rhodes Road and 169 Pine Kill Road.

6 MR. ARNOLD: Hello. I'm Mike Arnold. I work with the
7 surveyors, Conrad, Close and Ewald.

8 MS. GRASS: Excuse me. We still have a meeting going
9 on.

10 Talk into the microphone, please.

11 MR. ARNOLD: Sorry.

12 MS. GRASS: Thank you.

13 MR. ARNOLD: All right. You had asked us to address
14 two things, like why the tax map didn't show the accuracy.
15 We had a filing with the County on May 2nd, 2002 that
16 addressed that line of question.

17 MS. BELTRANI: This? First of all, it's so small I
18 could not read it. I tried very hard.

19 So this is a lot line.

20 MR. ARNOLD: Yes.

21 MS. BELTRANI: This symbol over here ...

22 So then why was this lot line not removed any more?

23 MR. ARNOLD: This was never affected.

24 MS. BELTRANI: This was never affected.

25 MR. ARNOLD: No, that was never affected.

1 - RE: MUSTO and KALANGIS -

2 MS. GRASS: Please use the microphone.

3 MR. ARNOLD: That, I'm not sure. I did not do this
4 map. I'd have to check on it.

5 MS. BELTRANI: Well, you're only showing two of the
6 three lots in question on this map. So only two of the
7 three lots that you're here for a lot line for are shown.
8 The issue in the previous was that the lot lines, you have
9 got three of them; right?

10 MR. ARNOLD: No. This one is going to here on the tax
11 map. This was filed, that they had changed this one over.
12 Yeah, on May 2nd, 2002 they moved it. That was the lot
13 line change that was done.

14 MS. BELTRANI: Okay. To move this lot line here.

15 MR. ARNOLD: Yeah.

16 A. MS. BELTRANI: It's still really unclear.
17 John.

18 MR. CAPPELLO: From a legal perspective, the surveyor
19 is certifying this. That's why we ask the neighbors to
20 this to be given, even though it's a lot line division and
21 a public hearing is not required, we ask that those
22 neighbors that are affected be given notice so if they do
23 have an issue with this map, say, I own this, that they
24 have the opportunity to come.

25 And the last issue is he's certifying it isn't wrong.

1 - RE: MUSTO and KALANGIS -

2 It's his --

3 MR. ARNOLD: No, I understand.

4 MR. CAPPELLO: It's the surveyor. So I mean we've
5 done everything we can do from our perspective to make sure
6 the right thing is done. We have a certified survey. I
7 mean I can't see this any better than you, Adriana. I'm
8 relying upon what he said.

9 I mean are any of the neighbors ...

10 MR. ARNOLD: One of the neighbors I think is here.

11 MR. CAPPELLO: Oh, okay.

12 I don't know. Stosh, if you want to question if
13 anyone disagrees with the ...

14 CHAIRMAN ZAMONSKY: Okay. What is this? This is an
15 informal public hearing? Is that what ...

16 MR. CAPPELLO: Well, because it's really the location
17 of a lot line, it's not anybody building anything, it's not
18 like people within 500 feet or 300 feet, whatever our
19 rules are, that would all need mailings. But the people
20 who may have an objection about whether they own or don't
21 own the land should be given notice. That's why we ask the
22 two neighboring properties where the discrepancy appeared
23 to be here, if they wanted to come. So if the person who
24 comments comes and says, No, I own the property, no, you
25 don't, then --

1 - RE: MUSTO and KALANGIS -

2 CHAIRMAN ZAMONSKY: Okay.

3 MR. CAPPELLO: -- it's worth hearing.

4 This isn't something where someone is building
5 something or disturbing anything. It's really a lot line
6 change. We usually don't require a hearing, but this has a
7 complicating issue here.

8 MS. BELTRANI: Yes. I mean other than the
9 clarification, I don't have any other comments that are
10 super important.

11 CHAIRMAN ZAMONSKY: Okay. I'm sorry. Is it Fern?

12 MS. F. ASHWORTH: Fern, yes.

13 CHAIRMAN ZAMONSKY: Fern Ashworth, would you like to
14 come up and speak?

15 MS. F. ASHWORTH: My name is Fern Ashworth. My father
16 owns the very small property that you see on the map that's
17 surrounded by these other large properties. He has an
18 easement from Pine Kill Road to his property. I just
19 wanted to make sure that this merge between the two lots
20 did not affect the easement in any way, that there was no
21 change as far as access to the property and that there
22 wasn't going to be any development, you know, like a large
23 development all of a sudden happening on this very large
24 piece of property around my father's house. I have been
25 assured that that's not the case, but I just felt I should

1 - RE: MUSTO and KALANGIS -
2 be here and just find out for sure.

3 CHAIRMAN ZAMONSKY: Thank you.

4 MS. F. ASHWORTH: Thank you.

5 MR. CAPPELLO: I just point out that the easement is
6 specifically noted on the survey that this Board would be
7 approving. It does say 10 foot wide easement over existing
8 driveway to that lot. So that question is is that they
9 did. They're not seeking to dispute that. It's on the
10 survey that this Board will be approving that will be
11 filed. This is really a changing of the lot line.

12 Then if anything other than this lot line were to be
13 proposed by any of the property owners, they'd have to come
14 back here and do a whole a new different procedure. Just
15 like you saw on the other two subdivision applications,
16 they'd have to engineer it and you've have the opportunity
17 to look at that.

18 MR. PAGGI: I can't read it. It looks like it's got
19 metes and bounds on this one.

20 BOARD MEMBER GREEN: Is this what you're looking for,
21 the note?

22 MR. CAPPELLO: Yes. It refers to it here and then it
23 shows on the tax map, on the big one, which is what you're
24 going to approve.

25 MS. F. ASHWORTH: Thank you.

1 - RE: MUSTO and KALANGIS -

2 CHAIRMAN ZAMONSKY: Okay. Thank you.

3 Is there anybody who has any other comments on this
4 line lot change?

5 (No verbal response.)

6 CHAIRMAN ZAMONSKY: Okay. Thank you.

7 Any comments from the Board, questions, concerns?

8 BOARD MEMBER GREEN: I just wanted to say did we
9 resolve the difference between the two maps?

10 MS. BELTRANI: Yes. He pulled the map that was filed
11 with the County in 2002.

12 BOARD MEMBER GREEN: Okay.

13 MR. PAGGI: We had two minor comments. We had brought
14 one of them up. Last meeting we recommended that two
15 monuments be installed. I think we actually had a
16 discussion to the effect of where they would go. We
17 proposed that they go in the area of the Pine Kill. We
18 just ask that they be shown. Just show a concrete monument
19 detail.

20 MR. ARNOLD: You want concrete monument so it would be
21 clear on that.

22 MR. PAGGI: Yes.

23 MR. ARNOLD: These are the three that are circled,
24 where they're actually going to changing the --

25 MR. PAGGI: Right.

1 - RE: MUSTO and KALANGIS -

2 MR. ARNOLD: There's nothing being changed up in
3 the --

4 MR. PAGGI: Right.

5 MR. ARNOLD: But that's in the water.

6 MR. PAGGI: Right. We weren't going to do that there.
7 think we were thinking --

8 MR. ARNOLD: Concrete monuments on these three?

9 MR. PAGGI: That would be great.

10 MR. ARNOLD: You want concrete monuments.

11 MR. PAGGI: That would be great. I mean just because
12 they're kind of out in the middle of nowhere.

13 MR. ARNOLD: Sure.

14 MR. PAGGI: So it would be good.

15 MR. ARNOLD: As opposed to the irons. Okay.

16 MR. PAGGI: And then the last comment we had is that
17 the map that was submitted is one of the maps that's
18 referenced in the notes and it does have some significant
19 notations in it. I don't think we've had the opportunity
20 to read the comments, but one of them talks about they're
21 going to offer to the Town of Mamakating the property along
22 the road, David Rhodes Road. Another one talks about
23 protection of vegetation in the Greenbelt area. We simply
24 would just ask that a note be provided on the plan prior to
25 approval or a condition of approval, if you want to do it

1 - RE: MUSTO and KALANGIS -

2 that way, that states that any notes or conditions of prior
3 approval shall remain valid unless specifically altered in
4 this application.

5 MS. BELTRANI: That's note seven, eight?

6 MR. PAGGI: I think they ...

7 MS. BELTRANI: Okay.

8 BOARD MEMBER GREEN: Yes, it's seven.

9 MR. PAGGI: Seven?

10 MS. BELTRANI: And eight, trees and other natural
11 vegetation, yes.

12 CHAIRMAN ZAMONSKY: That's it?

13 MR. PAGGI: That's it.

14 CHAIRMAN ZAMONSKY: John, is there any reason why we
15 couldn't vote on it, subject --

16 MR. CAPPELLO: Yes, conditioned upon addressing the
17 comments of the engineer's letter, that the Board grant the
18 lot line. It's a Type II action under SEQRA.

19 Let the record reflect it's a Type II action under
20 SEQRA, and then the Board can vote to grant lot line
21 subject to addressing the comments in the January 8th, 2019
22 letter from the Town engineer.

23 CHAIRMAN ZAMONSKY: Do I have a motion for conditional
24 approval of the lot line change?

25 BOARD MEMBER RUSSEK, III: I'm make that motion.

1 - RE: MUSTO and KALANGIS -

2 CHAIRMAN ZAMONSKY: Joe.

3 Do I have a second?

4 BOARD MEMBER GREEN: Second.

5 CHAIRMAN ZAMONSKY: Lorry.

6 All in favor?

7 BOARD MEMBER GREEN: Aye.

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER COLLIER: Aye.

10 BOARD MEMBER RUSSEK, III: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 CHAIRMAN ZAMONSKY: Aye.

13 (The motion was approved and carried.)

14 MR. ARNOLD: Will I get a copy of what note you
15 actually want, the verbiage to be put on this?

16 MR. CAPPELLO: It's really going to be --

17 MR. ARNOLD: I can --

18 MR. CAPPELLO: -- say that this map is a portion of
19 property shown on filed map such and such and all notes on
20 that map shall apply as set forth herein.

21 Does this have a file map number?

22 MR. PAGGI: I think that is actually referenced on
23 this map.

24 The map, the small map that you gave us, I think you
25 referenced it in one of the notes here, didn't you?

1 - RE: MUSTO and KALANGIS -

2 MS. BELTRANI: Yes, it is referenced.

3 MR. PAGGI: In your reference map?

4 MR. CAPPELLO: So for all three of them, actually, in
5 case there's notes on the other ones. Just put something,
6 this shall include all conditions.

7 MR. PAGGI: The concern is that we don't want this
8 approval to negate any conditions of prior approvals.

9 MR. ARNOLD: Yeah, you want to carry them over.

10 MR. PAGGI: Carry them over.

11 MR. ARNOLD: Okay. Thank you.

12 (Time noted: 8:05 p.m.)

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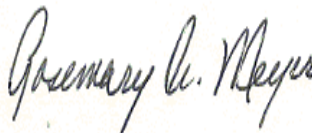
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REPORTER'S CERTIFICATION

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 Musto and Kalantgis, 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: February 9, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Eight Acres LLC
Lot Line Change
Tax Map Section 60; Block 4; Lot 3 and
Tax Map Section 60; Block 4; Lot 4

Neighborhood Residential Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
7:20 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Maria O. Zeno, Esq.
on Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - RE: EIGHT ACRES, LLC -

2 MS. GRASS: The next applicant is Eight Acres LLC,
3 more information regarding a lot line change, Tax Map
4 Section 60; Block 4; Lot 3 and Tax Map Section 60; Block 4;
5 Lot 4. The properties are located on Whitman Road and
6 Yankee Lake Road. Whitman Road is approximately 7.17 acres
7 and lies in the Neighborhood Residential. Yankee Lake Road
8 is approximately .5 acres and lies in the Neighborhood
9 Residential.

10 MS. ZENO: Good evening, everyone. Happy New Year.

11 I'm Maria Zeno with Kalter, Kaplan, Zeiger and Forman
12 on behalf of the Applicant. I'm back today to address some
13 of the comments from the last meeting and some additional
14 comments from the engineer. I was not cc'd on the e-mail,
15 but Mr. Marshall was nice enough to forward it to me before
16 he ran out there today. Hopefully, I have answers.

17 I believe I addressed everything that you requested on
18 the map. Mr. Marshall was nice enough to add the
19 information you requested before the December 26th
20 deadline.

21 So the new comments, with respect to the fill on the
22 encroachment, that base fill, the neighbor was originally
23 going to build his driveway there until we had a survey
24 done and realized he was building on our property. We are
25 dealing with that now. The fill does plan on being

1 - RE: EIGHT ACRES, LLC -

2 removed. That is what the contract purchaser wants. We
3 are in the process of working with the neighbor and getting
4 that taken care of.

5 The second comment on the engineer's letter, it
6 actually says that it's says 53 1 4 J. I believe it has to
7 do with the font that Marshall used. It does say 4.1, it
8 doesn't say 4 J. It's just the one and the period are too
9 close together.

10 MS. BELTRANI: Oh.

11 MR. PAGGI: Oh, yes.

12 MS. ZENO: So that one was easy enough.

13 MR. PAGGI: Okay. Thank you.

14 MS. ZENO: You're welcome.

15 And then with respect to the Applicant, the actual
16 legal name is Eight spelled out, not the number eight. And
17 that confusion had come about, the Applicant's checks
18 actually say the number eight as opposed to eight spelled
19 out. But the legal documents are eight spelled out.

20 And I believe I've addressed everything at this point.

21 MR. PAGGI: Let's go backward. Just make it a
22 condition of approval, that they make the corrections on
23 the maps that shows the actual legal name. That's easy;
24 right?

25 MS. ZENO: Yes.

1 - RE: EIGHT ACRES, LLC -

2 MR. PAGGI: If they can maybe spread that font out a
3 little bit so it doesn't look like a J.

4 MS. ZENO: Yes.

5 MR. PAGGI: And I'm not quite sure what to do about
6 the fill. There is an issue.

7 The driveway is not constructed on the other property?

8 MS. ZENO: No, it's not.

9 MR. PAGGI: So it's not like it's going to impact an
10 existing structure or access. It's really going to be the
11 other lot's issue.

12 MS. ZENO: And it actually exists now on Lot 4.4. The
13 piece that we're adding onto 4.4 is not impacted by the
14 fill at all, just for the record. So it's existing.
15 Whether or not this is approved, that fill is still going
16 to exist. That encroachment is still going to exist.
17 We're not causing the encroachment by adding on the half a
18 lot.

19 MR. CAPPELLO: All right. So you're not approving
20 anything by allowing them to encroach. Let the minutes
21 just reflect that the Board is not taking any position on
22 the existing driveway and whether there are any rights
23 associated with that. You're merely allowing the lot line
24 to add the additional lot.

25 CHAIRMAN ZAMONSKY: Okay.

1 - RE: EIGHT ACRES, LLC -

2 MR. CAPPELLO: With that, if the Board wants to
3 consider. This is another Type II.

4 MS. ZENO: And I did submit a short EAF with my
5 initial application.

6 CHAIRMAN ZAMONSKY: Any questions or comments from the
7 Board?

8 (No verbal response.)

9 CHAIRMAN ZAMONSKY: Do I have a motion for conditional
10 approval based on satisfying Larry Paggi's letter dated ...
11 What's the date, Larry?

12 MR. PAGGI: Today, January 8th, 2019.

13 CHAIRMAN ZAMONSKY: January 8th, 2019.

14 BOARD MEMBER GOODMAN: I'll make that motion.

15 CHAIRMAN ZAMONSKY: Alex.

16 BOARD MEMBER RUSSEK, III: Second.

17 BOARD MEMBER ZAMONSKY: Joe.

18 All in favor?

19 BOARD MEMBER GREEN: Aye.

20 BOARD MEMBER GOODMAN: Aye.

21 BOARD MEMBER COLLIER: Aye.

22 BOARD MEMBER RUSSEK, III: Aye.

23 BOARD MEMBER STAROBIN: Aye.

24 CHAIRMAN ZAMONSKY: Aye.

25 (The motion was approved and carried.)

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- RE: EIGHT ACRES, LLC -
MS. ZENO: Thank you.
(Time noted: 8:10 p.m.)
* * * * *

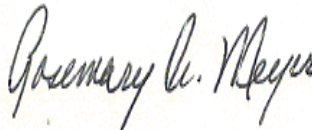
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Eight Acres LLC, 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: February 9, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Anastasios Pantilieris
Special Use
Tax Map Section 12; Block 1; Lot 16
Neighborhood Residential Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
8:10 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Inspector/Code Enforcement
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Thomas Farrell, Esq.
on Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - RE: ANASTASIOS PANTILIERIS -

2 MS. GRASS: The next applicant is Mr. Pantilieris for
3 a special use for a two-family dwelling, Tax Map Section
4 12; Block 1; Lot 16. The property is located at 63 Walker
5 Valley Road. It is .9 acres and lies in the Neighborhood
6 Residential Zone.

7 MR. FARRELL: Good evening. I'm Tom Farrell. I'm
8 representing Mr. Pantilieris.

9 Mr. Pantilieris. Happy New Year.

10 I don't know if you're familiar with the facts of the
11 case. Essentially, Mr. Pantilieris bought the property in
12 2003, 63 Walker Valley Road. Prior to that, he wanted to
13 make sure that it was a two-family house and so he asked
14 from the seller, somebody by the name of Cirallo, whether
15 it was a two-family house and he sent a tax bill that she
16 got from this town indicating that it was a two-family
17 house and it had the classification of 2-20, which is the
18 two-family house. And then as part of purchasing it, he
19 had a title search done. The company sent a letter to this
20 Town and said, Are there any violations against this
21 property, and they said No, no violations against this
22 property. He closed and bought it 2003, and he rented it
23 out. He lives there and he rented out part of it, the
24 two-family house, until 2014 without any objections, and
25 paid all the taxes as they had done, I assume, before 2003.

1 - RE: ANASTASIOS PANTILIERIS -

2 And finally, somebody violated. The town building
3 inspector, Mary, came, said, You can't do that, it's a
4 one-family house, and here we are.

5 Now, we went to the ZBA. We have a copy of the
6 conditional approval they gave there. They indicated that
7 they were allowing this house to stay even though it's
8 required two acre zoning in a Neighborhood Residential.
9 It's a one acre. It has actually one acre. If you look at
10 the survey, it's 1.080. And so they're okay with that, all
11 side yards, everything else like that. They did not want
12 to hurt him in any way. He hadn't done anything wrong.
13 The information was given to him incorrectly and he's the
14 victim, not the perpetrator.

15 So as part of that approval by the ZBA, they said get
16 site plan approval from the Planning Board, and here we
17 are. I sent a letter in along with a survey map and some
18 of the information that we had, and we're here. We met at
19 your work session about a month and a half ago.

20 We're here to answer questions and get approvals, if
21 we can.

22 BOARD MEMBER GOODMAN: You got a variance, right?
23 There was some side yard issues and --

24 MR. FARRELL: All of the side and the front and the
25 back and bulk and the acreage are all done. That was part

1 - RE: ANASTASIOS PANTILIERIS -
2 of that ZBA approval. The minutes are attached. I think I
3 attached a copy. You just have to the plod through them to
4 find it, but I think it's on the next to the last page.

5 CHAIRMAN ZAMONSKY: Larry.

6 MR. PAGGI: We have two very -- well, we have one
7 minor question and we have one question that we may have to
8 kind of work out together here.

9 In the application materials, just the way it's
10 worded, it says that the owner has rented one of the
11 apartment units. Are there multiple apartment units?
12 What's actually there?

13 MR. PANTILIERIS: It's two units, the main house and
14 one apartment right next to it.

15 MR. PAGGI: Okay. And how many bedrooms in the main
16 house?

17 MR. PANTILIERIS: The main house, it has three
18 bedrooms.

19 MR. PAGGI: Okay.

20 MR. PANTILIERIS: And the apartment has one bedroom.

21 MR. PAGGI: Okay.

22 MR. PANTILIERIS: Do you need to know how many
23 bathrooms?

24 MR. PAGGI: No.

25 MR. PANTILIERIS: Okay. Three and one.

1 - RE: ANASTASIOS PANTILIERIS -

2 MR. FARRELL: I don't know if you saw that letter from
3 Mr. Aiello.

4 MR. PAGGI: I did.

5 MR. FARRELL: Okay.

6 MR. PAGGI: I did. I understand what he's trying to
7 do. It's somewhat inconclusive. Mary and I talked a
8 little bit about this. At the workshop did we talk about
9 doing some septic systems repairs because it's been
10 damaged?

11 MR. PANTILIERIS: There's nothing that's been done on
12 the septic system because we're waiting for your decisions.
13 There were two or three trees, three trees, actually, that
14 they were fallen. They broke in half, pine trees, huge,
15 close to St. Peter's up there and the pearly gates. They
16 were broken in half and they were falling in the ground.
17 But needless to say -- I never knew that. And needless to
18 say, that it was the septic tank doing it.

19 MR. PAGGI: Okay.

20 MR. PANTILIERIS: When we clear the trees out, we find
21 out that underneath it was the septic tank.

22 MR. PAGGI: Septic, okay.

23 MR. PANTILIERIS: So I had the Fine Design, actually,
24 the --

25 CHAIRMAN ZAMONSKY: Fine Design, it's a landscaping

1 - RE: ANASTASIOS PANTILIERIS -

2 company.

3 MR. PANTILIERIS: -- that they dye and they find out
4 that the septic tank top cover, whatever, it's been caved
5 in.

6 MR. PAGGI: Okay.

7 MR. PANTILIERIS: I, unfortunately, have no idea how
8 big or how small the size of that septic tank is. I
9 usually, when I empty it every two, three years, I asked
10 the driver and he told me that he had no idea. But he said
11 his best guess, it was maybe eight to nine hundred. I
12 don't know if there is such a thing or size, 800, eight or
13 nine hundred.

14 As long as I was going to -- as long as there was a
15 septic tank, it was damaged, I was going to change it. I
16 asked around, Fine Design as well, and some other people,
17 if you had a four bedrooms, for example, what is the size
18 of the septic tank should be. Maybe a little be more so
19 we're in the same size. They said a thousand or something
20 like that.

21 MR. PAGGI: 1250.

22 MR. PANTILIERIS: And I said, you know, let's do 1250,
23 that way we were above and beyond the requirements because
24 maybe somebody might go to the bathroom twice or something.

25 MR. PAGGI: So bottom line is really, the only

1 - RE: ANASTASIOS PANTILIERIS -

2 technical concern here is that your septic system is large
3 enough for four bedrooms.

4 MR. PANTILIERIS: Oh, yes. Yes.

5 MR. PAGGI: We don't have any documentation to that
6 effect. I see the way of resolving this one of two ways.
7 Either way should really involve a professional engineer.

8 MR. FARRELL: Aiello said that in his letter, that
9 it's good for four. You don't like that?

10 MR. PAGGI: He didn't say it's good for four.

11 MR. PANTILIERIS: Well, he did.

12 MR. FARRELL: He did.

13 MR. PAGGI: Do you have the letter?

14 MR. PANTILIERIS: May I? May I approach?

15 MR. PAGGI: Yes, please do.

16 MR. PANTILIERIS: Let me find it. as long as it
17 doesn't exceed four bedrooms whether they remain single or
18 a two-family, it should continue to function as fine as it
19 has been.

20 MR. PAGGI: He's making the assumption. He prefaces
21 it by saying --

22 MR. PANTILIERIS: I'm looking for the bedrooms.

23 MR. PAGGI: We were informed that your records list
24 the dwelling as consisting of four bedrooms. Please be
25 advised that the site inspection indicated no evidence

1 - RE: ANASTASIOS PANTILIERIS -

2 of ...

3 He's basically saying he's saying there's no design on
4 record, that the house was apparently designed for four
5 bedrooms and so they're assuming that when they built the
6 house they must have installed a four-bedroom design. He's
7 not saying that a four-bedroom was installed, he's just
8 doing it by deduction. Okay? And he's saying that if it
9 has been working and no bedrooms have changed, then it
10 should be sufficient.

11 MR. PANTILIERIS: Now, having said that, and due to
12 the fact that we had no records or --

13 MR. FARRELL: Well, when you replace the tank -- if
14 you replace the tank --

15 MR. PAGGI: As it relates to --

16 MR. PANTILIERIS: The point being --

17 MR. FARRELL: -- it will be as before.

18 MR. PAGGI: That's where I'm going.

19 MR. FARRELL: Yes. Well, he has to hear that.

20 MR. PAGGI: Yes, that's where I'm going.

21 So if we can have Mr. Aiello document that he --

22 MR. FARRELL: Yes, he's going to install a
23 four-bedroom.

24 MR. PAGGI: -- that this is a four-bedroom design.

25 And while they're out there digging, the tank is going to

1 - RE: ANASTASIOS PANTILIERIS -

2 have to be reconnected to wherever the fields are. At that
3 point, he can have the information to say -- he's already
4 done a percolation test. If he can say, Yep, this system
5 is sufficient, that's what we'd like to see.

6 MR. PANTILIERIS: This is a new septic tank --

7 MR. PAGGI: Yes.

8 MR. PANTILIERIS: -- a new design.

9 MR. PAGGI: Yes.

10 MR. PANTILIERIS: The lines coming out of the house.

11 MR. PAGGI: Yes.

12 MR. PANTILIERIS: There will be five. There will be
13 -- what's that? There will be a 1,250 gallon tank. I
14 don't know what DB-6 means.

15 MR. PAGGI: That's distribution box. That means it's
16 got six holes going to five laterals.

17 MR. PANTILIERIS: Five runs for 52 feet --

18 MR. PAGGI: Yes.

19 MR. PANTILIERIS: -- a total of 260.

20 MR. PAGGI: Okay.

21 MR. PANTILIERIS: This is what I think I like to do.

22 MR. PAGGI: Have Mr. Aiello ...

23 MR. FARRELL: Do you want something under his
24 letterhead?

25 MR. PAGGI: Under his letterhead saying that. He's

1 - RE: ANASTASIOS PANTILIERIS -
2 going to look at the same standards I'm going to need to
3 look at, Part 75(a). With the test results he did, he'll
4 know if this works. I know right off the top of my head
5 that 1250 is --

6 MR. PANTILIERIS: I'm not going to pay the gentleman
7 \$1500 to tell me this or I want to pay 1500. The trees
8 that they fall down, they used to give me -- you know, the
9 money tree? They used to give me some money. Now, the
10 trees are dead.

11 MR. PAGGI: So you plant new ones.

12 MR. PANTILIERIS: And I have spend money between here
13 and there that I am --

14 MS. GRASS: Well, if he's going to do a septic repair
15 he needs to get a permit and he's going to have to a
16 design.

17 MR. PANTILIERIS: Exactly, exactly.

18 MR. PAGGI: That design has got to be prepared by a
19 professional engineer.

20 MR. FARRELL: You can make that as a condition of
21 whatever your approval is, that whatever --

22 MR. PAGGI: That's in our code.

23 MR. FARRELL: -- it's subject to the building
24 inspector's approval --

25 MR. PANTILIERIS: You guys are killing me.

1 - RE: ANASTASIOS PANTILIERIS -

2 MR. FARRELL: -- and the Town engineer.

3 MR. PAGGI: It's really no different than anybody else
4 in the town.

5 MR. PANTILIERIS: And these guys there, you know.

6 MR. CAPPELLO: Let's stop spending more time. The
7 Board can consider. It's a Type II action because it's a
8 two-family house.

9 The Board consider granting a special use permit to
10 allow the two-family house in accordance with the request
11 by the ZBA, subject to the units remaining at a total of
12 four bedrooms and it not be increased due to the small lot
13 size. And that at the time of the building permit
14 application for repair of the septic system that the
15 appropriate design is submitted by a certified land
16 engineer.

17 MR. PANTILIERIS: Okay.

18 MR. CAPPELLO: It means tomorrow you call her for the
19 permit for your septic.

20 MR. PANTILIERIS: Got you.

21 MR. PAGGI: Do you want that back?

22 CHAIRMAN ZAMONSKY: The application is conditioned on
23 the approval?

24 MR. PANTILIERIS: This is something that either you
25 send --

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- RE: ANASTASIOS PANTILIERIS -

MR. FARRELL: Thank you.

(Time noted: 8:25 p.m.)

* * * * *

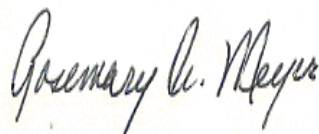
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Anastasios Pantilieris, 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: February 9, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
BE-ECO/ Yukiguni Maitake Manufacturing
Reinstatement
Tax Map Section 26; Block 1; Lot 25
Light Industrial Office Zone
----- X

Town Hall
Town of Mamakating
January 8, 2019
8:26 P.M.

PLANNING BOARD MEMBERS :

- STANLEY ZAMONSKY, Chairman
- LORRENCE GREEN, Vice Chairman
- ALEX GOODMAN, Board Member
- ERIK COLLIER, Board Member
- JOSEPH RUSSEK, III, Board Member
- MORT STAROBIN, Board Member
- MARY GRASS, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

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Reported by: Rosemary A. Meyer

1 - RE: BE-ECO/ YUKIGUNI MAITAKE -

2 CHAIRMAN ZAMONSKY: Okay, we have one more item. The
3 last item is BE-ECO.

4 Mary and John. Mary, can you give us an update on the
5 payments that were received?

6 MS. GRASS: A bank check was received yesterday in the
7 amount of, I believe it's \$20,500, about 4:15 in the
8 afternoon.

9 CHAIRMAN ZAMONSKY: Okay.

10 John, can you?

11 MR. CAPPELLO: Yes. As you recall --
12 Mary, that's including the 500?

13 MS. GRASS: Yes.

14 MR. CAPPELLO: As you recall, at the September meeting
15 there was a request for an extension of the BE-ECO
16 approval. At that time it was discovered that there were
17 outstanding fees required so the Board gave three months
18 for the payment of the fees to be made and then said at
19 that time give us a letter stating where you are with the
20 conditions and the Board will grant the 18 month extension.
21 This is pretty much the same discussion we had with the
22 first application. There's no changed circumstances here.
23 We have documentation where the Applicant is in meeting the
24 conditions. But that's just really for housekeeping, just
25 to say they're trying. Before Mary would issue, once

1 - RE: BE-ECO/ YUKIGUNI MAITAKE -

2 again, any building permits, if they ever build they will
3 have to demonstrate, in writing, not just where they are,
4 but all the conditions have been met. So we're not
5 changing anything, we're just granting them 18 months to
6 meet those conditions. They still have to demonstrate they
7 meet all of them. Those conditions I believe were in
8 phases so there are certain conditions have to be made
9 before they do the greenhouses if they wanted, and other
10 conditions more extensive, then subsequently.

11 CHAIRMAN ZAMONSKY: One of the requests, as well, was
12 that the escrow be limited. We asked for \$500, additional
13 \$500.

14 MR. CAPPELLO: The \$500 really was for our review of
15 this, to grant the extension. At the time the building
16 permit application is submitted, a building permit fee will
17 be required and they'll have to demonstrate.

18 MR. PAGGI: They're probably have to submit escrow
19 even before that because there's some conditions that are
20 required even before they sign the map. There are legal
21 documents that you're going to have to prepare.

22 MR. CAPPELLO: Right.

23 MR. PAGGI: A dedication that's got to offered be.
24 There are phases. I agree with John. It has been very
25 well documented how and where. But again, this extension.

1 - RE: BE-ECO/ YUKIGUNI MAITAKE -

2 MR. CAPPELLO: At the point we get that information
3 then there'd we'd ask for additional fees required. But
4 right now, I mean it's status quo.

5 CHAIRMAN ZAMONSKY: Okay. So we determine when
6 they're actually moving forward to finish the review;
7 correct?

8 MR. CAPPELLO: I would say --

9 CHAIRMAN ZAMONSKY: I thought that's what the \$500 was
10 for.

11 MR. CAPPELLO: No. The \$500, from my understanding,
12 was to try to set something and we're trying to set
13 something going forward as to what it would take because
14 any time someone comes for an extension, well, where are
15 they, where are they going. I would suggest here, rather
16 than go through all this and figure out, when we start
17 getting documentation submitted --

18 MR. PAGGI: Right.

19 MR. CAPPELLO: -- then Larry and I can talk. I don't
20 want to say now that it's going to be \$250 for me to review
21 the dedication documents and find out that there's all
22 these title issues. I want to get it, that if it's
23 something more. I think at that point we can say, All
24 right, to review this now, we have additional work. But
25 this is at least to say, Hey, it's status quo, you've got

1 - RE: BE-ECO/ YUKIGUNI MAITAKE -

2 18 months to get it together.

3 BOARD MEMBER RUSSEK, III: So when there was
4 originally with the finance part of it, that was three
5 months and that was September, so they basically paid it
6 about a month late? Am I about right?

7 MR. CAPPELLO: No. Looking at the minutes, we
8 initially were saying December. And then because we were
9 switching, that was the first meeting, I think, or the
10 second meeting while we were switching the submission dates
11 and everything. I did look at the minutes Charlie
12 provided.

13 BOARD MEMBER RUSSEK, III: So we're reasonably within
14 the amount of time.

15 MR. CAPPELLO: We said by January 7th in the minutes
16 and that's when the money came in.

17 If the Board wants to say grant it three months or 15
18 months instead of 18 months.

19 CHAIRMAN ZAMONSKY: I mean I don't know. Does anybody
20 have concerns on the time line?

21 BOARD MEMBER RUSSEK, III: The time?

22 CHAIRMAN ZAMONSKY: Yes.

23 BOARD MEMBER RUSSEK, III: No.

24 CHAIRMAN ZAMONSKY: Is Mort down there?

25 BOARD MEMBER RUSSEK, III: He's awake.

1 - RE: BE-ECO/ YUKIGUNI MAITAKE -

2 BOARD MEMBER STAROBIN: I was listening. Sounds good.

3 CHAIRMAN ZAMONSKY: Okay. So do I have a motion to
4 extend the conditional approval on BE-ECO for 18 months
5 from today?

6 BOARD MEMBER GOODMAN: I'll make that motion.

7 CHAIRMAN ZAMONSKY: Alex.

8 BOARD MEMBER STAROBIN: Second.

9 CHAIRMAN ZAMONSKY: And Mort.

10 All in favor?

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER RUSSEK, III: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 CHAIRMAN ZAMONSKY: Aye.

17 (The motion was approved and carried.)

18 CHAIRMAN ZAMONSKY: Thank you.

19 Just really quick, too. I met with Mary and Kyra and
20 Michele before. We're trying to make some subtle changes
21 to the drawings that everybody gets, when they get them,
22 timing. Is there anybody here does not want paper copies
23 like myself?

24 Mort?

25 BOARD MEMBER STAROBIN: What? I don't want paper

1
2 copies.

3 CHAIRMAN ZAMONSKY: Okay.

4 BOARD MEMBER STAROBIN: What was the question?

5 CHAIRMAN ZAMONSKY: We want to e-mail the documents
6 now.

7 BOARD MEMBER STAROBIN: Yes, that's what I want, yes.

8 CHAIRMAN ZAMONSKY: I mean I know Erik and I spoke to
9 prior to the meeting. I think we're just trying to limit
10 what the applicants gives us. If there's three less, I
11 think that's a little bit of a help.

12 You're fine with hard copies?

13 BOARD MEMBER RUSSEK, III: No, that's fine.

14 CHAIRMAN ZAMONSKY: You want electronic?

15 BOARD MEMBER RUSSEK, III: Yes.

16 CHAIRMAN ZAMONSKY: So four people will get electronic
17 documents and the rest will get hard copies.

18 MS. GRASS: Okay.

19 CHAIRMAN ZAMONSKY: You can modify the application.

20 MS. GRASS: Okay.

21 CHAIRMAN ZAMONSKY: Do I have a motion to close the
22 meeting?

23 BOARD MEMBER RUSSEK, III: So moved.

24 BOARD MEMBER GOODMAN: Second.

25 CHAIRMAN ZAMONSKY: Joe and Alex.

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BOARD MEMBER GREEN: Aye.

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER COLLIER: Aye.

BOARD MEMBER RUSSEK, III: Aye.

BOARD MEMBER STAROBIN: Aye.

CHAIRMAN ZAMONSKY: Aye.

(The motion was approved and carried.)

(Time noted: 8:33 p.m.)

* * * * *

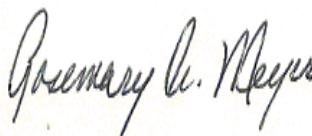
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of BE-ECO/ Yukiguni Maitake Manufacturing, to 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: January 10, 2019

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