

**In The Matter Of:**  
*Town of Mamakating*  
*Planning Board*

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*Meeting Minutes*  
*9-25-18*  
*September 25, 2018*

---

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

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**Min-U-Script® with Word Index**

TOWN OF MAMAKATING  
PLANNING BOARD MINUTES  
SEPTEMBER 25, 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  
STUART TURNER, AICP, Planner  
ADRIANA BELTRANI, Planner

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

Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

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Walnut Ridge Lot 5 LLC  
Tax Map Section 46; Block 1; Lot 32.5

Walnut Ridge Lot 6 LLC  
Tax Map Section 46; Block 1; Lot 32.6

Walnut Ridge Lot 8 LLC  
Tax Map Section 46; Block 1; Lot 32.8  
Amended Site Plan Approval  
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, Building Department
- STEVEN MOGEL, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- STUART TURNER, AICP, Planner
- ADRIANA BELTRANI, Planner

Also Present: John Queenan,  
on behalf of Applicant

JERIC CORPORATION  
P.O. Box 385

Narrowsburg, New York 12764  
Reported by: Rosemary A. Meyer

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2           CHAIRMAN STAROBIN: Welcome to the September 25th  
3 Planning Board meeting.

4           Mary is going to make some announcements.

5           MS. GRASS: The Planning Board meetings, beginning in  
6 November, are going to be moved to the second Tuesday of  
7 the month to increase the flow of work between Planning and  
8 Zoning and be a little more efficient, the Board felt. So  
9 that will be in November. November 13 will be that  
10 meeting. We will let you know again. It will be on the  
11 web site, to let everybody know.

12           CHAIRMAN STAROBIN: The major reason for that was we  
13 had conflicts with Thanksgiving, had conflicts with  
14 Christmas, and we also had conflicts with Memorial Day. So  
15 in making it the second Tuesday, we won't have  
16 cancellations and it won't interfere with your holidays and  
17 everything.

18           Okay, Mary.

19           MS. GRASS: Okay. We don't have any minutes to accept  
20 just yet so we'll hold that off.

21           We're going to call our first applicant which will be  
22 Walnut Ridge. It's going to be Lot 5, Lot 6 and Lot 8. We  
23 have John Queenan from Lanc and Tully to represent these  
24 three applicants.

25           MR. QUEENAN: I'm John Queenan from Lanc and Tully,

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2 engineer for the Applicant. I haven't been back here in  
3 quite some time. It's good to see that everyone is still  
4 pretty much the same as when I was previously here.

5           As Mary eluded to, we're before you with, it's really  
6 three lots within the Walnut Ridge Estates Subdivision.  
7 The subdivision, as approved in 2008, was comprised of a 16  
8 lot subdivision. It's located off of Godfrey Road just  
9 north of Old Roosa Gap Road.

10           Our applicant has purchased a few lots in there. What  
11 was going on was due to the design of his exact house, we  
12 had to make some adjustments to the driveway and actually  
13 plot the actual house that's going to be constructed.  
14 There were some changes to the driveway orientation and  
15 layout, and based upon that, when it was submitted to the  
16 Building Department, we were advised then to come before  
17 the Board for an amended site plan as the lots didn't  
18 exactly match the lots that were on the approved  
19 subdivision map.

20           So before you tonight we have three lots, Lots 5, Lot  
21 6 and Lot 8. If you would like, I can put them all  
22 together and just go through as one or we can do one at a  
23 time, however the Board sees fit. I'll start with Lot 5.

24           Basically, with Lot 5, the house is in the same  
25 location. It's the same number of bedrooms. The well and

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -  
2 the septic have not changed from the original approved  
3 design. What we did was the driveway, as it comes up the  
4 lots, are at the same location on Walnut Ridge Lane. As it  
5 comes up the lot, it makes a softer turn at the first bend  
6 in the driveway from the original approved plan. We wanted  
7 to pull it away from the approved septic system a little  
8 bit and also provide a turnaround area on that bend, so the  
9 radius there is a little bit larger than what was  
10 previously approved. And then the driveway basically  
11 follows the same path up to the house.

12           The original houses were generic house boxes. They  
13 were 30 by 50 boxes on the original subdivision map. These  
14 houses are 32 by 65. We've shown the decks now, the  
15 walkways, the stairs, everything that goes along with the  
16 house.

17           That's really going to follow each lot. Would you  
18 like me to go on to Lot 6 or do you want to stop at Lot 5?  
19 However the Board wants to do it is fine.

20           CHAIRMAN STAROBIN: Well, let's keep on going.

21           MR. QUEENAN: Yes, sure.

22           So Lot 6 Lot, this is the lot with the most  
23 significant change. The driveway was on the left side of  
24 the lot if you're looking at the map, originally. We've  
25 moved the driveway to the right side of the lot in order to

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -  
2 get the elevation a little higher at the house so that the  
3 retaining walls can be a little bit lower. So by moving  
4 the driveway to the other end of the lot and basically  
5 almost doing like an S driveway, we're able to get much  
6 higher grade up at the actual house site. Again, the  
7 location of the house is the same as the previously  
8 approved location. This stays as a three-bedroom house.  
9 The well and septic locations are not changed. That's  
10 pretty much the most significant change to this lot, is  
11 moving the driveway entrance from the left side of the lot  
12 to the right side of the lot. Again, we've added the  
13 decks, the walkways and the staircases. Same style house,  
14 same size house, 32 by 65.

15               Lot No. 8, very slight difference from originally  
16 approved. This one was originally approved as a  
17 four-bedroom house. We propose a four-bedroom house. Same  
18 size house, 32 by 65. If you notice, the house did not  
19 face the cul de sac, so we have slightly rotated the house  
20 at almost about a 45 degree angle so that it faces the cul  
21 de sac. And we've shifted the driveway over about eight  
22 feet just because there was a little tight grading on the  
23 western property line. The well and septic, again, have  
24 not changed on this lot.

25               CHAIRMAN STAROBIN: Okay.



1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2           MR. QUEENAN: Those are the changes.

3           CHAIRMAN STAROBIN: Larry Paggi, comments.

4           MR. PAGGI: Okay. And again, I'm going to just speak  
5 about general comments for all three lots because they're  
6 pretty much all the same.

7           Probably the most significant aspect of the  
8 application is that they will have to actually file an NOI.  
9 In speaking with the DEC, since the property ownership has  
10 changed, they'll have to get coverage under the permit for  
11 the new owner. It's a pretty simple administrative item.  
12 John and I have talked about this. Along with that, we'll  
13 ask for an erosion sediment control plan for each site.

14           The other probably most significant aspect of the  
15 application is that there were some relatively detailed  
16 notes that were included with the original subdivision.  
17 We've included several of those that we thought were most  
18 pertinent within our comment letter relative to  
19 certification by a licensed land surveyor of the actual  
20 driveway grades. I think there were certification  
21 construction of completed work for sewage disposal systems.  
22 Portions of the driveway that exists from the Town  
23 right-of-way are the responsibility of the property owner.  
24 And then a general note we would ask be included that any  
25 other conditions that are not specifically altered by this

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2 application remain in force.

3           Let's see. Two of the driveways, as John mentioned,  
4 are in identical locations that were approved with the  
5 subdivision plat. One driveway location, as John  
6 mentioned, shifted. I think it's Lot 6.

7           MR. QUEENAN: Right.

8           MR. PAGGI: We're just asking you to take a quick look  
9 at sight distance to make sure we don't have a sight  
10 distance issue there.

11           Let's see.

12                               (Mr. Paggi examining documents.)

13           MR. PAGGI: Oh, and Lot 8, I don't know if it was  
14 intentional or not, but there's no driveway culvert  
15 indicated.

16           MR. QUEENAN: I don't think there was one on the  
17 original subdivision map

18           MR. PAGGI: I think there was. I did go back and  
19 look.

20           MR. QUEENAN: There was?

21           MR. PAGGI: Yes.

22           MR. QUEENAN: Okay. I think that's a treed lot.

23           MR. PAGGI: That a look at that if it needs to be in  
24 there. It looks like it might need to be in there.

25           MR. QUEENAN: Yes. If it needs it we'll add it.

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2           MR. PAGGI: Okay.

3           MR. QUEENAN: I think we'll be covered with that note  
4 that anything that was on the prior subdivision map is  
5 still in force and effect.

6           MR. PAGGI: Right.

7           MR. QUEENAN: If it's on that, we'll add it to this  
8 one.

9           MR. PAGGI: Okay.

10           And then the rest of our comments, which there weren't  
11 very many, were just kind of nuts and bolts things with  
12 making sure you've got cover on the pipes and specify the  
13 lengths, the materials, just so when somebody goes out  
14 there the driveway gets built the way the highway  
15 superintendent is expecting it to be built, just so there's  
16 no confusion.

17           CHAIRMAN STAROBIN: Stu, Adriana, do you have comments  
18 regarding planning?

19           MR. TURNER: Okay. Our comments are actually pretty  
20 simple and straightforward because Larry's going to worry  
21 about the grading. The driveway grades, we were concerned  
22 about changing it, and sight distance. So those things  
23 have been mentioned. Larry is going to deal with our  
24 concern about the grading of the driveway and the sight  
25 distance at the street, to make sure that when it was

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -  
2 changed from the original plan, this is not a problem.  
3 That was our concern.

4           The issue with changing of the location of the house  
5 and the impact on the walls, you talked about that. We  
6 were concerned about the retaining walls. Again, I think  
7 you have to sign off on the construction of the retaining  
8 walls.

9           We were initially a little confused, but you explained  
10 it, of the 16 lots in the subdivision why only three were  
11 coming in. You explained that they've been sold to an  
12 individual. The original site location when you were doing  
13 subdivision was approved. That's why you're making the  
14 changes, a better fit.

15           These are Type II actions under SEQRA. Because it's  
16 residential construction and a single-family home, it's a  
17 Type II action under SEQRA so there's no SEQRA review done.

18           I think that's basically what we were concerned with.  
19 Initially, when the subdivision was approved, the site  
20 plans were approved for each lot. It happens here in  
21 Mamakating. That's the way it's normally done with  
22 subdivisions. The site, you lay out where the houses are  
23 going to go and the driveways and so on. Not every  
24 subdivision is done that way. You were changing the site  
25 plans that were approved and that's why you're back here,

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2 and you know that.

3           There weren't a lot of comments. It's mostly the  
4 technical comments that have to do with the drainage and  
5 the grading.

6           MR. QUEENAN: Okay.

7           CHAIRMAN STAROBIN: Okay. Steve Mogel, do you have  
8 any comments?

9           MR. MOGEL: Not really. It is a Type II. I think any  
10 of the outstanding issues have already been addressed prior  
11 to the appearance. If there's any questions, I'll try to  
12 answer them.

13           CHAIRMAN STAROBIN: Do any board members have  
14 questions for this applicant?

15                               (No verbal response.)

16           CHAIRMAN STAROBIN: Okay. So the next step is.

17           MR. MOGEL: Do you want to have a public hearing?  
18 It's the Planning Board's option. I can't imagine that  
19 that's something that you want to do, but ...

20           CHAIRMAN STAROBIN: We should schedule one, then.

21           MR. MOGEL: It's completely at your option.

22           CHAIRMAN STAROBIN: Any comments?

23           BOARD MEMBER ZAMONSKY: No. I think they're minor  
24 changes.

25           STAROBIN CHAIRMAN: Minor?

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2           BOARD MEMBER ZAMONSKY: Yes.

3           CHAIRMAN STAROBIN: Okay. We'll pass on the public  
4 hearing.

5           MR. MOGEL: Well, next would be a vote.

6           CHAIRMAN STAROBIN: Will you specify what the vote  
7 will be?

8           MR. MOGEL: Okay. I don't know if you want to detail  
9 what's individually for each lot. You can do a resolution  
10 for each and every lot or you can do it cumulative. My  
11 thought would be unless the Board feels that there are  
12 significant variances between the various lots and you want  
13 to address them each individually, I suggest you do it all  
14 in one motion.

15          MR. PAGGI: And by the way, I have no problem with an  
16 approval conditioned upon our comments. I think they're  
17 all just technical items that we can work out before the  
18 plats get signed, the planning plats get signed. If you  
19 want to do a resolution with all the lots combined, the  
20 individuality is addressed in my letter so it would  
21 certainly accommodate that. In other words, if you specify  
22 the resolution addressing our comment letters for Lot 5,  
23 Lot 6 and Lot 8 you're going to cover everything that needs  
24 to be done.

25          CHAIRMAN STAROBIN: Spell it out in a resolution.

1                   - RE: WALNUT RIDGE LOTS 5, 6 & 8 -

2           MR. MOGEL: Do you want verbiage for a resolution?

3           CHAIRMAN STAROBIN: Yes.

4           MR. MOGEL: Okay. That's fine.

5           CHAIRMAN STAROBIN: That's what you're here for.

6           MR. MOGEL: Oh, okay. Okay. Different boards do it  
7 differently. The ZBA does it its own way.

8           So you pass a resolution to approve the amendments to  
9 the site plans for this application based upon,  
10 conditionally, on satisfaction ever all the conditions that  
11 are set forth in the engineering comments dated September  
12 25, 2018. Subject also to any comments and conditions that  
13 were set forth in the planner's comments dated September  
14 25, 2018. And subject, of course, to all the  
15 representations that were made by the Applicant to the  
16 Board.

17           BOARD MEMBER GREEN: Can we just have it like actually  
18 saying the word in the resolution, Lot 5, Lot 6 and Lot 8  
19 just to specify?

20           MR. MOGEL: Sure.

21           As specified as to Lots 5, 6 and 8.

22           CHAIRMAN STAROBIN: Okay.

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

24           CHAIRMAN STAROBIN: Motion as per Steve Mogel's  
25 verbiage?

1                   - RE:  WALNUT RIDGE LOTS 5, 6 & 8 -

2           BOARD MEMBER RUSSEK, III:  Second.

3           CHAIRMAN STAROBIN:  Second.  Okay.

4           And a vote.

5           BOARD MEMBER GREEN:  Aye.

6           BOARD MEMBER GOODMAN:  Aye.

7           BOARD MEMBER COLLIER:  Aye.

8           BOARD MEMBER RUSSEK, III:  Aye.

9           BOARD MEMBER ZAMONSKY:  Aye.

10          CHAIRMAN STAROBIN:  Aye.

11                   (The resolution was approved and carried.)

12          CHAIRMAN STAROBIN:  It's unanimous.

13          Thank you.

14          MR. QUEENAN:  Thank you.

15          CHAIRMAN STAROBIN:  Thank you.

16          MR. QUEENAN:  Have a good night.

17                   (Time noted:  7:17 p.m.)

18                               \* \* \* \* \*

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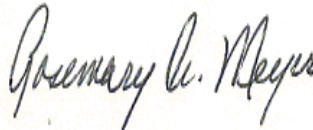
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REPORTER'S CERTIFICATION

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 Walnut Ridge Lot 5 LLC, Walnut Ridge Lot 6 LLC and Walnut Ridge Lot 8 LLC, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: November 10, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

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

Town Hall  
Town of Mamakating  
July 24, 2018  
7:18 P.M.

PLANNING BOARD MEMBERS :

- MORT STAROBIN, Chairman
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- ADRIANA BELTRANI, Planner

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

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

Reported by: Rosemary A. Meyer

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           MS. GRASS: The next applicant is All 4 The Children  
3 LLC, Frank Roe. It's a four lot subdivision, Tax Map  
4 Section 10; Block 1; Lot 66. The properties are located on  
5 Ski Run Road. The property is approximately 10 acres and  
6 lies in the Burlingham Residential Zone.

7           MR. WINGLOVITZ: Good evening. For the record, Ross  
8 Winglovitz with Engineering and Surveying Properties. I'm  
9 here this evening with the Applicant, Frank Roe and All 4  
10 The Children. Mary explained everything else.

11           What we have before you this evening is a four lot  
12 issued subdivision, proposed. The parcel is west, uphill  
13 from Roe Road. The Applicant is looking to develop the  
14 property for four single family homes. The two front lots  
15 would be your typical subdivision lots, frontage and lot  
16 width, provided right off of Ski Run Road. The two rear  
17 lots would be lots that conform with the flag lot  
18 requirements. The lot to the rear is about 2.14 acres for  
19 Lot 4; Lot 3 is over three acres. The two lots in front  
20 are just over two acres, as well. All lots would conform  
21 to your zoning requirements.

22           We have done preliminary soil testing out there. The  
23 soils are very good in that location. I have the report.  
24 We should have no problem with the septic systems.

25           We've also provided sight distances in accordance with

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 the engineer's request, with the table of AASHTO sight  
3 distance recommendations based on the 35 mile speed limit  
4 that's out there. We believe they all comply with the  
5 sight distance requirements.

6           I'd be glad to answer any questions you have.

7           CHAIRMAN STAROBIN: Larry, do you have comments?

8           MR. PAGGI: You know, Ross indicates on this plan,  
9 it's a conceptual submission. Really, most of our comments  
10 are really just kind of throwing things out there that we'd  
11 be looking for in the future. I think they're here really  
12 just to make sure that this initial step, there's no  
13 showstoppers that any of us see. I think actually, at this  
14 point, probably Stu and Adriana's comments are going to be  
15 more pertinent than mine.

16           The only thing I'll ask, Ross, and again, I think it  
17 would just be some carryovers, but the drawing block  
18 indicated one of two. Was I missing a plan or was it --

19           MR. WINGLOVITZ: No, you were not missing it.

20           MR. PAGGI: Okay.

21           MR. WINGLOVITZ: It's standard form block we use.

22           MR. PAGGI: I get that. I just put them in there to  
23 help you cover them.

24           There are endangered species. I'm sure that Stu will  
25 be talking about those.

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           MR. WINGLOVITZ: There are no wetlands, Larry, so I  
3 don't know, do you need anything from us. That just shows  
4 up on the EAF where you put the mapper in. There is a  
5 wetland hereby, but there are no wetlands on site.

6           MR. PAGGI: So I think what you do is I think you  
7 state on plan that there are no wetlands on the property or  
8 there are no state regulated wetlands within 100 feet --

9           MR. WINGLOVITZ: Yes.

10          MR. PAGGI: -- so that we're not impacting the wetland  
11 or the buffer.

12          MR. WINGLOVITZ: No state regulated wetlands within  
13 100 feet.

14          MR. PAGGI: That's pretty much it. I mean when they  
15 get a little bit further with the septic system designs  
16 we'll want to see the results of the soil testing listed,  
17 as I'm sure you're familiar, customarily doing, the deep  
18 tests and the percolation tests.

19          It's a four lot subdivision so this will be our  
20 review, not the DOH's.

21          One thing, I looked quickly and I didn't see. Is  
22 there any requirement for a test well at this point in time  
23 or do they just have to show a location? I know with  
24 certain health departments they require anything more than  
25 three lots, they want to see at least one test well to

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 demonstrate that there's water supply.

3           MS. GRASS: I don't know.

4           MR. PAGGI: Yes.

5           MR. WINGLOVITZ: I don't believe in Sullivan.

6           MR. PAGGI: Okay, all right. So just well locations  
7 that comply with the required standards.

8           That's pretty much it on our part.

9           CHAIRMAN STAROBIN: Okay. Stu, Adriana, regarding  
10 planning.

11          MS. BELTRANI: All right. So as far as the  
12 application goes, just note that you do have some permits  
13 and approvals. We noticed that, that was a no.

14          MR. WINGLOVITZ: On the application.

15          MS. BELTRANI: On the EAF.

16          MR. WINGLOVITZ: Oh, on the EAF.

17          MS. BELTRANI: The Environmental Assessment Form, the  
18 Part 1. It's question No. 2. It will definitely require  
19 permits from the Superintendent of Highways for the  
20 driveway assess. It may require DEC, Army Corps. You  
21 mentioned that there not wetlands actually on the site, so  
22 just note that.

23          So of course, as Larry had said, this is a preliminary  
24 application so just make sure you note the code for what  
25 you need to be included in further future application.

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           The flag lots that are proposed are currently in  
3 conformity to the code as far as the flag lot regulations.

4           Make sure that the site plan notes limits of  
5 disturbance. This looks like a wooded site. And also note  
6 that the Applicant, you guys should refer to Chapter 199-43  
7 which discusses clearcutting. Just note large diameter  
8 trees eight inches or greater and note those on the plan.

9           MR. WINGLOVITZ: You're only looking for that in the  
10 area of disturbance?

11          MS. BELTRANI: Yes, in the area of disturbance.

12          MR. WINGLOVITZ: If that was for the site, that could  
13 be a very large task.

14          MS. BELTRANI: Yes, definitely within the area of  
15 disturbance.

16          Let's see. Just you guys could also confirm that the  
17 easement is proposed for the flag lot portions of Lots 3  
18 and 4 and if there will be a maintenance agreement for that  
19 driveway.

20          MR. WINGLOVITZ: Yes.

21          MS. BELTRANI: Okay.

22          As Larry had mentioned, the Northern long-eared bat  
23 has been identified as a species.

24          MR. WINGLOVITZ: We'll provide the clearing limitation  
25 note regarding, I believe it's November 1st to the 31st?

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2 I'll check it.

3           MS. BELTRANI: Check and see.

4           MR. WINGLOVITZ: I think it's month later than the  
5 Indiana.

6           MS. BELTRANI: Yes, yes. Just check DEC on that.

7           And then just a note that this is a discretionary  
8 action to it's subject to SEQRA. The Planning Board may  
9 declare its intent to be Lead Agency for an unlisted  
10 action. That will open a 30 day window to coordinate  
11 review with other agencies should they wish to coordinate.

12          MR. TURNER: Larry said that the DOH is not going to  
13 be involved.

14          MR. PAGGI: Well, I guess that remains to be seen.

15          MR. TURNER: Okay.

16          MR. PAGGI: We're assuming that because we're  
17 expecting that the soils are good. If there's a special  
18 system design, they require their review. But it kind  
19 of --

20          MR. TURNER: Just to be safe, then, I would recommend  
21 to the Planning Board that you declare your intent to be  
22 Lead Agency. There may be other agencies that will be  
23 involved. We have to make that list. Probably put DOH on  
24 it, the DEC, although you say there are no wetlands on the  
25 site.



1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           MR. WINGLOVITZ: No wetlands; no.

3           MR. TURNER: But it's going to probably have to go to  
4 them to determine whether a habitat study is necessary.  
5 They may say no, but the long-eared bats --

6           MR. WINGLOVITZ: Yeah.

7           MR. TURNER: The long-eared bats are potentially on  
8 there.

9           MR. WINGLOVITZ: Correct. I mean what we send them on  
10 the long-eared bats, I think their response has always  
11 been as long as you provide the clearing limitation  
12 restriction on the time of year, that there's no impact.

13          MR. TURNER: Okay.

14          I mean if the Board does declare its intent we can, or  
15 John can, we can distribute the Notice of Intent, give  
16 other agencies 30 days. And you'll be back with a complete  
17 plan.

18          MR. WINGLOVITZ: Yes, I'll do the complete engineering  
19 design --

20          MR. TURNER: I mean that doesn't --

21          MR. WINGLOVITZ: -- grading and septic system.

22          MR. PAGGI: There will be requirements for a SWPPP,  
23 but if there is less than five acres of disturbance it'll  
24 be a basic SWPPP which is a detailed erosion sediment  
25 control plan, no post-construction practices will be

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 necessary. And based on the design here, I'm thinking that  
3 you're probably going to be shooting to keep it under five  
4 acres of disturbance. That'll be one thing that we'll be  
5 looking for.

6           MR. WINGLOVITZ: Yes.

7           MR. PAGGI: Maybe very specifically, note on the plan  
8 the limits of disturbance.

9           MR. WINGLOVITZ: Yes.

10          MR. PAGGI: Indicate the limits of disturbance and  
11 indicate an area, the limits of disturbance.

12          MR. WINGLOVITZ: Yes.

13          MR. TURNER: Just one more comment. We want to be  
14 sure we understand. The flag lot driveway, the easement is  
15 over Lots 1 and 2 for the benefit of Lots 3 and 4?

16          MR. PAGGI: No.

17          MS. BELTRANI: No. It's Lots 3 and 4 are the flag  
18 lots with a common access easement.

19          MR. TURNER: So they own the easement, then.

20          MR. WINGLOVITZ: Yes.

21          MR. TURNER: Three and four own the easement.

22          MR. WINGLOVITZ: Yes.

23          MR. TURNER: Okay.

24          MR. PAGGI: Yes, they have to own the property to have  
25 frontage.

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           MR. TURNER: Oh, yes.

3           CHAIRMAN STAROBIN: Do any Board members have  
4 questions?

5           BOARD MEMBER ZAMONSKY: Note 8 was about sprinklers.  
6 Is that for fire suppression or for --

7           MR. WINGLOVITZ: That's a leftover on our general  
8 notes.

9           BOARD MEMBER ZAMONSKY: Okay.

10          MR. WINGLOVITZ: We're going to pick that up.

11          BOARD MEMBER ZAMONSKY: Okay. All right.

12          MR. WINGLOVITZ: There will not be sprinklers.

13          CHAIRMAN STAROBIN: I have a question on Lot 1, just a  
14 design question. Why'd they incorporate a driveway that's,  
15 what's that? 250 feet long?

16          MR. WINGLOVITZ: Yep. It's not that long, but it's  
17 long. The reason is because of the location. If you look,  
18 right across Ski Run Road, where all the wells are, there  
19 are wells right across Ski Run Road from the site so that  
20 forced us to push the septic up the hill. So with the  
21 septic up the hill, we wanted to get the house to flow  
22 gravity. That's what dictated the house location being so  
23 far from the road. On the original concept, before we had  
24 all the well locations, it was up a lot further.

25          Obviously, a lot better for my client because he's got a

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 lot shorter driveway to construct, lot disturbance. But  
3 the well here, here, here, all dictated the location of  
4 that septic system.

5           CHAIRMAN STAROBIN: Okay. Interesting.

6           So do we want to declare ourselves Lead Agency today  
7 or do we want to wait?

8           MR. CAPPELLO: I think you can. I think there's  
9 enough on this map with the EAF to work, any of the other  
10 agencies to provide their initial comments if they do  
11 provide anything.

12           One of the things I want to just keep in the Board's  
13 mind on this is because this is a wooded lot, we will be  
14 looking at disturbance limits. But in setting those  
15 disturbance limits, so we could avoid and provide some  
16 flexibility to future owners, if we can have a note on the  
17 plan that anywhere within that disturbance limits the house  
18 can be located so then if someone comes in, looks at this  
19 plan and wants to move the house over because it's a better  
20 view or for whatever reason they want to move it, you don't  
21 get into the situation that you just got into where they  
22 have to come in and renew a site plan to move the house a  
23 little bit. If residential building ever comes back and we  
24 get these subdivisions, that's probably a better way to  
25 handle it, is just to have a general building envelope,

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 look at the disturbance to make sure it's the appropriate  
3 area on the lot to be disturbed, and then within that area,  
4 as long as the building permit application comes in, the  
5 building inspector can say it's within that area, it will  
6 provide a little flexibility and they're not cementing into  
7 wherever a particular engineer plopped or very  
8 appropriately put it one way or the other so you're not  
9 bound. But you still make sure you look and you're  
10 building it in an appropriate area, that you're not taking  
11 out a habitat, that you're still under the SWPPP, you're  
12 reducing it as much as possible.

13           MR. WINGLOVITZ: I don't know if it would be  
14 appropriate. Not that I agree with a lot that Montgomery  
15 does, but they have that note --

16           MR. CAPPELLO: That 10 percent?

17           MR. WINGLOVITZ: Yes, the 10 percent or 20 percent  
18 note.

19           MR. CAPPELLO: The only thing here is because it's  
20 wooded. If it wasn't wooded I think the thing is  
21 different.

22           MR. WINGLOVITZ: Yes.

23           MR. CAPPELLO: But here, you do have wooded lots and  
24 you may want to take a little closer look at where that  
25 limits of disturbance is for bat habitat or drainage

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -  
2 issues. If it was a meadow, I don't want to say where  
3 someone wants to put a house.

4           BOARD MEMBER GOODMAN: What is that ten percent?

5           MR. WINGLOVITZ: They have a rule that when you go to  
6 build a house you have to show that the proposed house is  
7 10 percent over top of your existing. So it kind of gives  
8 you an envelope around the house so that your footprint of  
9 your proposed house is at least 10 percent coverage of your  
10 proposed house. It gives you a little bit of flexibility  
11 to move the house around.

12          MR. CAPPELLO: So block is as big as possible.

13          MR. WINGLOVITZ: So I draw houses that are 100 by 50  
14 so it's a lot easier to do that.

15          CHAIRMAN STAROBIN: Okay. So do we hold off on  
16 declaring Lead Agency?

17          MR. CAPPELLO: No. You just make a motion to declare  
18 Lead Agency for the four lot subdivision and then just  
19 direct the planner to send out the note, coordinate with  
20 the engineer to get the number of maps and send out the  
21 notices. I think we've identified the Health Department  
22 and DEC. I don't know, Sullivan County Planning? Is Ski  
23 Run Road a ...

24          MR. WINGLOVITZ: Town road.

25          MR. CAPPELLO: A Town road. Is it within ...

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           I don't know if County Planning gets it. Do they want  
3 to see everything now? Did they say they wanted to see --  
4 I mean just check with the County Planning.

5           MS. GRASS: We send everything to them.

6           MR. CAPPELLO: We might as well list them. It's  
7 easier to list them and them not be an agency than not list  
8 them and have them be an agency.

9           CHAIRMAN STAROBIN: Okay. Motion to declare the  
10 Planning Board Lead Agency?

11          BOARD MEMBER ZAMONSKY: Motion.

12          CHAIRMAN STAROBIN: Second?

13          MR. CAPPELLO: Intent.

14          BOARD MEMBER COLLIER: Second.

15          CHAIRMAN STAROBIN: What was that?

16          MR. CAPPELLO: You're noticing your intent to become  
17 Lead Agency.

18          CHAIRMAN STAROBIN: Intent to declare ourselves Lead  
19 Agency.

20                 Second, Erik.

21                 Okay. All in favor?

22          BOARD MEMBER GREEN: Aye.

23          BOARD MEMBER GOODMAN: Aye.

24          BOARD MEMBER COLLIER: Aye.

25          BOARD MEMBER RUSSEK, III: Aye.

1           - RE: ALL 4 THE CHILDREN LLC / FRANK ROE -

2           BOARD MEMBER ZAMONSKY: Aye.

3           CHAIRMAN STAROBIN: Aye.

4                         (The resolution was approved and carried.)

5           CHAIRMAN STAROBIN: It's unanimous.

6           MR. PAGGI: Ross, one last question. I don't know if  
7 you saw my comment, No. 3, about the topography source.

8           MR. WINGLOVITZ: Yes.

9           MR. PAGGI: Give me your thoughts on that when you get  
10 a chance.

11          MR. WINGLOVITZ: I'll check with our surveyor, but  
12 he's very comfortable with that VEM. We've used this in  
13 many locations. And actually, great shots. Hard surfaces  
14 are within a tenth of the VEM.

15          MR. PAGGI: So maybe we'll just be looking for his  
16 certification.

17          MR. WINGLOVITZ: Oh, yes. When we come back there'll  
18 be a real estate sheet that will have that.

19          MR. PAGGI: Okay.

20          MR. WINGLOVITZ: We'll have the reference on all that  
21 and all that and it'll be signed and sealed; absolutely.

22          MR. PAGGI: Okay.

23          MR. WINGLOVITZ: Thank you.

24                         (Time noted: 7:37 p.m.)

25                         \* \* \* \* \*



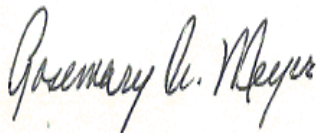
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of All 4 The Children LLC / Frank Roe, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: November 10, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

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

Town Hall  
Town of Mamakating  
July 24, 2018  
7:37 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, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- STUART TURNER, AICP, Planner
- ADRIANA BELTRANI, Planner

Also Present: Charles Bazydlo, 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: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2           MS. GRASS: Our next applicant is BE-ECO/Yukiguni  
3 Maitake Manufacturing, requesting reinstatement of the Site  
4 Plan and Special Use Permit for the BE-ECO LLC Mamakating  
5 Agricultural Complex project approved and filed with the  
6 Town of Mamakating on April 6, 2017; Indoor Agricultural  
7 Complex Education and Center for Innovation and  
8 Improvement. Tax Map Section 26; Block 1; Lot 25. The  
9 property is located on McDonald Road and is approximately  
10 47.80 acres. The property lies in the Light Industrial  
11 Office Zone.

12           MR. BAZYDLO: Good evening. My name is Charlie  
13 Bazydlo. I'm counsel for BE-ECO LLC.

14           The reason we're here tonight, as Mary stated in the  
15 notice, is that we received site plan and special use  
16 permit approval in April of 2017. Town regulations, for a  
17 lack of simplicity, say that that approval lasts for 18  
18 months unless you come in and an make application to the  
19 Board for renewal, reinstatement, however you may want to  
20 phrase that. That's what we're here for tonight.  
21 Mr. Heslin, who I think you would all remember, the project  
22 sponsor, is here. Lex would like to just give some  
23 information to the Board about why we've been delayed in  
24 moving ahead with the project, and then we can answer any  
25 questions that the Board may have.

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -

2           MR. HESLIN: Good evening, Planning Board. I'm Lex  
3 Heslin from BE-ECO LLC, and I'm here to follow up on my  
4 written request for the reinstatement of the site plan.  
5 And in a nutshell, we haven't been able to move ahead as  
6 quickly as we planned for a number of reasons, including  
7 ongoing negotiations with Yukiguni regarding cost sharing  
8 and the resolution of various real estate. We had issues  
9 that came up in the title process.

10           Additionally, during this time we've lost certain  
11 Empire Zone state level benefits and we've got some  
12 challenges finding a partner, both financial and in terms  
13 of growers.

14           And lastly, personally, I've personally had to  
15 consolidate some assets to go forward with this project,  
16 which I'm doing. And we've made progress on all of these  
17 things so we would like to continue and ask for an  
18 extension of what we feel is a very exciting and beneficial  
19 project for the town.

20           Thank you.

21           CHAIRMAN STAROBIN: I do not know if the approval was  
22 ever signed because the fees were not all paid. Do you  
23 know, Mary, if that's the case?

24           MS. GRASS: It was never signed.

25           MR. BAZYDLO: The resolution was filed, but the plans

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 were not. They're not signed. As a matter of fact, there  
3 were conditions in the plans.

4           MR. CAPPELLO: The conditions have to be met.

5           MR. BAZYDLO: Met.

6           MR. CAPPELLO: What they're asking for is an extension  
7 to meet those conditions. There may be other conditions in  
8 that approval resolution that aren't, the most important  
9 one being payment of fees to the Town which were supposed  
10 to be paid prior to the --

11          MS. GRASS: Do you mean the written resolution?

12          MR. CAPPELLO: Yes.

13          MS. GRASS: That was not signed.

14          MR. CAPPELLO: The written resolution was adopted.  
15 The signing of the resolution means nothing.

16          MS. GRASS: Oh.

17          MR. CAPPELLO: It was voted on by the Board. The  
18 conditions have to be met for the map have to been signed.  
19 Before the map can be signed the conditions of the  
20 resolution --

21          MS. GRASS: Okay.

22          MR. BAZYDLO: Just because -- the resolution was filed  
23 with the Town Clerk on April 6th.

24          MR. CAPPELLO: Yes. I don't even know if there was an  
25 area for it to be signed, to be honest with you. There was

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 a vote. I mean I'd have to look. But once again, the vote  
3 is what goes. But that resolution included a list of  
4 conditions that needed to be met in order for the site plan  
5 to be signed. When you do a subdivision or anything, you  
6 need various approvals. That's what they're asking for, is  
7 an extension to meet those conditions.

8           BOARD MEMBER ZAMONSKY: I don't remember offhand what  
9 the conditions were. I mean were they extensive? Has any  
10 of them been addressed?

11          MR. CAPPELLO: Well, one of them is taking title to  
12 get a building permit. There may be DEC or Health  
13 Department, any of those conditions.

14          A. MR. BAZYDLO: The resolution is 12 pages long.  
15 There's a whole series of conditions. As John was saying,  
16 many of them are basically that you have to supply proof  
17 that you have gotten all the other outside agency approvals  
18 for the project. I think there were some conditions in  
19 here about giving detailed plans that have to be signed by  
20 the chairman. And then there is a condition there about,  
21 which I think is the Board's standard condition, that all  
22 fees have to be paid. But it goes on for quite a bit.

23           I think in the approval process we had shown the Board  
24 that the project basically had its approvals from the other  
25 agencies. We've kept up on those over the time. But

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 again, because the Town's regulation has a very specific  
3 period that says if you don't do something within in the 18  
4 months it has to come in for a renewal.

5           BOARD MEMBER GREEN: Here's the resolution. So  
6 they're just asking us for additional time to meet these  
7 conditions?

8           MR. CAPPELLO: Yes. They need to meet the conditions  
9 to get the building permit.

10          BOARD MEMBER GREEN: Right.

11          MR. CAPPELLO: It says you need to pull the building  
12 permit within a certain time.

13          BOARD MEMBER ZAMONSKY: And how long do you think  
14 that'll take to meet the conditions?

15          MR. HESLIN: I think we'll need, you know, 12 to 18  
16 months. It's a lot to do. There's a lot to do. There's a  
17 lot there.

18          BOARD MEMBER GREEN: What about the fees? So the Town  
19 is out like \$20,000.

20          MR. CAPPELLO: Yes. The fees were to be upon the  
21 resolution. The Board has to weigh that. If the fees  
22 weren't an issue, like they're going to come in with the  
23 next application where there's no fees, the general rule is  
24 if there's no changed circumstances and the applicant has  
25 been diligently attempting to do that and there wasn't a

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 new highway built or something that really changes the  
3 whole complexion of the area, that they would be entitled  
4 as long as they apply for and ask in a certain time. But  
5 here, the payment of fees is an important issue. The Town  
6 is out that money. What I would suggest you may consider  
7 is a much shorter time period. Say the fees must be paid  
8 there and if the fees are paid within that shorter time  
9 period then the Board can consider granting a longer  
10 extension because in this world, any development world, it  
11 takes time to pull all the pieces of a substantial  
12 development together to get it to the point where you're  
13 actually able to turn ground.

14           MR. BAZYDLO: If I could just say about that. We  
15 understand the Town is requiring the fees. I think the  
16 same thing could be accomplished by a motion by the Board,  
17 resolution by the Board that says you get X months  
18 extension on the approval, 12 months, 18 months, whatever  
19 the Board may feel comfortable with, conditioned upon that  
20 the fees are paid within 90 days or whatever. That would  
21 be it. If the money didn't come in within the 90 days ...

22           BOARD MEMBER ZAMONSKY: I think the fees are one, but  
23 then the escrow would have to be reestablished, as well, as  
24 part of that. I mean because they're appearing now so  
25 there's going to be some bills for that, and then if they



1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 come back again in 18 months. I mean I don't know what  
3 kind of flexibility we have to set it lower. I don't  
4 remember what it was. It was substantial at one point.

5           MR. BAZYDLO: There is, Stosh, in the resolution.  
6 Once you go to construction there's conditions in the  
7 resolution about establishing --

8           BOARD MEMBER ZAMONSKY: Well, right now you owe the  
9 Town money and there's going to be bills from this review  
10 and the stenographer and everybody else. And then if you  
11 come in again in 12 or 18 months, it'll happen again.

12          MR. PAGGI: I don't know if the fees include  
13 reestablishing the escrow. They might.

14          BOARD MEMBER ZAMONSKY: Well, what I'm --

15          MR. PAGGI: We should look at that.

16          BOARD MEMBER ZAMONSKY: Okay.

17          MR. PAGGI: Because it should -- I'm just saying --

18          MR. CAPPELLO: For this extension we should set a fee  
19 beyond the 20,000 if you want to take up today's time. I  
20 think what the Board should do for extension requests,  
21 because I think it's a good point Stosh. When someone is  
22 just coming in and has paid their fees and is just looking  
23 for an extension of approval, just have a fee. It's \$200  
24 for an approval extension that would just then cover our  
25 time to come to a meeting and say, like I'm assuming in the

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 next one. I mean the other extensions we granted were  
3 there wasn't this issue have been literally ten minutes of  
4 review. Our resolution of approval, when someone comes in  
5 to say, Now I'm going to start building and here's my  
6 building plans and I have my conditions there, that's a  
7 separate bill. But at that point, when someone's coming in  
8 and saying, I've met all my conditions and now I'm looking  
9 for a building permit, you can hold that building permit  
10 back and say, It costs X amount of dollars to review the  
11 conditions, so as part of your building permit application  
12 you need this. But it's something to look at. I wouldn't  
13 want to set it for this other than say if you -- it's six  
14 of one and half a dozen of another. If you want the  
15 Applicant to come back in, say three months and at that  
16 point, showing that they paid the fees and maybe pay a fee,  
17 we determine to have Larry look at the resolution and see  
18 what's left and get an explanation from the Applicant of  
19 where they are on each of the conditions to then give you a  
20 better idea, whether you're willing to go on for a year or  
21 for more, an extension, that's what I would suggest doing.  
22 I would kind of limit it.

23           As I recall, the conditions were phased, and the first  
24 phase being just the kind of greenhouse. There may not be  
25 a ton of conditions on that first phase. I mean there's a

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 lot more on the future phases. Once the actual building  
3 buildings are constructed, there's road improvements.

4           BOARD MEMBER ZAMONSKY: Yes.

5           MR. CAPPELLO: I think maybe requesting a three month  
6 extension for all the fees to be paid, say \$500 escrow for  
7 the engineer to just look at whatever the Applicant submits  
8 within those three months to show where they are in the  
9 conditions, and then we can go from there. It would be  
10 reasonable if the Board wanted to consider that.

11          MR. BAZYDLO: It would be important to us, perhaps  
12 even vital would be the right word, that we were able to  
13 say to investors that we have more than a 90 day extension.  
14 I understand that the Town is looking for their fee, but  
15 again, if it was the type of movement by the Board to say  
16 that you'll pay the fee within X amount of days, I could  
17 agree with perhaps there's another fee on there, too, for  
18 the professionals, what they've done, but the idea of  
19 saying if those fees were paid you have the 12 month  
20 extension, you have the 18 month extension.

21          BOARD MEMBER ZAMONSKY: So can we say if those fees  
22 are paid within three months the 18 month --

23          MR. CAPPELLO: I would say if we want to cut to a  
24 middle ground, that you make a resolution that the fees be  
25 paid within three months and then if they're paid in three

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 months the Applicant comes back here and we will grant a  
3 year extension. I don't want to get into a situation where  
4 91 days from now the Applicant's not here and is it void or  
5 do I have to go. I mean it's just going to be a real pain  
6 in the ass. So if the Board puts in the minutes, not the  
7 pain in the ass part, puts in the minutes that in three  
8 months, if the fees are paid, plus the \$500 escrow for the  
9 engineer to take a look at whatever the Applicant's going  
10 to submit to show the level of conditions, that the Board  
11 will grant an additional year extension, that that would  
12 be --

13           MR. HESLIN: Can I just request 18 months rather than  
14 a year? You know, this is a very large complicated project  
15 in the tens of millions of dollars that needs both  
16 financing partners and operating partners. A year goes by  
17 really quickly?

18           BOARD MEMBER GREEN: That's fine.

19           BOARD MEMBER COLLIER: I just have a question. You  
20 said some circumstances changed. Can you explain the  
21 Empire Zone changing that was impacting this?

22           MR. HESLIN: Yeah. There was -- we got into the  
23 contract there was Empire Zone benefits for this property  
24 that Yukiguni had secured and because it dragged on so  
25 long, I couldn't get them extended. When I had gotten into

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 it, it was extendable. But then -- you know, you have to  
3 file papers every year and so forth. And, you know, last  
4 year they decided they wouldn't let us. So that's that.

5           BOARD MEMBER GREEN: I like idea of just being paid in  
6 three months and that we extend it for a total of 18  
7 months.

8           MR. CAPPELLO: Yes, so long as the fees are paid  
9 before, we'll take the action. That way, you can to show  
10 your investors that as long as the fees are here, plus the  
11 additional \$500 just for the purpose of the conditions,  
12 knowing. And put on the record that at the time you come  
13 in and say, I have the conditions met and I'm ready to go  
14 for to a building permit, that there may an additional  
15 escrow required at that point --

16           MR. HESLIN: Sure.

17           MR. CAPPELLO: -- to make sure we look and we can  
18 confidentially take the time to make sure all the Xs, Ts  
19 are crossed.

20           MR. BAZYDLO: Xs crossed.

21           CHAIRMAN STAROBIN: Okay. So --

22           BOARD MEMBER ZAMONSKY: Let me just one. If the fees  
23 aren't paid by that time ...

24           MR. CAPPELLO: Then you're not going to grant. They  
25 have to come. That's why I said I want them here at a

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 meeting in three months --

3           BOARD MEMBER ZAMONSKY: Yes.

4           MR. CAPPELLO: -- which would be probably three months  
5 and two weeks, given our new schedule or something. But we  
6 should probably come up with a date. That if the fees are  
7 paid by the --

8           MS. GRASS: December 11th meeting.

9           MR. CAPPELLO: -- December 11th meeting, two and a  
10 half months. That if the fees are paid by the December  
11 11th meeting the Board will grant, plus the \$500, the Board  
12 will grant an additional 18 month extension.

13          MR. HESLIN: All right.

14          MR. CAPPELLO: And you'll have to say Happy Birthday  
15 to me on December 11th.

16          MR. BAZYDLO: December 11th, is that three months?

17          MR. CAPPELLO: Well, we switched the date to the  
18 second. It would have been December 25th. If you want to  
19 say the second Tuesday in January.

20          MR. BAZYDLO: Yes, that would be.

21          MR. CAPPELLO: The second Tuesday in January.

22          CHAIRMAN STAROBIN: John, I have a question. If, for  
23 example --

24          MS. GRASS: January 8th.

25          CHAIRMAN STAROBIN: If the plan doesn't go through and

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -  
2 they have to drop it because of nonpayment of the fees, to  
3 reinstate this project at some point in the future they  
4 would have to --

5           MR. CAPPELLO: They would have to reapply. The  
6 process would be what conditions -- I mean the process,  
7 information provided to you, then to go forward, a new  
8 escrow would have to be established, a new application fee  
9 would have to be established, a new referral to the County  
10 would have to be done, SEQRA would have to be reviewed. I  
11 mean we have a lot of the information so it wouldn't be  
12 nearly as long as last time, but yes. But it would to be  
13 done.

14          CHAIRMAN STAROBIN: So what's that wording for the ...

15          MR. CAPPELLO: The wording is that the Board grants an  
16 extension to the BE-ECO Yukiguni Maitake Manufacturing  
17 Facility up to January 8th, 2019. And the Board recognizes  
18 that if all fees are paid in full, plus an additional \$500  
19 towards engineering review, and the Applicant submits a  
20 list documenting where they are in satisfaction of all the  
21 conditions for Phase 1, that the Board will grant an  
22 additional 18 months extension at that January 8th, 2019  
23 meeting.

24          MS. GRASS: If I can, to be paid by the end of  
25 business day? I don't want to take money in here.

1           - RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -

2           MR. CAPPELLO: By?

3           BOARD MEMBER GREEN: Yes.

4           MR. CAPPELLO: Well, let's say -- the meeting is on a  
5 Tuesday. By the end of business, January 7th, 2019.

6           MR. BAZYDLO: We won't bring a bag in with us.

7           CHAIRMAN STAROBIN: Okay. Motion?

8           BOARD MEMBER ZAMONSKY: Motion.

9           CHAIRMAN STAROBIN: Stosh.

10          Second?

11          BOARD MEMBER GOODMAN: Second.

12          CHAIRMAN STAROBIN: All in favor?

13          BOARD MEMBER GREEN: Aye.

14          BOARD MEMBER GOODMAN: Aye.

15          BOARD MEMBER COLLIER: Aye.

16          BOARD MEMBER RUSSEK, III: Aye.

17          BOARD MEMBER ZAMONSKY: Aye.

18          CHAIRMAN STAROBIN: Aye.

19                         (The resolution was approved and carried.)

20          CHAIRMAN STAROBIN: It's unanimous.

21          MR. BAZYDLO: Okay. Thank you very much.

22          CHAIRMAN STAROBIN: Thank you.

23          Charlie, you're going to be in this the rest of your  
24 life.

25          MR. BAZYDLO: Hair's getting grayer, less and less of



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- RE: BE-ECO/ YUKIGUNI MAITAKE MANUFACTURING -

it.

(Time noted: 7:57 p.m.)

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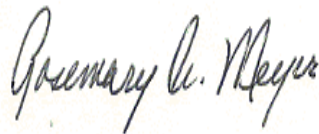
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REPORTER'S CERTIFICATION

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 BE-ECO/ Yukiguni Maitake Manufacturing, to best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: November 10, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X  
Deer Run Real Estate  
Tax Map Section 12; Block 1; Lot 2  
Burlingham Residential Zone  
----- X

Town Hall  
Town of Mamakating  
July 24, 2018  
7:37 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, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- STUART TURNER, AICP, Planner
- ADRIANA BELTRANI, Planner

JERIC CORPORATION  
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Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1                   - RE: DEER RUN REAL ESTATE -

2           MS. GRASS: The next applicant on the agenda is Deer  
3 Run Real Estate. The property is located at 450 Walker  
4 Valley Road, Tax Map Section 12; Block 1; Lot 2. The  
5 property lies in the Burlingham Residential Zone and  
6 involves approximately 39.60 acres. The property is a  
7 child/adult camp.

8           Is there anybody here for the Deer Run Real Estate?

9                   (No verbal response.)

10          MR. CAPPELLO: Did he say he would be in attendance?

11          I would suggest that the Board grant a 30 day  
12 extension to the next meeting just in case a family  
13 emergency came up or he just missed the date. You don't  
14 want to have to then reestablish it. I don't think there's  
15 any fees owed on this one.

16          MS. GRASS: I don't think so.

17          BOARD MEMBER ZAMONSKY: He said he wouldn't get here  
18 'til 8:30. That was the e-mail.

19          MR. CAPPELLO: Oh, all right.

20          BOARD MEMBER ZAMONSKY: But we can extend it; right?  
21 I mean another 30 days?

22          MR. CAPPELLO: I mean if the Board wants to extend it  
23 a year. He did say the reasons in his letter for why he  
24 was asking the extension. If he comes here in person he's  
25 probably just going to repeat what he said in his letter.

1                   - RE: DEER RUN REAL ESTATE -

2 If you're satisfied with the letter and you want to grant  
3 the extension -- and there's no fee due?

4       MS. GRASS: I don't believe so.

5       MR. CAPPELLO: Then you can just grant the extension  
6 so he doesn't have to come and you don't have to spend the  
7 time at the next meeting.

8       BOARD MEMBER GREEN: There seems to be something. My  
9 notes here, he was here in December of 2015; asked for the  
10 extension. He was here again in February of 2017; asked  
11 for the extension. This has become routine.

12       MR. CAPPELLO: Yes. If something has changed, if  
13 traffic has become an issue or a totally new stormwater  
14 that he had to do or redesign. But I think this is a  
15 fairly innocuous project.

16       CHAIRMAN STAROBIN: Do we have a fee for extensions?

17       MS. GRASS: No.

18       MR. CAPPELLO: No, we don't.

19       CHAIRMAN STAROBIN: Should we?

20       MR. CAPPELLO: I mean maybe we would want to just put  
21 a -- I mean ...

22       CHAIRMAN STAROBIN: Your time is very valuable.

23       MR. CAPPELLO: I'm not going to tell you I spent a lot  
24 of time on it. I mean so I wouldn't want to -- I mean  
25 some of them, on bigger projects you could extend the fee.

1                   - RE: DEER RUN REAL ESTATE -

2 But I'm going to be honest with you. Like a subdivision  
3 where we have six months, it's impossible if you're running  
4 even at full speed with the Health Department, with the  
5 different departments. I mean the laws don't really  
6 accurately reflect what's involved in a bigger project of  
7 getting everything up to get the building permits. Our job  
8 and the reason we have the problem like we have had, is we  
9 collectively dropped the ball in keeping them up to date  
10 with the escrow before we did the resolution, before we  
11 voted. If there's no fees paid, then has anything really  
12 changed? You don't really need to look at the conditions.  
13 You're asking for an extension. Nothing is changed.  
14 You're not owed any money; no harm, no foul. It really  
15 should be ten minutes of time. So maybe you want to charge  
16 \$150 or something reasonable, that's it. Once again, the  
17 bulk of Larry's work on BE-ECO will be when they come in to  
18 say, Now we satisfied all the conditions, can we have map  
19 signed? At that point we could say we're not going to  
20 review the conditions until you refurbish your escrow. Now  
21 you've got a hook. If they need something done we can ask  
22 for the escrow now because Larry has to review.

23           CHAIRMAN STAROBIN: The question I have is this. We  
24 keep on renewing these applications and in the meantime,  
25 the Comprehensive Plan can change and the zoning changes.

1                   - RE: DEER RUN REAL ESTATE -

2           MR. CAPPELLO: This renewal doesn't affect --

3           CHAIRMAN STAROBIN: If the zoning changes?

4           MR. CAPPELLO: If the zoning changes you're out of  
5 luck. Until you file a map and you break ground you really  
6 don't have anything. But that's one of the things that you  
7 should look at when you do an extension, has the zoning  
8 changed for this project. I mean is this still permitted  
9 in the zoning?

10          MR. TURNER: Well, we did check that in this case,  
11 just to make sure we could advise the Board that as far as  
12 we knew, it had not. There wasn't a change in zoning. But  
13 that is a factor.

14          MR. CAPPELLO: Yes, yes.

15          CHAIRMAN STAROBIN: It remains to be seen who's going  
16 to be affected and whatever.

17          BOARD MEMBER GREEN: Is setting the fee something the  
18 Planning Board does or the Town Board?

19          MR. CAPPELLO: Well, we're going to be looking at  
20 everything once the Comp Plan is out. I mean there's a  
21 lot, including subdivision regs as to house locations and  
22 everything to make it easier so you don't have to have  
23 applicants come back if you're moving a house a few feet.

24          BOARD MEMBER GOODMAN: I would like to make a motion  
25 to extend this.





1                   - RE: DEER RUN REAL ESTATE -

2           CHAIRMAN STAROBIN: It's unanimous.

3           MS. GRASS: A motion to close?

4           CHAIRMAN STAROBIN: A motion to close the meeting?

5           BOARD MEMBER ZAMONSKY: Motion.

6           BOARD MEMBER GREEN: I'll second it.

7           CHAIRMAN STAROBIN: All in favor?

8           BOARD MEMBER GREEN: Aye.

9           BOARD MEMBER GOODMAN: Aye.

10          BOARD MEMBER COLLIER: Aye.

11          BOARD MEMBER RUSSEK, III: Aye.

12          BOARD MEMBER ZAMONSKY: Aye.

13          CHAIRMAN STAROBIN: Aye.

14                   (The motion was approved and carried.)

15          CHAIRMAN STAROBIN: It's unanimous.

16                   (Time noted: 7:57 p.m.)

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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Deer Run Real Estate, to best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: November 10, 2018

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