

In The Matter Of:
Town of Mamakating
Planning Board

Meeting Minutes
7-24-18
July 24, 2018

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

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TOWN OF MAMAKATING
PLANNING BOARD MINUTES
JULY 24, 2018
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

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

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Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Olga & Elizabeth Horvath
Nine Lot Subdivision - Public Hearing
Tax Map Section 27; Block 2; Lot 22
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
July 24, 2018
7:00 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: Frank Nutt, Jr.
on behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: E. & O. HORVATH -

2 CHAIRMAN STAROBIN: Okay. This is the July 24th
3 Planning Board meeting. We're going to call the meeting to
4 order.

5 One thing we have to do, Mary, is the acceptance of
6 minutes. What minutes are these for?

7 MS. GRASS: It would be for the April minutes.

8 CHAIRMAN MORDAS: Okay. Motion to accept minutes.
9 Stosh?

10 BOARD MEMBER ZAMONSKY: Motion.

11 BOARD MEMBER GREEN: I'll second it.

12 CHAIRMAN MORDAS: Lorry, second.
13 Vote.

14 BOARD MEMBER GREEN: Aye.

15 BOARD MEMBER GOODMAN: Aye.

16 BOARD MEMBER COLLIER: Aye.

17 BOARD MEMBER RUSSEK, III: Aye.

18 BOARD MEMBER ZAMONSKY: Aye.

19 CHAIRMAN STAROBIN: Aye.

20 (The motion was approved and carried.)

21 CHAIRMAN STAROBIN: It's unanimous.

22 Okay. Mary, can you tell us who the first applicant
23 is?

24 MS. GRASS: The first applicant is Olga and Elizabeth
25 Horvath, nine lot subdivision. The property is located on

1 - RE: E. & O. HORVATH -
2 Burlingham Road, Tax Map Section 27; Block 2; Lot 22. The
3 property lies in the Burlingham Residential Zone and
4 involves 23.68 acres.

5 MR. NUTT, JR.: Good evening. I'm Frank Nutt. I'm
6 here with Betty Horvath and Jim Duvoli.

7 Let's see. Just a little recap. We did submit to you
8 new plans with the updated engineering and everything done.
9 At the last meeting we did get a response. We got feedback
10 from the engineer. I believe most of that was taken care
11 of.

12 As of right now, we did make -- we were present at the
13 meeting of the Town Board in response to talking about
14 accepting the piece of property across the street. They
15 did act favorably on it. There was a little mix-up as far
16 as being on the agenda, but we did get correspondence back
17 from Jacobowitz and Gubits saying that they have accepted
18 our proposal. So they are interested in taking this entire
19 side of the road. There is an exchange. They're going to
20 give us some off of the rec fee for that. Not quite all of
21 it, but I think it's an amicable settlement.

22 There is a minor issue that we wanted to bring up
23 ahead of time. Not ahead of time, but this Lot No. 1, a
24 small portion of this side of the street is in the
25 calculation for the two acre minimum to Lot No. 1. Now,

1 - RE: E. & O. HORVATH -

2 the engineer had mentioned that sometimes the Planning
3 Board can just, you don't have to go get a variance for it
4 because it is, we are giving the property to the Town for
5 the Town's purposes. But if that's too cumbersome or too
6 involved to talk about, I think we can just move the
7 property line a little bit to make up the difference
8 between Lot 1 and Lot 2. Lot 2 does have, in that area,
9 almost two and a half acres. So I don't know if the
10 Planning Board wants to address that issue or not. It was
11 just brought to our attention through the engineer. I have
12 to get the calculation to find out exactly how much of this
13 side of the road figured into the net area of Lot No. 1.
14 Okay? I don't believe it's that much because it's really
15 not -- you don't include the stormwater management area as
16 far as the mass for Lot No. 1. But it may be a quarter of
17 an acre, third of an acre, something like that.

18 Does the Board have any input or thoughts on something
19 like that?

20 BOARD MEMBER GREEN: I know that they had already
21 granted, the Zoning Board of Appeals had already granted --

22 MR. NUTT, JR: Yeah. We had --

23 BOARD MEMBER GREEN: About same that same amount?

24 MR. NUTT, JR.: No, no. Those variances were granted
25 on some of the other lots, lots up in the back, and they

1 - RE: E. & O. HORVATH -

2 were just net size variances, very small.

3 This came up because after the ZBA and after our
4 initial meetings with the Planning Board, it came about
5 that hey, maybe we can use that property across the street.
6 So I just want to be upfront with everybody and say this
7 shows the net of two acres, but a little bit of that
8 property did come from the other side of the street. But I
9 believe -- I mean I was advised that the Planning Board
10 would say, Okay, well, whatever that net is now, you don't
11 have to get a variance because you are giving us property.

12 BOARD MEMBER GREEN: So that extra little bit that
13 would be part of the town, you're talking about the same
14 that the Zoning Board of Appeals has already given the --

15 MR. NUTT, JR.: Yes, yeah. I mean it's not like -- I
16 mean it's not part of the usable --

17 BOARD MEMBER GREEN: Right.

18 MR. NUTT, JR.: -- needed property of Lot 1, it's just
19 part of the net area. Because actually, Lot No. 1 is four
20 and a half acres with the property across the street. But
21 its net is only two and that's the minimum for the zoning
22 in the NR Zone. So I just wanted to make sure I was
23 upfront on that with you. I don't even have a problem if
24 we can -- we'll do the calculation. This just came up, you
25 know, a week ago. So we'll do the calculation. If it's

1 - RE: E. & O. HORVATH -

2 only a little bit, then maybe I'll just take this property
3 line here and move it a little bit because it does not
4 affect Lot No. 2 at all. Okay? But I did want to get your
5 feedback. I want to be right upfront with that because it
6 did, you know, come up through conversations with my
7 engineer.

8 BOARD MEMBER ZAMONSKY: John, we can actually waive
9 the --

10 MR. CAPPELLO: I don't know what we can waive.
11 There's clustering provisions.

12 BOARD MEMBER ZAMONSKY: Okay.

13 MR. CAPPELLO: If the Town Board takes it,
14 technically, the Town Board is exempt from zoning.

15 BOARD MEMBER ZAMONSKY: But the Town Board is not
16 taking that Lot 2 that he's talking about.

17 MR. CAPPELLO: Well, they're taking a portion that
18 takes away from the lot.

19 MR. NUTT, JR.: Actually taking a portion of Lot 1.
20 Lot 1 is the one that will be affected by the loss of some
21 net area, you know. So ...

22 BOARD MEMBER ZAMONSKY: So then what happens with the
23 stormwater across the street? Is that maintained by ...

24 MR. CAPPELLO: I think the other thing he might be
25 talking about, I think the Town -- I know there was a

1 - RE: E. & O. HORVATH -
2 petition for a drainage district.

3 BOARD MEMBER ZAMONSKY: Right.

4 MR. CAPPELLO: The drainage facilities that are in
5 that lot that the Town is taking the Town would own, but
6 it's owning on behalf of the drainage district. So those
7 property owners --

8 BOARD MEMBER ZAMONSKY: Pay for it.

9 MR. CAPPELLO: -- in the subdivision would pay for the
10 maintenance of it.

11 BOARD MEMBER ZAMONSKY: Okay.

12 MR. NUTT, JR.: I was actually going to get into that.
13 That is part of one of the things we're doing with the Town
14 Board, is the drainage district, developing a drainage
15 district. And all of that structure is part of the
16 drainage district, anyway. It would be owned by the Town,
17 but through taxes, paid for the upkeep through taxes of the
18 nine lots. So it really doesn't matter.

19 And all the other structures, remember that all your
20 drainage, your stormwater work, is all within the town
21 right-of-way, county, town owned property, anyway. It's
22 never outside of that, usually. So I mean your culverts,
23 your catch basins, your roadside swales, they're all a part
24 of the road structure to the road itself, so you get them
25 anyway with any new subdivision, new roadway.

1 - RE: E. & O. HORVATH -

2 But yeah, I mean they were very positive so we're
3 moving forward with them on that.

4 The engineer, did you have any more, anything?

5 MR. PAGGI: I actually did look at your resubmittal.
6 A couple of questions that I have for you is at the last
7 meeting it was brought up that the highway superintendent
8 would like to see a T, like a hammerhead instead of a
9 cul-de-sac.

10 MR. NUTT, JR.: Yep.

11 MR. PAGGI: I thought that that was agreeable.

12 MR. NUTT, JR.: Yeah.

13 MR. PAGGI: So the plans --

14 MR. NUTT, JR.: We're not going to get -- we weren't
15 going to change the dedication or anything like that or the
16 size of the property because what that does, instead of
17 taking a T, you know, making a formal T or actually, I hate
18 to say it, he really wants more of like a cross because he
19 wants to be able to go through and then plow it to the
20 side.

21 MR. PAGGI: But the plans don't reflect that yet. So
22 they will?

23 MR. NUTT, JR.: Yes, I can have that put on.

24 MR. PAGGI: Yes. Because one of the things that we
25 had mentioned in our comment letter was, if you remember

1 - RE: E. & O. HORVATH -

2 back when we were doing Seven Peaks, there were cul-de-sacs
3 that were relatively steep, as much as ten percent, I
4 think, and we asked them to bring them down to, I think we
5 got them to bring them down five percent. This cul-de-sac
6 is seven percent and we asked them to see if they could
7 bring it down a bit. The project engineer indicated that
8 he felt that that was not possible. I'm just wondering if
9 with the T arrangement it might be a little bit more
10 possible. I'm just thinking of the Highway Department
11 trying to operate on a T at a seven percent cross slope.
12 We're going to continue to ask your engineer to just see if
13 they can't slightly flatten that out a little bit.

14 MR. NUTT, JR.: I don't see why not.

15 MR. PAGGI: Right?

16 MR. NUTT, JR.: Just go from seven to five.

17 MR. PAGGI: Yeah, just kind of flatten it out a little
18 bit so that when they're plowing and making their turn.

19 He responded with a bunch of documentation that we
20 were looking for. One of them was the driveway agreement,
21 and it said that had been previously submitted. The
22 question I had really was for the Board. Had that been
23 accepted or is that something that needs to be reviewed and
24 accepted? They have a common driveway.

25 BOARD MEMBER ZAMONSKY: The paper road, are you

1 - RE: E. & O. HORVATH -

2 talking about, or ...

3 MR. NUTT, JR.: It would be a driveway maintenance
4 agreement for the lots in the back.

5 MR. PAGGI: Yes.

6 MR. NUTT, JR.: Yes.

7 MR. PAGGI: And you said that it's been submitted. I
8 mean if that's been approved already, I'm not going to
9 bother reviewing anything on it. But if you guys have not
10 approved it, then we'd review it.

11 BOARD MEMBER ZAMONSKY: Was that submitted before your
12 recommitment?

13 MR. NUTT, JR.: I was going to say, I'm remembering
14 that that's probably approved from the prior boards as part
15 of the permanent approval that we had had. It hasn't
16 changed at all.

17 MR. PAGGI: Right.

18 MR. NUTT, JR.: But I don't know if it's -- you know,
19 I would like the Board, if they're like to look at it.
20 It's just a driveway maintenance agreement that --

21 MR. CAPPELLO: I mean if it's between the private
22 property owners --

23 MR. NUTT, JR.: It is.

24 MR. CAPPELLO: -- if you have something that the prior
25 attorney --

1 - RE: E. & O. HORVATH -

2 MR. NUTT, JR.: Just that, the main street --

3 MR. PAGGI: I just don't know if we approved it or
4 not, that's all.

5 MR. CAPPELLO: Oh, I don't know. I thought ...

6 MR. NUTT, JR.: Listen, again, we're --

7 MR. CAPPELLO: Is it in the package?

8 MR. NUTT, JR.: Yeah, it was in that package that was
9 just given to you.

10 CHAIRMAN STAROBIN: This approval was from years ago,
11 preliminary?

12 MR. NUTT, JR.: Well, the ten-lot subdivision had
13 preliminary approval in 2011, '12. And what basically is
14 done is come back with they're all engineered, we have our
15 stormwater, we have our, you know, Sullivan County Health
16 Department all was approved. So we have gone back to all
17 those requisite departments and updated. There was a
18 couple of small changes to the plan that came through the
19 ZBA, and that's all in his work. His letter he stated the
20 changes that were made and that were reapproved through the
21 Health Department, through -- really through the Health
22 Department.

23 CHAIRMAN STAROBIN: How long is that driveway, the
24 common driveway?

25 MR. NUTT, JR.: This one, it'll go -- you have the map

1 - RE: E. & O. HORVATH -

2 -- probably about 400 feet. It actually services four
3 lots. It's a large cut. You know, it's common access,
4 really, only for the two lots in the back. The other one
5 will have their own access off of it.

6 CHAIRMAN STAROBIN: Why was it not just a road?

7 MR. NUTT, JR.: Length of cul-de-sac, things like
8 that. It's just -- you know, you try and keep your
9 cul-de-sacs shorter. Less road maintenance to the Town.
10 If you extend it another four or five hundred feet, we have
11 another four or five hundred feet of road maintenance and
12 500 feet of road cost.

13 CHAIRMAN STAROBIN: One way or the other, it's not
14 much of an issue, but in the past we've sort of felt that
15 the common driveways became a problem for people in the
16 future.

17 MR. NUTT, JR.: Well, remember, it's also developed to
18 access the border of the property. There's an offer of
19 dedication that will be with all the paperwork, future
20 offer of dedication. That's all massed in. This
21 cul-de-sac is meant to be taken out if the adjoining
22 property owner, that's a substantial piece of property,
23 ever decides to develop it and wants to come in through
24 that road.

25 CHAIRMAN STAROBIN: Okay.

1 - RE: E. & O. HORVATH -

2 MR. NUTT, JR.: So it's just -- it really acts -- I
3 mean that was the initial. We were, like, Okay, well, we
4 can do that and just use it as a temporary roadway or
5 driveway. It's really just making a long driveway for
6 houses. But ultimately, it will be possible for the
7 adjoining property owner to use it and extend, but at his
8 cost. He'd have to extend the road onto his property or
9 their property.

10 MR. CAPPELLO: Well, that would take, then, and I
11 don't know if it's there, frankly, I don't think I saw it
12 in the package, an offer of dedication.

13 MR. NUTT, JR.: Yep.

14 MR. CAPPELLO: So there would be a common driveway.

15 MR. NUTT, JR.: Yeah, that is part of what we --

16 MR. CAPPELLO: There also would be an offer of
17 dedication to the Town for this right-of-way so the Town
18 could then force whoever develops this to --

19 MR. NUTT, JR.: We would submit it with the other
20 offer of dedication, the right part, you know, the front
21 part of the road. The problem is it would sit in that file
22 forever. So you almost ...

23 MR. CAPPELLO: The front portion of the road, we need
24 an offer of dedication --

25 MR. NUTT, JR.: Yes.

1 - RE: E. & O. HORVATH -

2 MR. CAPPELLO: -- and a deed. The back portion, we
3 want an offer of dedication, a separate one, and file the
4 form that will say it's for purposes of reserving for
5 future road extension.

6 MR. NUTT, JR.: I thought that was in that paperwork.
7 Okay.

8 MR. PAGGI: You know what? He stated that the
9 attorney was still preparing the offer.

10 MR. NUTT, JR.: Well, yeah. The map plan report for
11 the drainage district is now with the attorney. We do have
12 the road estimates.

13 Have you gotten them?

14 MR. PAGGI: I haven't gotten that yet. What they
15 submitted as far as all of the descriptions and the
16 dedications. All that they've done is they've submitted
17 the metes and bounds description. They actually haven't
18 submitted what says what's actually occurring in there.

19 MR. NUTT, JR.: Yes.

20 MR. PAGGI: I updated my letter. I'll get this to you
21 so you can have it and use it like a checklist.

22 MR. NUTT, JR.: I'll give you this, also. This is a
23 copy of Mercurio-Norton-Tarolli's road cost estimate.

24 MR. PAGGI: Okay.

25 MR. NUTT, JR.: Now, that's the road cost estimate.

1 - RE: E. & O. HORVATH -

2 Of course, the drainage district estimate would be less
3 than that because it doesn't include the road and some
4 other stuff. But that is all at Dave Donovan's office in
5 Goshen.

6 MR. PAGGI: Okay.

7 MR. CAPPELLO: So we're going to get a bond agreement,
8 an offer?

9 MR. NUTT, JR.: Yep.

10 MR. CAPPELLO: And you can tell Dave to send it
11 directly to us.

12 MR. NUTT, JR.: Yeah, I told him.

13 MR. CAPPELLO: Send it directly to us.

14 MR. PAGGI: So the other thing, just to give you a
15 heads up, too, there's a sight easement. That's one thing
16 he did not provide. That would be one of my comments.
17 There's an area down --

18 MR. NUTT, JR.: Yeah. The sight easement is actually
19 for Lot No. 1; right? Because the driveway is coming in.

20 MR. PAGGI: So there's actually going to be an
21 easement that's filed for that.

22 MR. NUTT, JR.: I was hoping that maybe we could just
23 clear that. I don't know why that came up, only because
24 there's some big pine trees there.

25 BOARD MEMBER ZAMONSKY: So I want to jump in. I was

1 - RE: E. & O. HORVATH -

2 curious about that easement, as well, because to drive that
3 road, I turn off there onto the bridge often, and the sight
4 distance is terrible. So I was --

5 MR. NUTT, JR.: Yeah. Actually, that's two things.
6 He's talking about the sight easement that's on the
7 property. But Sullivan County, we actually met with Caleb
8 Mall from Sullivan County and have correspondence from him.
9 In order to get the permit, they have do some things. And
10 that field in the front where the houses are --

11 BOARD MEMBER ZAMONSKY: Great.

12 MR. NUTT, JR.: -- and all those pine trees, they all
13 got to come down.

14 BOARD MEMBER ZAMONSKY: Okay.

15 MR. NUTT, JR.: But again, it's one of those things
16 where I wouldn't do that probably until after I got
17 preliminary approval and I start construction.

18 BOARD MEMBER ZAMONSKY: I understand.

19 MR. NUTT, JR.: I don't want to tear up the front yard
20 then have something happen.

21 BOARD MEMBER ZAMONSKY: Yes.

22 MR. NUTT, JR.: But yes, Sullivan County has already
23 been out there. We had a site visit. He gave us our list,
24 our laundry list of what needs to be done. He also gave me
25 a laundry list of the permits and the permitting numbers

1 - RE: E. & O. HORVATH -

2 and all that stuff. I have copies of that, too, if you'd
3 like those.

4 BOARD MEMBER ZAMONSKY: So there's no easement for
5 maintaining that sight distance there as you pull out on
6 the road.

7 MR. NUTT, JR.: No. What we're doing to do would be
8 excavation. It's not going to be like trimming trees.
9 We're actually going to take trees down, take the hill
10 down --

11 BOARD MEMBER ZAMONSKY: Okay.

12 MR. NUTT, JR.: -- so there is no issue of sight
13 distance.

14 BOARD MEMBER ZAMONSKY: Okay.

15 And then can you just explain the other, the easement,
16 then, the sight distance easement?

17 MR. NUTT, JR.: As part of Lot No. 1, because the new
18 proposed driveway for Lot No. 1 is going to come off of the
19 new road, there's trees along this turn. What they were
20 doing was right through here, there's a dotted line.

21 BOARD MEMBER ZAMONSKY: Uh-huh.

22 MR. NUTT, JR.: It actually originated from the
23 driveway to Lot No. 2. We made some changes in the plan,
24 so it's really more of Lot No. 1. But, you know, it's one
25 of those things. My opinion would be to get rid of the

1 - RE: E. & O. HORVATH -

2 trees, you don't have to worry at the sighting. But it's
3 up to the Board. It's not like there's a lot of tress
4 there.

5 MR. PAGGI: But what the sight easement does, and
6 again, this is before my time so I'm not really sure I
7 understand it completely either, but what the sight
8 easement does is it requires that it remain clear forever.
9 It puts restrictions on that area.

10 MR. NUTT, JR.: Okay.

11 MR. PAGGI: So ...

12 MR. NUTT, JR.: So we're good. I mean we'll clear it
13 all through it.

14 BOARD MEMBER ZAMONSKY: But the metes and bounds for
15 that easement will need to be followed is what you were
16 saying.

17 MR. PAGGI: Right. And actually, I didn't get a metes
18 and bounds for that yet. I got metes and bounds for all of
19 the easements and the description. I didn't get the legal
20 part that says what they're actually for and what the
21 restrictions are and what the responsibilities are.

22 They did acknowledge that the legal aspect of the road
23 dedication is being worked on by the attorneys in forms of
24 the offer of dedication. But the sight easement was just
25 not present at all.

1 - RE: E. & O. HORVATH -

2 MR. NUTT, JR.: Okay.

3 MR. PAGGI: And again, I'll get this to you in the
4 next couple days. You'll have a checklist.

5 MR. NUTT, JR.: I was actually trying to go back and
6 forth to come up with a way to clear all the trees now, you
7 know.

8 MR. PAGGI: If I understand it correctly, they would
9 have to be cleared now, anyway.

10 MR. NUTT, JR.: Yeah.

11 MR. PAGGI: But then you'd have to have an easement
12 there to maintain it.

13 MR. NUTT, JR.: To maintain it.

14 MR. PAGGI: Yes.

15 MR. NUTT, JR.: The easement goes in favor of Lot 1.
16 The person is going to own it anyway, so ...

17 MR. PAGGI: Right.

18 MR. NUTT, JR.: If they forget about it, it's in favor
19 of them. It's on, you know, deeded to Lot 1. If they
20 forget about it, it's one of those things where, you
21 know ...

22 MR. CAPPELLO: Well, when you say it's deeded to
23 Lot 1 --

24 MR. NUTT, JR.: Well, it's part of Lot 1.

25 MR. CAPPELLO: Yes.

1 - RE: E. & O. HORVATH -

2 MR. NUTT, JR.: Lot 1 is responsible.

3 MR. CAPPELLO: The person who's in Lot 1 is going to
4 have to be responsible.

5 MR. NUTT, JR.: Yeah.

6 MR. CAPPELLO: So if it doesn't happen, if the person
7 in Lot 1 doesn't clear this, who does it affect? Does it
8 affect the Town's road --

9 MR. PAGGI: Yes.

10 MR. CAPPELLO: -- or does it affect them?

11 MR. NUTT, JR.: Actually, it affects the driveway to
12 Lot 1, their access.

13 MR. CAPPELLO: Wait.

14 MR. PAGGI: Where is the driveway?

15 MR. NUTT, JR.: Well, the driveway for Lot 1 ...

16 CHAIRMAN STAROBIN: We have this.

17 MR. PAGGI: A county road; right?

18 MR. NUTT, JR.: You turn and the driveway is here.

19 MR. PAGGI: Okay. So they'll be able to see this way,
20 coming out.

21 MR. NUTT, JR.: Yeah. The driveway to Lot 2 is
22 actually here.

23 MR. CAPPELLO: So this has nothing to do with anybody
24 driving on this road and seeing.

25 MR. NUTT, JR.: No.

1 - RE: E. & O. HORVATH -

2 MR. PAGGI: It's just these guys pulling out so they
3 can see somebody coming as they're pulling out.

4 MR. CAPPELLO: So who --

5 MR. NUTT, JR.: This originally was designed for Lot
6 2. Their driveway is over here. It was to protect Lot 2
7 through Lot 1.

8 MR. CAPPELLO: Okay.

9 MR. NUTT, JR.: So it gave Lot 2 the ability to clear
10 that easement and they have a proper --

11 MR. CAPPELLO: Yes. But if it's to benefit Lot 1
12 coming out of the driveway, Lot 1 can't sue the owner of
13 Lot 1 because, say they clear the trees, because the owner
14 of Lot 1 can't see the trees. I don't know if that's --

15 MR. NUTT, JR.: I don't know. See, if I -- this was
16 the original.

17 MR. CAPPELLO: Right.

18 MR. NUTT, JR.: We're changing the driveway location.

19 MR. CAPPELLO: Now, where is the Lot 2 driveway?

20 MR. NUTT, JR.: Lot 2's driveway is here.

21 MR. PAGGI: That makes sense.

22 MR. NUTT, JR.: You see how it comes right to here,
23 the line. When you pull out here, you can actually see all
24 the way down the road.

25 MR. CAPPELLO: So there should be some type of

1 - RE: E. & O. HORVATH -

2 declaration.

3 MR. NUTT, JR.: Okay. In favor of Lot 2 to Lot 1.

4 MR. CAPPELLO: Yes. Now, how it is prepared, what the
5 issues are --

6 MR. NUTT, JR.: Probably give an easement to Lot 2.
7 Give Lot 2 the ability to clear. Okay.

8 MR. PAGGI: You know what? We actually talked about
9 that last meeting. We talked about making -- we talked
10 about making the sight easement part of the road. We can't
11 do that because it'll ...

12 MR. CAPPELLO: Well, I thought we were talking about
13 here, where it looks like. But if this doesn't impact the
14 road and it doesn't impact people's sight distance on this
15 road, or have an impact on the Town, I don't know if the
16 Town has ownership, because then the Town would have
17 liability.

18 MR. PAGGI: Yeah, okay.

19 MR. CAPPELLO: I would think in this area where the
20 road enters onto Burlingham Road, if there's any sight
21 clearing ...

22 MR. NUTT, JR.: That's the County. The County is
23 addressing that in all their correspondence.

24 MR. CAPPELLO: But if the Town has ownership, this
25 road looks like it goes out into that area, that we are

1 - RE: E. & O. HORVATH -

2 actually getting. This looks like part of the road.

3 Is this part of the --

4 MR. NUTT, JR.: This is part of the drainage district.

5 This is part of the drainage. This is where the pipe comes

6 down, goes across the road. See right here? This is part

7 of the --

8 MR. CAPPELLO: But the Town's going to get ownership

9 of this.

10 MR. NUTT, JR.: The Town's getting ownership.

11 MR. PAGGI: So this part of the road --

12 MR. CAPPELLO: Well, I mean this little corner ...

13 MR. NUTT, JR.: Yeah.

14 MR. CAPPELLO: Okay. So there's nothing to clear?

15 Well, if there is --

16 MR. NUTT, JR.: This part --

17 MR. CAPPELLO: That's where the trees are?

18 MR. NUTT, JR.: Trees, they're actually sitting on

19 line. They're all down here.

20 You drive by, you can see this. This side of the
21 road, this is about five feet high. So by clearing that
22 and taking the material out, it will make it much better.

23 MR. PAGGI: Just for the Planning Board's information,
24 part of the package that was submitted was correspondence
25 from the County saying that once the Applicant provides the

1 - RE: E. & O. HORVATH -

2 County with the description for the dedication of the
3 county road, the widening of the county road, that's really
4 their last comment and they'll be issuing a permit once the
5 Planning Board issues Planning Board approval. So I don't
6 know what the status of that is.

7 MR. NUTT, JR.: That's all part of the dedication.

8 When we get the approval from the Town --

9 MR. PAGGI: Okay.

10 MR. NUTT, JR.: -- we can actually then give -- I mean
11 it's kind of a sure thing, but Betty and Jim actually own
12 that property that the road is on.

13 MR. PAGGI: Yes.

14 MR. NUTT, JR.: It's the old -- it's the way it used
15 to be way back.

16 MR. PAGGI: Right. So the County --

17 MR. NUTT, JR.: We're giving it to them in part of the
18 dedication.

19 MR. PAGGI: And that's one of the last things that the
20 County is looking for. So what we're saying is demonstrate
21 that County obviously has reviewed this and it's
22 acceptable, they're ready to issue a permit once they get
23 the property.

24 That was all I had.

25 BOARD MEMBER GOODMAN: Do we have to say anything

1 - RE: E. & O. HORVATH -

2 about that Lot 1 parcel, that fact that it's now ...

3 MR. CAPPELLO: Well, No. 1 is does the Board have a
4 concern about that.

5 What I was going to suggest to the Board is, and I
6 don't know what the timing is, but it seems like there's
7 enough conditions here from our, you know, we grant a
8 preliminary final between this meeting and the August
9 meeting. I know Dave Donovan and Dave is his attorney. I
10 did run by. I got authorized to go by his office, go
11 through some of the issues and comments. The issue of how
12 to handle that, as long as the Board is okay with the
13 concept, I'll figure out the legal mechanism, whether it's
14 talking to Steve Mogel, getting the ZBA to just acknowledge
15 that they considered it or moving the lines are just as
16 easy. But we'll come up with a solution between now and
17 then and work on getting all the documents back. I don't
18 know if the Board wants to see it again. Even when you do
19 the T, you maintain some land.

20 MR. NUTT, JR.: And we're going to still -- because
21 there was snow removal easements, it leads the T into a big
22 circle. That's one of the things that the highway super
23 said. It makes it much easier because you don't need an
24 easement when the Town owns the property. Originally, with
25 a cul-de-sac, we actually offered an easement, a snow

1 - RE: E. & O. HORVATH -

2 removal easement, inside because outside the cul-de-sac,
3 when you plow the snow, they have nowhere to put it. Going
4 to the T or the I, you know, the cross, the Town has all
5 the property so the snow removal and the snow stockpile
6 easements are not as needed because of that type of a road
7 design.

8 MR. PAGGI: So once they get the cross arrangement
9 we'll run it by the highway superintendent, make sure he's
10 happy with it.

11 CHAIRMAN STAROBIN: Quick summary. What do we need to
12 wrap this up?

13 MR. PAGGI: I don't think you need to do anything.

14 MR. CAPPELLO: It's just addressing how we're going to
15 handle the issue of Lot No. 1 and the dedication documents
16 and the final design of the T road.

17 MR. PAGGI: We'll issue our letter in the next couple
18 of days. We'll copy the Planning Board on it so they know
19 where everything stands. But they're really just
20 addressing these as conditions of approval before you sign
21 the plan.

22 We've granted a conditioned approval here?

23 MR. NUTT, JR.: No, not yet.

24 MR. PAGGI: I thought we did.

25 MR. NUTT, JR.: No preliminary approval yet. We had

1 - RE: E. & O. HORVATH -

2 our public hearing; we closed the public hearing. We can
3 do that tonight if you'd like.

4 MR. PAGGI: Okay. I thought ...

5 MR. NUTT, JR.: But yeah --

6 MR. CAPPELLO: Subject to his addressing this. Then
7 by August you might be ready to just grant final. But this
8 way, the Applicant will know that ...

9 CHAIRMAN STAROBIN: Do you want to do the wording on
10 that?

11 MR. CAPPELLO: So the Board would grant preliminary
12 approval for the revised subdivision of Olga and Elizabeth
13 Horvath, consisting of nine lots. And the Board, in
14 granting, grants a Negative Declaration under SEQRA since
15 the revisions to the plan, as previously approved in the
16 prior SEQRA determination were for more lots and more
17 disturbance, and the Board acknowledges and affirms that
18 the modifications to the plan reduced the adverse impacts
19 under SEQRA, and therefore, confirms the prior SEQRA
20 designation and grants preliminary approval subject to
21 complying with all remaining conditions of the Planning
22 Board engineer's letter; submission of all dedication
23 documents and easements to the Planning Board engineer and
24 Planning Board attorney for review; and determining the
25 appropriate solution to allow the Town to take the portion

1 - RE: E. & O. HORVATH -

2 of Lot 1 offered for parkland purposes.

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

4 MR. NUTT, JR.: And the T from the highway super.

5 MR. PAGGI: Yes. That's actually in my comment letter
6 so that's covered.

7 CHAIRMAN STAROBIN: Everybody got that?

8 BOARD MEMBER ZAMONSKY: I think this is great. I look
9 forward to you guys getting this in there. The whole
10 design, the road construction, trimming back the sight
11 distances. It's a good project.

12 CHAIRMAN STAROBIN: Motion as per John Cappello's?

13 BOARD MEMBER ZAMONSKY: I'll make a motion.

14 CHAIRMAN STAROBIN: Stosh.

15 Second?

16 BOARD MEMBER GOODMAN: Yes.

17 BOARD MEMBER GREEN: Second.

18 CHAIRMAN STAROBIN: Lorry.

19 Vote.

20 BOARD MEMBER GREEN: Aye.

21 BOARD MEMBER GOODMAN: Aye.

22 BOARD MEMBER COLLIER: Aye.

23 BOARD MEMBER RUSSEK, III: Aye.

24 BOARD MEMBER ZAMONSKY: Aye.

25 CHAIRMAN STAROBIN: Aye.

1 - RE: E. & O. HORVATH -

2 (The motion was approved and carried.)

3 CHAIRMAN STAROBIN: It's unanimous.

4 MR. NUTT, JR.: Thank you very much. I appreciate
5 that.

6 (Time noted: 7:38 p.m.)

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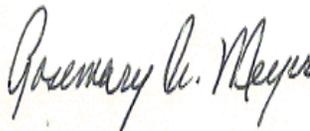
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Olga & Elizabeth Horvath, 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: October 11, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Robert Anderson
Site Plan Approval - Ground Mount Solar System
Tax Map Section 20; Block 1; Lot 34.2
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
July 24, 2018
7:38 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: Nat Levine,
on behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: ROBERT ANDERSON -

2 CHAIRMAN STAROBIN: Mary.

3 MS. GRASS: The next applicant is Robert Anderson for
4 site plan approval for a ground mount solar system. Tax
5 Map Section 20; Block 1; Lot 34.2, 91 Adams Road. The
6 property is approximately 33.15 acres and lies in the
7 Mountain Greenbelt Zone.

8 MR. LEVINE: Good evening. I'm representing Robert
9 Anderson tonight. My name is Nat Levine with Empire Solar
10 Solutions.

11 Our objective is to install a ground mounted
12 array of 40 modules. They're 300 watts per module. In
13 addition to that, a SolarEdge inverter which is 11.4. The
14 overall square footage of this array is just about 982
15 feet. I'm picking through the pictures the outline the
16 setback restrictions.

17 Unfortunately, the homeowner's electrical usage was
18 just a little bit too steep so we needed a solar ground
19 mount here. We couldn't do the barn. It wasn't a feasible
20 option because there's no topography map, but if you look
21 behind that barn, there's a pretty steep incline there.
22 Otherwise, we would have installed but we just found the
23 installation area there. But as I said, this is 40
24 modules, offsets a hundred percent of the homeowner's
25 usage, which is obviously our goal, so we can do our best

1 - RE: ROBERT ANDERSON -

2 to kind of eliminate their electric bill.

3 What else do I have?

4 MR. PAGGI: So you said 40 units?

5 MR. LEVINE: Yeah, 40 modules; correct.

6 MR. PAGGI: As opposed to 30 that's our code, shown
7 on the submitted plan? I think the plans indicated 30.

8 CHAIRMAN STAROBIN: It says 30.

9 MR. LEVINE: It says 30 on the plan?

10 MR. PAGGI: Yeah.

11 MR. LEVINE: Let me see if I have anything additional.
12 That might be a ...

13 (Mr. Levine examining documents.)

14 MR. CAPPELLO: I saw it in there.

15 MR. LEVINE: So it said three rows of ten there?

16 BOARD MEMBER GOODMAN: Three rows of ten.

17 MR. CAPPELLO: It says right in the beginning. It
18 says ground mount will include 30 320p cell ..

19 MR. LEVINE: Unless Operations did not forward me the
20 correct engineering plans, but I'm looking at them. Let me
21 see.

22 (Mr. Levine examining documents.)

23 MR. LEVINE: The actual illustration itself, there's
24 30 modules in the engineering report?

25 (Mr. Levine examining documents.)

1 - RE: ROBERT ANDERSON -

2 MR. LEVINE: Sorry about that. There's a little bit
3 of confusion here.

4 (Mr. Levine examining documents.)

5 MR. LEVINE: Okay. Yeah, so apparently, initially,
6 the customer had signed a contract for 40, but this is
7 correct.

8 MR. PAGGI: So 30 are proposed?

9 MR. LEVINE: Yeah, 30. It's my problem. I must have
10 an outdated engineer copy here.

11 It's 30 320P cell with a SolarEdge 10,000, not the
12 11.4 I mentioned.

13 But as far as the logistics of the array and
14 everything like that, everything else is pretty much the
15 same thing as far as the logic behind trying to installing
16 a ground mount as opposed to roof mount system. But
17 everything is included as far as the setback restrictions.

18 I think that's about it.

19 CHAIRMAN STAROBIN: And what's the output of this, in
20 total?

21 MR. LEVINE: The outputs for the 320, yeah, it should
22 be on the plans there. It's 320 times 30. It would be
23 9600.

24 The actual production of that is going to be a little
25 bit higher. One of the reasons that we try to, if we can,

1 - RE: ROBERT ANDERSON -

2 install ground mount solar arrays is the fact that the
3 panels are oriented due south. As opposed to a roof
4 mounted system, like for instance, since this home here
5 faces east, west, east, west, there's a little bit of a
6 pitch, as well. It's going hinder the overall production
7 of the system. So if we installed them on the roof the
8 production would probably be closer to that 9600, but being
9 it's on the ground it's probably going to be closer to,
10 like, 11,000 kilowatt hours.

11 CHAIRMAN STAROBIN: Larry, do you have any comments?

12 MR. PAGGI: We don't have any written comments
13 prepared. We haven't been preparing written comments for
14 these applications. We try to keep the reviews to a
15 minimum.

16 But just to bring the Board kind of up to speed with
17 where we've been on these, the first one that was presented
18 to the Planning Board, this first ground mount, was the
19 King solar project. In that application we received an EAF
20 and the solar array was depicted on an actual survey so we
21 knew setback requirements and actual physical conditions.
22 Then came the Rysinger solar project that didn't have an
23 EAF, wasn't based on an actual survey, and we ran into some
24 issues with floodplains and floodways and things of that
25 nature. This project did not submit an EAF and is not on a

1 - RE: ROBERT ANDERSON -

2 survey. However, I took the liberty of checking the EAF
3 mapper and it does, indeed, state that there is no
4 floodplain on site, but it does state that there is wetland
5 on site. So I think the Planning Board, once it reviews
6 the aesthetic impacts that are in front of it, is it
7 visible from a road, is it in a front yard, if you want to
8 move this back to a review with the Building Department,
9 then my recommendation is that we ask that it be put on a
10 survey and that wetlands be shown.

11 BOARD MEMBER ZAMONSKY: That was my comment, as well.
12 There's some survey like mapping program that's was used
13 here. It's hard to understand where the property ends
14 adjacent to the solar array. If you look back of the one
15 sheet, it looks like it's pretty close. Now, they're
16 claiming 50 feet. It's hard to tell.

17 There's also a stream that runs through here and
18 there's no classification on the stream. There are zoning
19 requirements for buffer zone disturbance stream
20 classification, so ...

21 MR. LEVINE: I think it was just a tax ID map that was
22 used initially.

23 BOARD MEMBER ZAMONSKY: Yeah, that's what it looks
24 like.

25 MR. LEVINE: That's how our engineer determined what

1 - RE: ROBERT ANDERSON -

2 the distance was and everything.

3 As far as the aesthetics are concerned, to address
4 that, you know, it's a little bit ways off of Adams Road.
5 It's technically the back yard. As you see in that first
6 picture here, it's the back yard there. There is a line of
7 trees that's on the northern section that screens the array
8 from the road itself.

9 As far as the wetlands and whatnot, I'm sure we'll get
10 our hands on the survey and get that done, have that
11 submitted to the Building Department.

12 BOARD MEMBER GOODMAN: Doesn't the road end at their
13 property?

14 MR. LEVINE: I believe that's all his property. You
15 know, I know the parcel itself is over 33 acres so it's
16 pretty large there. It looks like it extends back, but
17 that's also part of his property, which is the neighbor to
18 the right there. And then I believe that main road there
19 is Adams Road.

20 BOARD MEMBER ZAMONSKY: But it's strange. When you
21 look at this one design that you submitted that shows the
22 barn and the house and the solar array, then there's a
23 right-of-way here and then the property line is adjacent
24 there.

25 I don't know if you guys have seen this one.

1 - RE: ROBERT ANDERSON -

2 Again, I think it really just comes down to make a
3 survey --

4 MR. LEVINE: Okay.

5 BOARD MEMBER ZAMONSKY: -- showing the setbacks,
6 showing the stream classification, the wetland.

7 MR. LEVINE: Okay.

8 CHAIRMAN STAROBIN: So John.

9 MR. CAPPELLO: Well, this is another one. The regs
10 say the small scale solar systems, if it's ground mounted,
11 it requires site plan approval from the Planning Board
12 unless the code enforcement officer determines that the
13 solar energy system will not be visible due to year-round
14 vegetation screening or topography. If she doesn't, it
15 comes back here for site plan review.

16 I see the picture of the front of the house. I'm
17 having trouble correlating the front of the house to the
18 layout plan, this plan. But really, what the Board needs
19 to do is what will the visibility be. And then, you know,
20 the other issues I think have all been raised.

21 Just for the Board's edification, the actual
22 disturbance, construction disturbance, I think there's,
23 like, 14 piers that are a foot and a half. But if it's in
24 the wetland, it's in the wetland.

25 BOARD MEMBER ZAMONSKY: Or the stream buffer.

1 - RE: ROBERT ANDERSON -

2 MR. CAPPELLO: All right. So the question for the
3 Board is do you want to see this again or would you be okay
4 saying subject to the Applicant demonstrating on a survey
5 that it meets appropriate setback, that it's not disturbing
6 any wetlands in the installation of the array or the
7 stream, that then a building permit can be issued. But if
8 it does involve any of that, they would have to come back
9 to you for additional review? Or do you want see it again?

10 CHAIRMAN STAROBIN: Is that sound good to the Board?

11 BOARD MEMBER ZAMONSKY: Yes. I think that's good. I
12 mean I think it's important to get this moving.

13 CHAIRMAN STAROBIN: Okay.

14 So motion?

15 MR. CAPPELLO: So the motion would be clear that site
16 plan approval is granted by the Planning Board subject to
17 and only if the follow conditions are met.

18 The Applicant submits a survey demonstrating that the
19 solar array is located within all appropriate setbacks and
20 that there are no disturbance of any wetland associated
21 with the construction of the array or the transmission
22 lines to the array.

23 CHAIRMAN STAROBIN: A motion?

24 BOARD MEMBER ZAMONSKY: Or in the stream buffer.

25 MR. CAPPELLO: Yes. If any of those are demonstrated

1 - RE: ROBERT ANDERSON -

2 to exist, the Applicant must return to the Board for
3 further review.

4 BOARD MEMBER ZAMONSKY: Or the stream buffer, as well.

5 MR. CAPPELLO: Or the stream buffer.

6 BOARD MEMBER GREEN: A quick question. So if they're
7 running an electric line through the stream, can they do
8 that without ...

9 MR. CAPPELLO: I don't know. I know for a road can
10 you bore underneath and not dig a trench. But I don't know
11 the cost.

12 MR. LEVINE: There is a way, but we prefer not to go
13 that route. I think our course of action would be get the
14 survey there and see what we can do about location of the
15 trenching, everything like that.

16 MR. CAPPELLO: I mean it's hard to believe that they'd
17 be able to get to those panels without going through that
18 stream.

19 BOARD MEMBER ZAMONSKY: It's adjacent to the house.
20 There are streams on the property. They're on either side.
21 I don't think they have to cross it. That's my
22 unprofessional ...

23 MR. LEVINE: Yeah, I don't think we're passing through
24 that stream there. But either way, I mean, you know, we'll
25 get the survey taken care of and have everything outlined

1 - RE: ROBERT ANDERSON -

2 on that.

3 BOARD MEMBER GREEN: Is that something we could put in
4 as a condition? I'm just concerned that you're shooting
5 electric lines underneath a body of water, I just want to
6 make sure that it's going to stay dry.

7 MR. CAPPELLO: Well, if they have to shoot it under,
8 then they'll come here. If they avoid it at all, then Mary
9 would take care of it.

10 CHAIRMAN STAROBIN: Okay. Motion as per John's
11 instructions?

12 BOARD MEMBER GOODMAN: Motion.

13 CHAIRMAN STAROBIN: Alex.

14 BOARD MEMBER ZAMONSKY: Second.

15 CHAIRMAN STAROBIN: Stosh is second.

16 Vote.

17 BOARD MEMBER GREEN: Aye.

18 BOARD MEMBER GOODMAN: Aye.

19 BOARD MEMBER COLLIER: Aye.

20 BOARD MEMBER RUSSEK, III: Aye.

21 BOARD MEMBER ZAMONSKY: Aye.

22 CHAIRMAN STAROBIN: Aye.

23 (The motion was approved and carried.)

24 CHAIRMAN STAROBIN: It's unanimous.

25 MR. LEVINE: Thank you very much.

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- RE: ROBERT ANDERSON -
(Time noted: 7:54 p.m.)
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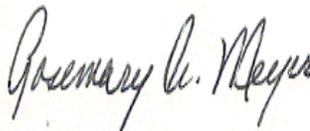
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Robert Anderson, 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: October 11, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Back River Hope Campground
Amended Site Plan
Tax Map Section 14; Block 1; Lot 22.2
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
July 24, 2018
7:54 P.M.

PLANNING BOARD MEMBERS :

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

Also Present: Martin Miller, Esq.,
on behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 CHAIRMAN STAROBIN: Mary, next one.

3 MS. GRASS: The next applicant is Back River Hope
4 Campground for amended site plan. The property is located
5 at 811 Mount Vernon Road, Tax Map Section 14; Block 1; Lot
6 22.2. The property lies in the Mountain Greenbelt Zone and
7 it's approximately 45 acres.

8 MR. MILLER: Good evening, Mr. Chairman, Members of
9 the Board. We're back this evening. We've, I think
10 accomplished a great deal since last we were here and I'd
11 like to review some of those items with you.

12 We have colored in portions of the site plan which we
13 have blown up to make it a little more legible and to make
14 it a little more understandable.

15 First of all, we've numbers the various sites and in
16 so numbering, actually, there are 181 sites currently
17 there. Oh, excuse me. 201 sites. I looked in the wrong
18 corner. That's what's currently there.

19 The yellow sites, the yellow locations are the flown o
20 locations of what is there when it was flown, which is not
21 to suggest what would be there in the future, but it's to
22 give you the current locations of what will be used as
23 camping locations.

24 First, to answer one of the earlier questions asked,
25 is this going to be a transient campground. The answer is

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 no. It's intended to be an RV campground. We're not
3 intending to have camp tents there or platforms, none of
4 those items there, so that the actual footprints, when
5 finally resolved, will somewhat different than the
6 footprints that are shown here. But for purposes of our
7 demonstration to the Board, we wanted to show you what
8 actually exists.

9 Our intention, subject to the Board's approval, is to
10 substantially keep the general locations of those existing
11 footprints, although the configuration may change, the
12 shape may change because the RV units are motor vehicles or
13 coded by motor vehicle, so that they have the maximum width
14 permitted by highway standards. The length would be
15 dependent upon the specific unit. There may be a pull out
16 or pull outs from the unit, but we're not talking about the
17 improper and unlawful wood frame type construction that
18 exists at older camp sites, including this one. All of
19 those items, as part of our program, would be removed.

20 What we'd like to address initially is the issue of
21 the setbacks. If you recall, the ZBA indicated that those
22 are items, among the items deferred to this Board. We have
23 shown on the map two setback lines. One is a 25 foot
24 setback, which we would ask for permission to utilize. The
25 other is a 75 foot setback, as required by the code. If

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2 you look at the map, you'll see that a number of units are
3 even within the 25 foot setback. With respect to those
4 units, we would expect that they would be relocated out of
5 that setback.

6 You'll note that there are a significant number of
7 units and a significant number of improvements that would
8 be within, if the 75 foot setback line was imposed, it
9 would cause substantial impact on the operation of this
10 facility because if you'll recall, we advised you that with
11 respect to the entire site, there's preexisting water and
12 sewer which services these campsites. So even though these
13 units are within the 75 feet, I'm going up here in the
14 north, they're just barely within, up here, they're all
15 connected to water and sewer. As you go further down,
16 these are there a little further back. We would suggest
17 maybe moving them a little forward as time may be.

18 Down at the bottom, to the south, we've got a whole
19 row of units that will be below, within the 75 foot but
20 clearly outside of the 25 foot. And likewise, on the east
21 we have a similar situation because we have a collector
22 road or a main road that runs almost at the 75 foot line.
23 That's just where it is. It's been there. It's been there
24 forever. We would propose to not change that road.

25 Now, one of the things that's interesting is that

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2 there's some discussion in the code about the setback
3 between units. There are a couple ways that that can be
4 achieved. We would prefer to leave our configuration
5 substantially as it is. But if the units were, in fact,
6 pulled in as opposed to longitudinally on the lot, we might
7 be able to, in certain respects, to achieve some better
8 separation between units kind of on how we might be able to
9 play with the pad. But you'll see that a lot of these
10 units tend to be parallel to the roadway, so it depends on
11 how we can do with that. We'd like to do it on a site by
12 site investigation subject to the Board's approval. We're
13 kind of looking for some feedback on that.

14 The reason that we're looking not to make what I
15 consider to be gross changes, as we've indicated, is
16 because we have substantial vegetation here and a fairly
17 decent infrastructure. If we start changing the
18 configuration we're going to be causing disturbances which
19 we don't want to do. This is a campground. People come to
20 it because of its natural flora, the trees, the shrubs, the
21 birds, the animals. The minute we start moving stuff
22 around, we're going to be disturbing them.

23 One of the other things that's really important that
24 we discussed in the past with respect to this campground
25 and other campgrounds are the internal roads. Now, there's

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2 some thought that some of the roads ought to be paved. I
3 would disagree. This is basically a seasonal -- this is,
4 in fact, a seasonal operation. We know that and no one has
5 suggested it's anything but that. The roads are not going
6 to be subject to winter use and winter storm type issues.
7 We would prefer to keep the surfaces pervious as opposed to
8 impervious. We don't want to increase water runoff, we
9 don't want to increase erosion. They can certainly be made
10 sufficiently safe for vehicular traffic. I don't think
11 we've had any conditions on roads of these types in camp
12 areas where that has proven to be an issue or problem, at
13 least not to my knowledge. If somebody wants to point one
14 out, we can address it. But the reality is that there's
15 appropriate maintenance. The surfaces can be kept
16 extraordinarily driveable and safe and not increase
17 stormwater and other runoff, and which would impact, in
18 fact, on each of these little parcels or each of these
19 little sites.

20 So what we're looking for at this juncture is the
21 Board's guidance. I can address some of the questions that
22 were raised by Stu, but I think we have substantially
23 looked at them. I mean one of his important questions is
24 are you going generate a lot of traffic, in other words,
25 people in and out. The answer is no. This is a seasonal

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2 occupancy situation. People are going to come in, they're
3 going to park their vehicles. By and large, it's our
4 experience, based on other campgrounds, that those
5 vehicles, recreational RVs, are going to remain there
6 through the winter and be unused during the winter. We
7 turn off our utility services, there's no power, there's no
8 water, there's no sewer.

9 The code requires bathroom and showers. We're going
10 to be providing a minimal amount because quite frankly,
11 they're not necessary. Each one of these units comes with
12 its own bathroom facility, shower and toilet. The days of
13 the campground with the showerhouse is something of
14 probably 50 or more years ago.

15 MR. DeWINTER: There's two existing baths. There's an
16 existing bathhouse with bathrooms and there's another bath
17 that's located here and there's another toilet facility
18 there. That will remain for people out and about.

19 MR. MILLER: But we're not expecting to have the
20 campers actually rely upon them for their use.

21 In terms of a secondary ingress and egress, we will be
22 exploring that. At best, we'll have to punch it through
23 somewhere up in the northern portion of the site, if we can
24 do it. We may be able to come up with an alternative
25 suggestion by way of a boulevard if we had to, make this

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2 entrance and exit a little wider. That may be more
3 appropriate and cause less disturbance.

4 I think we've addressed the street.

5 I think the big question here is side yard, our
6 setback. We asked for some comments and guidance from the
7 Board so that we know how to go forward on this. We're
8 looking for a 25 foot setback as we've shown on the map.
9 It would impact some units, and we appreciate that. But
10 certainly, 75 foot would be financially and physically very
11 difficult. It would cause great disruption in the site
12 given the preexisting locations of roads. If we were
13 coming here with a clean slate and a plan, I think we'd all
14 be talking differently, but we've got to work with what we
15 have. It's sort of like working on a site that has slopes.
16 We're not moving, you know, 43 acres of land that's level,
17 we're working with what the situation is. We'd ask for the
18 Board's consideration in that regard.

19 If you have any comments or questions, we'd be pleased
20 to respond to them.

21 BOARD MEMBER GREEN: This one's for Mary.

22 As I look through the code, is there some reason why
23 they would have said 75 feet instead of 25 feet? Is it
24 safety concerns or anything?

25 MR. CAPPELLO: Well, that's the question I was just

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2 asking Mary that I'm trying to determine. Mamakating's
3 code is a bit unique as we've experienced, was that it does
4 allow the Planning Board rather than the ZBA to waive
5 requirements of a special use permit. What I'm trying to
6 figure out is whether the Planning Board made a
7 determination or whether the Planning Board could waive a
8 general yard requirement because I don't think this, is
9 that 75 feet particular to the special use permit standards
10 or the general yard requirements.

11 MR. DeWINTER: I believe it's the bulk table.

12 MR. CAPPELLO: You were at the ZBA and they said that
13 this board could waive the bulk table?

14 MR. MILLER: They said, We don't want to act on
15 anything, we defer everything to the Planning Board. We
16 had asked them specifically and they managed to duck it and
17 throw the ball back here. To some extent, it makes sense
18 because then you have one board reviewing all the issues.
19 But that's the answer.

20 MR. CAPPELLO: But I mean we have to figure out. I
21 don't know if the Planning Board can waive yard
22 requirements.

23 MS. GRASS: Right.

24 MR. CAPPELLO: But if the ZBA granted it subject to
25 us, then we could consider it. We just need to clear that

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2 up. There's a difference. That's what we got into with
3 one of the camps that was here a year or two ago. There
4 was an issue of whether it was a special permit condition.
5 It is clear that if we look at Mr. DeWinter's July 3rd
6 letter, he goes through the special permit requirements
7 that you're asking for waivers on. It's clear in your code
8 that the Planning Board can waive that. We'll just have to
9 clarify on the yard issues. But if the ZBA has determined
10 that they would like us to opine, and maybe if we opine
11 that 25 feet is okay if you determine that, maybe some
12 belts and suspenders. We may want them to confirm that or
13 something. But for purposes now, let's go forward that the
14 ZBA has interpreted the zoning code.

15 MR. MILLER: By the way, the lines that are imposed
16 here are clearly arbitrary in terms of what I'll consider
17 to be site lines and lots lines.

18 MR. PAGGI: So in answer to your question, Lorry, I
19 don't know if it's a safety issue. It's more of just a
20 general zoning issue.

21 BOARD MEMBER ZAMONSKY: Create a buffer.

22 MR. PAGGI: Create a buffer.

23 MR. DeWINTER: And we would be willing to put a fence
24 along the property line if that's an issue. I mean that's
25 not a -- that's just something that --

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2 CHAIRMAN STAROBIN: Well, there's nothing to the west
3 of the property, is there?

4 MR. DeWINTER: There's really --

5 MR. MILLER: There's nothing around it.

6 MR. DeWINTER: There's only two houses. One is over
7 here which was son of the previous owner. And there was
8 one back in here, and that lady has access through the one
9 road to go back and forth. There's a right-of-way.

10 MR. MILLER: For purposes of Rosemary and the record,
11 the one house is to the north of the property, the other
12 one is to the south. The one on the south actually has a
13 right to drive through the property to reach the house. So
14 I suspect they're not unhappy about either the road or the
15 access.

16 BOARD MEMBER GREEN: Well, the only question, I could
17 look it up -- THE rest of is just woods.

18 MR. DeWINTER: It's woods. On this end, on the
19 westerly side and the southerly side, this whole area in
20 here is all wetland so you're not going to have any
21 neighbors over here.

22 MR. MILLER: And in terms of the area of the road,
23 there's no construction or development in that setback. So
24 we're talking about setbacks from wilderness.

25 CHAIRMAN STAROBIN: You're saying that's less than

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2 where it backs up right against the adjacent property,
3 you're going to eliminate those sites?

4 MR. MILLER: Yes. We don't even pretend to suggest
5 that those would continue, but we've located them for
6 purposes of the Board. We need to do that. But for
7 example, if you were to look at what we're calling Lot 169,
8 Location No. 169, that unit is within the 75 feet but not
9 within the 25 feet. If you look at Location 171, which is
10 a little further down, a little further to the south, that
11 site is partially within the 25 feet. So to the extent
12 that it's within that, we would relocate it so it's not in
13 there, but we would want to keep it clearly within the 75
14 foot.

15 MR. DeWINTER: I'd also like to point out that the
16 camping units that are shown here are what was there when
17 it was flown. That's with additions, with decks, all that
18 stuff. We're showing it as a possible location for the
19 pad, and that's it. The pad is much smaller, maybe 15
20 foot.

21 BOARD MEMBER GREEN: Like, where it says, like, 168,
22 that's actually the structure that was there?

23 MR. DeWINTER: That's the structure that was there,
24 that are presently was there. I have been through that and
25 I have a list that was previous of the violations. Many of

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2 these had additions and because they have additions they
3 have to be removed entirely.

4 MR. MILLER: We have no intention of continuing the
5 structures or whatever is there in violation. We're just
6 giving it to you because it's the location.

7 BOARD MEMBER ZAMONSKY: I think, for me, anyway, I'd
8 like to see where these pads are going to be, the final
9 pads, and the size of them because --

10 MR. MILLER: Well, the final pads are going to be
11 roughly in those locations.

12 MR. DeWINTER: Yes, in those location.s We'll adjust
13 it accordingly so that they, you know. But even with those
14 locations, the original campground was designed and built
15 back in the 40s. Mr. Adler had done those. They were 50
16 foot wide sites, so most of these have 50 foot wide. What
17 we've tried to do is we're trying to make them as large as
18 we can so we do, there's still enough to get 50 feet
19 between many of these units even if you put the right size
20 pad. You know? So, like, I think we're in for another
21 campground. It was kind of understood, or the Board, I
22 think, kind of felt that some of these regulations really
23 are regulations that are, like, for mobile home parks
24 rather than RV parks because like you, on most of the
25 campgrounds, they don't have 50 feet. They may have some

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2 that are 50 feet, but some of them are kind of on top of
3 each other. You know, they're usually back to back so they
4 have -- some are kind of nice, but ...

5 MR. MILLER: Once again, a lot of these units are
6 placed parallel to the roadway. To the extent that we can
7 shift some of the pads and make them perpendicular to the
8 roadway, that will increase the separation between the camp
9 units themselves. But right now we're showing you what
10 exists. It gives us a good sense of location for a number
11 of things. One, not only the, let's call them structures.
12 I think Mary might disagree with that term and I might
13 disagree with that term, but for want of a better one.
14 That it's also telling us is that's where our water and
15 sewer hookups area.

16 MR. DeWINTER: We're going to call it pads. We'll
17 show approximate location of the pads, but ...

18 BOARD MEMBER GREEN: How large are the pads?

19 MR. DeWINTER: The pads can be -- well, I mean it's
20 varying. Usually, what they do is they do it so they can
21 pull in. You can get RVs, you can get large camp
22 fifth-wheelers, things like that, that are anywhere from 28
23 feet long to 38 feet. Some of your big RVs, you know, they
24 have to be in specific locations because some of the lots
25 are, you know. But they're probably about 40 feet, maybe,

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2 in length.

3 BOARD MEMBER GREEN: So you have different pad sizes
4 for different ...

5 MR. DeWINTER: Well, it could be. I mean if there's,
6 you know -- listen, if you only have enough room to put a
7 38 foot unit and they come in with a 50 foot unit, well,
8 no, you're not coming in.

9 MR. CAPPELLO: My question is if I call and I say,
10 This summer I want to rent Spot 118 --

11 MR. DeWINTER: Okay.

12 MR. CAPPELLO: -- and I go to pull in and I have a 38
13 foot.

14 MR. DeWINTER: Well, they're going to have --

15 MR. CAPPELLO: -- do I find that I can't pull in? I
16 mean is there something --

17 MR. MILLER: I'm going to assume that when you
18 register you're going to give registration information to
19 the office and they're going to say, This is what we're
20 breaking out.

21 MR. CAPPELLO: I don't assume anything. I just don't
22 want the Town getting a lot of calls and I want you guys to
23 tell me how it's going be done.

24 MR. DeWINTER: Let me tell you from my experience,
25 because I do have a unit in a campground. When I went

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2 there -- it's seasonal. When I went there they asked me
3 what size my unit was so that they could put it in an
4 appropriate area.

5 MR. CAPPELLO: I think at some point here we should
6 get a narrative, a record as to how this is going be run
7 and how it's going to be operated, a commitment of when
8 whatever is there that's illegal is going to be knocked
9 down and cleared and what's underneath.

10 I mean what's underneath these wooden units, Mary, is
11 that concrete or anything?

12 MR. DeWINTER: No, no. It's all gravel.

13 MR. MILLER: It's gravel.

14 MR. DeWINTER: It's gravel on piers. You know, like
15 most RVs, they have either cinder block bases or they have
16 the little concrete base that's set on the gravel. And
17 then periodically, you have to level. You know, that's
18 part of the camp experience.

19 MR. PAGGI: So what's been presented to the Board
20 tonight is a request for waivers. We have not done a
21 review. I just prepared a couple of minor comments on the
22 documentation that was submitted that we can discuss as we
23 go through. They have not yet submitted anything proposed.
24 They're just describing what's existing and what they would
25 like to try to request waivers from to try to stay as close

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2 to existing as possible. I think what the Board needs to
3 do, like what we did for Paradise, you've got to go through
4 the waiver request one by one and determine how you're
5 going to deal with it. Then they're going to prepare some
6 plans. They're going to prepare a site plan showing the
7 pads. He's going to show Pad, say 118, with a pad line
8 that fits. At that point we're going to determine if road
9 widths are wide enough. But it's going to be based on a
10 waiver that you already granted, that you already have or
11 have not granted.

12 CHAIRMAN STAROBIN: I have a question which you had
13 raised my interest in. You said that this is just going to
14 be for RVs and not mobile homes; right?

15 MR. DeWINTER: Absolutely.

16 MR. MILLER: Yes.

17 CHAIRMAN STAROBIN: When I look at it now, there were
18 a lot of mobile homes there.

19 MR. MILLER: I have no idea. I've never been at the
20 site. But whatever's there that's inappropriate or not
21 permissive will be removed.

22 MR. DeWINTER: I'll give you an example. I was up, I
23 looked at the site. I have a whole stack of pictures from
24 Mary, so I went up and I looked at them. There was one
25 unit there, I had to look three times to figure out where

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2 the camper was. I found it. I found it because it had the
3 backup light or the roof lights because it had an extension
4 on the left and it had an extension on the right. That's
5 gone.

6 CHAIRMAN STAROBIN: So these things that will be there
7 will have wheels on them?

8 MR. DeWINTER: They'll Will have wheels. They're
9 either towable campers --

10 CHAIRMAN STAROBIN: Okay.

11 MR. DeWINTER: -- fifth wheels and possibly, you know,
12 the big RVs.

13 BOARD MEMBER ZAMONSKY: And they'll all be registered
14 and inspected; correct?

15 MR. DeWINTER: Well, they'll be registered when they
16 get there.

17 MR. MILLER: They'll be registered to get there. The
18 vehicle -- it's not really a vehicle. If the unit is
19 parked at the site, there's no requirement that it have a
20 license plate, it doesn't need to be inspected. You know,
21 you park a camper trailer at a location, it's parked at
22 that location. There's no need. Assuming that they use it
23 in the summer and store it at the location over the winter,
24 you're not removing it and reinstalling it on an annual
25 basis.

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2 MR. DeWINTER: For instance, the campground that I'm
3 in, I pulled in my camper eight years ago. It hasn't
4 moved. So I don't have a license, a registration on it,
5 because I'm not going on the road.

6 BOARD MEMBER ZAMONSKY: You don't have registration or
7 inspection on the trailer?

8 MR. DeWINTER: Not unless --

9 BOARD MEMBER ZAMONSKY: So you couldn't move it out of
10 there.

11 MR. DeWINTER: Unless you're going on the road. If
12 they go on the road they're going to have to register it
13 and get it inspected.

14 MR. PAGGI: How do you do that?

15 MR. DeWINTER: Oh, you got to get it through the
16 dealer.

17 MR. MILLER: You have to take it to a dealer.

18 MR. PAGGI: So one thing you should consider is
19 require that they maintain registration and inspection.

20 MR. MILLER: Well, that would be impractical and
21 expensive and doesn't really serve --

22 MR. PAGGI: That's your opinion.

23 MR. MILLER: Yeah, it is my opinion, but --

24 MR. DeWINTER: To give you an idea, you can register
25 it every year, but to get it inspected that means you have

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2 to pull it out and take it to an inspection --

3 MR. MILLER: There's no virtue in having the brakes on
4 the trailer work or the lights work if it's going to be
5 used as a summer residence.

6 MR. PAGGI: The virtue is it prevents them from
7 deteriorating into a condition where they can't be moved,
8 which is the problem this board is dealing with now. So
9 I'm just throwing that out there as a suggestion, that
10 that's something for the Planning Board to consider. It
11 may or may not be practical.

12 MR. DeWINTER: I tell you that Mr. Diaz is working,
13 and I've been working with him, for camp rules and
14 regulations and far in excess of I think, you know. He's
15 very clear that this is not year-round. We have the dates
16 that they're going to be around because we're trying to
17 avoid the issues that the previous owner had. This owner
18 had no affiliation with the previous campground other than
19 they did have a site there. But --

20 MR. CAPPELLO: I think we're going to need to see that
21 because I just can't --

22 MR. DeWINTER: Well, that's fine.

23 MR. CAPPELLO: While I would trust your camper, I
24 don't know anything about campers, but if someone leaves it
25 over the winter and these things store gas or propane or --

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2 MR. DeWINTER: No, they're not.

3 MR. CAPPELLO: -- or oil or anything --

4 MR. DeWINTER: Oh, I see.

5 MR. CAPPELLO: -- and it's an RV and something freezes
6 or breaks, I just need some kind of --

7 MR. DeWINTER: All right.

8 MR. CAPPELLO: -- guidance for the Planing Board.

9 MR. DeWINTER: We eventually will provide that. It's
10 a work in progress right now.

11 MR. PAGGI: A mobile home comes in on wheels and you
12 take it off the wheels, but it gets a CO. These are still
13 going to get COs.

14 MS. GRASS: And it gets braced to the ground and ..

15 MR. PAGGI: So ...

16 MR. DeWINTER: Again, these are campers. They're
17 not --

18 MR. PAGGI: No, no, no. I'm just saying there's a
19 mechanism for a mobile home, they can issue a violation if
20 they're in violation of the CO.

21 MR. DeWINTER: These are motor vehicles. These are
22 considered motor vehicles. And, you know, it's --
23 that's ...

24 MR. PAGGI: Jim --

25 MR. DeWINTER: Some campgrounds have a ten year limit,

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2 is that if they're over ten years you have to replace them.

3 Some don't. I mean, you know --

4 MR. PAGGI: Those are things to consider.

5 MR. DeWINTER: But anyway, but what we're looking,
6 again, before we start getting into a lot of things, like
7 details like that, we're looking for general by consensus.
8 I'm not asking you necessarily give carte blanche waiver.

9 CHAIRMAN STAROBIN: What do we do to move this along?

10 MR. PAGGI: You have to consider the waivers that
11 they've requested.

12 MR. MILLER: Yes, we're going to ask you to do to
13 that.

14 MR. DeWINTER: And one of the waivers is the
15 regulations says it has to be on a state or county road.
16 This is a town road. There's at least two other camps on
17 that same road.

18 MR. PAGGI: So Item No. 1 says that the project is a
19 vacation campground that will limit occupation of the
20 campsites between May 1 and October 31, except for owner
21 and caretaker, there will be no year-round occupation of
22 the site.

23 So I think your code says that only one is allowed.
24 You're proposing possibly two?

25 MR. DeWINTER: The caretaker or owner.

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2 MR. PAGGI: So not and/or, just or.

3 MR. DeWINTER: Yes.

4 MR. PAGGI: So just one.

5 MR. DeWINTER: Mr. Diaz does not live in the area so
6 he wouldn't want to stay up here all year-round.

7 MR. PAGGI: Okay.

8 MR. CAPPELLO: We can go through this and you can give
9 initial opinions, but I think we've got kind of a chicken
10 and an egg type deal going here on some of these requests
11 for waivers, especially if you go down to sewer and water
12 issues. I understand the Applicant wants some comfort
13 going forward before they spend a lot of money, but I also
14 don't want you to tie into something, for instance, the one
15 access, until you know some traffic figures or something to
16 be able to determine these. Some of these you may need
17 more information before you can say, We're ready to waive
18 it.

19 MR. DeWINTER: We're looking for a general consensus,
20 not a --

21 MR. CAPPELLO: All right. Just clear make that record
22 in the record. The Board is granting some initial concept,
23 but the details will have to be formally granted at the
24 time we have all details, we can make an appropriate
25 determination.

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2 MR. PAGGI: So the next item is require 200 foot
3 frontage.

4 MR. CAPPELLO: State or county road.

5 MR. MILLER: We have the frontage.

6 MR. DeWINTER: We're not asking for a waiver on that.

7 MR. PAGGI: State or county road; right?

8 MR. DeWINTER: Yeah.

9 MR. CAPPELLO: This is preexisting.

10 MR. PAGGI: They have a vote on it?

11 MR. CAPPELLO: I wouldn't vote on anything yet until
12 there's a consensus because --

13 MR. PAGGI: Okay.

14 MR. CAPPELLO: I mean the consensus is that we might
15 get something from Buddy to say is this going to kill the
16 town road. Until you get the details and SEQRA, I don't
17 think you can grant anything other than to say that does
18 not appear to be an issue.

19 MR. DeWINTER: And the only thing I have to say, with
20 two other camps, one being -- I mean it's pretty -- I think
21 it would be a pretty hard one not to grant.

22 MR. CAPPELLO: I don't disagree with you, but I'm not
23 going to --

24 MR. DeWINTER: I'm not holding anybody to anything,
25 but we would like get a straw poll, so to speak.

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2 MR. PAGGI: The minimum required distance between pads
3 is 50 feet. Many are preexisting separations and do not
4 comply with this requirement, varying from 10 to 40. In
5 order to be able to utilize the existing water and sewer
6 service conditions, and to minimize land disturbances, we
7 request that waivers be granted to maintain existing site
8 pad locations containing preexisting separation.

9 BOARD MEMBER GREEN: And I'd want to know why somebody
10 set that at 50 feet back then. Do emergency vehicles have
11 to get access?

12 MR. DeWINTER: This does back to what I was saying
13 before. That's pretty typical of mobile home parks; right?
14 I think that when they were doing this section, I think
15 they went to, like, mobile homes, you know, and they could
16 use it. I mean ...

17 MR. MILLER: I hate to say, we've had this discussion
18 on the other campgrounds, too. We're, unfortunately,
19 constantly going back to provisions that really are not
20 well designed for RV facilities, they're were designed for
21 mobile home parks. What we're using is, because of the
22 nature of the vehicles that these RVs are, they kind of
23 fall under the umbrella of the mobile homes but they're not
24 mobile homes. They're not HUD certified. They don't meet
25 those qualifications that we talked about. As Mary said,

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2 they're not tied down, they don't get COs. But they are,
3 in fact, manufactured, but they're not manufactured
4 housing.

5 MR. CAPPELLO: You probably should look at the
6 building and fire codes on this one. I understand their
7 position, but I have no idea whether it's right --

8 MR. DeWINTER: I'm not well versed in the fire code,
9 but I believe that you have the height. In other words,
10 each one --

11 MR. CAPPELLO: I would just need something in the
12 record to demonstrate.

13 MR. DeWINTER: I know.

14 MR. CAPPELLO: There may be a couple of these that you
15 have to combine. I don't know.

16 MR. DeWINTER: No, I understand.

17 I would ask the Board if they would permit my office
18 get together with Larry's office and go over, like, some of
19 these areas. We could probably narrow these things down to
20 some point, oh, this one isn't right. You know, we can
21 work on it and across the payroll, it saves you guys time
22 and it actually gets ...

23 CHAIRMAN STAROBIN: That would work, but just clear it
24 with Mary first. Okay?

25 MR. DeWINTER: All right. As long as the Board is

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2 okay because I know Larry, other than if it's cleared by
3 you, he doesn't like to do that. I understand. His time
4 gets charged back on the project.

5 CHAIRMAN STAROBIN: As long as we can speed the
6 project up; right?

7 MR. PAGGI: What's that?

8 CHAIRMAN STAROBIN: As long as we can speed the
9 project up.

10 MR. PAGGI: Yes.

11 MR. DeWINTER: I have no problem --

12 MR. PAGGI: I have no problem doing that.

13 MR. DeWINTER: I'll even buy him lunch.

14 MR. PAGGI: We can certainly meet with him offline and
15 try to keep this thing moving for the Applicant.

16 MR. DeWINTER: Okay. Thank you.

17 CHAIRMAN STAROBIN: Jim, RVs are generally smaller
18 than mobile homes; right?

19 MR. MILLER: Oh, significantly, significantly.

20 MR. DeWINTER: Yeah. When I retire I'm going to be
21 living in one for six months a year.

22 CHAIRMAN STAROBIN: Really?

23 MR. DeWINTER: Yes. I can't afford New York taxes.

24 But yes, they are smaller. I mean, you know, most of
25 them have pullouts today so it makes at least the center a

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2 little bit wider for you. But there, as well, it's all
3 part of the manufacturing. It slides out.

4 Some people take their units home during the winter.
5 You know, they like to bring them home and do any kind of
6 repair and they bring them back up the next year.

7 BOARD MEMBER GREEN: Are you planning on trying to
8 salvage any of the ones that are there?

9 MR. DeWINTER: Not particularly. There may be some if
10 they're not, don't have additions to them. But most of
11 them are pretty old. I don't think most of them are going
12 to be salvageable.

13 MR. PAGGI: So the next two items are just
14 acknowledgement that there's water and sewer and that those
15 are subject to approval from the DOH and the DEC.

16 MR. MILLER: Well, we have a SPEDIS, current SPEDIS.

17 MR. PAGGI: Okay.

18 MR. DeWINTER: And we have had, I met with the Health
19 Department. They're going to require us to do all the
20 testing all over again. We're going have to prove to the
21 Health Department.

22 MR. PAGGI: You're going to have to prove to us that
23 you have those approvals.

24 MR. DeWINTER: Yeah. Eventually, I would maybe ask if
25 we make an approval subject to receiving those because

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2 we're talking about the well test is a \$10,000 cost.

3 MR. CAPPELLO: We've been through this issue before
4 and we can work, but there's going to need to be something
5 that, while we don't need you to be at the level when
6 you're ready to get, your approved before, to do a SEQRA
7 determination we need to at least some kind of indication
8 that the --

9 MR. DeWINTER: Yeah, we'll get something.

10 MR. CAPPELLO: -- the water is there and it will not
11 be an issue.

12 MR. DeWINTER: We will get a letter from the Health
13 Department.

14 MR. CAPPELLO: Excuse my ignorance. When you say an
15 individual sewer hookup for an RV --

16 MR. DeWINTER: Yeah.

17 MR. CAPPELLO: -- you put it to it and it sucks out
18 the RV?

19 MR. DeWINTER: Every camper, RV, has piping comes out
20 the side. They have a cap on it.

21 MR. CAPPELLO: On these sites they'll be able to --

22 MR. DeWINTER: -- disconnect it and you connect it.
23 It's usually a flexible line that goes. And then the sewer
24 lines have a service line that comes in it. So it's all --

25 BOARD MEMBER GOODMAN: This is all gravity system?

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2 MR. DeWINTER: It does have a couple lifts because for
3 instance, on this side of the wetland, there's some units
4 here. It goes up, kind of to the wetland. And we have had
5 the DEC out there. They have flagged it. Those units,
6 there's nothing in the wetland, but any of the units that
7 are in the buffer area, they have said that because
8 recreational use is under the acceptable use, if we find
9 that any kind of work or any kind of change to it, it would
10 need a permit. So we would be responsible. That will be
11 on the plans.

12 MR. PAGGI: That makes sense.

13 BOARD MEMBER COLLIER: Do you have to inspect the
14 entire system? Is that something you're doing?

15 MR. DeWINTER: We're not going to have to do the sewer
16 so much as the water lines we're going to have pressure
17 testing, and they're going to do it, the Health Department.
18 Like I said, the sewer, we have an operating SPEDIS permit.
19 I mean they're not operating. But eventually, before we
20 get going we're going to have take the grass off of the
21 sand filters, you know, because all the time, the grass is
22 growing in the sand so we'll probably have to take the
23 grass out and another level of sand out. But that's just
24 maintenance. In fact, we just removed it in June.

25 BOARD MEMBER GOODMAN: So what is the waiver for the

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2 system --

3 MR. CAPPELLO: I don't think that's --

4 MR. MILLER: We're not asking for a waiver.

5 MR. DeWINTER: No, no.

6 MR. MILLER: We're telling you that we're required to
7 have the appropriate permits for water and sewer. The
8 sewer permit we have; the water permit we're obtaining.
9 The water is preexisting. It's simply a matter of
10 reactivating. And because it has been in a lack of use
11 over the years, we have to pump test it and demonstrate.
12 That is a minimum of generally a \$10,000 expense. It's not
13 something we want to necessarily incur until we have our
14 ducks all in one row.

15 MR. DeWINTER: And I do know we have to, every site,
16 if you will, we're going to have to put a backflow, a new
17 backflow preventer on the service line. They were garden
18 hoses connected. I mean the previous owner kind of hobbled
19 everything together. It's not going to happen on this
20 site.

21 And what we're saying is that, in No. 5, Larry, I
22 think what we're saying here is that every site has their
23 own connection, sewer and water. Therefore, having so many
24 toilets for so many sites, in our camp, everybody has one.
25 So if you count everybody's toilet, we're were way over the

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2 MR. PAGGI: Okay.

3 The existing site has one vehicular access and options
4 will be reviewed in the near future and we will work with
5 the Planning Board to satisfy this requirement. So we'll
6 work on that.

7 You know, things to consider will be, obviously,
8 emergency access and also sight distance.

9 MR. DeWINTER: Yes.

10 MR. PAGGI: The next one, collector streets will meet
11 width, as required.

12 MR. DeWINTER: And this has to do with the paving.

13 MR. PAGGI: Yes. This is requesting that the streets
14 be allowed not to be paved but to be gravel, I guess;
15 right?

16 MR. DeWINTER: Yeah. The existing roads up there,
17 considering they had not been operating since 2013, those
18 roads are fine with the exception of a couple of places
19 where maybe a tree limb has kind of grown in over the
20 years.

21 MR. PAGGI: So is this something that the Planning
22 Board is going to ultimately want to make a site visit?

23 CHAIRMAN STAROBIN: I've been there.

24 MR. PAGGI: Okay.

25 I mean would you concur with that? I mean my concern

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2 with gravel roads on slopes is rutting.

3 CHAIRMAN STAROBIN: The thing is that property is
4 almost totally flat.

5 MR. DeWINTER: It's a nice mild slope. I mean, Larry,
6 if you want to go up, we can make arrangements to go up.

7 MR. PAGGI: So at this point, you're willing to
8 consider gravel roads?

9 CHAIRMAN STAROBIN: Well, the one thing that's in good
10 condition are the roads.

11 MR. PAGGI: Yes?

12 MR. MILLER: There's an endorsement if I heard one.

13 CHAIRMAN STAROBIN: I've been up there.

14 MR. DeWINTER: I mean there is some paved areas in the
15 front, in the front entrance.

16 MR. PAGGI: Right.

17 MR. DeWINTER: But for the most part, it's gravel up
18 in the back.

19 MR. PAGGI: Okay.

20 So the next pertains to ...

21 MR. DeWINTER: They have a 14 by 15 level area for
22 parking.

23 MR. PAGGI: Right.

24 MR. DeWINTER: None of these are going to have
25 something like that. I mean most campgrounds you have next

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2 to each other. I'd rather have a parking area. If that's
3 for parking, I'd rather have it 20 by 20 so you have two
4 cars. They're only going to permit two cars on a site,
5 maximum. So I would say if we could have a 40 by 40 area,
6 which they all have anyway, they exist.

7 MR. PAGGI: So I'm going to take a guess and say the
8 Planning Board will say that it gives its consensus, but it
9 would contingent upon how you show what you just described
10 on the site plan.

11 MR. DeWINTER: Yes.

12 MR. PAGGI: And then I think the last one is the
13 setbacks.

14 MR. DeWINTER: Yes.

15 MR. MILLER: Yes.

16 MR. PAGGI: So ...

17 MR. MILLER: I think the Board discussed the reality
18 that there's no one around us. And this is not the kind of
19 usage that is going to generate noise particularly, or dust
20 or obnoxious activities.

21 BOARD MEMBER ZAMONSKY: My feeling on this one in
22 particular, is I'd actually like to see more information
23 before I make, personally, anyway, any comments. This
24 property existed this way. It was recently purchased,
25 right, within the past couple years.

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2 MR. DeWINTER: 2016 he purchased it.

3 BOARD MEMBER ZAMONSKY: Yes. So it was a preexisting
4 condition.

5 MR. DeWINTER: Yeah.

6 BOARD MEMBER ZAMONSKY: There was no variance granted
7 before. There's no hardship because it was purchased that
8 way. Again, I would just like to see some more information
9 on where all the lots are located, the actual size of the
10 pads.

11 MR. MILLER: Well, we've got that shown on the map.
12 That's why we've shown the different lots.

13 MR. DeWINTER: We will show that.

14 MR. MILLER: We have an expectation of, just looking
15 on the easterly side of the property, you see the 25 foot
16 line and the 75 foot line. All, pretty much, of the pads
17 are located within the distance between the 25 and 75 foot.
18 As you move further south, they tend to be more towards the
19 property line than the 25 foot. I mean we clearly suggest
20 that those not be removed. What we would like to do is
21 shift them so that the 25 foot line remains solid and
22 locate them in the back.

23 MR. DeWINTER: And you can clearly see that a lot of
24 these, we can push them up a little bit if we need to. We
25 have the clearing.

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2 MR. MILLER: Right.

3 If we had to do the 75 foot line we would be up
4 against the road. We would lose that entire section. We
5 have the entire road that would be at --

6 MR. PAGGI: Stosh, if I could push some words in your
7 mouth. Maybe what the Planning Board would be willing to
8 consider would be, at this point, a consensus that they
9 would consider reduced separations, but it may be more in
10 some areas and less in other areas, depending on what the
11 proposal ultimately is and once you are able to see what's
12 being proposed.

13 BOARD MEMBER ZAMONSKY: Yes. I guess from my point of
14 view, I don't want to set a precedent here. You know,
15 we've had other camps come in with preexisting conditions.
16 They've gotten variances in some cases and in other cases
17 they had to move buildings or get rid of them.

18 MR. DeWINTER: Like I said, we attempted to go to the
19 ZBA. We tried.

20 BOARD MEMBER ZAMONSKY: I understand.

21 MR. DeWINTER: We tried.

22 MR. CAPPELLO: I'm going to have to coordinate this
23 with ZBA on these setbacks.

24 MR. DeWINTER: That's fine.

25 MR. CAPPELLO: But I think whether it's this board or

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2 the ZBA who grants it, we should have, in the record, and I
3 know you've stated on the one area, I see this Oakwood
4 Drive where it would be impossible, potentially, to get any
5 lots on that side, but we probably should have, in an area,
6 the discussion, once you guys disclose where are these
7 units, to see that you made every effort to pull it as far
8 away as possible. And if it turns out off of Oakwood Drive
9 around some of these, there's reason to grant a waiver or a
10 variance, then the Board can consider it. But just to say
11 blanket now, all of them, I'm entitled to a --

12 MR. DeWINTER: That's --

13 MR. CAPPELLO: And I also would be hesitant for the
14 Board to say, I mean even though you've relayed it that
15 there's only a couple houses, this is a special permit, we
16 have a public hearing.

17 MR. DeWINTER: Yeah.

18 MR. CAPPELLO: It would be nice if the person who
19 lives there can say, Hey, I lived next to this for 20 some
20 years and I never had a problem with it. Or we see Google
21 Earth or some maps something in there to show us what the
22 actual distance is.

23 MR. MILLER: I mean this comment that I made on the
24 eastern bound also is on the southern bound because if you
25 look at the road in full, the Sugar Gum Court, all of those

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2 units, the lots, are below the 75 foot line. The road is
3 about 80 feet off of the property line. You've got similar
4 situations, in part, on the left, not so bad on the north,
5 but clearly, the west. And the road from there approaches
6 the 75 foot line.

7 BOARD MEMBER GREEN: Also, what Stosh just said,
8 you're always concerned about the next applicant that
9 comes. I'd like us to just see whatever there is data to
10 show.

11 MR. DeWINTER: We will. We'll provide it. But if we
12 know you're the least considering it, then we feel that
13 it's worth our time in moving forward. And in the
14 meantime, I'm going to be talking the previous guy, their
15 maintenance guy. He knows where all the water lines and
16 sewer lines are. We'll be showing all the, at least the
17 water lines. I don't want to locate every, you know,
18 connection, but we'll show the approximate location of the
19 water. We're going to have to do that for the Health
20 Department, anyway.

21 BOARD MEMBER ZAMONSKY: I have one more thing to add.
22 The Town code, Section 189 states: Open storage of
23 more than one inoperable, unregistered or junk vehicle
24 shall not be permitted on private or public property within
25 the town except as permitted in junkyards.

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2 So Then when you go up and you look up the description
3 of the inoperable, unregistered, one of the subsections
4 says: Is not registered by the State of New York to
5 operate on public highways.

6 MR. DeWINTER: I would believe, and maybe we'd have to
7 get an interpretation from the ZBA, that's concerning cars,
8 trucks, not campers. Campers, they're considered --

9 BOARD MEMBER ZAMONSKY: Well, it has a description
10 here.

11 MR. DeWINTER: They're considered -- yes, they are --

12 BOARD MEMBER ZAMONSKY: So here. one second.

13 Any motor vehicle, whether automobile, bus, trailer,
14 truck, tractor, mobile home, motorcycle, motor bike, mini
15 bike, yatta, yatta, snowmobile or other contraption
16 originally intended for travel on public highways which is
17 abandoned, stored or left.

18 MR. DeWINTER: A camper is not intended for --

19 BOARD MEMBER ZAMONSKY: It was intent, public
20 highways.

21 MR. DeWINTER: Well, you've got from Point A to Point
22 B, but only for camping purposes. It's not --

23 MR. CAPPELLO: I mean I think the purpose, Jim, for
24 this, as you've heard the Board, we're going to need
25 something --

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2 MR. DeWINTER: All right.

3 MR. CAPPELLO: -- in writing, in documentation and how
4 this would be handled. But I think that's a legitimate
5 question.

6 MR. DeWINTER: I think every camper in the town is
7 subject to that.

8 BOARD MEMBER ZAMONSKY: Well, I mean maybe it hasn't
9 been enforced but --

10 MR. DeWINTER: Well, it's not been enforced.

11 BOARD MEMBER ZAMONSKY: You see what happens when it
12 doesn't get enforced. I mean you look at this campground.
13 It's --

14 MR. DeWINTER: Well, prior to zoning, that camp had
15 problems. It wasn't just -- you know, if you have the
16 right people running it, and now that we have it, special
17 uses, you can have it inspected after so many years if you
18 want just to make sure that it's being maintained, that's
19 fine. I don't think the owner will have any problem with
20 that. He plans on doing the right thing. I mean I know
21 you've heard that before, but, you know, that's his
22 intention.

23 MR. PAGGI: Hey, Jim.

24 MR. DeWINTER: Yeah.

25 MR. PAGGI: Are any of the existing units motorized

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2 that are there? Are any of them not campers?

3 MR. DeWINTER: I do not think. I think they're all
4 campers, from what I remember. The only one that's maybe
5 bigger than the average is probably the owner's unit. But
6 other than that, I don't think there's any really RVs
7 itself. They're all campers.

8 MS. GRASS: There are some.

9 MR. DeWINTER: Yeah, I think there's a couple.

10 MR. CAPPELLO: This is a question I would just ask
11 Mary. Since these are motor homes and everything, when we
12 go through SEQRA, I mean if there's gasoline or oil in
13 these things and they're left on the property, I would have
14 a concern that you tend to get leaks. I don't know how to
15 handle it.

16 MR. DeWINTER: No. To answer your concern on that, in
17 the regulations and in the lease agreement that Mr. Diaz
18 and I were working on, one of the things is if someone has
19 an oil leak from their car, he was thinking a car, that
20 that lessee is going to be responsible for clean-up and
21 they will be monitoring that. So in the event something
22 like that could happen, it will be monitored, cleaned up.

23 MR. CAPPELLO: One of the things the Board is going to
24 have to do it go through SEQRA.

25 Do we have an EAF?

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2 MR. DeWINTER: Stu said he'd like to have a long form.
3 We will provide that.

4 MR. CAPPELLO: Those are some of the issues. I mean
5 we've been talking in general terms. At the public
6 hearing, if those issues, along with traffic and water and
7 all, the Board is going have to consider, as we do the
8 access, whether the secondary access is necessary and how
9 all of that.

10 MR. DeWINTER: I know. I know the other. As far as
11 the second access, I know one of the other campgrounds that
12 were just before you not long ago, they have a second
13 access that's gated, and it was actually used when the
14 building burnt down. It was used and I understand why you
15 would want that. I think I know a location, I just have to
16 check the sight distance.

17 MR. PAGGI: Okay. That's it.

18 CHAIRMAN STAROBIN: Can we go?

19 MR. DeWINTER: So I just have to check with you before
20 I can make arrangements with Larry? Is that my
21 understanding?

22 MR. PAGGI: Yes.

23 If he wants to meet with me, he'll call you and see if
24 it's okay you'll let me know if it's okay.

25 MS. GRASS: Okay.

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2 MR. DeWINTER: All right. Thank you.

3 CHAIRMAN STAROBIN: Thanks.

4 MR. PAGGI: Thanks. Good night, guys.

5 BOARD MEMBER GOODMAN: I make a motion to close the
6 meeting.

7 BOARD MEMBER GREEN: Second.

8 CHAIRMAN STAROBIN: Vote.

9 BOARD MEMBER GREEN: Aye.

10 BOARD MEMBER GOODMAN: Aye.

11 BOARD MEMBER COLLIER: Aye.

12 BOARD MEMBER RUSSEK, III: Aye.

13 BOARD MEMBER ZAMONSKY: Aye.

14 CHAIRMAN STAROBIN: Aye.

15 (The motion was approved and carried.)

16 (Time noted: 8:51 p.m.)

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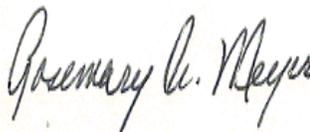
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Back River Hope Campground, 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: October 12, 2018

	15:2	73:23	70:18	20:22
\$	actual (9)	again (14)	applicant (12)	associated (1)
\$10,000 (2)	35:23;36:24;37:20, 21,23;40:21;49:4; 82:9;84:22	13:6;18:15;20:6; 21:3;27:18;40:2; 41:6;42:3,9;60:5; 67:16;68:6;74:20; 82:8	4:22,24;25:25; 29:8;34:3;42:4,18; 43:2;48:3;69:12; 73:15;85:8	42:20
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A	7:19;8:8,19;9:12; 10:5,17;14:2;16:17, 18;17:18,20;18:5,7; 19:9,22;20:17,20; 21:5;22:11,22;23:23; 24:8;25:2,18;26:10, 11;27:25;30:5;48:16; 49:8;53:20;57:12; 58:22;72:22;81:22; 89:13	against (2)	37:19	61:17,21
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ability (2)	add (2)	7:25;13:10;53:14; 56:3;65:3;89:12	approaches (1)	attempted (1)
23:9;24:7	41:11;85:21	agreeable (1)	appreciate (2)	83:18
able (10)	addition (1)	10:11	31:4;54:9	attention (1)
10:19;22:19;43:17; 51:7,8;53:24;69:16; 71:5;75:21;83:11	34:13	agreement (5)	appropriate (8)	6:11
Absolutely (1)	additional (3)	11:20;12:4,20; 17:7;88:17	29:25;42:5,19; 52:15;54:3;62:4; 69:24;77:7	attorney (5)
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4:8	58:17;59:2,2;74:10	Alex (1)	approvals (1)	20:23
acceptable (2)	address (5)	44:13	74:23	August (2)
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4:5	54:4	allowed (2)	approximate (2)	27:10
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