

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
February 11, 2020
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

LORRENCE GREEN, Chairman
MORT STAROBIN, Board Member
ALEX GOODMAN, Board Member
JOSEPH RUSSEK, III, Board Member
RICHARD GLISSON, Board Member
FRANK GIRALDI, Board Member
DOUGLAS STANTON, Alternate Board Member
KYRA PLATT, Building Department
JOHN CAPPELLO, ESQ., Attorney
LAWRENCE PAGGI, P.E., Engineer

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

Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

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

Town Hall
Town of Mamakating
February 11, 2020
7:00 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
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- JOSEPH RUSSEK, III, Board Member
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Reported by: Rosemary A. Meyer

1 - RE: MOUNT VERNON ACRES LLC -

2 CHAIRMAN GREEN: Welcome to the February meeting of
3 the Town of Mamakating Planning Board.

4 Please join me in the Pledge of Allegiance.

5 (The Pledge of Allegiance was recited.)

6 CHAIRMAN GREEN: Do we have a motion to open the
7 meeting?

8 BOARD MEMBER RUSSEK: Motion.

9 BOARD MEMBER GOODMAN: Second.

10 CHAIRMAN GREEN: All in favor?

11 BOARD MEMBER STAROBIN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER GLISSON: Aye.

14 BOARD MEMBER GIRALDI: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 CHAIRMAN GREEN: Aye.

17 (The motion was approved and carried.)

18 BOARD MEMBER STAROBIN: Tonight we have one member not
19 here so I'm going to ask Doug Stainton to go in for him.
20 He's an alternate. He'll be a voting member tonight.

21 CHAIRMAN GREEN: So we all got the minutes. Have you
22 had a chance to review them?

23 MR. LESER: Excuse me, Mr. Chairman. I think the
24 microphones are not working over here.

25 CHAIRMAN GREEN: Oh.

1 - RE: MOUNT VERNON ACRES LLC -

2 MR. LESER: Better.

3 CHAIRMAN GREEN: So we all got the minutes, had a
4 chance to review them. Anybody have any suggestions or any
5 corrections?

6 (No verbal response.)

7 CHAIRMAN GREEN: Do I have a motion to accept the
8 minutes?

9 BOARD MEMBER RUSSEK, III: Motion.

10 CHAIRMAN GREEN: Joe.

11 Second?

12 BOARD MEMBER STAROBIN: Second.

13 CHAIRMAN GREEN: Mort.

14 All in favor?

15 BOARD MEMBER STAROBIN: Aye.

16 BOARD MEMBER GLISSON: Aye.

17 BOARD MEMBER GIRALDI: Aye.

18 BOARD MEMBER STAROBIN: Aye.

19 ALTERNATE BOARD MEMBER STANTON: Aye.

20 CHAIRMAN GREEN: Aye.

21 (The motion was approved and carried.)

22 BOARD MEMBER GOODMAN: I wasn't here.

23 CHAIRMAN GREEN: Oh, okay.

24 So we have, I guess a technical matter to deal with.

25 We'd given approval for Mount Vernon Acres a while back.

1 - RE: MOUNT VERNON ACRES LLC -

2 We signed, the Chairman, myself, signed the form. They
3 were supposed to have submit it to other authorities and
4 they had a window of like 60 days which I believe missed by
5 a a day or two. They've come back and asked if we could
6 just resign them. John suggested that we make a motion to
7 just resign them. They're the same exact plans.

8 MR. CAPPELLO: It would be a motion to reactivate the
9 final approval and authorize the Chair to sign the site
10 plans.

11 CHAIRMAN GREEN: So do I have a motion?

12 BOARD MEMBER RUSSEK, III: Motion.

13 CHAIRMAN GREEN: Joe.

14 Second?

15 BOARD MEMBER STAROBIN: Second.

16 CHAIRMAN GREEN: Mort.

17 BOARD MEMBER GOODMAN: Is there a time limit?

18 MR. CAPPELLO: You would have 62 days from the day the
19 map is signed to file it in the County Clerk's Office.
20 That expired. We'd have to resign it. I found out
21 yesterday and we were meeting tonight

22 BOARD MEMBER GOODMAN: Does it give them another 62
23 days from --

24 MR. CAPPELLO: Yes, yes, from the signature. You just
25 reapproved it. So then he would submit the maps, the Chair

1 - RE: MOUNT VERNON ACRES LLC -
2 would sign it, then they'd have 62 days to file from that
3 signature.

4 CHAIRMAN GREEN: One of the things I did insist on is
5 that they brought the original maps that had been signed
6 and they just restamp them with the date because I didn't
7 just want to have them show up with new maps saying that
8 these are copies of what you already signed. So the maps
9 we have are the maps that were signed and had approval for.

10 MR. CAPPELLO: I just have to, and it's in e-mails
11 back and forth to Kyra, sometimes the County Clerk is a
12 little quirky with what they will or won't file. They have
13 their own rules of how legible the ink needs to be. I mean
14 I had one kicked back one time because it was a one-page
15 map that didn't say page 1 of 1. So hopefully, we won't
16 need new maps and they'll just deal with that, but ...

17 CHAIRMAN GREEN: Did we get to the vote on that?

18 BOARD MEMBER RUSSEK, III: No, we didn't vote.

19 CHAIRMAN GREEN: Okay, so we had the motion, it was
20 seconded.

21 All in favor?

22 BOARD MEMBER STAROBIN: Aye.

23 BOARD MEMBER GOODMAN: Aye.

24 BOARD MEMBER GLISSON: Aye.

25 BOARD MEMBER GIRALDI: Aye.

1 - RE: MOUNT VERNON ACRES LLC -

2 BOARD MEMBER STAROBIN: Aye.

3 ALTERNATE BOARD MEMBER STANTON: Aye.

4 CHAIRMAN GREEN: Aye.

5 (The motion was approved and carried.)

6 CHAIRMAN GREEN: It says here to have a recap of the
7 January meeting. We had no January meeting so I guess we
8 don't have a recap of the January meeting. I'm glad that
9 went on the record.

10 (Time noted: 7:11 p.m.)

11 * * * * *

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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 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: March 5, 2020

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
JG Resort LLC Acres
Proposed Amended Site Plan
Tax Map Section 25; Block 2; Lot 1
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
February 11, 2020
7:11 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
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- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- FRANK GIRALDI, Board Member
- DOUGLAS STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer

Also Present: Zachary Peters, P.E.

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1 - JG RESORT LLC -

2 CHAIRMAN GREEN: The first applicant today is JG
3 Resort LLC. It is a proposed amended site plan to build
4 four 26 foot by 144 foot greenhouses to grow vegetables.
5 The property is located at 385 Gumaer Falls Road, Tax Map
6 Section 25; Block 2; Lot 1. The property lies in the
7 Mountain Greenbelt Zone and is approximately 186.7 acres.

8 MR. PETERS: Good evening. My name is Zachary Peters
9 from Mercurio-Norton-Tarolli-Marshall. We're the engineers
10 for the applicants. I think most of the Board is familiar
11 with the project site. We were here a few months ago.

12 The application that I have before you now is we'd
13 like to add four proposed greenhouses in the field here
14 which is it will come up at the end of the Gumaer Falls
15 Road. There's not really going to any clearing of trees,
16 or minimum grading, at most, required. This area is
17 currently cleared and they already use it as a garden area
18 right now. The greenhouses are going to be typical metal
19 frame with a thick plastic over top. They're 26 feet wide,
20 14 feet to the peak, and there's four of them. It's a
21 relatively simple proposal.

22 CHAIRMAN GREEN: Larry, any comments?

23 MR. PAGGI: Sure, sure. My comments are self-evident.
24 There are just a couple things on the plans.

25 Zack just mentioned that there's going to be very

1 - JG RESORT LLC -

2 little grading so maybe it's just because the USGS topo is
3 approximate in 24 foot contour intervals. It looks like
4 there could be as much as a ten percent grade across the
5 width of the greenhouses being installed. That would
6 suggested that it would have to be level before it be
7 installed. Maybe just on future submissions clarify that
8 with some actual topography in those area. When we do
9 finish up there we'll be looking for a little bit of
10 erosion and sediment control which will be relatively
11 minimal.

12 We had a question whether there was going to be any
13 additional paved or gravel areas to accommodate access to,
14 or the operations associated with the greenhouses.

15 MR. PETERS: To the best of my knowledge, I don't
16 think there's anything --

17 MR. PAGGI: Nothing proposed?

18 MR. PETERS: Nothing proposed at this point.

19 MR. PAGGI: Okay.

20 MR. PETERS: It is in a fenced in area and there's an
21 existing gate entrance through the fence, so ...

22 MR. PAGGI: Okay. So that would lead to No. 4 where
23 we're asking if there was going to be any additional area
24 and grading, if disturbance is of over an acre then we
25 would need a SWPPP. But it doesn't sound like that. So

1 - JG RESORT LLC -

2 maybe, Zack, maybe just note the total area of disturbance
3 on the plan --

4 MR. PETERS: Sure.

5 MR. PAGGI: -- just as a go-to so we can check things.

6 And also, at times when this property was before us,
7 and this has come up on a couple of prior projects, when
8 we're granting site plan approval we're kind of looking at
9 the site again. The question is whether our driveway
10 standards are being met, grades and different things. If
11 my recollection serves me correctly, we thought that they
12 were. We're not going to look for additional topography.
13 We're actually just looking for a statement that the
14 engineers have looked at it and can basically send us a
15 letter certifying that the grades are in conformance, and
16 we, the Planning Board, has accepted that. So we would be
17 looking for that. And if not, if they're not in
18 conformance, either come back to us, if you think it's
19 worthy of requesting a waiver or show some minor regrading.

20 MR. PETERS: Okay.

21 MR. PAGGI: Okay?

22 Will there be water supply to the greenhouses?

23 MR. PETERS: I don't believe there'll be water supply
24 to the greenhouses.

25 Will there be water supply?

1 - JG RESORT LLC -

2 MR. UNIDENTIFIED SPEAKER: I doubt it. There will be
3 some type of like, containers.

4 MR. PAGGI: So no water.

5 MR. PETERS: I'll confirm that.

6 MR. PAGGI: In these areas where we're saying that
7 there won't be, can we just add a note to the plan that no
8 water --

9 MR. PETERS: Sure.

10 MR. PAGGI: -- supply is planned?

11 Then again, on the previous application, and I think
12 the planner has also made this comment, there was indicated
13 in the EAF that there was a potential presence of Northern
14 Long-eared bat. It looks like we're avoiding any wooded
15 area. If that's the case, we would, again, just ask for a
16 note that no tree removal is planned.

17 MR. PETERS: Sure. I don't have any problem adding a
18 note. I don't think it's going to come into play, but
19 there's no harm in putting it on.

20 MR. PAGGI: And then our final comment is just a
21 standard owner's consent and Planning Board blocks that we
22 look for.

23 So one question I guess I do have, and I'll defer to
24 John, is this project was in front of us with a prior
25 application and I don't know what administratively, if

1 - JG RESORT LLC -

2 anything, needs to occur. Does that need to be ...

3 MR. CAPPELLO: We need the Applicant to clear up what
4 the use of this greenhouse is because under SEQRA we're
5 required to look at the ultimate impacts. If that other
6 application is abandoned and this is just four greenhouses
7 and the greenhouses are to grow agricultural produce,
8 that's a different application than if it's a creeping kind
9 of public is invited, it's part of a resort, the public
10 does farming activities, which is what we had heard at one
11 point. So we just really need to know what are your plans,
12 stage plans, and if this is the first part and they're just
13 growing, what's going to happen next just so we can
14 anticipate --

15 MR. PETERS: Sure.

16 MR. CAPPELLO: -- any questions and know, and the
17 building inspector can know exactly what, if anything, this
18 board approves and what you're permitted.

19 MR. PETERS: Sure. So what we're working on now, on
20 the original application, we've been working through with
21 the Health Department. Just to refresh, that was for a
22 small addition on the resort building and there were a
23 couple other items that the Board had asked about primarily
24 with capacity of the sewage disposal systems that are
25 existing. So we're working with the Health Department on

1 - JG RESORT LLC -

2 that. We'd like to continue working on that. We're hoping
3 to have something back from the Health Department maybe in
4 a month, maybe in two months. I'm not entirely sure given
5 their timing. In the meantime, they wanted to construct
6 these greenhouses so that they'd be able to grow for the
7 upcoming season. I don't believe there's anything
8 commercial, in that nature. I believe it's more for the
9 resort and people coming to the site.

10 MR. CAPPELLO: So there will be people using the
11 greenhouses. If you never get Health Department approval
12 and you never build the addition to the resort, are these
13 greenhouses part of that? I mean it sounds like
14 segmentation and we're going to have to address it in one
15 way or another if you're allowed to go further.

16 MR. PETERS: No. There's a representative from the
17 Applicant here. I can ask them to come up and maybe
18 clarify a little bit.

19 BOARD MEMBER STAROBIN: Can I ask a question?

20 MR. PETERS: Just what the intent of the greenhouses
21 is.

22 MR. CHEN: Good evening, everybody. My name is Jim
23 Chen.

24 So I'm just helping the owner, the owner is sitting at
25 the table, to explain what we're doing here.

1 - JG RESORT LLC -

2 So I know on the site originally, we have the
3 application, but the result of application, it was holding
4 currently because of concern of the school and everything
5 else. We have Zack helping us. And right now the Health
6 Department gave us some comments. We're waiting for
7 processing. We try to, you know, comply, fully comply with
8 their in comments. We are doing some sewer, you know,
9 treatment to make sure everything is okay before we can
10 actually come back to the town. But in the meanwhile,
11 because the land is pretty much not doing nothing, so there
12 is a piece of land used, to be an agricultural land. So we
13 think, you know, in the wintertime because the area is very
14 chilly, cold, cannot grow anything, so we're thinking do
15 the greenhouse so we can grow vegetables while the other
16 case is pursuing the process. So that's what. So really,
17 this project, I would think has nothing to do with the
18 other project, although it is on the same spot, the
19 greenhouses, the other project. So that's our thing.
20 Hopefully, the Town can look at this from a greenhouse
21 perspective.

22 If there are any comments, Zack has the comments.
23 Hopefully, we can get this project going and then the other
24 extension, we will continue on because otherwise, right
25 now, you know, it's sort of like they are holding the

1 - JG RESORT LLC -

2 entire process. The owner has acquired the land, this
3 property, for a year and a half now so really, we can't
4 don't anything at this moment. But we, as a good citizen,
5 comes to the Town to try to develop and we wouldn't do
6 anything until the Town gives okay. That's why we present
7 this here.

8 MR. PETERS: So it's not going to be affiliated the
9 with the resort.

10 MR. CHEN: Right, right. I mean it's on the same
11 side. As I say, the same owner.

12 MR. CAPPELLO: Will people who stay in --

13 I don't know if you had a question first.

14 BOARD MEMBER STAROBIN: No, finish up.

15 MR. CAPPELLO: Will the people who stay in the resort,
16 in the addition, though, will they be using these
17 greenhouses? We need to know. It can't be two separate
18 projects. They all have to be permitted so we need to know
19 what your vision is long term and then how you want to
20 phase it. So you can give us a narrative and say: This is
21 what I'm in the Health Department for. This is what I have
22 to apply for. I'm amending it to the greenhouses. This is
23 how they will all work together or don't work together.
24 This is how. This first phase, if you want to call this
25 the first phase, then the Board could potentially say:

1 - JG RESORT LLC -

2 No. 1, we could potentially look at SEQRA for the whole
3 thing. Or we can say: We're segmenting because even if
4 you didn't get the other addition approved, the greenhouses
5 is an agricultural pursuit. But we need to know everything
6 you have planned and how you want to accomplish it in a
7 narrative form so whatever we approve, the Building
8 Inspector could know what's approved, what it's for, what's
9 still to come and what you can't do yet or what you're
10 waiting for so we can look at the whole picture instead of
11 just piecemeal.

12 MR. CHEN: Yes, I understand. I think more than a
13 year that we came here to submit the first application the
14 Town really wants to know the overall, what's in the head,
15 in the owner's head. But I think we do not have too much
16 idea. You know, so I think that, you know, we definitely,
17 the Master Plan update is based on currently known
18 conditions. The application and the process takes some
19 time. So if the owner can think of everything right now,
20 you know ...

21 MR. CAPPELLO: Well, it's not potentially everything,
22 but we know you have an application in at the Health
23 Department.

24 MR. CHEN: Right.

25 MR. CAPPELLO: So that, we know and this we know.

1 - JG RESORT LLC -

2 We've got to know at least how these are going to be
3 coordinated.

4 MR. CHEN: Well, how this is coordinated, we would
5 think we want to do this first and then we do the --

6 MR. CAPPELLO: Yes, but you've already applied for
7 that.

8 MR. CHEN: What?

9 MR. CAPPELLO: You need to give us a staging. You
10 can't just creep and add on. You have this applied for.
11 Now you're amending this is include this. If you would
12 like to do this first --

13 MR. CHEN: Right.

14 MR. CAPPELLO: -- that okay, but we can't just ignore
15 the fact that that's there. That all needs to be at least
16 a narrative of what you plan to do in the next year or so.

17 MR. CHEN: Okay.

18 MR. CAPPELLO: If you haven't decided on the rest,
19 you'll --

20 MR. CHEN: All right, we will provide it on the
21 narrative. We'll work with Zack and submit to the Town.
22 This way, at least you know what, at least for these two
23 pieces, what's our plan.

24 MR. PAGGI: There were site improvements proposed with
25 the other plan, as well. There was an expansion of a

1 - JG RESORT LLC -

2 building, there was expansion of sewage disposal --

3 MR. CHEN: Right, right, right.

4 MR. PAGGI: We need to see all that on the plan. Even
5 if you're not planning on doing that first, it can be Phase
6 2, that's got to go on the plan because that's going to
7 come into Zack's calculations for total land disturbance
8 because you can't separate those.

9 MR. CHEN: Okay.

10 MR. PAGGI: The DEC will not allow us to separate
11 those. If that cumulative disturbance goes over an acre,
12 Zack's got to design some stormwater for it.

13 MR. CHEN: Right. Okay.

14 BOARD MEMBER STAROBIN: A comment. You had mentioned
15 there was not going to be any water attached to the
16 greenhouses?

17 MR. CHEN: Yeah, because with some vegetables, some,
18 like, containers hanging, you know, inside on some kind of
19 rack. I'm not doing the vegetables, you know.

20 BOARD MEMBER STAROBIN: The only reason I'm concerned
21 is because I've lived up here for years and I'm always
22 concerned about the capacity of wells to supply water. I
23 have a small greenhouse, plus I have water.

24 MR. CHEN: Right.

25 I think Zack did a site evaluation. We have all the

1 - JG RESORT LLC -

2 data of what the existing well capacity is. We have all
3 the data to submit if the Town would need it, so we can
4 submit that.

5 MR. PAGGI: So our concern with the water supply would
6 be if you're going to have water supply plumbed to these
7 greenhouses for irrigation then you may need some backflow
8 prevention on it. You would also have to provide some type
9 of freeze protection, whether it be draining it in the cold
10 months. But that should also be contemplated in your
11 plans.

12 MR. CHEN: Okay.

13 MR. PETERS: So I guess just a clarification on our
14 end. The Applicant obviously would like to pursue,
15 assuming that if everything were to get approved, they'd
16 like to pursue construction of the greenhouses first. I
17 understand that the Board must look at the overall picture.
18 Is it really technically one application and it would be a
19 phased approval or --

20 MR. CAPPELLO: Yes. I mean ultimately, it's going to
21 be your decision of how you want to go forward. But I
22 think at least for SEQRA purposes --

23 MR. PETERS: Okay.

24 MR. CAPPELLO: -- we have to look at everything.

25 If we decide we can segment and make a clear reason

1 - JG RESORT LLC -

2 why it's appropriate for segmentation, then the Board can
3 consider it. We're thinking about this. You do have a
4 pending application for it so we can't ignore it.

5 MR. PETERS: Yes. What we were looking at was we're
6 waiting on the Health Department. If we add the other
7 proposal to this set of plans, is that something that the
8 Board would look at, a Phase 1 approval.

9 MR. CAPPELLO: You would make the request.

10 MR. PETERS: Okay.

11 MR. CAPPELLO: If you want to segment because you
12 don't have the information, if you're just waiting on the
13 Health Department but you think the SEQRA issues you can
14 address appropriately to the Board's and the consultants'
15 satisfaction you potentially could get SEQRA on the whole
16 thing but just get site plan on the greenhouses. If you're
17 not having enough information where you don't think you're
18 ready to consider SEQRA on the whole thing then you'll have
19 to make a request to segment it and just give us your
20 justifications as to why you think it's appropriate.

21 MR. PETERS: Okay.

22 BOARD MEMBER GOODMAN: And that is a decision that we
23 would make?

24 MR. CAPPELLO: You would make the decision. Well,
25 they would tell you what they want to apply for if they

1 - JG RESORT LLC -

2 believe they're not ready.

3 BOARD MEMBER GOODMAN: But in terms of allowing --

4 MR. CAPPELLO: Segmentation is frowned upon unless
5 it's an independent action and it's no more impact on the
6 environment, which you potentially could make here. Four
7 greenhouses and those greenhouses are being used whether
8 the expansion is going to be or not and there's enough
9 land. I think we could justify it. But I don't want to
10 leave something hanging or get the Health Department.
11 Larry's comment is spot on. If there's more disturbance --
12 that's the issue. Is there more disturbance or any
13 thresholds they'll be tripping that if we segment we miss.
14 We want to make sure we get that on the record.

15 CHAIRMAN GREEN: I know in the past we have had
16 applications where somebody has come in a total
17 application. The BE-ECO project is one.

18 MR. CAPPELLO: Yes, yes.

19 CHAIRMAN GREEN: They realized they couldn't do the
20 whole thing. But then it was up to them to come back and
21 say, Here's what our project is going to be and it's Phase
22 1, Phase 2, Phase 3. We also had, I think one of the camps
23 where they came in with, like, two or three of them. We
24 finally just said, This is segmentation. It turned out
25 that the reviews that we were doing for them, we were

1 - JG RESORT LLC -

2 actually looking at the entire site anyway.

3 MR. CAPPELLO: Right. So here, you just have to look
4 at what's on the place so you know on those issues that
5 when do certain thresholds get tripped, what's the
6 disturbance. Again, four greenhouses on a parcel this big
7 in and of itself is not a big deal. But then if this one
8 is three-quarters of an acre disturbance, then the next one
9 comes in and nobody took into account that this came first
10 and that's three-quarters of an acre, then eight months
11 from then they come in to do another expansion, now you
12 don't have any stormwater because everybody does, Oh, this
13 is only three-quarters of a acre, this is only
14 three-quarters of an acre. That's the types of issues.
15 You need to just make sure you're aware of, it's addressed
16 so everybody knows what the rules are going forward and
17 everybody can progress and the Building Inspector will have
18 clear marching orders.

19 BOARD MEMBER RUSSEK, III: Any power, electric, power,
20 lights?

21 MR. CHEN: No need.

22 BOARD MEMBER RUSSEK, III: That was another on that
23 had come up. That was a big one with the BE-ECO project,
24 too, with the lights. If you're not doing lights, then ...

25 BOARD MEMBER GOODMAN: So they have to have a decent

1 - JG RESORT LLC -

2 idea of what that expansion on the resort is going to be in
3 order --

4 MR. CAPPELLO: Right, which I think they do because
5 they're in the Health Department.

6 MR. PETERS: I think we can just revise our narrative
7 and provide all of our information on the greenhouse aspect
8 of it, add this into the plan. And then our intention, I
9 guess, would be to come back in with that request.

10 Hopefully next month, hopefully, we'll have something from
11 the Health Department.

12 CHAIRMAN GREEN: We also have a memo with all these
13 things from the planner. Did you get this?

14 MR. PETERS: I didn't. And I actually didn't get
15 Larry's comments either.

16 MR. PAGGI: I'm sorry, Zack.

17 MR. PETERS: No, that's okay.

18 CHAIRMAN GREEN: So they raised a few other questions,
19 as well.

20 On the application part it looks like it's just a
21 technical thing. But the second one: Our records indicate
22 that a previous application before the Board for a special
23 permit use was never approved.

24 MR. PAGGI: That's what we were talking about.

25 CHAIRMAN GREEN: Okay.

1 - JG RESORT LLC -

2 The other one that got my attention is it says: The
3 Applicant has indicated that ten acres of the site are
4 currently in farm production. Is that accurate?

5 MR. CHEN: I think the ten acres is, like, on the
6 previously signed map they have some agricultural land.
7 But the land that was transferred to the new owner, I think
8 a year and a half ago, whatever, I don't know the exact
9 time, but since they purchased it they didn't do anything.
10 You know, it was just like a piece of a farmland. It was,
11 like, open to the air with nothing grew on it. That is
12 what comes to the picture.

13 CHAIRMAN GREEN: Well, because the concern is that
14 this is in the Mountain Greenbelt. Is that something that
15 they're allowed to do?

16 MR. CAPPELLO: We'll look at the code. I know there's
17 a differentiation in farming. In the Mountain Greenbelt
18 there's nurseries being done and there an exemption there,
19 too, already cleared, if the land is already cleared. We'd
20 need indication on that. But ten acres, the showing of the
21 ten acres, that's usually the magic number to be entitled
22 to an ag exemption. This is not in an ag district but you
23 can still get an ag exception even if you're not in an ag
24 district if you're actively producing.

25 CHAIRMAN GREEN: The rest of these I think are pretty

1 - JG RESORT LLC -

2 much technical.

3 MR. PETERS: I don't see anything major. I'll take a
4 look through everything and address them all as we come
5 back.

6 CHAIRMAN GREEN: Do we have any other comments from
7 the other board members?

8 BOARD MEMBER GOODMAN: I see an inconsistency in the
9 plan. The current example for the greenhouse show a wood
10 frame. You said they were metal frame greenhouses, not
11 wood frames.

12 MR. PETERS: Yes. The company that produces it has a
13 sample package. I pulled those inserts out. They had an
14 option for metal or wood.

15 MR. CHEN: As long as it's going up, it's not going to
16 blow up the wind or whatever.

17 CHAIRMAN GREEN: I think I just have to note that I
18 guess it's because I understand the last application said
19 resort, this one now says farming, but it's two separate
20 organizations that are listed as the applicant.

21 MR. CHEN: One is the son, the owner's son. So, you
22 know, he is the one -- the lady that owns land, her son is,
23 also. The family has three people. If that's an issue,
24 then ...

25 MR. PETERS: We'll clarify that.

1 - JG RESORT LLC -

2 MR. CHEN: Yeah, yeah.

3 They are blood related, each of them.

4 CHAIRMAN GREEN: Okay.

5 Any other comments?

6 (No verbal response.)

7 CHAIRMAN GREEN: I guess we're done.

8 MR. PETERS: All right. Thank you, everybody.

9 MR. CHEN: So one more question. So Zack or we should
10 receive some type of like a note or comment; right?

11 MR. PETERS: I've got it.

12 MR. CHEN: Thank you.

13 (Time noted: 7:35 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 JG Resort 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

ROSEMARY A. MEYER

Date Transcribed: March 5, 2020

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Empire Solar Solutions for Joseph Grande
Proposed Ground Mount Solar Array
Tax Map Section 27; Block 1; Lot 11.6
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
February 11, 2020
7:36 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- FRANK GIRALDI, Board Member
- DOUGLAS STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer

Also Present: Stephanie Kusmann,
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 CHAIRMAN GREEN: The next applicant is Empire Solar
3 Solutions for Joseph Grande, proposed ground mount solar
4 array. The property is located at 277 Shawanga Lodge Road,
5 Tax Map 17; Block 1; Lot 11.16. The property lies in the
6 Burlingham Residential Zone and is approximately 3.48
7 acres.

8 MS. KUSMANN: Good evening. My name is Stephanie
9 Kusmann. I represent Empire Solar.

10 So the proposed ground mounted solar array for
11 Mr. Grande is a ground mount Panasonic 375 watt panels
12 split into two even arrays of 20 panels each.

13 I hope everybody received the package with the
14 pictures. You can see what the property looks like and how
15 much area is around the property if you received the packet
16 of pictures.

17 So the first shot is the aerial photo so that you can
18 see the surrounding area. The second shot is a photo of
19 the front of the house so you could see what you would see
20 from the road. This house is also set back from the road
21 so you wouldn't necessarily see where we're putting the
22 array from the main road.

23 We're planning to put the array, if you're looking at
24 the front of the house, it would be to the left back area
25 facing south. It would take up approximately 750 square

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 feet. And we would not be doing any tree removal.

3 We did receive the planner's report. We actually
4 received two and they were kind of conflicting so I wanted
5 to be able to review those with you.

6 Other than reviewing the report, I don't know what
7 other information you would want from us as far as what the
8 proposed use is.

9 CHAIRMAN GREEN: I'm just reviewing the report.

10 MS. STEPHANIE: Sure.

11 CHAIRMAN GREEN: Larry.

12 MR. PAGGI: Sure.

13 So the mapper indicates that the proposed action is
14 within 2,000 feet of a DEC spills or remediation site. We
15 weren't quite sure what the statement meant in the body of
16 the EAF. I mean it seems like a portion of the remediation
17 may be on the property. Just the fact that there's
18 something being stated, it can be somehow indicated that
19 it's either off the property or if it's on the property,
20 just how us the approximate area that shows it's well away
21 from anything that you're doing.

22 MS. STEPHANIE: Do you where we would obtain that?
23 Would that be directly from the DEC?

24 MR. PAGGI: I would imagine that they would have some
25 document if it's a problem.

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MS. STEPHANIE: I did ask Mr. Grande tonight if he
3 ever received any notification of any spills or anything
4 like that on his property. He's doesn't know of anything.
5 If that is a contingency, we can definitely look into it --

6 MR. PAGGI: Okay.

7 MS. STEPHANIE: -- and get some kind of documentation.

8 MR. PAGGI: You talked a little bit about no tree
9 removal. The EAF also talks about other natural
10 communities. I'm not an environmentalist. I don't know
11 what Pitch Pine Oak Rocky Summit is, but if there's no
12 vegetation removal planned, if it's basically in a lawn
13 area --

14 MS. STEPHANIE: Yes.

15 MR. PAGGI: -- maybe just put a note to address that
16 there's going to be no tree removal or vegetation removal.

17 MS. STEPHANIE: Okay.

18 MR. PAGGI: I think that will cover that there will be
19 no impact.

20 MS. STEPHANIE: Uh-huh.

21 MR. PAGGI: We have this situation with almost every
22 ground mount solar that comes in. When a site plan is
23 developed it's developed very specifically to the technical
24 construction of the solar mount rather than the site plan
25 relevance. This application actually included a copy of a

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 survey, which is great. But the site plan that you used
3 was based on County GIS which is not real accurate boundary
4 information.

5 MS. KUSMANN: Well, we did have both on the site plan.

6 MR. PAGGI: I didn't remember seeing --

7 MS. KUSMANN: You probably just want one that's this
8 size with the proposed location?

9 MR. PAGGI: What we want to see is the house and the
10 ground mount based on the property line as shown on the
11 survey, not based on the GIS.

12 MS. KUSMANN: I'm confused because I thought, like on
13 the front page of the plan, this was from GIS and this was
14 from the property survey that the homeowner provided.

15 MR. PAGGI: Right. So if you could give us, maybe ..

16 MS. KUSMANN: We can have our engineer put the
17 proposed array on this.

18 MR. PAGGI: Let me just tell you. The map that you
19 have up in the corner, the left-hand corner, that's
20 generally what we use as like a general location map so we
21 can get an idea of where the project is.

22 MS. KUSMANN: Uh-huh.

23 MR. PAGGI: The map on the right would be the more
24 appropriate map for locating proposed improvements on the
25 property. So if you could show the ground mount solar on

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 that piece of information, that's --

3 MS. KUSMANN: I mean it is on here.

4 MR. PAGGI: I don't remember seeing it. I'm sorry.

5 MS. KUSMANN: Can I come over?

6 MR. PAGGI: Sure, bring it over.

7 MS. KUSMANN: It's just not on the full-size copy. We
8 had our engineer trim it down so that it would fit on our
9 plans. We have all the setbacks and waivers.

10 MR. PAGGI: Oh, that great. You know what?

11 MS. KUSMANN: I can have this blown up.

12 MR. PAGGI: No, I think that's sufficient.

13 MS. KUSMANN: Okay.

14 MR. PAGGI: That's exactly what we're looking for.

15 MS. KUSMANN: It has all the property lines, the
16 approximate location of where we want to put it. Kind of
17 catty corner to the back of his house. And this is his
18 driveway, the main road.

19 MR. PAGGI: Right.

20 MS. KUSMANN: On that side is his property line.

21 MR. PAGGI: So bottom line is that there is an
22 indication that the proposed location of the ground mount
23 solar improvements on the survey map, and that is
24 acceptable. I honestly don't remember seeing it and I
25 don't know how I would have missed that. That's pretty --

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MS. KUSMANN: I have an extra copy, if you want.

3 MR. PAGGI: Would that be okay if she gives me a copy
4 of this? We'll just make sure that we demonstrate in our
5 response letter that this would satisfy.

6 MS. KUSMANN: Okay.

7 MR. CAPPELLO: The maps that we received don't have
8 that second --

9 MS. KUSMANN: I can get as many copies as you need.

10 MR. PAGGI: That makes me feel better.

11 MS. KUSMANN: This has never been revised from our
12 original application.

13 MR. PAGGI: Okay. So you know what? Rather than
14 giving me that, can you just provide a resubmission
15 addressing these comments, then? That would be great.

16 MS. KUSMANN: Sure.

17 MR. PAGGI: We always ask for some form of erosion
18 sediment control measures. We're an MS4 community. We're
19 held bound by DEC to require that erosion sediment control
20 be addressed.

21 MS. KUSMANN: Yes.

22 MR. PAGGI: Generally, we'll just ask for an
23 approximate location of silt fence and maybe a short blurb
24 on stating that the measures will be installed prior to
25 construction and maintained during construction. I would

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 think your engineer would know what to do with that.

3 MS. KUSMANN: Yes.

4 MR. PAGGI: And then just a typical silt fence detail
5 that conforms to the current guidelines.

6 MS. KUSMANN: And that's a mandatory --

7 MR. PAGGI: That is --

8 MS. KUSMANN: -- the silt fence regardless of how much
9 digging or any sort of time of construction?

10 MR. PAGGI: It's really is because it's weather
11 dependent. You know, I mean --

12 MS. KUSMANN: Okay.

13 MR. PAGGI: -- look at the weather we're going to have
14 this week. We have freeze, we have thaw. We could have a
15 gully washer right after a five degree day.

16 MS. KUSMANN: Sure.

17 MR. PAGGI: Let me rephrase that. Silt fence is not
18 absolutely required. If your engineer feels that he can
19 stabilize without silt fence in a manner that silt fence
20 wouldn't be required, as long as it makes sense to us.

21 MS. KUSMANN: Okay.

22 MR. PAGGI: And then we just attached to your comment
23 letter what we ask for all the plans, just the owner's
24 consent and Planning Board block.

25 MS. KUSMANN: If you have a copy of that consent, can

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 we have that done tonight or ...

3 MR. PAGGI: No. That should go right on the plan.

4 MS. KUSMANN: Okay.

5 MR. PAGGI: So that site plan that you showed me,
6 these should go on there so that when they get filed we
7 know that that's the map that your owner is agreeing to,
8 the terms on it, and we know that the Planning Board has
9 approved it.

10 MS. KUSMANN: It doesn't need to be signed in front of
11 a Planning Board member?

12 MR. PAGGI: No. It's just got to be an original
13 signature.

14 MS. KUSMANN: Okay, sure.

15 MR. PAGGI: Yes.

16 MS. KUSMANN: So just so that I can make sure that
17 we're resubmitting everything properly, for Item No. 1, you
18 want us to get something from the DEC stating that
19 they're ...

20 MR. PAGGI: It's either off the site or just show us
21 an approximate area that shows it's away from any of
22 your ...

23 MS. KUSMANN: Which would be 750 feet square feet away
24 from.

25 MR. PAGGI: Based on the note, it sounds like there's

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 750 square feet of remediation on the owner's property.
3 That's what I'm interpreting it to mean, but I'm not sure.

4 MS. KUSMANN: Okay.

5 MR. PAGGI: So if it is, I'm thinking that it may be a
6 corner, a remote corner, close to an adjacent site. If you
7 can just kind of indicate that, where that is, that's what
8 I'm thinking. If it's something other than that, then
9 we'll try to figure it out.

10 MS. KUSMANN: Would you want that marked on the site
11 plan?

12 MR. PAGGI: Yes, yes.

13 MS. KUSMANN: Would you need any kind of documentation
14 from the DEC?

15 MR. PAGGI: That would be good.

16 MS. KUSMANN: Okay.

17 MR. PAGGI: Yes.

18 CHAIRMAN GREEN: Just to clarify, you're sure that
19 that 750 square feet of homeowner property isn't referring
20 to the actual location? They're both 750 feet.

21 MR. PAGGI: I don't know.

22 CHAIRMAN GREEN: It's an interesting coincidence.

23 MR. PAGGI: I don't know.

24 CHAIRMAN GREEN: I'm just wondering if there's just
25 something here that just got transposed or something.

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MS. KUSMANN: It even says here: This response is not
3 clear as to the portion of the property impacted by spills
4 or remediation. We recommend that -- we'll look into it,
5 definitely.

6 CHAIRMAN GREEN: It's odd that the project would be
7 750 square feet --

8 MS. KUSMANN: right.

9 CHAIRMAN GREEN: -- and somehow you're exactly
10 impacting 750 square feet. It sort of leads me to believe
11 that maybe somebody mixed up something.

12 MR. PAGGI: Maybe there's a typo there.

13 BOARD MEMBER GOODMAN: Larry, do you know if an area
14 has been remediated, let's say you had a leaking oil tank
15 and it was remediated, you're not allowed to disturb that
16 site once it's been done, or we're not sure?

17 MR. PAGGI: It depends. It depends on what the issues
18 were. We really don't have any information other than
19 there was a remediation site. It may have been closed. I
20 don't have any information to tell you what, yes or no.
21 But --

22 BOARD MEMBER GOODMAN: But it's possible. We need to
23 know.

24 MR. PAGGI: Right.

25 MR. CAPPELLO: If it was a leaky oil tank, I would

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 guess that what was it was, the neighbor would have a
3 gotten close out letter. Whoever did the removal of the
4 tank few and the clean up would have the DEC inspect.
5 There's a close out letter somewhere that says: We
6 inspected it and that's what we looked at. They get a
7 remediation plan and then they close it out.

8 MR. PAGGI: If you've got documentation saying that it
9 was completely remediated and there's no further concerns,
10 we may not even need to see the location.

11 MS. KUSMANN: Sure.

12 MR. GRANDE: Excuse me. I'm the homeowner. I'm
13 Joseph Grande.

14 I could tell you there's no such thing as an oil tank
15 because I built the house on the property --

16 MR. CAPPELLO: No, a neighbor.

17 MR. GRANDE: -- and it was undisturbed. So I don't
18 know where --

19 MR. CAPPELLO: Could it be your neighbor?

20 MR. GRANDE: That's a brand new house, too, that's in
21 front of me. So I don't know. When I bought the house
22 there was nothing from DEC saying that there was any type
23 of spill, disturbance or anything. I think that's
24 something, when I bought the land, should have been brought
25 to my attention. So ...

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MR. PAGGI: What's happening --

3 MR. GRANDE: This, to me, seems like it's a mistake
4 on --

5 MR. CAPPELLO: Well, it's 2,000 feet. It could
6 just --

7 MR. GRANDE: Yeah.

8 MR. CAPPELLO: I would just get it clear.

9 MS. KUSMANN: If it indicates that there wasn't any
10 issues, then I think it would be an easy resolution to get
11 documentation --

12 MR. GRANDE: Okay.

13 MS. KUSMANN: -- saying that there weren't any spills.

14 MR. GRANDE: Yeah. I'm just here to say that I know
15 there wasn't anything on there because I built the house on
16 the property. It's not oil. My house is propane. It's
17 extremely efficient, which is why I'm trying to go for the
18 solar. And, you know, I just want to clear that up. It's
19 nothing that's been done on my property so I don't know.
20 And there's only one other house in front of me, as you can
21 see by the drawing. That house is fairly new, as well, you
22 know, considering what's in our neighborhood.

23 MS. KUSMANN: We'll look into it.

24 For No. 2, you would just want noted somewhere on the
25 plans that we're not doing any vegetation removal?

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MR. PAGGI: On the site plan. Again, the site plan is
3 going to be the governing plan. That will be the one
4 that's signed, that we know that the owner is agreeing to
5 the terms and conditions that the Planning Board has
6 approved. If you can get that on there.

7 Honestly, if you can do it, I mean it's a lot of
8 information to put on there, maybe --

9 MS. KUSMANN: We can do it, don't worry.

10 MR. PAGGI: Maybe a sheet, if necessary, that's fine.

11 MS. KUSMANN: Item No. 3 you said was fine with the
12 property survey that I just showed you.

13 MR. PAGGI: Yes.

14 MS. KUSMANN: I just need to provide --

15 MR. PAGGI: Yes. That is exactly what I was looking
16 it for, which you just showed me.

17 MS. KUSMANN: Okay, okay.

18 And then for the --

19 MR. PAGGI: Your engineer should just --

20 MS. KUSMANN: -- the silt fence.

21 MR. PAGGI: The erosion sediment control, just provide
22 us some practical means of protecting against erosion and
23 sediment control. This is a very minor project. It can be
24 very simple.

25 MS. KUSMANN: Okay.

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MR. PAGGI: We just want to know that it's addressed
3 so that ...

4 MS. KUSMANN: Now, given all this information, is it
5 something that we would have to come back to Planning Board
6 for?

7 MR. CAPPELLO: No. I mean you have a memo from the
8 planner, too. It's really borderline as to whether it
9 needs a site plan. This is exempt from SEQRA as
10 installation for a single home. I think the Board could
11 consider a resolution to grant site plan approval subject
12 to the four conditions that were just read by the
13 Applicant.

14 CHAIRMAN GREEN: The planner actually has, the last
15 sentence here: The Applicant has demonstrated compliance
16 with Town solar regulations, and we have no further comment
17 at this time.

18 MS. KUSMANN: That's why I said there was -- we got
19 two reports that were kind of conflicting so I wanted to
20 clarify what it was that you wanted to see so that we could
21 move forward with the project. We want to get him
22 installed and turned on for spring when production starts
23 picking up.

24 CHAIRMAN GREEN: So we just have a motion for
25 conditional approval?

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MR. CAPPELLO: Yes, subject to the four conditions.

3 She did a better job summarizing.

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

5 CHAIRMAN GREEN: Alex made the motion.

6 BOARD MEMBER RUSSEK, III: Second.

7 CHAIRMAN GREEN: Joe, second.

8 All in favor?

9 BOARD MEMBER STAROBIN: Aye.

10 BOARD MEMBER GOODMAN: Aye.

11 BOARD MEMBER RUSSEK, III: Aye.

12 BOARD MEMBER GLISSON: Aye.

13 BOARD MEMBER GIRALDI: Aye.

14 ALTERNATE BOARD MEMBER STAINTON: Aye.

15 CHAIRMAN GREEN: Aye.

16 (The motion was approved and carried.)

17 MS. KUSMANN: We just have to go to public hearing?

18 MR. CAPPELLO: No, you're done.

19 MS. KUSMANN: Okay.

20 MR. CAPPELLO: You're done here. Submit the
21 information to the Building Department. She'll coordinate
22 with Larry to just look at the erosion controls and then
23 you can pull the building permit.

24 MS. KUSMANN: And the permit will be issued? Great.

25 Thank you all.

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -

2 MR. PAGGI: Thank you.

3 BOARD MEMBER GOODMAN: Thank you.

4 CHAIRMAN GREEN: This is just a general comment. Is
5 there something we can do so that people like this don't
6 have to come before the Board?

7 MR. CAPPELLO: Well, I thin --

8 CHAIRMAN GREEN: I know this one was on the side and
9 the code says ...

10 MR. CAPPELLO: I think it's something we could look at
11 akin to timber harvest, have the Building Inspector do
12 this. I mean really, it's only supposed to be if it's
13 visible from the road, but giving the Building Inspector's
14 determination if it's visible from the road is, you know,
15 anything you could potentially see. So yes, I think it
16 should be streamlined a little bit more so we only see the
17 ones that are unique or in a front yard.

18 CHAIRMAN GREEN: I notice we --

19 MS. KUSMANN: Can it ever be in the front yard?

20 CHAIRMAN GREEN: I notice we have --

21 MR. CAPPELLO: Well, if there's nowhere else to put
22 them because the back of your back yard is a cliff or
23 something --

24 MS. KUSMANN: Right.

25 MR. CAPPELLO: -- or fully wooded and you'd have to

1 - RE: EMPIRE SOLAR SOLUTIONS/J. GRANDE -
2 clear cut it.

3 MS. KUSMANN: All right. Well, we'll get all those
4 revisions and submit them as soon as possible so we can get
5 a permit issued so we're good.

6 All right, thank you, all.

7 CHAIRMAN GREEN: Thank you.

8 MS. KUSMANN: Have a good night.

9 CHAIRMAN GREEN: I'm also making the comment because I
10 notice we have some board members back there. This is
11 something we need to address. We have people coming to
12 install solar panels and the code sort of says, well, if
13 it's on the side. There's a lot of vagueness there that
14 means that Mary has to make a determination, and it's
15 tough. They end up coming here. We want them to make this
16 as easy as possible for the people doing this. They're
17 putting in solar panels and they're trying to do the right
18 thing.

19 SUPERVISOR LYBOLT: I agree. The more we streamline
20 it, the better.

21 MS. KUSMANN: I agree. Thank you all.

22 (Time noted: 7:54 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 Empire Solar Solutions, 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: March 5, 2020

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

Joel Fleischman
Proposed Special Use/Hobby Farm
Tax Map Section 46; Block 1; Lot 32.12
Burlingham Residential Zone

X

Town Hall
Town of Mamakating
February 11, 2020
7:52 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- FRANK GIRALDI, Board Member
- DOUGLAS STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer

Also Present: Amador Laput,
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: JOEL FLEISCHMAN -

2 CHAIRMAN GREEN: The next applicant, Joel Fleischman,
3 proposed special use/hobby farm. The property is located
4 at 83 Old Roosa Gap Road, Tax Map Section 46; Block 1; Lot
5 32.12. It is approximately 3.46 acres and lies in the
6 Burlingham Residential Zone.

7 MR. LAPUT: Good evening. Amador Laput, Fellenzer
8 Engineering here with Joel Fleischman, the owner.

9 So he has this existing single-family residence and
10 he's seeking approval for a hobby farm.

11 So this is a flag lot with driveway of 351 feet. The
12 house is here. And currently, there is a hobby farm on the
13 property just to the west of the house.

14 MR. CAPPELLO: I don't want to interrupt you, but just
15 to clarify --

16 MS. UNIDENTIFIED SPEAKER: Excuse me. Can he have a
17 microphone so we can hear him? We can't hear anything.

18 MR. LAPUT: Is there a microphone?

19 MR. PAGGI: How about we use this? Mort, we'll use
20 this. It's got a long cord on it.

21 MR. LAPUT: Thank you.

22 MR. CAPPELLO: I just want to clarify something.
23 There's no such thing anymore in the Town of Mamakating as
24 a hobby farm. The code says small-scale farming. We have
25 a new code. You're required to comply under the provisions

1 - RE: JOEL FLEISCHMAN -
2 of that new code. So hobby farm is a thing of the past.
3 It's small-scale farming. There's definitions in the
4 code. We'll go through them. But that's what you're going
5 to have to meet and that's what the discussion will be this
6 evening.

7 MR. LAPUT: Okay. We'll amend that to small-scale
8 farming.

9 So Mr. Fleischman is purposing animals on the hobby
10 farm -- sorry -- small-scaling farming. There would be two
11 horses, five kid goats, 40 chickens and three sheep.

12 If we go through the zoning, it talks about the
13 livestock. One animal unit is equivalent to a thousand
14 pounds. So the animal density which showed to us in a
15 letter, both the Town zoning and then as
16 an alternate, to the poultry, poultry in the Town zoning
17 lists 10 birds per half acre or 20 or birds per acre. With
18 the animal equivalent of a thousand pounds per acre, that
19 would mean each bird would be 50 pounds. So here, we're
20 talking about chickens and not the raising of chickens in a
21 coop. These are, you know, for pets and food and they
22 would be free range. The zoning talks about keeping the
23 cage type poultry raising which is not what we're
24 proposing.

25 So we went to Cornell Cooperative Extension and we

1 - RE: JOEL FLEISCHMAN -
2 attached to our letter, their backyard poultry and
3 livestock rearing where they talk about poultry being
4 one-half acre for 12 birds or less, one acre for 13 to 20
5 birds and over one acre, no limit. So we're saying that
6 there will be 40 chickens and we're taking their weight at
7 nine pounds. So the chart that we have on the last page of
8 our letter adds up the goats, sheep, horses and poultry,
9 and that total weight is 3,460 pounds, or needing 3.46
10 acres which is the acreage of the property.

11 So in addition, we're showing some additional fencings
12 both on the southern property line here and then along the
13 driveway on the west side.

14 Also, there's some other improvements that
15 Mr. Fleischman would be applying for a permit. This would
16 be a shelter for the horses and the chickens, that
17 two-story shelter here. And then there would be a house
18 addition on the single-family home, a deck and a garage
19 adjacent to the house. Those are shown on the site plan.

20 MR. PAGGI: I'll get started. You don't need a
21 microphone for me?

22 MR. LAPUT: Here.

23 MR. PAGGI: No, hang on to that. Hang on to that
24 because you may want to respond.

25 One thing that just is occurring to me as you're

1 - RE: JOEL FLEISCHMAN -

2 saying a house addition, if there's going to be an
3 additional bedroom we will need to have a modification to
4 the sewage disposal system.

5 MR. LAPUT: So currently, the septic system was
6 approved for four bedrooms and he only has three bedrooms
7 currently. It would be proposed for four bedrooms.

8 MR. PAGGI: Can you provide us documentation that it's
9 an existing four-bedroom system?

10 MR. FLEISCHMAN: Yes. The initial filing, about two
11 years ago, I filed for a permit for a four-bedroom and that
12 was approved, actually, for a four-bedroom house. So this
13 is -- and then we went to actually build the addition, but
14 it was initially approved for a four-bedroom.

15 MR. PAGGI: Just provide us that documentation so have
16 it for our records.

17 Generally, what happens is when a design is presented
18 to a reviewing agency, it can be a design for a three or
19 four bedroom, but it will depend on what was actually
20 installed. So in other words, you may have a four-bedroom
21 design, but perhaps only the equivalent of what would be
22 required for a three-bedroom was installed. We just need
23 documentation that you had a design for a four-bedroom and
24 that that's what's installed and that you're going to have
25 no more than four bedrooms. Those pieces, together, will

1 - RE: JOEL FLEISCHMAN -

2 tell us yes, you're good to go.

3 MR. FLEISCHMAN: Okay. So the Board needs the design
4 for the sewer system; right?

5 MR. PAGGI: Right.

6 MR. FLEISCHMAN: Okay.

7 MR. PAGGI: But there are some other concerns about
8 the sewer system, the sewage disposal system, we'll get
9 into. I'll just write that down as a note.

10 You had a typical note referring to a site plan for
11 the reference for your boundary information, which is
12 completely fine. You have a reference to the subdivision
13 map. I'm assuming that you're referring to the subdivision
14 map that was filed for your boundary and your topographic
15 information. Can you just say that so I know where the
16 boundary and topographic information came from? And if
17 not. If it's an actual survey, just state the survey, who
18 performed it. Just give us the resource information.

19 MR. LAPUT: Okay, we'll do that.

20 MR. PAGGI: It appears on the mapper that there's a
21 watercourse through the back of the property. Could you
22 either show that or clarify whether or not that exists? A
23 watercourse, a stream, a swale or drainage course.

24 MR. LAPUT: We'll look into --

25 MR. FLEISCHMAN: Well, they're not -- it's like a

1 - RE: JOEL FLEISCHMAN -

2 puddle of water, wet ...

3 MR. PAGGI: If it's wetland it needs to be identified.

4 MR. LAPUT: Right.

5 MR. PAGGI: I contacted DOH relative to this project
6 to kind of explain what I knew of the project and find out
7 if there would be anything that they would require as far
8 as a review. At this stage, I don't think that there is,
9 but they pointed out some standards that we should be
10 looking at. That's quoted in Item 3 there. I think, in
11 particular, your neighbor's adjacent well is within 100
12 feet from the animal pen, which is a required separation.
13 If you could take a look at that. Yes, right there.

14 MR. FLEISCHMAN: To the pen or to the structure?

15 MR. PAGGI: To the pen.

16 MR. FLEISCHMAN: Oh, to the pen. Oh, I see. Thanks.

17 MR. PAGGI: I cited, very specifically, the standard.
18 You can go to that and take a look for yourself to provide
19 your response.

20 The other thing that they expressed concern about was
21 the location of your sewage disposal system in the pen
22 area. They reference that the New York State Design
23 Guidelines specifically state that that is a concern
24 because hooped animals can damage the system and render it
25 less effective through compaction. If the soil is moist

1 - RE: JOEL FLEISCHMAN -

2 and they're in there, they can actually penetrate the
3 system. So we need you to take a look at that, as well.

4 MR. FLEISCHMAN: Actually, I thought about it and
5 actually, when it's ready, we'll put hay, a lot of hay on
6 the property. I mean that's the plan.

7 MR. PAGGI: We're going to need you to come up with
8 something that you feel may mitigate that situation. We'll
9 be contacting the DOH. Or you may want to talk to the DOH
10 first. That would be the best thing. Discuss that with
11 DOH and say, This is something that we've come up with, and
12 then if they feel that this provides protection. That
13 would be the best way to handle that.

14 You mentioned that you're going to be building a
15 shelter. If there's going to be any proposed grading
16 associated with that, it looks like it might be an area
17 little with a little bit of a slope so you may have to do a
18 little bit of grading, just provide that. And associated
19 with that, any erosion and sediment control. Again,
20 probably just some silt fencing and appropriate notes.

21 MR. LAPUT: Right.

22 MR. PAGGI: I thought in prior appearances, it might
23 have even been in our workshop, you mentioned that there
24 may be some visitors that come to the site. This is where
25 the DOH said that they might start to get involved because

1 - RE: JOEL FLEISCHMAN -

2 if visitors visit the site, if it exceeds a certain
3 threshold then it would be considered a petting zoo or some
4 type of a commercial operation and you may be required to
5 provide sanitary facilities and it may be considered a
6 public water supply. You're going to need to take that
7 into consideration and take a look at that, whether you're
8 going to be inviting people to the site. I think the
9 planner and John may have some additional comments on that.

10 MR. FLEISCHMAN: In regards to that point, usually --
11 sometimes -- it might happen twice a year, twice a year,
12 during the holiday season, I'm open sometimes for visitors.
13 But last time I had visitors I did actually rent a Time To
14 Go, a toilet, outside toilet. But if, you know, if this is
15 a problem I mean I can just decide not to have any.

16 MR. PAGGI: We may have to get there.

17 MR. FLEISCHMAN: All right.

18 MR. PAGGI: I mean because if you're going to have
19 visitors and it requires things, we're going to need you to
20 show them on the plan. We're not saying that you can't --
21 well, I don't know that we're saying you can't do it, if
22 it's in the code. I'll let them address whether the code
23 allows it or not. Technically, if there's some provisions
24 that need to be made to allow visitors to come, we need you
25 to address that in your plans and make accommodation for

1 - RE: JOEL FLEISCHMAN -

2 it. If you feel it either doesn't work or it's not
3 economically viable then we need to specifically state that
4 there will be no visitors.

5 MR. FLEISCHMAN: Okay.

6 MR. PAGGI: I don't think you're approaching an acre
7 of disturbance, but please, if you could just maybe list,
8 just in your site data, total area of anticipated
9 disturbance.

10 MR. LAPUT: Uh-huh.

11 MR. PAGGI: And you may have heard me mention on a
12 prior project this evening. Since this is a site plan for
13 an existing facility, we would want you to take a look at
14 existing conformity of the site specifically relative to
15 driveway grades. You can make a statement that it
16 conforms. Or if it doesn't, propose whatever minor
17 modification you might have to, or if you feel that a
18 waiver is appropriate, include that with future
19 submissions.

20 Getting back to the visitors, not only sanitary and
21 potable water supply, but also parking and access would
22 have to be addressed. If you're going to bring in like
23 school-aged children, if you're going to bring in small
24 vans or buses or things like that, you need to have
25 provisions to show parking, so that would have to be

1 - RE: JOEL FLEISCHMAN -
2 addressed, as well.

3 Do you intend to have a water supply out there at all?
4 You may have heard me mention this relative to the
5 greenhouse. To the pens for watering or anything like
6 that?

7 MR. FLEISCHMAN: Yes.

8 MR. PAGGI: So we're going to have to look at
9 appropriate backflow prevention. It may be just a vacuum
10 breaker or something on supplies to make sure that a hose
11 left in a trough doesn't back siphon into the water supply.
12 You're going to want to make provisions to protect it from
13 freezing. We're going to want to see you address what
14 you're going to do there.

15 And then I think the last thing is just relative to
16 tree removal. If there is no tree removal that needs to
17 occur, then state that on the plan. If there is to be tree
18 removal, it may be as simple as a note that it can only
19 occur from November to March. But we would just ask you to
20 address that.

21 I think we provided you with the consent blocks, as
22 well, that we would just ask you to add to the site plan.

23 CHAIRMAN GREEN: I have comments here from Mary, as
24 well as also from the planner.

25 MR. CAPPELLO: I think it's important to go through

1 - RE: JOEL FLEISCHMAN -

2 Adriana's because I think there are some issues that we're
3 going to need the Applicant to go back and get us more
4 information.

5 The first one is the definition of a small-scale farm
6 which is the keeping or raising of livestock such as
7 rabbits, sheep, pigs, goats, equines, cows or poultry
8 generally for personal use and/or not a farm operation
9 regulated in Ag and Markets.

10 For personal use doesn't seem to me to include buses
11 or visitors coming to tour. That's more of a large-scale
12 farming operation where there could be schools that go
13 through there to learn what a farm is. In piggybacking on
14 what Larry's comments, that's something we're going to need
15 more clarification. This is a residential neighborhood and
16 having a bus going on there could cause disturbance to the
17 neighborhood that's not necessarily there when you're on a
18 larger farm and the bus can pull over in the farm area and
19 it's more buffered from any neighbors. We're going to need
20 some more clarification on the exact use, what prohibitions
21 the Applicant would provide.

22 The second comment relates to the horses. It's just
23 that if you have two horses, that's in a small-scale
24 farming operation versus a person who has a single-family
25 residence can have one horse.

1 - RE: JOEL FLEISCHMAN -

2 The other uses, and this is a bigger issue, is the
3 code now says that the raising of more than 20 fowl as part
4 of a small-scale farm shall require a special use permit,
5 then it says in accordance with the provisions for poultry
6 farms. We have to look at that. The only definition in
7 Article 5 as relates to poultry farms requires 25 acres for
8 the conduct of a poultry farm. That hits on the issue of
9 whether more than 20 fowl could be kept on this property at
10 any one time.

11 She does mention a variance for the single-family
12 residence, to show that on the map, the front yard. Did
13 you obtain a variance for the front yard?

14 MR. LAPUT: Did you get a variance?

15 MR. FLEISCHMAN: It was built before

16 MR. CAPPELLO: Just clarify with the Building
17 Department that that's the fact and then just put a
18 notation on the map.

19 She raised a question, and I think, the Building
20 Inspector, as to whether an enclosed livestock area would
21 require a front yard, but I think that's really just a
22 fence. I'm not sure that is considered an encroachment,
23 but Mary should weigh in on it.

24 She makes a comment here, and Mary should weigh in on
25 it, that a fence is a structure and any fences should be 50

1 - RE: JOEL FLEISCHMAN -

2 feet from a lot line because small-scale farming requires
3 that animals be located, any structure that houses an
4 animal be located 50 feet from a property line. We're
5 going to have to look into that to see if that requires the
6 fencing if the animals are roaming there. I'm not exactly
7 sure whether that is correct legally.

8 Then we get to, that's the criteria here which, under
9 her analysis, she says if five acres. As I read the
10 poultry, it's shall be limited to one fowl per 0.2 acres
11 which would be five an acre, not ten an acre. She says ten
12 adults per half acre. But I read this at 199-19(d) to be
13 one fowl for each .2 acres. .2 times five is ten, so
14 that's an acre. So it would be five per acre, not ten per
15 half acre. It might say that somewhere else, but in the
16 small-scale farming, which is 199-17(d), it's five per
17 acre. You're going to have to go through and give us the
18 analysis here, but it certainly looks like on the poultry
19 you're well over. So if you can re-review that, use
20 Section 199-17(d) for your guide.

21 Then she gives some discussion regarding a discussion
22 she had with Cornell Cooperative Extension, that the
23 acreage per animal is intended as a guide, understanding
24 that it could be prohibited to completely fence in large
25 acreage for livestock, the acres per animal should be

1 - RE: JOEL FLEISCHMAN -
2 regarded as support land. Therefore, a property of five
3 acres with a paddock containing one acre may be
4 appropriate, as an example. In this case, the number of
5 animals contained within the paddock may cause concern from
6 soil management and erosion control perspective,
7 particularly given that adjacent properties appear to be
8 located downhill from the paddocks. She's suggesting that
9 the Board consider whether there's an opportunity for
10 rotating pastures to allow soils to rest and rebound.

11 And are the goat kids proposed to remain on the site
12 and are the animals grazing or grain hay fed.

13 Then there's a site plan and SEQRA comments. The
14 Board can go through this.

15 I think we're just going to need you to go back, do a
16 little homework and resubmit with responses to the two
17 memos.

18 I don't know if the Board wants to go through the
19 Building Inspector's memo.

20 CHAIRMAN GREEN: I also do have a comment, that in
21 looking at the site plan for this and looking at the
22 contours on the site plan, it looks like the house is on
23 top of a hill, that it's not like all 3.46 acres are
24 available for these animals.

25 The other thing is, as shown on the site plan, you've

1 - RE: JOEL FLEISCHMAN -

2 got all these animals confined to a really small place.
3 What sort of effect does that have on things? Is that
4 something we all need to still figure out?

5 MR. PAGGI: Well, I don't know how it impacts you
6 code. Again, I think one of the big areas about having
7 animal traffic over the sewage disposal system is a
8 concern. I don't know if they can fence off the sewage
9 disposal system. I think that would remove most of their
10 pen area.

11 BOARD MEMBER STAROBIN: I noticed wetlands encroaches
12 a little over one acre and the total acreage of the
13 property is 3.46. Doesn't that reduce the number of
14 animals, the fact that there's wetland so close to the
15 property and the drainage appears to be in that direction?

16 MR. PAGGI: They would have to show the areas, the wet
17 areas, and if there are any wetlands, in response to your
18 last comment, to show appropriate separation distances.
19 But whether or not that actually reduces the density, I'm
20 not sure.

21 MR. CAPPELLO: I don't know the answer either, to be
22 honest with you. But I think that might be a question to
23 raise with Cornell Cooperative, is something to get, as to
24 when these acreage requirements, does that include the
25 house, does that include the septic area, does it include

1 - RE: JOEL FLEISCHMAN -
2 wetland areas or steeper areas that may be part of the
3 property but may not be actually usable for the animals to
4 roam on, what's suitable and how you calculate these. I
5 honestly don't know the answer.

6 CHAIRMAN GREEN: Okay, okay. That's why we're
7 bringing it up. It's something that still needs to be
8 worked out.

9 Mary had a few comments here, as well. Let's see how
10 to start this.

11 Any person raising or breeding livestock in a manner
12 not in conformity with these regulations shall require a
13 special use permit from the Planning Board and the
14 applicant shall demonstrate following:

15 Purpose: The Town of Mamakating is a rural community
16 with existing areas of agricultural operation. The Town
17 has determined that raising and breeding of livestock for
18 personal use is acceptable within the town provided these
19 activities are appropriately regulated to control the
20 density of animals for purposes of protecting adjoining
21 residences, as well as the animals themselves. Therefore,
22 the following density provisions shall apply with the
23 raising of all livestock and poultry as defined in this
24 chapter.

25 It goes on: The proposed animal density will not have

1 - RE: JOEL FLEISCHMAN -
2 a detrimental effect on the residents or adjoining
3 neighborhood by creating deleterious odors, noise and other
4 health nuisances.

5 I just want to acknowledge we received several
6 letters, as well as several pictures.

7 I've got a question. I think one of those things had
8 a cow on it and there's no record of a cow here.

9 MR. FLEISCHMAN: Well, that's the proposed plan.

10 CHAIRMAN GREEN: But one of the neighbors took a
11 picture and there's a cow.

12 MR. FLEISCHMAN: Right. The proposed plan will reduce
13 the amount of animals I have currently.

14 BOARD MEMBER GOODMAN: There is one now.

15 MR. CAPPELLO: That's another total issue, by the way.

16 MR. FLEISCHMAN: Right.

17 MR. CAPPELLO: This board looks at what you're
18 applying for and considering, whether you have a right to
19 do what you're doing now or you're in violation. That is
20 something the Building Inspector will have to take a look
21 at and opine. The fact that you've applied for something
22 that you can do doesn't give you any rights if what you're
23 doing now is not in compliance.

24 CHAIRMAN GREEN: And again, she also brought up the
25 issue we discussed here which is it's not like this 3.46

1 - RE: JOEL FLEISCHMAN -

2 acres, that there's a house there, there's animals are in a
3 pen. I don't know what the detrimental. I can tell you
4 that having a lot of animals doing their business in a
5 really small confined area is not going to wonders for
6 everybody's water supply.

7 MR. PAGGI: That area may get smaller, too, if it's
8 determined that that separation from that well has to be
9 maintained.

10 BOARD MEMBER STAROBIN: How about the separation from
11 adjoining wells?

12 MR. PAGGI: That's the one.

13 CHAIRMAN GREEN: Right, right.

14 MR. PAGGI: It's the adjoining well. Their well
15 actually is separated. It appears that they've got
16 appropriate separation. It's the neighbor's well that is
17 the concern.

18 CHAIRMAN GREEN: Does anyone have any other comments?

19 BOARD MEMBER GOODMAN: I think I covered everything.

20 CHAIRMAN GREEN: Are we allowed to entertain any
21 questions from ...

22 MR. CAPPELLO: It's not a public hearing but it's a
23 public meeting. You're the chair.

24 CHAIRMAN GREEN: Go ahead.

25 MR. CORACI: I'm Anthony Coraci. I live at 68 Old

1 - RE: JOEL FLEISCHMAN -

2 Roosa Gap. My property adjoins his.

3 The amount of animals that are on this property, let
4 me just say I know that you guys have already discussed
5 this, but I would invite any of you, all of you, to my
6 house that I can no longer enjoy because of the smell,
7 because of the roaming of chickens not fenced into the
8 property, the visual and recordings of children taking care
9 of animals and abusing the animals, which I do have on a
10 recording. I did contact the ASPCA and unfortunately,
11 she's from Rockland, but she said she is willing to come
12 and observe, but she has to be invited by one of you people
13 to come down and see what is actually going on. As you all
14 know, I know nothing about horses, but I was told that
15 these horses that Mr. Fleischman has are not properly being
16 taken care of. There is no barn for these horses to go
17 into. There is no -- I'm getting this from the ASPCA.
18 Anne Marie is her name. There is no barn for the horses to
19 go into. There is no blankets for the horses. They are
20 unable to lay down anywhere. We've also noticed that these
21 animals, there is nothing there. You'll see a cow flipping
22 over, looking for food. You've got goats looking for food.

23 CHAIRMAN GREEN: I don't want to get into this too
24 much. We've got the letter.

25 MR. CORACI: Okay.

1 - RE: JOEL FLEISCHMAN -

2 CHAIRMAN GREEN: We acknowledge the comments of the
3 neighbors.

4 MR. FLEISCHMAN: I mean if I could come up and
5 counter.

6 CHAIRMAN GREEN: Yes.

7 MR. FLEISCHMAN: Well, in reference to the lack of
8 taking care of the animals and food, everything, first of
9 all, as the picture shows, there's a horse run-in it's
10 called, a shelter. And actually, my vet, my vet is from
11 Pine Bush Equine. She recommended to me that it's better,
12 more healthy for horses to raise outside the barn and it's
13 better to have a shelter, just to be outside the barn,
14 outside of a stall.

15 And also, when it comes to blankets, also -- I mean if
16 anyone is familiar with raising a horse, when winter comes
17 they grow a natural coat. And she also told me, the vet,
18 not to put a blanket on the horse.

19 And as far as food goes, I mean these guys have called
20 the cops on me, like, several times, and all walk away with
21 the impression I'm taking care of these animals. I mean --

22 CHAIRMAN GREEN: We don't want to get in the middle of
23 a neighbor problem.

24 MR. FLEISCHMAN: Well, I would say -- I mean my kids
25 come to take care of the animals. You know, they feed

1 - RE: JOEL FLEISCHMAN -

2 them. I spend almost a thousand dollars a month to feed
3 these animals. So just to make this claim, I mean this is
4 just a false claim. I mean ...

5 CHAIRMAN GREEN: Okay.

6 MR. FLEISCHMAN: Yeah.

7 BOARD MEMBER STAROBIN: I have a question. What about
8 the smells? What can you do about that?

9 MR. FLEISCHMAN: Well, I acknowledge that it causes a
10 smell. So I'm looking to, in building this -- we're
11 eliminating these two structures, some of the structures,
12 and putting a, building a two-story barn it will definitely
13 help with the smell. Also, I will cover this area with a
14 lot of hay. And also, I'm going to enlarge the fences to
15 make the paddock much larger. And other measures I'm
16 willing to study and make sure they ...

17 CHAIRMAN GREEN: We're not at that stage of the
18 discussion.

19 MR. FLEISCHMAN: Okay.

20 CHAIRMAN GREEN: A short one.

21 MR. TEXTURE: Gary Texture at 79 Old Roosa Gap Road.
22 His property is right behind me.

23 It's a flagpole piece of property. Much of it is
24 taken up by a driveway, which you've got the house, you've
25 got a drop-off in the back. So the animals, I'm not an

1 - RE: JOEL FLEISCHMAN -

2 acreage expert, but I'd say around a quarter of an acre of
3 land, all these animals.

4 We put up with the smell all summer long. These
5 buildings have been erected. I know there's no building
6 permits for them.

7 So we've been suffering all summer long --

8 CHAIRMAN GREEN: I would acknowledge that we've got
9 all that in the letter.

10 MR. TEXTURE: Okay.

11 CHAIRMAN GREEN: Does anybody else have any comments?

12 (No verbal response.)

13 MR. PAGGI: You may want to just mention that as this
14 process goes on, there will be opportunity for a public
15 hearing. You'll be notified, I would imagine, and there
16 will be an opportunity for you to come up and actually
17 state your positions formally. Some of you have already
18 done that in writing, which is a good way to enter it into
19 the record, too, if you don't feel comfortable. Or you
20 could do both.

21 By limiting comments to a public hearing it allows the
22 Board to kind of make progress to where it's got to go.
23 That's why ...

24 MS. CORACI: I'm sorry. Just one question. Jeannie
25 Coraci, 67 Old Roosa Gap Road.

1 - RE: JOEL FLEISCHMAN -

2 You said that there's a new code that's now called a
3 small-scale farm?

4 MR. PAGGI: Yes. The hobby farm --

5 MR. CAPPELLO: That code was part of a recent zoning
6 amendment that was adopted by the Town. It's available
7 online in General Code. If you go to General Code or the
8 Town of Mamakating web site it's --

9 MS. CORACI: And does it talk about density of all the
10 other animals?

11 MR. PAGGI: Yes.

12 MR. CAPPELLO: Yes, it does. That's what that a lot
13 of the comments we just went through --

14 MS. CORACI: Okay.

15 MR. CAPPELLO: -- were related. The Applicant has to
16 come back and show how they meet the density requirements
17 in --

18 MS. CORACI: Okay.

19 MR. CAPPELLO: -- the new code.

20 CHAIRMAN GREEN: All you need is to do is to go to
21 Google and just type in Mamakating town code. It will send
22 you to a link. The whole code is there and searchable, as
23 well. If you just want to put in a specific terms like
24 horses, chickens, cows, et cetera, it will come up.

25 MS. CORACI: Okay. Thank you.

1 - RE: JOEL FLEISCHMAN -

2 BOARD MEMBER GOODMAN: John, did you get any
3 clarification as to the fence?

4 MR. CAPPELLO: I'll talk with Mary and Adriana.
5 Usually, a fence, while a structure, would be you do put
6 fences on property lines. It's not the fence on the
7 property line. The issue is whether the keeping of the
8 animals has to stop 50 feet from the property line. I
9 would say the Applicant should look and provide us with
10 that.

11 And then the other thing is I think someone from the
12 Board or from the Applicant, one of the things I think
13 we've heard and was seen in the pictures and seen from this
14 map is when you have density requirements for animals, how
15 do you calculate it and what's reasonable. If I have a 50
16 acre parcel that was up a sheer cliff, unless I was raising
17 mountain goats, I can't say I have 50 acres, I could keep
18 15 horses, but I really only have an tenth of an acre for
19 the horses.

20 I'll be honest with you. It's a unique issue to me.
21 I need some guidance. I mean, also, Sullivan County, they
22 assisted us a lot in coming up with the new code so they
23 may have some guidance, as well.

24 CHAIRMAN GREEN: Okay. That goes at the beginning.

25 MR. CAPPELLO: And just a last thing on Larry's

1 - RE: JOEL FLEISCHMAN -

2 comments. This is a site plan use for small-scale farming
3 and depending on the limits as we mentioned for poultry or
4 whether that's even permitted, that may raise it to a level
5 of special use. The difference between a special use and a
6 site plan, a special use has specific conditions for the
7 use, but it's also required, by state law, a public hearing
8 is required. For site plan, it's your option. We're not
9 precluded from holding a public hearing, but you don't have
10 to. You could waive it. But I mean in this instance,
11 we've already identified that there are issues of concerns.
12 We probably should make a commitment that one way or
13 another there will be a formal public hearing here where
14 you'll have to notice your neighbors. You'll get notice
15 and you'll come in.

16 CHAIRMAN GREEN: Let me just ask. What sort of
17 permission do we need if the Board members want to go and
18 view the site?

19 MR. CAPPELLO: The application form that we have, when
20 the applicant signs the application form there is something
21 in there that says you have permission to visit the site.
22 What I would suggest, though, just so nobody calls the
23 police when they see you coming or something, that you
24 contact the property owner, give appropriate notice. And
25 then if you do go, that no more than three members go at a

1 - RE: JOEL FLEISCHMAN -

2 time because more than that, then it's an actual quorum and
3 it's at a meeting and then you have a public meeting. If
4 you go three or less, you can review, you come back, you
5 all will report to the whole board at a public meeting.

6 BOARD MEMBER STAROBIN: John, I have a question. As
7 part of this issue we have to address on density, let's say
8 you have 12 acres, a plot that's 12 acres, and then you
9 have a corral that's a quarter acre with six horses in it.
10 Our code says you need two acres per horse, but yet the
11 horses are contained continually in the corral.

12 MR. CAPPELLO: Well, I mean the reason you need it, I
13 would imagine if they're in a corral and then they're let
14 to go in a corral and they can run around six acres
15 exercising, come back at night or whenever horses go back
16 to a corral. That's a legitimate point. We have to
17 determine and I think that's where we either consult with
18 County Planning or Cornell Cooperative or somebody who
19 knows farming much better than I do. We should get
20 some ...

21 BOARD MEMBER RUSSEK, III: Are we addressing any of
22 the site plan, SEQRA --

23 MR. CAPPELLO: I think we should --

24 BOARD MEMBER RUSSEK, III: -- Adriana's report?

25 MR. CAPPELLO: Well, no. I think at this point

1 - RE: JOEL FLEISCHMAN -

2 there's enough questions that we should give these letters
3 to the Applicant, let them come back, modify the plan as
4 they see fit before we get too much in the lead because I
5 think what we probably would see is that what comes close
6 complying with the law will be different than what we see
7 here.

8 BOARD MEMBER RUSSEK, III: Okay.

9 MR. FLEISCHMAN: What about the addition, the garage,
10 is that part of this meeting, the proposed garage on the
11 other side of the property?

12 MR. CAPPELLO: Is it a garage for your car? Mary will
13 have to determine whether that's part. I mean if you're
14 building a garage, whether it's part of the usable land
15 for ...

16 BOARD MEMBER RUSSEK, III: That's what I was asking
17 about. The proposed two-car garage --

18 MR. FLEISCHMAN: It's part garage --

19 MR. CAPPELLO: Yes.

20 MR. FLEISCHMAN: -- a two-story barn.

21 MR. CAPPELLO: Yes, if it's part of --

22 MR. FLEISCHMAN: He's got trucks and hay and feed.

23 MR. CAPPELLO: So if it's not part of the farming
24 operation and it's just where you park your cars then --

25 MR. FLEISCHMAN: Yeah. Well, the garage would be used

1 - RE: JOEL FLEISCHMAN -

2 for general purposes. And the two-story that's next to the
3 farm, that would be for hay and ...

4 MR. CAPPELLO: Well, that's part of this application
5 so you can't build that until you --

6 MR. FLEISCHMAN: Okay.

7 MR. CAPPELLO: -- review and this board determines
8 whether they're going to. But if you're building a garage
9 whether you have animals or not, that's the Building
10 Inspector's purview.

11 BOARD MEMBER GOODMAN: But if you're building an
12 outbuilding that could be used for the farm --

13 MR. CAPPELLO: Then it should be shown as part of the
14 farm operation.

15 BOARD MEMBER GOODMAN: Okay. It just seems that you
16 would still be able to move forward and apply to build a
17 building whether it gets used for animals or for storing.

18 MR. CAPPELLO: Well, if he's building it as part of
19 this farm operation it's part of the site plan. Building a
20 building because whether or not he's doing it, that might
21 be the building inspector. But then we would want to know
22 because we'd have to calculate if it's usable for the farm.
23 If it's not usable for the farm, then we take that acreage
24 out where that building is going. So it depends.

25 CHAIRMAN GREEN: We get into the same argument we got

1 - RE: JOEL FLEISCHMAN -
2 into with the first applicant, which is they want to do
3 greenhouses and they want to do a resort, and we know they
4 want to do both. To now say, Well, let's do the
5 greenhouses without discontinuing the resort, it's the same
6 sort of thing. We know this is a farm, we know what the
7 future is looking like and this is all part of it.

8 Anything from the gentlemen that haven't spoken? Do
9 you have anything to say?

10 (No verbal response.)

11 CHAIRMAN GREEN: I guess we're done.

12 MR. PAGGI: You got our comment letters?

13 MR. LAPUT: No. Can we get those?

14 MS. PLATT: I e-mailed them.

15 (Ms. Platt handed Mr. Laput the comment
16 letters.)

17 MR. CAPPELLO: You have Mary's?

18 MS. PLATT: That's a review that she did for you guys

19 MR. CAPPELLO: We discussed it in a public meeting.

20 MR. LAPUT: Thank you.

21 If you would like us to respond, we'll respond.

22 Okay, thank you. You want the microphone here?

23 MR. PAGGI: Why don't you bring it back now that we're
24 done.

25 (Mr. Laput complied.)

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- RE: JOEL FLEISCHMAN -

MR. PAGGI: Thank you.

MR. LAPUT: Thank you.

(Time noted: 8:38 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 Joel Fleischman, 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: March 5, 2020

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

Board Business

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Town Hall
Town of Mamakating
February 11, 2020
8:38 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- FRANK GIRALDI, Board Member
- DOUGLAS STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer

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(845) 252-3515

Reported by: Rosemary A. Meyer

1 - RE: BOARD BUSINESS -

2 CHAIRMAN GREEN: I have to bring up a general
3 curiosity item that came up in the last week or two, which
4 is projects that have gotten signed site plans years ago.
5 How long are those things good for?

6 MR. CAPPELLO: You have to look in the code. There is
7 usually a designated time to pull a building permit.

8 CHAIRMAN GREEN: Okay.

9 MR. CAPPELLO: That's why that gentleman with the
10 culinary camp keeps coming in. He's got a site plan, to
11 get it extended.

12 CHAIRMAN GREEN: Oh, okay. Okay, all right.

13 MR. CAPPELLO: So we should grab those and look at the
14 code, cite the code and write those people a letter.

15 CHAIRMAN GREEN: Okay.

16 MR. CAPPELLO: I'd have to look to see whether it
17 expires. Some expire automatically, some of them can be
18 revoked.

19 CHAIRMAN GREEN: But when I sign them, they're just
20 good for two years.

21 MR. CAPPELLO: Well, you have to pull a building
22 permit, come in and get it extended.

23 CHAIRMAN GREEN: Okay.

24 MR. CAPPELLO: If you pull a building permit, then
25 once you pull a building permit you get time from the time

1 - RE: BOARD BUSINESS -

2 you have a building permit to finish it or you can go to
3 the Building Department to extend it.

4 CHAIRMAN GREEN: Thank you.

5 Anything else?

6 BOARD MEMBER RUSSEK, III: Motion to close.

7 CHAIRMAN GREEN: One last item. The County is going
8 to start looking into what we want to do about Airbnbs. We
9 have lots of them. The previous code really didn't cover
10 them because they were just started. We should all just
11 give some thought. They're going to be looking for our
12 input.

13 BOARD MEMBER RUSSEK, III: Motion do that.

14 MR. CAPPELLO: Well, there was some work done on it
15 with the prior Town Board. I know Max had provided some
16 outlines.

17 Kyra, I don't know if you have those available. Maybe
18 you should distribute it to the Planning Board members.
19 Max had done a memo kind of summarizing a discussion with
20 the Town Board to --

21 MS. PLATT: You want it tonight?

22 MR. CAPPELLO: No.

23 And then also, I know we had discussed at one meeting,
24 given the new board members, that you had wanted schedule
25 maybe some time either before the meeting or after, kind of

1 - RE: BOARD BUSINESS -

2 a spring training, go through some of the planning criteria
3 and use it as part of your training session. I would be
4 happy to offer that.

5 CHAIRMAN GREEN: Yes.

6 BOARD MEMBER RUSSEK, III: Larry, maybe you could help
7 with a request. Some of the acronyms, if you could just
8 spell out for a lot of the new board members some of the
9 acronyms. Maybe you could just put down on a small sheet
10 of the most commonly used ones. You know, SWPPP in a
11 sentence, that's not a real word, it's an acronym. Not
12 everybody has the know-how of what all of those things
13 actually mean.

14 MR. PAGGI: Okay.

15 BOARD MEMBER RUSSEK, III: Or SEQRA or DEC. Just the
16 general things that are used in terminology.

17 CHAIRMAN GREEN: Every now and then you see me looking
18 down to see what it stands for.

19 So were you about to make a motion?

20 BOARD MEMBER RUSSEK, III: I will make a motion to
21 close a while ago.

22 CHAIRMAN GREEN: Do I have a second?

23 BOARD MEMBER GOODMAN: I'll second.

24 CHAIRMAN GREEN: All in favor?

25 BOARD MEMBER STAROBIN: Aye.

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- RE: BOARD BUSINESS -

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER RUSSEK, III: Aye.

BOARD MEMBER GLISSON: Aye.

BOARD MEMBER GIRALDI: Aye.

BOARD MEMBER STAROBIN: Aye.

ALTERNATE BOARD MEMBER STANTON: Aye.

CHAIRMAN GREEN: Aye.

(The motion was approved and carried.)

(Time noted: 8:42 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 Board Business, 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: March 5, 2020

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