

In The Matter Of:
Town of Mamakating
Planning Board

Meeting Minutes
3-27-18
March 27, 2018

Jeric Corporation
Court Reporting Services
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Narrowsburg, NY 12764
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TOWN OF MAMAKATING
PLANNING BOARD MINUTES

March 27, 2018

TOWN HALL

WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

MORT STAROBIN, Chairman

LORRENCE GREEN, Vice Chairman

ALEX GOODMAN, Board Member

ERIK COLLIER, Board Member

RICHARD GLISSON, Board Member

JOSEPH RUSSEK, III, Board Member

MARY GRASS, Building Department

JOHN CAPPELLO, ESQ., Attorney

LAWRENCE PAGGI, P.E., Engineer

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

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Mount Vernon Acres, LLC (Klein & Sons)
Timber Harvest
Tax Map Section 14; Block 1; Lot 20.1
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
March 27, 2018
7:03 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: Ron Klein, on behalf of
Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: MOUNT VERNON ACRES, LLC -

2 CHAIRMAN STAROBIN: This is the March 27, 2018
3 Planning Board meeting.

4 Motion to open the meeting?

5 BOARD MEMBER GREEN: Motion.

6 CHAIRMAN STAROBIN: Second?

7 BOARD MEMBER GOODMAN: Second.

8 CHAIRMAN STAROBIN: All in favor?

9 BOARD MEMBER GREEN: Aye.

10 BOARD MEMBER GOODMAN: Aye.

11 BOARD MEMBER COLLIER: Aye.

12 BOARD MEMBER GLISSON: Aye.

13 BOARD MEMBER RUSSEK, III: Aye.

14 CHAIRMAN STAROBIN: Aye.

15 (The motion was approved and carried.)

16 CHAIRMAN STAROBIN: Everybody accepted.

17 Accept the minutes from the last meeting.

18 MS. GRASS: It would be the November meeting.

19 CHAIRMAN STAROBIN: Accept the minutes from the
20 November meeting.

21 BOARD MEMBER GOODMAN: Motion.

22 BOARD MEMBER RUSSEK, III: Second.

23 CHAIRMAN STAROBIN: Vote.

24 BOARD MEMBER GREEN: Aye.

25 BOARD MEMBER GOODMAN: Aye.

1 - RE: MOUNT VERNON ACRES, LLC -

2 BOARD MEMBER COLLIER: Aye.

3 BOARD MEMBER GLISSON: Aye.

4 BOARD MEMBER RUSSEK, III: Aye.

5 CHAIRMAN STAROBIN: Aye.

6 It's unanimous. We've accepted them.

7 (The motion was approved and carried.)

8 CHAIRMAN STAROBIN: Okay. We'll move on to the first
9 applicant. It's the Lands of DiLorenzo Hunting Club.

10 MS. GRASS: Actually, there was a change to the
11 agenda. They're up at Thompson. They just needed time to
12 get down here so we just moved the agenda.

13 The first person on the agenda tonight is Mount Vernon
14 Acres, LLC, Klein and Sons Timber Harvest.

15 CHAIRMAN STAROBIN: Okay.

16 MS. GRASS: The property is located on Mount Vernon
17 Road, Tax Map Section 14; Block 1; Lot 20.1. The property
18 lies within the Mountain Greenbelt Zone and involves the
19 logging of approximately 25 acres.

20 MR. KLEIN: Hi, how you doing. Ron Klein again, Klein
21 and Sons Logging.

22 MS. GRASS: I just handed Ron the notes from Larry
23 Paggi. I just gave them to him this evening.

24 MR. PAGGI: Okay. You guys are familiar with the town
25 code requirements. All we really do is we just go through

1 - RE: MOUNT VERNON ACRES, LLC -
2 this code, check what you submitted, and if there's
3 anything that we're not seeing we just list it there.
4 That's really all that we've done here. If some of the
5 stuff is not accurate and you have the information, just
6 provide it. If some of the things you need to address,
7 address them and get them back to us.

8 This is not, as far as we know, in the DEC program so
9 they wouldn't have to go through SEQRA. If they can
10 demonstrate that they have less than an acre of disturbance
11 with their roads then they don't have to do a SWPPP. If
12 they have more than an acre of disturbance then they've got
13 to do a SWPPP. We've never seen these guys have to do a
14 SWPPP before so I'm not contemplating they would have to do
15 one. But these are just the things that we have to point
16 out and they've got to come back and give us answer for.

17 I think I may be correct in stating that there are
18 endangered species there and you may be limited to removing
19 trees the time from October 1st to March 31st so you may
20 not be doing any trees until October.

21 MR. KLEIN: I did contact DEC. I'm waiting to hear
22 back from them. I already sent them letters. I don't plan
23 on starting to log right away, anyway.

24 MR. PAGGI: Okay. If that's not correct, then get us
25 the information.

1 - RE: MOUNT VERNON ACRES, LLC -

2 MR. KLEIN: I already contacted them. I'm waiting.
3 There's a time limit that I got of them to get back to me.

4 MR. PAGGI: Okay. Good.

5 MR. KLEIN: I do that for every job here in the town
6 because of the long-eared bat and everything else.

7 MR. PAGGI: I'm just trying to think if there's
8 anything else that I can help you with here.

9 (Mr. Paggi examining documents.)

10 MR. PAGGI: I don't think so. I think you just
11 addressed these questions.

12 If there's any questions that you have --

13 If he's got any questions on this can they contact us
14 directly if they've got questions on some of this stuff or
15 do you want everything to go through the Building
16 Department?

17 CHAIRMAN STAROBIN: I think they could go directly to
18 you, but you should e-mail Mary.

19 MR. PAGGI: And let her know what's going on, sure.
20 So if you guys want to contact us directly, if you
21 have any questions on any of this to streamline it.

22 MR. KLEIN: No. I'll go over and I'll take care of
23 what I can, what you've got marked down here. I mean
24 certain things are common sense here, but you know. You
25 want to know how many trees per acres. It says how many

1 - RE: MOUNT VERNON ACRES, LLC -

2 trees and how many acres, but they want me to write it
3 down, I guess, you know. It's there, but ...

4 It's no problem. I mean we'll take care of whatever
5 we've got to do and go from there.

6 CHAIRMAN STAROBIN: Just a quick question. How many
7 board feet are you taking?

8 MR. KLEIN: It's 81,851 board feet. Chris Prentice
9 marked this in lower Hudson Valley and then John Zylstra
10 has got to overlook it. Naturally, he takes a look at it
11 and goes over it.

12 CHAIRMAN STAROBIN: I also have a question. With this
13 last storm we had, I notice that the -- I mean I've never
14 seen damage like this before where it looks like the trees
15 exploded.

16 MR. KLEIN: Yes.

17 CHAIRMAN STAROBIN: Is there any way all that wood
18 that's come down of use to anybody or how we can take
19 advantage of it?

20 MR. KLEIN: Some of it is. It's funny that you say
21 that because right here, as soon as you get off 209, take a
22 right, the first person on the left contacted us, had a
23 bunch of trees blown over. I told them we'd have to come
24 down and take a look and if it's over a certain amount of
25 footage when we got to go through the permit and all that.

1 - RE: MOUNT VERNON ACRES, LLC -

2 It might not be worth it for him because by the time he
3 pays the permit, and you come in, you pay the escrow, they
4 take the fees out with this other company, there's no money
5 involved in it, so it will go to waste.

6 CHAIRMAN STAROBIN: Would it help if the Town made
7 some sort or emergency measure for all this damaged wood?
8 There's literally thousands of trees down around here.

9 MR. KLEIN: Yeah, it would. But then at the same
10 time, that somebody else comes in, they do what they ain't
11 supposed to, and then it makes the guys who do the right
12 job, you know, look bad. They always come right to them
13 guys. You know, I'm the one that's here all the time,
14 getting the permits and going the right thing. But the
15 only person that's going to do, do that, you know. The
16 guys who don't care, they try to get around it. I mean it
17 would be nice, but, you know, unfortunately, you probably
18 do have to regulate it somewhat.

19 CHAIRMAN STAROBIN: Okay. Lorry, do you have some
20 comments to make?

21 BOARD MEMBER GREEN: Yes. Just an observation. It
22 actually doesn't have directly to do with the project, but
23 I looked through Larry's comments and we're required to, as
24 you said, the number of trees, the number of acres, total
25 board feet, trees per acre to be removed, et cetera. And

1 - RE: MOUNT VERNON ACRES, LLC -

2 then on page two, conservation practices, the proposed
3 operation shall not adversely affect drainage or possible
4 growth of vegetation. What's interesting is I looked at
5 the tax map to find out where you are. A thousand feet
6 down the road we have a solar project that wants to take
7 out 30 acres and is not doing any of that.

8 MR. KLEIN: Yeah.

9 BOARD MEMBER GREEN: Right. So that was my only
10 thought. But it was an observation and I wanted to make
11 it.

12 MR. KLEIN: Yes.

13 CHAIRMAN STAROBIN: Do any of the board members have
14 any questions?

15 (No verbal response.)

16 MR. KLEIN: I mean this is all done by a certified
17 forester. I mean John overlooks it. And some of the
18 comments that they put in here, obviously -- it is what it
19 is.

20 MR. PAGGI: We're just following the code so tell me
21 which ones you have problems with and we'll try to work
22 with you.

23 MR. KLEIN: Well, what I'll do is I'll just write a
24 letter up --

25 MR. PAGGI: Okay.

1 - RE: MOUNT VERNON ACRES, LLC -

2 MR. KLEIN: -- and we'll go over stuff and we'll just
3 make it simple.

4 MR. PAGGI: Yes.

5 MR. KLEIN: I mean I know I got to do what I have to
6 do, obviously.

7 MR. PAGGI: Right.

8 MR. KLEIN: But there's certain stuff here that's ...

9 MR. PAGGI: We're trying to keep it simple, too,
10 believe me. I mean we're just trying to regurgitate the
11 code at this point in time. We're not trying to --

12 MR. KLEIN: I mean what I had to pay for the engineer
13 fee and all that, it costs more for the engineer fee than
14 it did for the guy to go out and mark all the property,
15 spend all the time at the property to mark the timber. You
16 know, I mean for what they get per hour ...

17 MR. PAGGI: Believe me, that doesn't cover our time.

18 MR. KLEIN: Yeah.

19 MR. PAGGI: We're trying to work with the Town, too,
20 on this.

21 MR. KLEIN: Yeah.

22 CHAIRMAN STAROBIN: Okay.

23 MS. GRASS: Ron, I don't know if April 3rd is going to
24 be too quick for you to get me that information to be on
25 the next meeting. I don't know quickly you're looking.

1 - RE: MOUNT VERNON ACRES, LLC -

2 MR. KLEIN: No, I probably won't do this job. Well,
3 that would probably be okay. I'll see. I'll have to get a
4 hold of you, you know.

5 MS. GRASS: Okay. Give us a call.

6 MR. KLEIN: I don't plan on doing this job for another
7 six months, probably, at least.

8 MS. GRASS: Oh, okay. All right. So you may not be
9 in a rush.

10 MR. KLEIN: I'm in no rush.

11 MS. GRASS: Okay. Perfect. Thank you.

12 MR. KLEIN: All right. Thank you. I appreciate it.

13 MR. PAGGI: Thank you.

14 MR. KLEIN: Take care.

15 (Time noted: 7:13 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 Mount Vernon 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: June 14, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Wager/Sokolich
Site Plan Approval
Tax Map Section 62; Block 1; Lot 23
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
March 27, 2018
7:13 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: James DeWinter, Jr., P.E.
On behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: WAGER/ SOKOLICH -

2 CHAIRMAN STAROBIN: Mary, the next applicant.

3 MS. GRASS: The next applicant is Wager, and I don't
4 know how to pronounce the other name. It's a site plan
5 approval as per 199-45(3), 2633 State Route 209, Tax Map
6 Section 62; Block 1; Lot 23. The property lies within the
7 Mountain Greenbelt Zone.

8 I gave Jim the comments from Larry.

9 And did you get comments from Stu's office?

10 MR. DeWINTER: No. Did he have any?

11 MS. GRASS: I think it was very minor, but I ...

12 MR. DeWINTER: Yeah, I would think so.

13 MR. CAPPELLO: Why don't you start.

14 MR. CHAIRMAN: Okay. Jim.

15 MR. DeWINTER: Good evening, everybody.

16 The project basically is the Applicants and the
17 property owners built a pole barn up there without a
18 permit. They got a Notice of Violation and then it was
19 realized that because of a section in the code where it
20 says if the garage is larger than the footprint of the
21 house, we have to be here, so we're here. We're trying to
22 get this all cleaned up.

23 I got Larry's comments. To answer his first comment,
24 yes, the garage, pole barn, is there, it's existing. I
25 call it proposed because ideally, it's proposed for the

1 - RE: WAGER/ SOKOLICH -

2 purpose of the application.

3 In regard to the location of the well and the sewer,
4 septic system, I was up there today because the surveyor
5 had located it. The well is in the front corner, out here;
6 and the septic is in the back, approximately here. If you
7 need it on there, I can certainly get it. The surveyor is
8 incognito. I believe he has some health issues right now.
9 I may not be able to get him to do it. I may have to just
10 locate the approximate location if you want it on there.

11 With regard to the driveways grades, because we didn't
12 have any topography, I used USGS. My fault. I didn't look
13 at it close enough. USGS, of course, they're 20 foot
14 contours. It's not 35. It's about 14 through, at the
15 steepest area. It's not 35 by any means. I'd never get my
16 truck up there if it was 35.

17 And then there's no, you know, any of the
18 disturbances, it's already been dug. Basically, it's just
19 a pole barn originally.

20 That's those comments.

21 MS. GRASS: I don't have Stu's. I will send them to
22 you tomorrow. I don't know what ...

23 MR. DeWINTER: Okay, all right. I'm sure it's
24 basically a simple issue.

25 The reason they built the pole barn, it's not for

1 - RE: WAGER/ SOKOLICH -

2 business. He has a few four-wheelers. He has 40 some
3 acres in there so he has four-wheelers. I think he has a
4 tractor for snow plowing, his own personal tractor. He
5 stores a truck in there because they did have some problems
6 with people coming up and stealing the four-wheelers and
7 things like that when they're not home. Frank's here now.
8 My understanding, his wife bought him that for his birthday
9 to protect the vehicles. That's the bottom line.

10 MR. PAGGI: Jim, I missed your response to the second
11 question about showing the existing wells and septic
12 systems.

13 MR. DeWINTER: Yes. The well is located just off the
14 corner, the front right corner, if you will.

15 MR. PAGGI: Okay.

16 MR. DeWINTER: And the septic is back in here.

17 MR. PAGGI: Okay. So that'll be on additional plans?

18 MR. DeWINTER: Yes. If you want that, that's fine.
19 Like I said, the surveyor, I think Grant Decker has had
20 some health issues and we haven't been able to get a hold
21 of him.

22 CHAIRMAN STAROBIN: Who's the surveyor?

23 MR. DeWINTER: Grant Decker.

24 MR. PAGGI: Okay.

25 MR. DeWINTER: I guess he had a heart attack a while

1 - RE: WAGER/ SOKOLICH -

2 back and we haven't been able to contact him. He came back
3 to work, seems like he's not there.

4 MR. PAGGI: I mean Jim addressed our comments. It's
5 really kind of up to the Board.

6 I think we need the plan to at least be revised to
7 show that it meets the 14 percent grade if you're going to
8 issue a site plan approval.

9 MR. DeWINTER: Can I ask a question on that, Larry?

10 MR. PAGGI: Yes.

11 MR. DeWINTER: That driveway has been in there for
12 over 50 years --

13 MR. PAGGI: But if --

14 MR. DeWINTER: -- as is.

15 MR. PAGGI: But they're asking to grant a site plan
16 approval now to a new structure that they're going to be
17 gaining access to. I mean that's up to the Planning Board.
18 That would be my ...

19 MR. DeWINTER: I don't know what the actual percentage
20 is. Like I said, I go up it. I went up it easily with my
21 truck and my truck has got almost 300,000 miles on it so it
22 doesn't take grades very well anymore. But I mean, you
23 know, it's probably about 14. There may be a small
24 section, maybe a little bit steeper, but it's only for
25 about a hundred feet.

1 - RE: WAGER/ SOKOLICH -

2 CHAIRMAN STAROBIN: John, do you have any comments on
3 this?

4 MR. CAPPELLO: Well, one the things, we've had this
5 issue a couple times now and the Board needs to come up
6 with a -- I mean the last time we did it, it was a large
7 building that seemed to be larger than a normal garage
8 compared to the size of the principal structure, and a few
9 months later the Building Department received complaints
10 that there was a business operation operating out of there.
11 So I would say if the Board is to consider this that we
12 have appropriate safeguards to make sure we can enforce.
13 I'm not saying that this applicant shouldn't be believed,
14 but we have to look at it as the worse case scenario, that
15 this could be a situation in that we have language,
16 potentially, not only on the site plan but in chain of
17 title so people buying it know that this is not a location
18 for a building, it's for personal use or I guess
19 agricultural use if it's in an area where agriculture is
20 permitted. But that we have appropriate safeguards so the
21 building inspector doesn't have to chase down and prove
22 anything, that it's clear to everybody that this is
23 approved, if it is approved, only for personal use as an
24 accessory building to a single-family house and any other
25 use is strictly prohibited and it would be subject to ...

1 - RE: WAGER/ SOKOLICH -

2 CHAIRMAN STAROBIN: Would this be something that would
3 be inserted into the existing deed?

4 MR. CAPPELLO: Well, a restriction could be placed in
5 the chain of title.

6 MR. DeWINTER: Can I put note on it? I can a put --

7 MR. CAPPELLO: Well, it's not a subdivision map so
8 it's not going to be of record. I mean you can think about
9 potentially filing an actual covenant, but it's up to the
10 Board. It would go into the chain of title on the record
11 so people would know.

12 BOARD MEMBER GOODMAN: Well, what if there was a
13 change in the zoning?

14 MR. CAPPELLO: Then it would not be --

15 BOARD MEMBER GOODMAN: Wouldn't it be --

16 MR. CAPPELLO: You don't have to do it. It's just the
17 last time we did it, we didn't do something like that and
18 we ended up with an enforcement issue. I mean it's
19 something that I think the Town should also take into
20 account, as we discussed earlier. Spatially, I'm a little
21 challenged. I know 40 to 60 sounds big. I do think there
22 is some, in the future, maybe a limit on the size of
23 accessory buildings regardless of what the size of the
24 house is. It doesn't seem, to me, to make sense that if
25 you have a 10,000 square foot house you could have a 9,000

1 - RE: WAGER/ SOKOLICH -

2 square foot garage but if you have a 1500 square foot
3 house. So there's probably a size of the garage that is
4 reasonable to consider a garage or a pole barn. Once you
5 get to a certain size it begins to beg the question of is
6 this an accessory use to a single-family house or is it
7 a --

8 BOARD MEMBER GOODMAN: I don't think by virtue of the
9 size necessarily means that a business is going to be
10 operated there. That could happen in a smaller space.

11 MR. CAPPELLO: Yes. I mean it's easier to run a
12 business out of a bigger space.

13 BOARD MEMBER GOODMAN: I think in certain zones it's
14 more applicable. But in this case, this is in the Mountain
15 Greenbelt and they have close to 50 acres. It's going to
16 be a quarter mile into the woods. It's not impacting --

17 MR. DeWINTER: You can't see it from the --

18 BOARD MEMBER GOODMAN: -- the neighbors at all,
19 whereas the other one we were talking about is in a
20 residential area right next to the road.

21 And yes, I understand you want to try to safeguard
22 this, but how can we write one blanket code that is
23 applicable in such different zones.

24 MR. CAPPELLO: Well, I don't think it needs to be
25 blanket, but there needs to be, I think a little better

1 - RE: WAGER/ SOKOLICH -

2 guideline than we have now in enforcement. You may want to
3 allow people to do a business on their property, just
4 require appropriate site plan. And given the grade, if
5 people were going to come onto this property, if you had a
6 home occupation, then you've got to really look at that
7 issues like the grade of the driveway because that becomes
8 more of an issue. I mean maybe this is his garage and he's
9 got a driveway that he can't get up, can't get plowed,
10 that's his problem. But if you have people coming up
11 there, people, the public, it becomes the Town's problem or
12 a safety issue. So those are all, in one way or another,
13 it's up to the Board to discuss them and come up with a ...

14 BOARD MEMBER GOODMAN: But the safeguards you're
15 talking about are just written, something written saying,
16 restating that you can't use this as a business? Is that
17 the safeguard?

18 MR. CAPPELLO: That this is approved, that the
19 location is approved as an accessory use to a single-family
20 home and that any other use is a violation unless approved
21 by the appropriate Town authority. So if the Town did
22 change the zoning or ...

23 BOARD MEMBER GOODMAN: That's not redundant, the way
24 the code is already written?

25 MR. CAPPELLO: It's a method to make sure that another

1 - RE: WAGER/ SOKOLICH -
2 person who's going to buy this property comes in and say,
3 Oh, I need this. You don't want that. You don't
4 necessarily have to have it. If it was a subdivision and
5 you had it on a subdivision map, that subdivision map is
6 filed. A note on a subdivision map is filed in the County
7 offices, therefore, anyone purchasing the property, the
8 title person should pick it up as a note on the map. This
9 note on this site plan is going to go into the Building
10 Department office so it would be of record. I mean if the
11 size of the garage wasn't that big of a deal you don't have
12 to require it. But that would be one option if you wanted
13 to ensure. It's of record so people would know and avoid
14 it. If there's a 50 acre parcel and you're not concern on
15 this particular issue, that's up to the Board.

16 CHAIRMAN STAROBIN: Do any other members have
17 questions? Lorry?

18 BOARD MEMBER GREEN: My concern isn't so much for this
19 project, but it's the whole idea of it was built without a
20 permit at all. Now, if I've learned one thing in this
21 position it's that tomorrow somebody's going to use this as
22 a precedent and we're faced with something else.

23 MR. DeWINTER: That's why we're here. Of course, he
24 got caught. But I mean it wasn't intentional. I mean I
25 shouldn't say it was intentional. He intentionally built

1 - RE: WAGER/ SOKOLICH -

2 the building, but I think it was just naivete on the part
3 of the Applicant, knowing it's a barn. You know, 50 acres,
4 why would I need to get a building permit.

5 BOARD MEMBER GREEN: I've seen plenty of people.
6 We've had people come before us where --

7 MR. DeWINTER: You make a lot of money.

8 CHAIRMAN STAROBIN: It's like a fait de complet.
9 Here's the building, approve it.

10 A question I have, Larry, does this meet our code, as
11 built, now?

12 MS. GRASS: The building?

13 CHAIRMAN STAROBIN: The building.

14 MS. GRASS: I have no idea. I haven't even gotten
15 that far yet.

16 MR. DeWINTER: I understand. You have a letter from
17 the architect or the builder that will certify that. I
18 mean it's subject to. Because as soon as we get your
19 approval, he has to apply for a building permit to make it
20 legal and that will all come out in the wash, so to speak.
21 I think -- is it right down here?

22 MR. PAGGI: I can't tell you. It's a driveway.
23 There's nothing on the plans that tells me that the
24 driveway meets code.

25 MR. WAGER: The vendor that supplied the pole barn, he

1 - RE: WAGER/ SOKOLICH -

2 came. This situation arised because of stupidity. But
3 they doubled the snow load on they inside and they
4 fortified that. And that's, you know, I guess for safety.
5 I don't know.

6 CHAIRMAN STAROBIN: You know, I'm surprised that your
7 vendor didn't check on this first before installing it,
8 that there were permits.

9 MR. WAGER: That was the very, very beginning of what
10 was transpiring. I didn't see it, but someone from the
11 Building Inspector's office came up. And my wife told me.
12 I says, Well, they'll be back tomorrow with a stop order,
13 you no permit, that's it. Never -- you know, no one ever
14 questioned it after that. And I took it naively as being,
15 you know, a garage to store my two trucks, two Harleys, a
16 Kubota tractor, stuff that could be damaged just sitting
17 out in the weather, which I didn't want have happen
18 anymore. Lawn mowers, pressure washers. It's not a
19 business, it's just to maintain the property alone. Like
20 somebody asked, yeah, it's just there to maintain the
21 property.

22 CHAIRMAN STAROBIN: So we have a couple of things to
23 consider, that it meets the code. If you get that
24 statement from the architect.

25 MS. GRASS: Well, just one thing, too. Yes, this is a

1 - RE: WAGER/ SOKOLICH -

2 Mountain Greenbelt, which is also residential. And no,
3 it's not right on the road like the other one, but what a
4 better place to run a business. The other gentleman, right
5 out in the open and then I started getting complaints. So
6 this what I'm up against, as well --

7 MR. DeWINTER: I can --

8 MS. GRASS: -- with this site plan approval.

9 MR. DeWINTER: I can put a note on the plan. I have
10 no problem with that.

11 MS. GRASS: Well, no. It would have to be in the
12 deed. They would have to have a deed filed. It wouldn't
13 just be on the plan.

14 MR. DeWINTER: Well, would that be --

15 MS. GRASS: I mean --

16 MR. CAPPELLO: Well, that's a Board decision.

17 MS. GRASS: But we would need the 14 percent grade
18 shown. We would need the well and septic showed on the
19 plans. And at minimum, is what Larry and I think. And
20 then if it does indeed, you should do something.

21 MR. PAGGI: If they were applying for a building
22 permit those would be the things that they would have been
23 asked for; right?

24 MS. GRASS: Yes.

25 BOARD MEMBER GOODMAN: I guess a question I have is if

1 - RE: WAGER/ SOKOLICH -

2 you buy a piece of property, you have a house on it and
3 you're able to occupy it, now I want to make improvements,
4 to make improvements you're saying my driveway does not
5 meet the code, so, I can't make any improvements? I have
6 to bring my driveway up to spec?

7 MS. GRASS: Well, the reason being is because of the
8 size of this building compared to the existing house, it
9 needs site plan approval, so for site plan approval you
10 need to meet the code. I mean that's why you call the
11 Building Department. If the Building Department truck
12 shows up and your wife thought and you don't get your
13 violation right away, call the Building Department. They
14 did get the violation, though.

15 MR. DeWINTER: Doesn't the driveway, because it's an
16 existing, no changes to the driveway, wouldn't that become
17 grandfathered because it's been there 50 years?

18 MR. PAGGI: For the house. You're improving that new
19 use over a substandard driveway. The Town is granting its
20 stamp of approval on allowing additional use there,
21 additional building that's got to be protected for
22 emergency, fires, ambulance, whatever.

23 MR. DeWINTER: But if the pole barn was less than the
24 square footage of his house then we wouldn't be here.

25 MR. PAGGI: Well, it would mean --

1 - RE: WAGER/ SOKOLICH -

2 MS. GRASS: If they take 1,000 feet off it, then we
3 would --

4 MR. DeWINTER: Well, I'm saying --

5 MR. PAGGI: I'm not so sure that that's the case
6 because wouldn't a building permit, even for a garage,
7 require them to demonstrate the appropriate standard, or
8 no?

9 MS. GRASS: Not on a preexisting house, no.

10 MR. PAGGI: Okay.

11 MS. GRASS: But we're here because we need site plan
12 approval.

13 MR. DeWINTER: Because of the size of it.

14 MS. GRASS: Right.

15 MR. DeWINTER: It has nothing --

16 MS. GRASS: So they could take 1,000 feet off the pole
17 barn and they could just get a building permit. They could
18 solve it that way.

19 MR. CAPPELLO: One of the things the Planning Board
20 has is, I mean we're talking right here, I think you can
21 consider the fact that it exists, but I think you should
22 know whether it's 35 or whether it's 15.

23 MR. DeWINTER: Okay.

24 MR. CAPPELLO: If the Town requirement is 14 and it's
25 15, then maybe you can consider waiving. If the Town's

1 - RE: WAGER/ SOKOLICH -

2 requirement is 14 and it's 35, then you may want to ...

3 CHAIRMAN STAROBIN: I think the Town code is 12.

4 MR. CAPPELLO: Twelve?

5 MR. UNIDENTIFIED SPEAKER: No. Fourteen.

6 MR. PAGGI: I think the Town road standard might be 12
7 for the maximum grade on a road.

8 CHAIRMAN STAROBIN: Okay. So all they have to do is
9 show the grade on the driveway?

10 R. PAGGI: Yes. But that's not necessarily a very
11 easy thing for them to do. They're going to have to get a
12 surveyor out there and survey.

13 MR. DeWINTER: Or what I'll do is I'll do some spot
14 elevations.

15 MR. PAGGI: Yes, yes. If they can get spot
16 elevations.

17 MR. DeWINTER: Because I can't get the surveyor out
18 there. I can't find him.

19 MR. PAGGI: If you can certify the grade of that road
20 is, everywhere, 14 percent or less, that's fine. If you
21 don't feel comfortable certifying that because there's a
22 section that's over, say, You know what, there's a section
23 here that's 16 percent but only this long, then they've got
24 something they can act on.

25 MR. DeWINTER: Yes.

1 - RE: WAGER/ SOKOLICH -

2 BOARD MEMBER GOODMAN: As to Lorry's point, I don't
3 know where you're going with it, Lorry. This has happened
4 many times, it gets built. What is your answer to that?

5 BOARD MEMBER GREEN: That's actually what I'd like to
6 ask, open up for discussion, because we just can't keep on
7 having this happen, people who get permits, who don't get
8 permits, who build. It's not just this one barn. But
9 what's to stop people from putting in, you know, lord only
10 knows what. Developments. It may sound crazy, but we've
11 seen a lot of very strange things. If it's, Well, we're
12 going to build it and then we'll get the permits
13 afterwards, we'll pay the fines afterwards, obviously, the
14 fines are just not enough to deter people. Is that
15 something that the Town does? Is that something that we
16 can decide to do? I would like a fine. This one, I can
17 understand the barn. But I want to draw a line at this
18 point and say, You know, the next person that comes in here
19 that has built something without a permit, we're going to
20 just tell you to tear it down.

21 BOARD MEMBER GOODMAN: I don't think that's our place
22 as the Planning Board.

23 MS. GRASS: No. But you don't have to approve the
24 site plan either. And then they -- they have to take it
25 down. I mean that's ...

1 - RE: WAGER/ SOKOLICH -

2 MR. CAPPELLO: Yes, there's two issues. You're
3 looking at this site plan as if that building didn't exist.
4 That's your duty.

5 BOARD MEMBER GOODMAN: Right.

6 MR. CAPPELLO: Mary's duty, as building inspector,
7 enforcing violations, and the Court's duty is to figure out
8 to appropriately fine. I think we should, regardless of
9 how this is, I think this is the second time this has been
10 in a situation that now the Town is, in the comprehensive
11 plan, is reviewing it, ways to address this situation
12 because I think overall, it doesn't seem right to me that
13 if someone ...

14 The other thing you could do on this particular one
15 that, to me, doesn't make a lot of sense, Mary said take
16 1,000 feet off the garage. You could add 2,000 feet to the
17 house and does that make it any less compliant. So
18 something is wrong with that code provision. I think
19 regardless of the size of your house, there's a limit on
20 the size of a structure as to what is accessory typical to
21 a single-family house versus what is excessive regardless
22 of the size of your house. That's something I think the
23 Town and Planning Board, in reviewing the code, can really
24 address.

25 BOARD MEMBER GOODMAN: But it's site specific. If you

1 - RE: WAGER/ SOKOLICH -

2 have a place that of this size, I can see building. I know
3 people have buildings twice, three times the size of that.
4 If the site is accepting of it I don't see why we should
5 limit in certain instances.

6 CHAIRMAN STAROBIN: Again, that's the Town Board's
7 responsibility. It's the law. We just follow it.

8 So at this point?

9 MR. CAPPELLO: And while it's 50 acres now, not to
10 belabor it, if you have a 10,000 square foot house and an
11 8,000 square foot garage, say on a 50 acre parcel, that
12 person would still be able to subdivide that 50 acre parcel
13 into five homes. Now each of them could. So what's a
14 single-family house versus. I mean he can, tomorrow, with
15 50 acres, subdivide. I don't know what the situation is
16 with the driveway. There's a lot of variable and I think
17 it's probably much more that we need to discuss tonight
18 because all that's before us is this garage. But it is
19 something to take into account into zoning, is how you do
20 you appropriately scale it. If you go for a bigger
21 accessory building, do you have to reserve more land for
22 that accessory building for your lot size. I mean there's
23 a lot of different ways. It seems like an issue that's now
24 come up a few times in the last year so it's something you
25 may want to address.

1 - RE: WAGER/ SOKOLICH -

2 MS. GRASS: So Mort, I think they have to update the
3 map to what Larry needs. I'll get them what Stu has. If
4 they have it back by April 3rd, they could be on the next
5 meeting or the meeting after that.

6 MR. DeWINTER: No. We'll be at the next.

7 CHAIRMAN STAROBIN: Okay. So --

8 MR. DeWINTER: Because I don't have that much to do.
9 I mean really ...

10 MR. PAGGI: Yes.

11 MR. DeWINTER: Do we need a public hearing on this?

12 MR. CAPPELLO: Site plan, this is optional.

13 CHAIRMAN STAROBIN: Okay. So you want to appear at
14 the next Planning Board meeting?

15 MR. DeWINTER: Yes. Do we need a site plan hearing?

16 MR. CAPPELLO: Public hearing.

17 MR. DeWINTER: No, no.

18 MR. CAPPELLO: Site plan doesn't require a public
19 hearing.

20 MR. DeWINTER: John said it might be optional and
21 that's why I ask.

22 MS. GRASS: Well, I think take a look at the map?

23 CHAIRMAN STAROBIN: Okay. You'll have it to us by
24 April 3rd and we'll ...

25 MR. DeWINTER: Well, yes. But what I'd like to do is

1 - RE: WAGER/ SOKOLICH -

2 if we need it, because the comments are relatively -- I
3 mean Larry's are. They're minor. I can get them on before
4 the third. If I need to have a public hearing I'd like to
5 maybe have the Board schedule a public hearing.

6 CHAIRMAN STAROBIN: John, do we need one for this?

7 MR. CAPPELLO: It's optional with a site plan.

8 BOARD MEMBER RUSSEK, III: Could we vote whether he
9 needs or doesn't need a public hearing on this based on
10 those four or five things you need from him?

11 MR. PAGGI: I mean it's up to you. If you guys feel
12 that you might want to see a public hearing after you see
13 the additional information come in, you may want to just
14 set it now. But if you feel like there's no chance, that
15 it's not really necessary, then ...

16 CHAIRMAN STAROBIN: That sounds like a good
17 suggestion. Let's see the information that comes in and
18 decide.

19 MR. DeWINTER: I mean --

20 MR. PAGGI: But if you're going to do that and you're
21 thinking that you might need to set public hearing, Jim is
22 asking you let's set it now and get it done with.

23 MR. DeWINTER: Yeah. I mean if you decide you don't
24 want to have it we can always cancel it. Or we can open it
25 up and continue it if you feel it's necessary.

1 - RE: WAGER/ SOKOLICH -

2 MS. GRASS: Yes, but then you waste all that money
3 sending out all the stuff.

4 MR. DeWINTER: There's not that many people.

5 MR. CAPPELLO: Make a decision.

6 BOARD MEMBER GREEN: Yes, but the public hearing would
7 just be --

8 MR. DeWINTER: The only reason I'd like to get --

9 CHAIRMAN STAROBIN: Let's not do a public hearing.
10 When we get the information we'll ...

11 MR. CAPPELLO: You can decide.

12 Maybe you want to tell your neighbor so the neighbor
13 can come in in the next meeting, or write a letter, or say
14 they don't care. That's not a public hearing. You need
15 the Board to make it.

16 BOARD MEMBER GREEN: What comments are we going to get
17 out of a public hearing? Just that the driveway is 14
18 percent versus 30 percent? It's something we're already
19 looking at.

20 MS. GRASS: Maybe they know if there's a business and
21 they see cars running up and down the road. I mean there's
22 a lot of things.

23 BOARD MEMBER GLISSON: Well, and to your point, Mort,
24 it adds a level. I mean Lorry, it adds a level of
25 transparency that you feel is lacking with people who are

1 - RE: WAGER/ SOKOLICH -

2 building structures on their property and then somehow, in
3 the light of day, are able to come and get a permit to do
4 X, Y, Z. So it's a good test, I think, to see how strongly
5 people feel about that and maybe it can provide some color
6 to the amount of money that a person has to pay. I mean
7 did this gentleman, I don't know, he's not on trial here,
8 did he build into his home plan the cost of what the fine
9 would be from the Town? I don't know. I do know people do
10 that; right? So that might be a good opportunity for you
11 to have that conversation; right? If people bring it up
12 then it's an issue. It's still an issue if they don't
13 bring it up.

14 CHAIRMAN STAROBIN: Do you have any comments now, Joe?

15 BOARD MEMBER RUSSEK, III: My comment was to vote on
16 it, that way you take a majority.

17 CHAIRMAN STAROBIN: Eric.

18 BOARD MEMBER COLLIER: I think it's actually good to
19 have the hearing, to see some of the neighbors.

20 BOARD MEMBER GLISSON: If they do. I mean ...

21 BOARD MEMBER COLLIER: If they're for it, then we'll
22 know.

23 CHAIRMAN STAROBIN: Okay. Well, let's vote.

24 BOARD MEMBER RUSSEK, III: Sounds like a public
25 hearing.

1 - RE: WAGER/ SOKOLICH -

2 BOARD MEMBER GREEN: I think Richard's point is a good
3 point.

4 CHAIRMAN STAROBIN: Okay. So a motion to have a
5 public hearing.

6 BOARD MEMBER RUSSEK, III: First.

7 BOARD MEMBER GLISSON: Second

8 CHAIRMAN STAROBIN: A vote.

9 BOARD MEMBER GREEN: Aye.

10 BOARD MEMBER COLLIER: Aye.

11 BOARD MEMBER GLISSON: Aye.

12 BOARD MEMBER RUSSEK, III: Aye.

13 CHAIRMAN STAROBIN: Aye.

14 BOARD MEMBER GOODMAN: No.

15 BOARD MEMBER RUSSEK, III: I'm a yes.

16 (The motion was approved and carried.)

17 CHAIRMAN STAROBIN: Okay. Five to one.

18 MR. DeWINTER: We can schedule it for next month?

19 MS. GRASS: Do you want to see the map first and then
20 schedule or --

21 MR. CAPPELLO: No. They scheduled it.

22 MS. GRASS: They scheduled it?

23 MR. CAPPELLO: Yes.

24 MR. DeWINTER: Okay. All right.

25 Mary, you'll get the list for me?

1 - RE: WAGER/ SOKOLICH -

2 MS. GRASS: Yes.

3 MR. DeWINTER: Okay. Thank you. Thank you.

4 CHAIRMAN STAROBIN: A message to go out, get permits
5 first.

6 MR. DeWINTER: No. Listen, I understand that point.

7 I'll be honest with you. That section that talks
8 about the drive being larger than, I had to call Mary. I
9 never saw it. But I've never seen it in any other, so I
10 didn't know it existed myself.

11 MR. CAPPELLO: But the issue is the building permit.

12 MR. DeWINTER: Well, that's --

13 MR. CAPPELLO: And Mary would have told --

14 MR. DeWINTER: That would have been caught at the
15 building permit. I understand.

16 Okay. Thank you.

17 CHAIRMAN STAROBIN: Thank you, Jim.

18 (Time noted: 7:44 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 Wager/Sokolich, 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: June 14, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Lands of Dilorenzo & Delaware Hunting Club, Inc.
Proposed Two Lot Subdivision
Tax Map Section 73; Block 1; Lot 2.2 &
Section 73; Block 1; Lot 1
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
March 27, 2018
7:45 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: Timothy Gottlieb
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: LANDS OF DiLORENZO et al -

2 MS. GRASS: The next applicant is Lands of DiLorenzo
3 and Delaware Hunting Club, for a proposed two-lot
4 subdivision on David Rhodes Road. It involves Tax Map
5 Section 73; Block 1; Lot 2.2 and 73; Block 1; Lot 3.
6 However, that is a error on that SBL. It actually should
7 be Section 73; Block 1; Lot 1. These premises lie within
8 the Mountain Greenbelt Zone.

9 Tim, don't feel rushed. We know you're coming from
10 another meeting. You were coming from another one so ...

11 MR. GOTTLIEB: I'm rushing.

12 Okay. For the record, my name is Tim Gottlieb from
13 the office of Joseph Gottlieb, P.E, P.C.

14 The proposal is for a lot line adjustment between
15 Delaware Hunting Club and Mr. DiLorenzo. Mr. DiLorenzo
16 owns a property to the rear of the Delaware Hunting Club.
17 It is 39 acres. He also owns a 4.02 acre parcel that
18 fronts on David Rhodes Roads. The intent is for
19 Mr. DiLorenzo to purchase a 5.3 acre parcel to connect the
20 two. Right now he accesses the rear parcel through a
21 private road called Hackadam Road. The Delaware Hunting
22 Club would like to eliminate that access. We're in here
23 for that lot line adjustment.

24 CHAIRMAN STAROBIN: Larry.

25 MR. PAGGI: I kind of summarized the past couple of

1 - RE: LANDS OF DiLORENZO et al -
2 workshop meetings. I have some information that the
3 Applicant has actually provided through their consultants.

4 A town highway driveway permit is going to required.
5 We're going to ask them to demonstrate that the driveway
6 conforms to our standards. We're going to ask them for a
7 survey that demonstrates that the property line, they've
8 got to do that anyway for the lot line realignment, but
9 that the driveway is located is within the proposed
10 property limits with appropriate grades. We're going to
11 ask them for appropriate details for driveway construction
12 and erosion sediment control.

13 It appears that there's going to be more than acre of
14 disturbance because the driveway is so long so they're
15 going to have to comply with stormwater regulations, which
16 will be minimal because it's still considered residential.
17 I don't anticipate that there's going to be post
18 construction practices, but if, for some reason, there are,
19 then they'll to file a stormwater agreement, too. I just
20 noted that just so we have it on our radar.

21 Their biologist's report indicated that there's
22 crossings that are likely regulated by the Army Corps of
23 Engineers so they'll have to demonstrate appropriate
24 approvals from them.

25 They've also identified that there is likely going to

1 - RE: LANDS OF DiLORENZO et al -

2 be tree clearing restrictions that are imposed by DEC and
3 U.S. Fish and Wildlife so they should be noted.

4 They're going to have to get approval from Marcy South
5 because they're going to cross the power line. I'm not
6 sure if it's in the form of a permit or a license. It
7 might be a license.

8 MR. GOTTLIEB: I don't have an address on here.

9 MR. PAGGI: Yes. My experience is that they don't
10 like to give permits, that they give licenses that they can
11 revoke at any point in time that they want but they revoke
12 them.

13 And then we just note that the plan will ultimately
14 have to be filed with the County Clerk so she can prepare
15 it appropriately.

16 One thing we do have now is we have owner's blocks.

17 MR. GOTTLIEB: I'm having trouble with my ears.

18 MR. PAGGI: I'm sorry. I'm sorry.

19 MR. GOTTLIEB: That's okay.

20 MR. PAGGI: The plan is going to have to be prepared
21 according to the County's requirements for filing.

22 MR. GOTTLIEB: That's right.

23 MR. PAGGI: And we actually have incorporated the use
24 of owner's consent blocks.

25 MR. GOTTLIEB: Okay.

1 - RE: LANDS OF DiLORENZO et al -

2 MR. PAGGI: I can send that to you --

3 MR. GOTTLIEB: Okay.

4 MR. PAGGI: -- if you want.

5 MR. GOTTLIEB: Yes.

6 MR. PAGGI: As well as a Planning Board block.

7 That's it.

8 MR. GOTTLIEB: Okay.

9 MR. PAGGI: Simple stuff.

10 CHAIRMAN STAROBIN: John, do you have any comments?

11 MR. CAPPELLO: Yes. Well, when the Board is
12 considering, for a lot line adjustment, the procedures are
13 in the Subdivision Law 166-14. What you're required, at
14 this meeting, is to determine whether it does qualify as a
15 lot line, a lot line adjustment, versus a subdivision,
16 which subdivision requires a public hearing and a more
17 rigorous proceeding.

18 So the five issues that they need to meet is the area
19 of the proposed land exchange or transfer does not exceed
20 the minimum required lot area in the zoning district in
21 which the affected land is located. This is a Mountain
22 Greenbelt.

23 This is Mountain Greenbelt?

24 MS. GRASS: Mountain Greenbelt.

25 MR. CAPPELLO: So it's ten acre minimum. They're

1 - RE: LANDS OF DiLORENZO et al -
2 transferring five acres so that meets.

3 No additional lots will be created. That's actually
4 true. Actually, there's one less lot going to exist after
5 this is done versus what it is now.

6 Such exchange of transfer of land does not preclude
7 the proper future development of the affected property.
8 Taking that piece off the hunt club is certainly not
9 affecting it. It's a very large piece. And this actually
10 makes this property more developable. We'll get to that in
11 a second.

12 Four: The proposed action will not impede the
13 maintenance of existing or development of future access or
14 utility services to the affected lots. No. Actually,
15 they'll promote it.

16 Such exchange or transfer of land shall not create any
17 nonconformity with the terms and regulations of the
18 chapter. The new DiLorenzo lot will still be nonconforming
19 because it's irregular. Well, actually, maybe it isn't.
20 It's a irregularly shaped. But it's not creating any new
21 ones, it's actually making it more conforming to the lot.

22 So I believe it does meet those five criteria for a
23 lot line adjustment so you could consider it as such and it
24 wouldn't necessarily need a public hearing.

25 What I would suggest, and once again, now, this is

1 - RE: LANDS OF DiLORENZO et al -

2 different than the last one so I'm not necessarily
3 contradicting myself. But this one, because it is filed in
4 the County, some of the issues that Larry just mentioned,
5 certainly, before you approve the driveway you want to make
6 sure a driveway can be constructed there. But some of the
7 requirements that are necessary before the driveway is
8 actually constructed can be notes on the plan that are of
9 record, that Mary would have to look at before any, or
10 actually, Larry would look at before the actual
11 application. So you could technically create this lot and
12 still access that cabin by the easement if the hunt club is
13 okay with that while the driveway is being constructed or
14 planned because it does look like four driveways. There's
15 a heck of a lot of approvals when you get the Army Corps.
16 I mean even though it's just a driveway to a cabin, the
17 Army Corps being involved and some of the other things, it
18 might be a little bit of a more lengthy process than we
19 have. But that doesn't necessarily mean you couldn't
20 approve it subject to all that because they have to build a
21 drive. He's no worse than you are today.

22 CHAIRMAN STAROBIN: How is this driveway different
23 from a road?

24 MR. CAPPELLO: A driveway is 14 percent grade; the
25 width. A road would have to meet town road specs.

1 - RE: LANDS OF DiLORENZO et al -

2 Now, that's another issue. Fifty feet is being
3 provided along that. One of the issues you have to
4 consider in approving this is you are now opening up. And
5 I don't know the topo or the grade of this road, but a 50
6 foot right-of-way now opens up not only development of that
7 back 23 acres, but it backs up into 700 plus acres. I
8 don't know if, physically, a road could be built in the
9 future over there, but right now the Applicant has stated,
10 and there should be a note on the plan to such, if you were
11 to approve it, that this is for recreational use. Even if
12 it's for a single-family home on the 23 acres, they'd have
13 to come in and show that a septic and a well can be located
14 on that back piece that would allow for a home site, or
15 potentially even the front site. But they would be
16 entitled to pursue that. But there should be a note on the
17 plan that the Applicant has told us that it's recreational
18 purposes now for a single.

19 The other issue you could consider is that 50 foot, is
20 it feasible that that could be a road opening up the 700
21 acres of development. You want to make sure it's very
22 clear that you did not consider that, that that would take
23 SEQRA, that you're making no reference that it's suitable
24 access. And you may even want to consider, I don't know if
25 the Applicant, say give us 45 feet now for the driveway.

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2 That would then preclude that being used for that back
3 piece. And once again, I might be bringing up an issue
4 that's impossible because it might be impossible to get a
5 full road there versus a driveway. You're disturbing way
6 more wetland, you're building a very long road. But if it
7 opens up 700 acres, it could be attractive to someone in
8 the future. You want to make sure that you've got a clear
9 record here that you didn't look at that, you're not
10 approving that. This is solely for recreational and then
11 potentially a home up there. That would be the extent of
12 it without substantial environmental review.

13 CHAIRMAN STAROBIN: Does that conflict with one of the
14 issues in 166.14, that it does not include future
15 development?

16 MR. CAPPELLO: Well, it does not impede. This
17 approval doesn't impede. It actually potentially makes it
18 more productive. Right now you can't get to it at all.

19 CHAIRMAN STAROBIN: Okay. So the fact that we call it
20 a driveway means that it's just a driveway and at this
21 point doesn't --

22 MR. CAPPELLO: Well, it's 50 foot. It's just a
23 driveway now. I mean that's all we're approving. But if
24 you have a 50 foot right-of-way, someone could come in the
25 future and say, potentially. Once again, I don't know the

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2 engineering, but someone could say, I have a 50 foot
3 right-of-way which is what I need for a road, and now I'm
4 going to build, instead of a --

5 What's the width of a typical driveway?

6 MR. PAGGI: Probably five feet, ten feet, maybe.

7 MR. CAPPELLO: Instead of a nine foot driveway which
8 may disturb a tenth of an acre of wetland, I'm building a
9 20 foot wide road, or 24, whatever, to give access to the
10 700. That's a whole different application. But you can do
11 that with a 50 foot right-of-way. That possibility, maybe
12 it's very remote, exists. It doesn't exist today. But
13 right now, what you're saying is a driveway to the hunting
14 cabin for now, and then I think that person would have the
15 right to come to you for site plan, show to Mary, showing a
16 a well and septic on there, then building a single-family
17 house on that lot because it would comply. They would have
18 to come here and show you well and septic. It would still
19 be a driveway giving access to the lot.

20 CHAIRMAN STAROBIN: So if they wanted a subdivision in
21 the future, this parcel, because it is a considerable piece
22 of land, they would have to come back and get approval for
23 a road.

24 MR. CAPPELLO: Yes. Design the road, whatever
25 environmental impacts are there. Marcy South may well give

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2 a license for a driveway. I don't know the extent of the
3 line there. They might have big issues of giving a license
4 for a road. A bank may not lend money to build a road if
5 there's only a license from Marcy South. I mean there's a
6 lot of issues. I didn't meant to get down on it, but you
7 should kind of know in the future just to make sure we have
8 appropriate notes there so everybody in the world knows
9 we're allowing this for access to the hunt club and
10 possibly a house back there some day.

11 CHAIRMAN STAROBIN: Any board members?

12 BOARD MEMBER COLLIER: So it would be just some
13 conditions on the map?

14 MR. CAPPELLO: Yes, yes, notes on the map.

15 BOARD MEMBER COLLIER: Is that what we're looking to
16 do?

17 MR. CAPPELLO: I mean I think Larry still needs to see
18 at least that a driveway, we have some topo to see that a
19 driveway -- I don't know if that's, after all the
20 discussion last time, you want to approve a driveway that's
21 a 60 percent grade.

22 MR. PAGGI: Yes, they've got to show topo, they've got
23 to show erosion control to conform to DEC requirements.
24 They've got to do some design on this one because there are
25 some regulations they've got to comply with.

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2 I think John's point is that there's potential for a
3 future subdivision, should you be looking at that at all at
4 this point. If you go down to 45 feet, then there's not
5 potential for a future subdivision and it takes it off your
6 table completely. So if you guys feel comfortable that
7 it's just a driveway now with notes, end of story. If you
8 feel like you should be looking at it because it's 50 feet
9 and for a potential subdivision in the future, then you
10 need to think about that at this point now.

11 BOARD MEMBER GOODMAN: Is 50 foot the minimum for a
12 driveway?

13 MR. PAGGI: No, not for a driveway. Fifty foot is the
14 minimum width for a road. They could potentially put a
15 town road in there in the future if they could physically
16 construct it, physically design it. It's not necessarily a
17 bad thing. It's just you have to consider that either then
18 or now or sometime. That's all.

19 Is that fair?

20 MR. CAPPELLO: Yes.

21 CHAIRMAN STAROBIN: Is that it? Any more comments?

22 Rich, nothing?

23 Alex?

24 BOARD MEMBER GOODMAN: No.

25 CHAIRMAN STAROBIN: Okay.

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2 MR. CAPPELLO: Now, just so you know, the vote tonight
3 would just be to classify this as a lot line adjustment.
4 Then the Applicant would be required to -- I don't know if
5 you have already.

6 Do we have a Short EAF in the file?

7 MR. GOTTLIEB: Yes. We've submitted everything, yes.

8 MR. CAPPELLO: So a Short EAF would be required and
9 then you would just review it. No public hearing is
10 required because of the fact that it's a lot line
11 adjustment and not a subdivision.

12 Maybe, Tim, if you could prepare some notes that you
13 would have on the plan to address Larry's comments, as well
14 as the information regarding the topo and the grade then --

15 MR. GOTTLIEB: Yes, we can do that. I mean it's
16 clearly, Mr. DiLorenzo, it's for recreational only --

17 MR. CAPPELLO: Right.

18 MR. GOTTLIEB: -- just so he can access it. There's
19 no intent to any subdivision.

20 MR. CAPPELLO: Probably, though, it would be a note
21 for recreational use at this time. A note that prior to
22 any construction in the driveway all appropriate federal,
23 whatever Larry's --

24 MR. GOTTLIEB: Right.

25 MR. CAPPELLO: All the approvals that would be

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2 necessary before the road is constructed and demonstration,
3 the physical work on the map to show that you can do the
4 erosion control and everything.

5 MR. GOTTLIEB: Right.

6 CHAIRMAN STAROBIN: So we will have a motion based on
7 what John has said.

8 MR. CAPPELLO: Right now the only motion is to
9 classify it as a lot line adjustment.

10 CHAIRMAN STAROBIN: Okay.

11 BOARD MEMBER GOODMAN: I was just pondering on what
12 John was saying. Is it in our purview to say we want to
13 limit the width of this driveway down to 45 foot?

14 MR. CAPPELLO: It's only in your purview to say if
15 it's limited to 45 feet we don't have to consider any
16 potential. When you do SEQRA and you do the short form,
17 one of the things you look at is growth inducing aspects.
18 Then there's an issue called segmentation under SEQRA. Did
19 you identify all the potential issues associated with
20 approving this as it relates to future development, and
21 it's got to be based upon reasonable plans. So if it's 45
22 feet, you don't have to look at anything because there's no
23 potential future development of that back 700 acres by
24 virtue of your approval. If you do have it as 50, you have
25 to at least knowledge that we're opening up a possibility,

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2 however remote, and show in the record that you thought
3 about it and we're making this action now and here's the
4 reasons we are doing it and make sure you clarify
5 everything that would have to be reviewed later. That's
6 the only difference. That's one less step that you would
7 have to take if it's 45 feet. If the Applicant says, I
8 want 50 feet, it's 50 feet. If the Applicant says, My
9 course of action is easier at 45 feet, it's up to them.
10 You would just at least have to have in the record that you
11 understood the implications of the 50 foot right-of-way.

12 CHAIRMAN STAROBIN: Well, the indications, we have to
13 look, then, at a topography map and look at the zoning and
14 look at the density of what he could put there.

15 MR. CAPPELLO: Unless you say: We're not going to
16 look at the density, the 700 acres, because we're only
17 approving it for now, we acknowledge the possibility, we
18 acknowledge it needs to go under full review. We're not
19 doing it because the reasonable likelihood of that road
20 being built in the near future is not. I'm not saying
21 that's the decision you need to make, but when you have the
22 topography you might look at it and when you see where the
23 wetlands are located you might look at it and Larry and Stu
24 might tell you there's no way in heck that this is going to
25 be a full road without a lot of time, expense and level of

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2 review and it's not going to happen in the near future.
3 Then you duly note that and whoever looks at it, if and
4 when it's ever potentially developed, that they would have
5 to address those issues.

6 BOARD MEMBER GREEN: Do we know who owns that other
7 700 acres around the outer ridge?

8 MS. GRASS: Who owns the other 700 acres, Tim?

9 MR. GOTTLIEB: Pardon?

10 MS. GRASS: Who owns the other 700 acres?

11 MR. UNIDENTIFIED SPEAKER: Mr. DiLorenzo. That's in
12 the Town of Forestburgh.

13 CHAIRMAN STAROBIN: Okay. Could you give a summary
14 and we'll have a motion on it?

15 MR. CAPPELLO: Well, the only summary right now is to
16 classify this application as a lot line adjustment.

17 CHAIRMAN STAROBIN: Okay. Motion to call it a lot
18 line.

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

20 BOARD MEMBER GOODMAN: I'm stuck on that point. But
21 I'm not sure that we're -- if you're saying that we need
22 to --

23 BOARD MEMBER RUSSEK, III: It's just a lot line for
24 now.

25 BOARD MEMBER GOODMAN: I know that's what we're going

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2 to be classifying it as. But what we'd be committing to,
3 if we're saying it's a lot line change, 50 foot, what other
4 review are we responsible for?

5 MR. CAPPELLO: Well, I think you need to just look at
6 the topo, have the required notes on the map saying that
7 this what we've looked at and this is what we've considered
8 for the Applicant. We're only approving it for
9 recreational use at this time. If it's ever developed for
10 a single-family house it needs to come back before this
11 Board to show. At that point you wouldn't be looking at
12 the driveway anymore for a single-family, you'd just be
13 looking at the well and septic be located on there. If
14 it's anything beyond a single-family house, a new full
15 SEQRA review would need to be done to demonstrate that a
16 road and all these issues could be addressed.

17 BOARD MEMBER GOODMAN: And so it's fine if we classify
18 it as a lot line change now and that could be done.

19 MR. CAPPELLO: Yes. You've got to look at the topo to
20 determine that.

21 BOARD MEMBER GOODMAN: And that would be fine.

22 MR. CAPPELLO: Yes.

23 MR. GOTTLIEB: Yes, we have the topography. We just
24 didn't prepare the plans yet. We were waiting on comments.

25 CHAIRMAN STAROBIN: Okay. So it's just a lot line

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2 change that we're voting on today. So we have a motion,
3 Joe.

4 Second?

5 BOARD MEMBER COLLIER: Second.

6 CHAIRMAN STAROBIN: Eric.

7 And Lorry?

8 BOARD MEMBER GREEN: I'll second it.

9 CHAIRMAN STAROBIN: Well, you third it.

10 A vote.

11 BOARD MEMBER GREEN: Aye.

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER COLLIER: Aye.

14 BOARD MEMBER RUSSEK, III: Aye.

15 CHAIRMAN STAROBIN: Aye.

16 Rich, are you voting?

17 BOARD MEMBER GLISSON: Yes.

18 (The motion was approved and carried.)

19 CHAIRMAN STAROBIN: It's unanimous.

20 MR. GOTTLIEB: Okay. So the lot line adjustment, we
21 come back with everything and we get the approval?

22 CHAIRMAN STAROBIN: Yes.

23 MR. GOTTLIEB: Okay. Good enough. Thank you.

24 CHAIRMAN STAROBIN: Motion to close the meeting.

25 BOARD MEMBER RUSSEK, III: Motion

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BOARD MEMBER GLISSON: Second.

CHAIRMAN STAROBIN: Vote.

BOARD MEMBER GREEN: Aye.

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER COLLIER: Aye.

BOARD MEMBER GLISSON: Aye.

BOARD MEMBER RUSSEK, III: Aye.

CHAIRMAN STAROBIN: Aye.

(The motion was approved and carried.)

(Time noted: 8:09 a.m.)

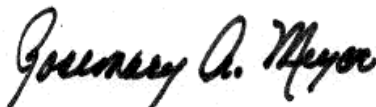
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REPORTER'S CERTIFICATION

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 Lands of DiLorenzo & Delaware Hunting Club, Inc., to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 14, 2018

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