

**In The Matter Of:**  
*Town of Mamakating*  
*Zoning Board of Appeals*

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*Congregation Chasidei Belz Beth Maika*  
*1-26-17*  
*January 26, 2017*

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

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

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

----- X

Town Hall  
Town of Mamakating  
January 26, 2017  
7:00 P.M.

ZONING BOARD MEMBERS :

MATTHEW MORDAS, Chairman

BEVERLY MARTIN, Board Member

CATHERINE DAWKINS, Board Member

KENT FINDLEY, Board Member

LINDA FRANCK, Secretary

STEVEN MOGEL, ESQ., Attorney

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

1 - Cong. Chasidei Belz Beth Maika -

2 CHAIRMAN MORDAS: Good evening, ladies and gentlemen.  
3 Welcome to the Mamakating Zoning Board of Appeals meeting  
4 for January 26, 2017. I'm the chairman of the Zoning  
5 Board, Matthew Mordas. I'm going to start off our meeting  
6 with a roll call.

7 Kent Findley.

8 BOARD MEMBER FINDLEY: Present.

9 CHAIRMAN MORDAS: Catherine Dawkins.

10 BOARD MEMBER DAWKINS: I'm here.

11 CHAIRMAN MORDAS: Beverly Martin.

12 BOARD MEMBER MARTIN: Present.

13 CHAIRMAN MORDAS: Georgia Rampe.

14 (No response.)

15 CHAIRMAN MORDAS: Georgia is off tonight.

16 Representing legal counsel for the our board is Steven  
17 Mogel, Esquire.

18 All right. The first applicant is Congregation  
19 Chasidei Belz Beth Maika from Paradise II, well, the former  
20 Paradise II Resorts.

21 MR. BLUSTEIN: Good evening, ladies and gentlemen. My  
22 name is Michael Blustein. I'm from the law firm of  
23 Blustein, Shapiro, Rich and Barone in Goshen. I represent  
24 the congregation that's looking, as a contract vendee, to  
25 purchase the Paradise Resort. Paradise Resort is actually

1                   - Cong. Chasidei Belz Beth Maika -  
2 still in existence and if this deal doesn't go forward will  
3 likely remain in existence.

4           I'm here with the project engineer.

5           MR. TROCHIANO: Anthony Trochiano from Pietrzak Pfau  
6 Engineering.

7           BOARD MEMBER DAWKINS: Do you have a business card?

8           MR. TROCHIANO: Yes, I do.

9                   (Mr. Trochiano complied.)

10          MR. BLUSTEIN: As I say, the current owners of the  
11 property are sitting in the audience. The current owners  
12 of the resort, of the property, are sitting in the audience  
13 right now.

14          How would you like to proceed? Would you like me to  
15 give a little narrative about what we're seeking tonight?

16          CHAIRMAN MORDAS: Sure.

17          MR. BLUSTEIN: So as you folks may be aware, this is  
18 an operating resort. It's a summer resort. The current  
19 owners have been operating the property since before the  
20 year 2000, as such. At the time, I'm advised that  
21 Mr. Kelson, who was the Planning Board attorney and the  
22 Zoning Board attorney, they came and got their approvals  
23 for this current use. All of the buildings that are on  
24 site, we've been before the Planning Board, there will be  
25 no changes to the buildings on site so every building

1                   - Cong. Chasidei Belz Beth Maika -  
2     that's there is an existing building. Some are in  
3     conformity with the town zoning regulations, some are not  
4     in conformity. Mr. Kelson advised me, and I don't what the  
5     Zoning Board records or the Planning Board records show,  
6     that when the current owner and the prior applicant came  
7     in, they were told by the Planning Board to go to the  
8     Zoning Board for an interpretation of the zoning code and  
9     that variances were not warranted or needed because they  
10    interpreted that the buildings that were nonconforming were  
11    nonconforming structures, but they were not nonconforming  
12    uses and therefore, variances weren't required, essentially  
13    for what exists today.

14           The Applicant's been before the Planning Board and we  
15    haven't actually sought a specific waiver of these two  
16    items that we're coming in for today. There are a lot of  
17    items that the zoning code calls for which are much more  
18    intense than what was required back when the current owner  
19    received the approvals. The Planning Board gave a bunch of  
20    waivers for certain site plan requirements, and some  
21    waivers they didn't give, such as topography for this site,  
22    so we had to go out and get a survey of the whole property  
23    with contour elevations, etcetera.

24           The Code Enforcement Officer for the Town wrote a  
25    letter stating that there's two items that we had not

1                   - Cong. Chasidei Belz Beth Maika -  
2 applied for waivers from the Town Planning Board and that  
3 we should go to the Zoning Board first. That's why we're  
4 here, and that's for a, well, first of all, an  
5 interpretation from the Zoning Board that we do not need  
6 area variances to continue the buildings as they currently  
7 exist, or in the alternative, for area variances for a  
8 couple of items which are 200 feet -- let me go back.

9           I guess in the resort use there's a couple of items  
10 that do not apply -- I'm sorry. Let me go back.

11           In the use as proposed as a summer camp, there's a  
12 couple of items, a couple of bulk requirements, that don't  
13 apply to the resort use, and they are that all buildings  
14 must be more than 200 feet from the town road and that no  
15 building for sleeping quarters can be less than 30 feet  
16 apart.

17           Now, as you can see, these buildings have all been  
18 there since at least 1997, according to the tax records  
19 that I looked at. Most of the buildings are closer than  
20 200 feet. They've been there. They've been there for a  
21 very, very long time. We're not picking them up, we're not  
22 moving them. They've been occupied for sleeping quarters,  
23 many of these buildings, for a very long time as a quote  
24 "resort use". Whether you want to call it a bungalow type  
25 use, whether you want to call it a hotel, motel type use,

1                   - Cong. Chasidei Belz Beth Maika -  
2 they've been basically used for sleeping quarters for  
3 decades. The intended use of these buildings is for a  
4 summer camp for male students for Talmudic study. So the  
5 same sleeping accommodations that have been good enough for  
6 the Town for 30, 40, 50 years are going to be the same  
7 sleeping accommodations that are going to be used for the  
8 summer season with the new intended use. And similarly,  
9 some of the buildings are less than 30 feet from one  
10 another. Interestingly, your town code, if I were to tear  
11 down those buildings and put up tents, I could put tents 10  
12 feet from each other and put up a tent village. But again,  
13 these buildings have been there for a long time. There's  
14 no violations there currently. There's never been, to my  
15 knowledge, any problems with the buildings being less than  
16 30 feet apart. The same use, essentially, will be used by  
17 the new owners. Instead of as a summer resort, it's going  
18 to be used as a summer educational facility with people  
19 sleeping there for the summer season.

20                In essence, when the intended purchaser came to buy  
21 the property, we felt that it was basically continuing a  
22 current use and that everything would be grandfathered in.  
23 Frankly, here we are, over a year later, and we've hardly  
24 felt that we would still be here. We thought we would have  
25 purchased it by now and been open for last summer. The

1                   - Cong. Chasidei Belz Beth Maika -  
2 Planning Board is doing their job thoroughly and they're  
3 making the engineering prove all the septic and the water,  
4 and that's their job. The engineers have pretty much now  
5 gotten to the point where they're comfortable that  
6 everything can be proven in front of the Planning Board  
7 from the SEQRA perspective for the engineering detail.  
8 We're just down to these two items, 200 foot structures  
9 from the town road and a 30 foot buffer between buildings  
10 that are used for sleeping. They're been there. They've  
11 been there for a long time and they're not being changed,  
12 and the use isn't really going to be changed.

13           MR. MOGEL: Mr. Blustein, just from a procedural  
14 standpoint, you were directed by the Planning Board to come  
15 to the ZBA to request a variance, or you elected to come?

16           MR. BLUSTEIN: We elected to based upon the letter  
17 from the Code Enforcement Officer who's also the Building  
18 Inspector.

19           MR. MOGEL: Okay.

20           MR. BLUSTEIN: I still think that we could go back to  
21 the Planning Board, but to get before the Planning Board  
22 you have to go to a work session and we felt that it would  
23 be quicker and easier just to come before this board and  
24 get what we needed because ...

25           MR. MOGEL: Well, even an interpretation would still



1                   - Cong. Chasidei Belz Beth Maika -  
2     require a public hearing. Just from a timing standpoint,  
3     I'm just curious that you're already in front of the  
4     Planning Board and you have received waivers for a number  
5     of requirements already, why this wasn't just included in  
6     that --

7           MR. BLUSTEIN: The Building Inspector told us to come  
8     here and her letter basically directed us to come to the  
9     Zoning Board.

10          MR. MOGEL: Okay, fair enough.

11          BOARD MEMBER FINDLEY: Do we have that letter? Do we  
12     have the letter?

13          MR. BLUSTEIN: It's a letter dated December 5th.

14          MR. TROCHIANO: It should be attached to the back of  
15     the application.

16          MR. BLUSTEIN: "I therefore determine an area variance  
17     from the ZBA is required." So that was from Mary Grass.

18          MR. MOGEL: Let me just also ask you. It may be pure  
19     conjecture on your part. Do you have any idea what the  
20     rational is behind the 30 foot separation between sleeping  
21     quarters for a summer camp but not for a resort?

22          MR. BLUSTEIN: Whoever wrote the code and changed the  
23     code.

24          MR. MOGEL: Okay.

25          MR. BLUSTEIN: As you know, when you redo a code

1                   - Cong. Chasidei Belz Beth Maika -

2 there's always going to be inconsistencies.

3           MR. MOGEL:    Correct.

4           MR. BLUSTEIN:  I misspoke.  I'm reading.  It's  
5 actually 200 feet from the lot line, not the town road.

6           MR. MOGEL:    Right.

7           MR. BLUSTEIN:  I apologize

8           BOARD MEMBER DAWKINS:  The road and the lot line are  
9 not the same.

10          MR. TROCHIANO:  Right.  So the lot actually goes all  
11 the way, (indicating).

12          BOARD MEMBER FINDLEY:  I guess in the back there?

13          MR. TROCHIANO:  Yes, in the back.

14          BOARD MEMBER FINDLEY:  Building 12, 11, 10, 9?

15          BOARD MEMBER DAWKINS:  Yes.  I have it marked on here.

16          BOARD MEMBER FINDLEY:  How far is Building 28 from  
17 there?

18          MR. TROCHIANO:  From the lot line?

19          BOARD MEMBER FINDLEY:  Yes.

20          MR. TROCHIANO:  158 feet.

21          BOARD MEMBER FINDLEY:  And Building 27?  I didn't see  
22 this here.  Building 27.

23          MR. TROCHIANO:  Building 27 is 184 feet.

24          BOARD MEMBER FINDLEY:  And 26 doesn't comply either?

25          BOARD MEMBER MARTIN:  The ones in pink are the ones

1                   - Cong. Chasidei Belz Beth Maika -

2 that in question.

3           BOARD MEMBER FINDLEY: Well, how about these? This is  
4 the lot line.

5           BOARD MEMBER MARTIN: I mean where the line is.

6           BOARD MEMBER FINDLEY: This is 200 feet right here so  
7 none of these ...

8           BOARD MEMBER MARTIN: This is the one. These two and  
9 then these six are the ones.

10          BOARD MEMBER FINDLEY: Well, these, too. This dotted  
11 line ...

12          BOARD MEMBER MARTIN: These are the ones that the  
13 Board will question.

14          BOARD MEMBER FINDLEY: Well, actually, there's a lot  
15 of buildings.

16          BOARD MEMBER MARTIN: Yes, it looks like it.

17          BOARD MEMBER FINDLEY: Every one of these buildings,  
18 all these buildings.

19          BOARD MEMBER MARTIN: These specifically in pink are  
20 the ones that she's mentioning now in the letter.

21          MR. BLUSTEIN: If it helps, we have a diagram that  
22 shows the buildings within the 200 feet.

23          MR. TROCHIANO: I did an offset on the property line.  
24 200 feet, we've got this building.

25          BOARD MEMBER FINDLEY: And that's the same line here.

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2           MR. TROCHIANO: Yes. On the overall site plan I think  
3 it's showing the setback line.

4           BOARD MEMBER FINDLEY: I mean that's the way it's been

5           MR. MOGEL: Is this set forth each building, the  
6 distance from the --

7           MR. TROCHIANO: I didn't individually label any of the  
8 distances, but I just put an offset, a 200 foot offset on  
9 the property, here.

10          MR. MOGEL: I see.

11                   (Zoning Board members conferring.)

12          BOARD MEMBER DAWKINS: He said everything except for  
13 six.

14          MR. MOGEL: Mr. Blustein, I would just recommend this,  
15 I think it would be very helpful. Should the Board elect  
16 to grant the variance, if we had a listing, a variance for  
17 the distance for each building that would be required.

18          MR. BLUSTEIN: Sure.

19          MR MOGEL: If it's 200 foot and one is 190 feet, then  
20 it's a ten foot variance required.

21          MR. BLUSTEIN: We actually have that list and we'll  
22 submit it before the public hearing.

23          MR. MOGEL: That would be helpful.

24          MR. TROCHIANO: Yes, that's no problem.

25          MR. BLUSTEIN: Do you want that for the 30 feet for

1                   - Cong. Chasidei Belz Beth Maika -

2 each sleeping quarter or ...

3           MR. MOGEL: I mean if --

4           CHAIRMAN MORDAS: Yes.

5           BOARD MEMBER DAWKINS: I want a detail of the  
6 variances required.

7           MR. MOGEL: It's just two types of variances, the  
8 setback and --

9           BOARD MEMBER DAWKINS: So 9, 10, 11 and 12 would be  
10 outside 200 and too close together.

11           CHAIRMAN MORDAS: Some buildings require two  
12 variances.

13           MR. BLUSTEIN: Right. I don't necessarily agree that  
14 we need a variance as much as an interpretation, also. We  
15 could submit information on that before the meeting. But  
16 either way, it's been like that for 40 plus years.

17           CHAIRMAN MORDAS: Well, that could mean you're asking  
18 for a change of use.

19           MR. BLUSTEIN: That's why we're here. I'm just saying  
20 that the buildings conform. The buildings are conforming  
21 structures.

22           MR. MOGEL: Well, the buildings are nonconforming  
23 structures.

24           MR. BLUSTEIN: Well, right, if you change the use.

25           MR. MOGEL: Right.

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2           MR. BLUSTEIN: The buildings themselves conform.

3           MR. MOGEL: Well, they're preexisting nonconforming;  
4 right.

5           MR. BLUSTEIN: And we believe that the prior board  
6 ruled on an interpretation that a variance wasn't needed.  
7 I know that's not necessarily binding, but I think -- and I  
8 don't have -- that's what I'm being advised by Mr. Kelson.  
9 Perhaps there's records of that. I don't know.

10          MR. MOGEL: I mean it would be helpful if you could  
11 indicate approximately when that decision was made if  
12 Mr. Kelson has any records.

13          MR. BLUSTEIN: Yes, we'll do our best to provide that  
14 if we can get any.

15          MR. MOGEL: If you could do that in advance of the  
16 hearing it would be very helpful because then our secretary  
17 could see if any records exist. It would certainly ...

18          MR. BLUSTEIN: Any other questions for us before we  
19 ask for --

20          CHAIRMAN MORDAS: Other than this, you still are  
21 working your way through the Planning Board?

22          MR. BLUSTEIN: Yes. There were a lot of very  
23 extensive environmental review for, as I say, they wanted a  
24 survey for the whole 40 plus acres for contours.  
25 Obviously, they want us to prove that the septic capacity

1                   - Cong. Chasidei Belz Beth Maika -  
2 and the water capacity will not be negatively impacted by  
3 the change in use. That's a fair amount of engineering  
4 detail that's been work on.

5           CHAIRMAN MORDAS: All right. What was the previous  
6 occupancy allowed, the maximum occupancy allowed for this,  
7 for the Paradise Resort?

8           MR. TROCHIANO: That might be something we have to  
9 you. I don't know that offhand.

10          CHAIRMAN MORDAS: What I'm getting at, are you  
11 proposing to increase the occupancy and potentially  
12 increase the number of people in each of these individual  
13 buildings?

14          MR. BLUSTEIN: That is an answer we'll get to you  
15 before the next meeting.

16          MR. MOGEL: For the record, this is a Type II for the  
17 purposes of SEQRA, plus for variance interpretations  
18 further SEQRA evaluations need to be done.

19          MR. BLUSTEIN: We believe, just from speaking to the  
20 owner, that the prior occupancy was higher than what we're  
21 going to wind up having.

22          CHAIRMAN MORDAS: Any further questions?

23          Basically, we covered dimensions of buildings. We  
24 need that kind of background information so we can be  
25 precise if we do decide to grant variances.

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2           BOARD MEMBER DAWKINS: And I would like to know the  
3 date of construction of each of the buildings that you're  
4 requesting a variance.

5           MR. BLUSTEIN: The records that I found from Sullivan  
6 County Real Property all say 1997 as the last time they  
7 were built. Some were built and remodeled, but it's a  
8 about 1997 --

9           BOARD MEMBER DAWKINS: For the preexisting and current  
10 owners.

11          MR. BLUSTEIN: Some of them built were, yes, where  
12 they existed prior to the current owner, some of them were  
13 renovated by the current owner. But my records show that  
14 they at least exist since at least 1997 and prior.

15          MR. MOGEL: So in advance of the meeting, I would  
16 highly recommend that the board members take a look at  
17 Mr. Blustein's letter that was attached because it does,  
18 particularly, I would say we've been discussing A,  
19 Attachment A to that letter. And B, B, there is a request  
20 to interpret the zoning law in such a fashion, 199-51.  
21 That would obviate the need, at all, for a variance, and I  
22 think that the Board should take a close look at that.

23          MR. BLUSTEIN: If there's anything else you'd want for  
24 the meeting, just let them know and I'll send this young  
25 man out to get the job done.



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2           CHAIRMAN MORDAS:   Okay.

3           I don't know if I should ask you this or the current  
4 owners.   Permission for individual Zoning Board members to  
5 inspect the site, would you allow that?

6           MR. BLUSTEIN:   The Planning Board's been there.   I  
7 have no problem.   Mr. Sunshine's the realtor.   He, I  
8 assume, can make arrangements with anybody to let them tour  
9 it.   The Planning Board's been there.

10          CHAIRMAN MORDAS:   Okay.   I just need to ask that  
11 question.

12          MR. BLUSTEIN:   Absolutely.

13          MR. SUNSHINE:   Yes, that's fine.

14          CHAIRMAN MORDAS:   Thank you.

15          BOARD MEMBER DAWKINS:   Are you physically at the  
16 property?   Should we contact you if we arrive or can we  
17 just wander around?

18          MR. SUNSHINE:   You can wander around if you want.

19          CHAIRMAN MORDAS:   Okay.   Any more questions?

20          MR. BLUSTEIN:   I just want to reiterate.   Every  
21 building that is there is going to stay as is.   We're not  
22 adding anything, we're not changing anything.   We're  
23 looking to continue the uses, continue the property as a  
24 summer type community for, instead a hotel, as an  
25 educational summer camp.

1 - Cong. Chasidei Belz Beth Maika -

2 CHAIRMAN MORDAS: Thank you, Mr. Blustein.

3 MR. BLUSTEIN: Thank you.

4 CHAIRMAN MORDAS: I'm sorry.

5 BOARD MEMBER DAWKINS: So the buildings, they're  
6 summer camp only. So none of them have heat, none of them  
7 have insulation?

8 MR. BLUSTEIN: Do any of the buildings have heat or  
9 insulation?

10 MR. SUNSHINE: They're all heated.

11 MR. BLUSTEIN: Could they be used year-round?

12 MR. SUNSHINE: They could be. They're not totally  
13 They have no exemption.

14 CHAIRMAN MORDAS: All right. A motion to schedule a  
15 public hearing?

16 BOARD MEMBER DAWKINS: So moved.

17 BOARD MEMBER MARTIN: Second.

18 CHAIRMAN MORDAS: All in favor?

19 BOARD MEMBER MARTIN: Aye.

20 BOARD MEMBER DAWKINS: Aye.

21 BOARD MEMBER FINDLEY: Aye.

22 CHAIRMAN MORDAS: Aye.

23 (The motion was approved and carried.)

24 MR. BLUSTEIN: Thank you. Would that be the next  
25 February meeting?

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CHAIRMAN MORDAS: Yes.

MR. BLUSTEIN: And who do we speak to about doing the notices?

MS. FRANCK: Me.

CHAIRMAN MORDAS: Speak to Ms. Franck here.

MR. BLUSTEIN: Okay.

MS. FRANCK: I'll get in touch with you.

MR. BLUSTEIN: Okay. And who does the mailings? We do them or ...

MS. FRANCK: Yes.

MR. BLUSTEIN: Okay.

MS. FRANCK: I'll get you the adjoiners.

MR. BLUSTEIN: Okay.

MS. FRANCK: And Mr. Mogel and I will do the notice and I'll get that to you.

MR. BLUSTEIN: Thank you very much for your time.

CHAIRMAN MORDAS: Thank you.

(Time noted: 7:24 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 Congregation Chasidei Belz Beth Maika, 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 20, 2017

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