

In The Matter Of:
Town of Mamakating
Town Board

Proposed Zoning Amendments Public Hearing
Vol. 2
August 29, 2015

Jeric Corporation
Court Reporting Services
P.O. Box 385
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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
TOWN BOARD

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Continuation of Public Hearing
In the Matter of :

PROPOSED ZONING AMENDMENTS DAY 2
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Town Hall
Town of Mamakating
July 16, 2015
6:32 P.M.

TOWN BOARD MEMBERS:

- WILLIAM HERRMANN, Supervisor
- ROBERT JUSTUS, Councilman
- MATTHEW TAYLOR, Councilman
- BRENDA GIRALDI, Councilwoman
- RUSSELL WOOD, JR., Councilman
- JEAN M.DOUGHERTY, Town Clerk
- BOB FIORE, Deputy Supervisor
- CATHERINE HERRMANN, Confidential Secretary
- J. BENJAMIN GAILEY, ESQ., Attorney for Town

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Reported By: Rosemary A. Meyer

1 - PROPOSED ZONING AMENDMENTS -

2 SUPERVISOR HERRMANN: I'd like a motion to open the
3 Public Hearing on the zoning amendments.

4 COUNCILMAN TAYLOR: Motion.

5 SUPERVISOR HERRMANN: Second?

6 COUNCILWOMAN GIRALDI: Second.

7 SUPERVISOR HERRMANN: All in favor?

8 (Aye.)

9 (The motion was agreed and carried.)

10 SUPERVISOR HERRMANN: So what we're going to do --
11 Jean, do you have the list?

12 MS. DOUGHERTY: Yes.

13 SUPERVISOR HERRMANN: Oh, I'm sorry.

14 MS. DOUGHERTY: Do you want it?

15 SUPERVISOR HERRMANN: No. You can call that.

16 What we're going to do is we're going to call in the
17 order that they signed. We're going to ask people to come
18 up and give their comments.

19 I will tell you that we have not had Sullivan County
20 Department of Planning finish their review yet. We did
21 receive a letter, 284 letter, whatever they're called.

22 MR. GAILEY: 239.

23 SUPERVISOR HERRMANN: 239 letter where they asked for
24 an extension. We've had conversation with them. There
25 doesn't appear to be any real problem, they're just trying

1 - PROPOSED ZONING AMENDMENTS -

2 to be as thorough as they can.

3 What we are going to do is at the end of this session
4 we are going to close public comments. We will accept, for
5 the next ten days after this, more written comments because
6 people may have more to say or a different angle on
7 something after hearing speakers tonight. We're trying to
8 give due diligence and consideration to everything that
9 everybody has to say. We can either vote on these
10 amendments on the next Board meeting, which is July 7th, I
11 think it is, or something like that. But what I am
12 probably going to suggest to the Board is that maybe on the
13 30th, which is two Tuesdays from now, perhaps we should
14 have a work session so we can discuss all of the letters
15 and everything that came in. Does that sound reasonable?

16 So I'll make that motion later, because I really think
17 we need to consider everything.

18 Mort, do we need to talk about Phase 2 or anything at
19 this point and explain what we're doing with this?

20 MR. STAROBIN: Well, everybody should realize that
21 what we're trying to --

22 SUPERVISOR HERRMANN: This is Mort Starobin. He's
23 actually on the Planning Board. He was the former chair.
24 He is leading the advising committee that's been working
25 with the planner and putting all of this together.

1 - JANET LYBOLT / PUBLIC COMMENT -

2 So Mort, could you just explain what the process is?

3 MR. STAROBIN: Yes. What we've done is the
4 Comprehensive Plan was put together in 2001, and what we're
5 doing now is, a one year plus process, is making the zoning
6 more consistent with what the Comprehensive Plan required.
7 A lot of it was never implemented. So this process will be
8 finished in a couple of weeks. Then we're going to start
9 Phase 2 which will address of some complex problems, bring
10 our zoning more in line with what the future of the economy
11 is and the direction it's heading in. A lot of the issues,
12 I think, that will be addressed tonight, or asked tonight,
13 will be addressing in Phase 2. So this is not the end of
14 the process, this is actually the beginning of the process.
15 The next process will take probably another six months to a
16 year.

17 Okey-doke, let's go with the Public Hearing.

18 SUPERVISOR HERRMANN: Thank you, Mort.

19 Jean.

20 MS. DOUGHERTY: Jane Lybolt.

21 SUPERVISOR HERRMANN: Janet.

22 MS. LYBOLT: Good evening. My name is Janet Lybolt.
23 I'm a member of the Town of Mamakating Planning Board and a
24 resident of Summitville.

25 I would like to thank the committee for their hard

1 - JANET LYBOLT / PUBLIC COMMENT -

2 work on the zoning amendments and in doing so, in bringing
3 that zoning in line with our Master Plan.

4 I respectfully request that the Board approve the
5 zoning amendments as presented.

6 Thank you.

7 SUPERVISOR HERRMANN: Thank you, Janet.

8 MS. DOUGHERTY: Cathy Dawkins.

9 MS. DAWKINS: Hello. My name is Cathy Dawkins.

10 I attended the meeting two weeks ago and I expressed
11 that night my enthusiastic support for the proposed zoning
12 map changes and the heroic efforts of this Town Board. My
13 support is even stronger today than it was two weeks ago.

14 However, I feel compelled to respond to several
15 comments from the last session. While I understand that
16 this Board is both legally and honor bound to hear all
17 voices, I ask you to consider the following in making your
18 decision.

19 One: I encourage you to give priority consideration
20 to the voices of those who actually live here, own property
21 here, pay taxes here and are members of our community. I
22 include in that group the devote and passionate part-time
23 homeowners such as those at Yankee Lake who have been
24 stewards of this land and our water for many, many
25 generations. I encourage you to give priority to the

1 - CATHY DAWKINS / PUBLIC COMMENT -

2 voices of people above corporations. I encourage you to be
3 realistic and critical as you consider the voices of those
4 who helped to create the crisis we now face. These
5 individuals have proven their judgment is suspect, whether
6 by ulterior motives, simple-minded or some combination of
7 both.

8 I specifically draw your attention to the Stoloff,
9 Silver presentation from two weeks ago. Their attempt to
10 appease the BKAA by suggesting that they would direct their
11 pollution to the Shawangunk Kill was offensive on its face.
12 To imply that we should be willing to do harm to our
13 neighbors on the east side of the ridge is stunning in its
14 callousness, but quite illuminating all the same. The epic
15 that Mr. Stoloff demonstrated in his presentation is not my
16 epic, and I certainly hope it is not the epic of my
17 community or this Board.

18 Finally, I ask you to consider the common good. As I
19 listened two weeks ago to the presentations by
20 Mr. Shepstone, Mr. Stoloff and Mr. Silver, I was struck not
21 by the fact that they want zoning laws that will allow them
22 to enrich themselves and their clients. That's not
23 surprising. No, I was struck by how they want to enrich
24 themselves at the very expense of the many. What they have
25 proposed is the very antithesis of the common good. Their

1 - PAUL MANZA / PUBLIC COMMENT -

2 plan is to spend our common resources, water, so that they
3 may enrich themselves and their clients and leave us living
4 in an ugly resource depleted waste land.

5 I would ask this Board to consider the common good as
6 it weighs these public comments.

7 Thank you.

8 MS. DOUGHERTY: Paul Manza.

9 MR. MANZA: Good evening. I'm a landowner in the Town
10 of Mamakating, and I'd to commend this Board and the
11 committee for their attention to go the distance to
12 preserve the beauty of what we have in the Town of
13 Mamakating. It's extraordinary, it's world-class and it's
14 special and it's intrinsic to the quality of life that it
15 be preserved.

16 What's also important to quality of life is to have
17 some economic vitality to go along with it. I think most
18 of us would agree that the paramount way to achieve that is
19 through ecotourism and promoting that in a way that is
20 viable, sustainable and consistent with preservation. In
21 order to do that we need to have more amenities, more
22 eateries, more lodging facilities, more outfitters, things
23 like farmers' markets, antique malls and the kind of
24 attraction that gets people to not only come to take a hike
25 and go spend their money somewhere else, but to come and

1 - PAUL MANZA / PUBLIC COMMENT -

2 spend a day, a weekend or a week here. We're in the middle
3 of a huge eco-corridor that runs from the Delaware River to
4 the west, where they attract hundreds of thousands of
5 people a year, to the Hudson River Valley to the east of us
6 and the north of us which attracts hundreds of thousands of
7 people a year, extends into Mohonk and Minnewaska, and the
8 dots connected by Route 209. We are at the epicenter of
9 that corridor with probably greater accessibility than most
10 of those areas. We need to act like the epicenter of that
11 and be a place where people can come play, spend money and
12 enjoy what we are preserving and sustaining. So I would
13 you to consider that you create some provision whereby
14 ecotourism is encouraged, where people know that they can
15 come and meet certain guidelines, sustainability
16 guidelines, preservation guidelines, and get to do
17 something that makes economic sense and still be consistent
18 with the intention of what you're trying to accomplish.
19 There are not too many places where you can really do that.
20 The optimum place to do it is between Route 17 and the
21 airport, preferably around the two signalized intersections
22 that already exist. But I think it needs to be somewhere
23 where the primary traffic is already, where there's enough
24 traffic existing that doesn't make it viable for a lot of
25 other things other than commercial use. I think that that

1 - PAUL MANZA / PUBLIC COMMENT -

2 can be the cornerstone of getting us from here to there and
3 making it happen in a way that is sustainable not only from
4 a preservation perspective, but from an economic vitality
5 perspective. That should be a part of the SEQRA process
6 and used as a tool to make it happen, not just create an
7 environment where you preserve the beauty and hope
8 something happens without creating an intention to do that,
9 as well.

10 So I thank you for hearing me.

11 SUPERVISOR HERRMANN: Thank you, Mr. Manza. Thank you
12 very much.

13 MS. DOUGHERTY: James Rosenow.

14 MR. ROSENOW: Hi. I want to thank you for the work
15 you're doing. I can't imagine what it would be like to be
16 on a board like this where no matter what you decide,
17 somebody is going be mad at you.

18 SUPERVISOR HERRMANN: Thank you for recognizing that.

19 MR. ROSENOW: I also agree with our last two speakers.
20 I think you have to preserve this area. I am a landowner
21 here with Phoenix North, LLC. Phoenix North, LLC consists
22 of myself and my two sisters. So although we're a
23 corporation of sorts, we're not a big corporation.

24 We also think it would be important -- let me you tell
25 you where Phoenix North resides. Phoenix North consists of

1 - JAMES ROSENOW / PUBLIC COMMENT -

2 plus or minus ten acres. It's located between Stanton
3 Memorial Cemetery and the Route 209 Gumaer Falls Road
4 traffic light. It's really come to our understanding that
5 it doesn't hold much residential development potential any
6 longer because of all the truck traffic that's going by the
7 property. We feel that we're all part of Mamakating, we're
8 all part of the 209 corridor and we do want sensible
9 development, but we need to have some commercial zoning
10 along the 209 corridor to do what Mr. Manza was talking
11 about, which is have some amenities so that when somebody
12 comes to enjoy the Basha Kill or to hike in one of the
13 parks they can also stay at some nice lodging, spend their
14 money on some nice restaurants, boutiques, farmers'
15 markets. So we feel that that corridor, especially right
16 around Kohls, would be a viable place to consider some
17 commercial zoning. So with that in mind, we would like to
18 respectfully request that the lots that make up Phoenix
19 owned properties are zoned commercial. I think you have a
20 proposal there and it outlines those lots. It's important
21 for you to know that one of the lots within that map, the
22 one that is not shaded green, we do not own. That's owned
23 by an individual. I don't know if that affects your
24 decision, but I wanted to point that out to you. Okay?

25 Thank you very much.

1 - LAURA CORUZZI / PUBLIC COMMENT -

2 SUPERVISOR HERRMANN: Could you just show me on this
3 which property this is?

4 (Mr. Rosenow complied.)

5 MS. DOUGHERTY: Laura Coruzzi.

6 MS. CORUZZI: He's much taller than I am.

7 SUPERVISOR HERRMANN: Do you want a chair?

8 MS. CORUZZI: Maybe a step stool.

9 Supervisor Herrmann, Laurie Coruzzi. We're homeowners
10 at Yankee Lake, taxpayers in Mamakating who wholeheartedly
11 support adopting the proposed zoning code. It's our hope
12 that the Mamakating Town Board will enact the proposed code
13 into the law of Mamakating.

14 We commend the Planning Board for its thoughtful and
15 thorough review of the 2001 Master Plan that was adopted by
16 the Town, taking into account what has and has not worked
17 for Mamakating over the past time, since 2001, a decade
18 plus.

19 The proposed code implements the vision and the intent
20 of the Town's adopted Comprehensive Plan, protecting our
21 watershed, natural resources and environmentally sensitive
22 areas while promoting a sustainable development plan and
23 pattern that focuses density around villages and hamlets
24 with existing infrastructure. We believe that the proposed
25 code will preserve the rural nature of our town and

1 - LAURA CORUZZI / PUBLIC COMMENT -

2 community that's key to the strength of our economy, the
3 outdoor tourism and vacation homeowners, major contributors
4 to the economy of this town. The proposed code will
5 protect environmentally sensitive areas, such as our very
6 own Yankee Lake. It's a pristine body of water and
7 wetlands that host rare and threatened plants and animal
8 species. We've provided that information to the Board.
9 This plan will preserve the scenic beauty of Yankee Lake.

10 We appreciate your efforts, Mr. Herrmann, the other
11 members of the Town Board, the Planning Board, and Mort
12 Starobin in particular, and the team of planners and
13 consultants for arriving at a very thoughtful approach, and
14 we look forward to the day it's enacted as the law in
15 Mamakating.

16 Thank you.

17 SUPERVISOR HERRMANN: Thank you.

18 MS. DOUGHERTY: Linda Bartle.

19 MS. BARTLE: Hi. I can't imagine being you. I was on
20 the ZBA in the Village of Montgomery. I used to sell real
21 estate. I sold real estate for about ten years.

22 Am I speaking loud enough?

23 UNIDENTIFIED SPEAKER: No. Speak a little louder.

24 MS. BARTLE: Sorry.

25 I just wanted to point out --

1 - LINDA BARTLE / PUBLIC COMMENT -

2 Can you hear me?

3 UNIDENTIFIED SPEAKER: Yes.

4 MS. BARTLE: I just wanted to point out that after
5 being on the ZBA for years you know that there's a backyard
6 rule, that when something is about to happen near your
7 backyard you show up at the meetings. I think that you're
8 seeing a lot of people here from Yankee Lake because that's
9 what's going on right now, and maybe a couple of other
10 places. I think that if this was happening in
11 Phillipsport, or if it was happening in Westbrookville,
12 you'd have a majority of those people. I think history
13 also shows that any time that business comes into the area,
14 a lot of people come out against things in the area that it
15 wants to be built, but they're always from that area. I
16 just wanted to make that clear because it just seemed like
17 so many people just from Yankee Lake.

18 I had it on my phone. I'm sorry.

19 So I feel that that's why it's so important that the
20 zoning changes pass. It's not our first time with high
21 density and it's not going to be the last time. All right?
22 We need development that is smart and bring jobs. Not
23 minimum wage jobs, living wage jobs, please. Instead of
24 waiting for development to come us, maybe we could add some
25 plans to attract businesses that complement our

1 - LINDA BARTLE / PUBLIC COMMENT -

2 neighborhoods and our hamlets. I know that this is the
3 first stage of what you're doing, but if we could maybe
4 look at that a little bit harder. I know that other towns
5 have done it. When Target came to Montgomery everybody
6 went crazy. I was working out of the village so it was a
7 little bit different than the town, but it made us make
8 changes. It made us look at things differently and made us
9 look at some of our more commercial areas and what we would
10 want to be there in the future even before it was built.

11 That's just some of my suggestions. I thank you for
12 your hard work.

13 SUPERVISOR HERRMANN: Thank you, Linda.

14 MS. DOUGHERTY: Richard Stoloff.

15 MR. STOLOFF: Good evening.

16 SUPERVISOR HERRMANN: Hi, Richard.

17 MR. STOLOFF: How you doing.

18 I'm here tonight first, to represent local residents,
19 local residents who have lived in this town and owned
20 property since 1949, property which is located opposite
21 Pantelope Lane, across from the bridge at that location.
22 It's owned by Elizabeth Horvack, and it was owned together
23 with her mother until her mother, Olga Horvack, passed
24 away. It's on Burlingham Road across from the bridge. You
25 have my letter.

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 What I want to point out to you is a few things in
3 addition to what's in the letter because it was brief and I
4 hoped you would read it. This project has gone to a point
5 of having preliminary subdivision approval. Mr. Nutt
6 (phonetic), whose company is S and M Real Estate, has spent
7 over about \$100,000 on the project, to date, in order to
8 assist Miss Horvack and her husband to actually improve the
9 home that they're living in. This is a ten-lot subdivision
10 of one lot which they reside in. Burlingham Road is a
11 county road, not maintained by the town.

12 I've live on Burlingham Road for the last 20 plus
13 years. It's one of the highest density locations in the
14 town with three mobile home parks. My home is on 1.35
15 acres. It was in a subdivision that was created in the
16 '80s. Most of the homes on Burlingham Road are less than
17 two acres.

18 The construct which you read in the Master Plan
19 report, and it's reported by the consistency report, has an
20 error. Maybe it's an error just in reading what was
21 written originally in the Master Plan report. You have now
22 reduced the neighborhood residential zone to an area of
23 1500 feet around the Hamlet of Burlingham. In the Hamlet
24 of Burlingham, really, there's the Burlingham Store and one
25 restaurant and a camp which operates seasonally. What the

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 actual Master Plan states is historic Burlingham hamlet
3 Exists at the interchange of County Road 61, Burlingham
4 Road, and Hamilton Road that's now a county road that goes
5 into Orange County. The Comprehensive Plan supports the
6 retention of this hamlet area and recommends that public
7 parks and playgrounds, places of worship, schools,
8 restaurants and art galleries, museums and antique shops be
9 permitted within 1500 feet of the intersection. That is
10 all that it says. It doesn't say what's in the consistency
11 report, that we recommended, in 2001, to reduce the size of
12 that residential zone, Neighborhood Residential, to 1500
13 feet around the Hamlet of Burlingham. If you look later
14 on, in your Master Plan it has other references to the 1500
15 feet. That's on pages iii and ten. And likewise, all of
16 those references, whether it's Westbrookville or the other
17 references in the plan, it only relates to limiting
18 nonresidential development to an area within 1500 feet of
19 an intersection, which makes sense. What you're doing now
20 is basically depriving these people of the opportunity to
21 have a good retirement.

22 What doesn't make sense to me, because I've lived on
23 that road for those many years, and before that, since 1976
24 I was living off of Ski Run Road. The development area
25 really is one acre. If you look at your earlier zoning,

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 before this zoning, what it provided was for one acre
3 zoning in that area so long as you could meet the required
4 setbacks for water and septic tanks so you would not have
5 an impact. So this particular type of zoning on this road
6 has been in existence for over 40 years. The construct
7 that you're looking at to change the zoning is only going
8 to hurt the people that's left there. One acre zoning is
9 not going to disturb the area. Most of these lots, as you
10 can see, are well in excess of one acre. The problem is
11 that they can't meet the requirements of the new zoning
12 based upon the environmental constraints. It is already
13 approved or has engineering for both sewer and water. So
14 the plans have been filed. What I'm asking you to do,
15 first of all, I think you really have to look at the
16 Neighborhood Residential Zone and to see why you reduced it
17 and was it based on a misunderstanding of the Comprehensive
18 Plan. And if you still decide that in future developments
19 they need to be two acres for some empirical studied
20 reason, then you at least should give the people who are in
21 the planning stages of it, at least preliminary plan
22 approval, the ability to complete that plan because the
23 engineering has been done. It's the same thing that we had
24 in Mamakating previously. I think two of the Board
25 members will remember. There was a development on 209, and

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 by accident, when the zoning map was drawn, it put about
3 six of those lots into an industrial zone. Well, the law
4 basically is, very simply, if you have the final approval
5 any change the zoning doesn't affect you. This is not
6 exactly the same situation.

7 So based upon the content of the letter, the need of
8 these people to be able to sell some lots, it'll bring
9 revenue to the Town. People build, you end up getting the
10 mortgage tax percentage. There was a time when the
11 mortgage tax, and you'll remember it well, because of the
12 amount of building you had ongoing, we ended up having a
13 budget surplus because we had unanticipated revenue from
14 the mortgage tax. This is residential development which
15 will create an additional nine homes in the area. It's
16 consistent with the surrounding area. And I respectfully
17 request that you reconsider the zoning both for this and
18 the entire Neighborhood Residential Zone because it wasn't
19 recommended in your 2001 plan to reduce the Neighborhood
20 Residential Zone to 1500 feet from around a hamlet. It's
21 just a misreading of the plan. We cite it for you in
22 detail. So I would appreciate if you would consider that
23 and help these people out so they can construct their
24 subdivision and recover the expenses that have already been
25 made. And I don't believe that, looking at it off of a

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 county that you don't maintain, it's not going to give you
3 any additional substantial traffic. That's a traffic road.
4 I hear it at four o'clock in the morning. I mean it's not
5 going to change.

6 Thank you.

7 I have one other matter to discuss with you briefly.

8 SUPERVISOR HERRMANN: Thank you.

9 MR. STOLOFF: I have also given you a very detailed
10 submission by an entity which is called CH Catskill, LLC,
11 which is also known as Crescent Heights. If you want to
12 google Crescent Heights to find out what type of developer
13 they are --

14 UNIDENTIFIED SPEAKER: We can't hear you.

15 MR. STOLOFF: -- what developer they are, you can
16 google it, where their projects are and how they develop.
17 They do not own property adjacent to Yankee Lake. They
18 own, it's actually 816 acres opposite Exit 112 North. They
19 have spent, and we're going to provide to you because we've
20 agreed to, in conversation, with your planner, in addition
21 to the submission that I now make, detailed reports which
22 they developed between 2001 and 2007 regarding the
23 particular site and the development which could go on that
24 site. Now, understand, they're prepared to consider and
25 talk to you about reducing the development if that's what

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 you desire, but there has to be an economic benefit to put
3 in a package plant and to do other things on that site.

4 I can camp a little bit. I used to be in the Army.
5 My wife won't camp outside. She went to a treehouse one
6 time and after she slept in the treehouse she wouldn't do
7 it again. She said: You sleep in the treehouse, I want to
8 sleep in a hotel. Ecotourism is going to require that you
9 have lodging, that you have lodging consistent. The
10 development which they had planned, and economically, it's
11 been delayed -- and the plan had been filed years ago with
12 the town. In addition to a hotel component, it had a
13 component with a conference center, actually, an ecotourist
14 friendly center. They were considering building, at that
15 point in time, a winery on the site, be able to have tours
16 on the site. What you've done in this case is you reduced
17 the 712 acres which are in the PRO Zone to 177 acres in the
18 area that they never intended to develop on because it was
19 not appropriate. I'll provide you later with a letter to
20 the Wurtsboro Fire Department, it was done by the engineer,
21 because Wurtsboro wanted to build a substation in that
22 location one time, right off of 112, and they found that
23 the area right off of that location wasn't appropriate
24 because of soils. You left them with a very steep location
25 where, without considering rock formation, they have 101

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 acres of developable land out of the 177, and with rock
3 formations, which haven't been identified to date but are
4 known to exist on the site, it'll be substantially less. I
5 hear the uproar from people who are living on Yankee Lake.
6 This is not Yankee Lake. The entrance will be directly
7 from what I call Old 17 into the property. There was a
8 gravel bank in there at one point in time, a road going in.
9 That's the entrance to go into the development.

10 I believe that you do need, as I've always believe it,
11 economic development in this town for rateables. All I
12 heard for 20 years as the town attorney is our taxes are
13 too high. If you go to a small city web site you will find
14 that -- this is from 2012, the last I could find -- they
15 rate the expense of living in the community as a base of
16 100. The Town of Mamakating, in 2012, was rated 180,
17 exceptionally high. The only way, and what was considered
18 when this Master Plan was dealt, at least the map, I wasn't
19 there when it was adopted, was that it says it right here,
20 they wanted to increase rateables to take the burden off of
21 the homeowners. To do that, I know it's like when I go to
22 court and I have to do a trial and we settle something. A
23 good settlement is neither side is totally happy, but it's
24 a good settlement. That's what you have to sometimes do
25 with zoning.

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 All I'm doing, it's a detailed submission. We gave
3 you a submission with the LA Group. The details what the
4 plan is. I ask you to please look at it. There are not
5 fly by night developers.

6 (Multiple speakers from the public.)

7 UNIDENTIFIED SPEAKER: More than three minutes.

8 SUPERVISOR HERRMANN: Please, he's representing two
9 clients here.

10 MR. STOLOFF: They've paid taxes in this town since
11 about 2000, and continue to pay taxes. They did not seek,
12 in the last go-round, a casino. They don't want a casino
13 on the property.

14 So please, I would ask you to take a look at the
15 package we submitted to you. We will submit additional
16 materials, give details that they spent tens of thousand of
17 dollars developing. I would ask you to consider that
18 because you've taken the economic development zone in that
19 area down 85.8 percent. It was 1244 acres and it's now 177
20 acres.

21 And the last thing I want to point out to you, in
22 2005, when that report was prepared and Mr. Wile was the
23 chairman, they proposed an additional PRO Zone by the
24 border of Ulster County, and they proposed, at that time,
25 adding to the PO Zone outside of Wurtsboro because the

1 - RICHARD STOLOFF / PUBLIC COMMENT -

2 complaint, consistently, then was our taxes are too high,
3 we need more rateables.

4 Please, as other people have said, that's the way you
5 get people to remain in a community because if the taxes
6 skyrocket, your housing values go down and your children
7 can't stay here.

8 Thank you.

9 SUPERVISOR HERRMANN: Thank you, Mr. Stoloff. Thank
10 you.

11 UNIDENTIFIED SPEAKER: Thank you, (inaudible).

12 SUPERVISOR HERRMANN: Please, please, please.

13 Jean.

14 MS. DOUGHERTY: Monique Lipton.

15 MS. LIPTON: Hello. My name is Monique Lipton. I'm a
16 resident of Summittville.

17 I don't have a lot of comments. I do want to thank
18 the Board for going ahead with this project. I support the
19 zoning changes.

20 I just want to echo what I think a lot of people said,
21 that please take into consideration it's going to benefit
22 everybody in the community, the community as a whole, and
23 not just specific developers or certain lawyers for certain
24 developers.

25 Thank you.

1 - MARSHA TYRRELL / PUBLIC COMMENT -

2 MS. DOUGHERTY: Marsha Tyrrell.

3 SUPERVISOR HERRMANN: Hello, Marsha.

4 MS. TYRRELL: How are you.

5 I am Marsha Tyrrell. I live at 48 Nicole Place.

6 That's the settlement which is underneath the plan, the new
7 development where we're being asked to make a settlement.

8 I didn't know that term at all.

9 I don't live at Yankee Lake, and there are a number of
10 us here tonight that don't live at Yankee Lake, that live
11 in Nicole Place, Spruce Road, Karen, Joy Drive. Mort and a
12 number of engineers actually visited our little area to see
13 the damage that has already been done to sewers, to lawns,
14 to driveways, to our little roadway. We've already
15 experienced some of the difficulties.

16 I have already written a letter, and it's an e-mail,
17 but I wanted to write the letter. I did attend a standing
18 room only meeting that we had here on June 2nd. I'm
19 delighted that so many people were happy that they had a
20 chance to voice their opinion, were happy that their voices
21 were being heard. I also acknowledge all of your hard work
22 and dedication, both the Town and the Board, and for our
23 community.

24 In our particular area we're talking about not just
25 the wildlife and the reserves, we're talking about our

1 - MARSHA TYRRELL / PUBLIC COMMENT -

2 homes, we're talking about our water, we're talking about
3 our sewage, we're talking about our investment. I bought
4 my home to be my retirement investment. It doesn't have
5 that value anymore. I've lived here for about 20 years.
6 My son also lives on Spruce Road, my two sons, so I'm
7 representing both of us.

8 So anyway, so many have already pleaded for the long
9 term protection of the natural wildlife and reserves. The
10 new zoning addresses that in a sensible and reasonable
11 manner. So many in the past have already pleaded for the
12 protection of their water, their sewage, damage to their
13 properties from accelerated and overly ambitious new
14 construction that has already been changing the flow of
15 water off the mountain to our roads, our lawns and our
16 sewers. So thank you for hearing our concerns.

17 And I just pray that you all, both boards, will be
18 given the strength and encourage to maintain your position
19 and opposition to this onslaught of what I suppose is greed
20 or power, and an apparent total disregard to the rights of
21 the citizens already living in Mamakating.

22 SUPERVISOR HERRMANN: Marsha, if you're speaking for
23 your son, you have another three minutes. Only kidding.

24 MS. TYRRELL: Thank you.

25 MS. DOUGHERTY: Richard Langseder.

1 - RICHARD LANGSEDER / PUBLIC COMMENT -

2 SUPERVISOR HERRMANN: Hi.

3 MR. LANGSEDER: I'm Richard Langseder, Yankee Lake.
4 I've been a resident for all of my 73 years. In the
5 beginning, part-time. Now we're up here totally enjoying
6 it.

7 I just wanted to thank you for the opportunity to
8 express my support for the proposed revisions to the town
9 zoning regulations. You know, this situation facing
10 Mamakating today is similar in many ways to the situation
11 that existed in the late 1960s. At that time major
12 developers had proposed and started marketing a huge
13 recreational home development project encompassing large
14 tracts of land in both the towns of Thompson and
15 Mamakating. Hundreds of homes were planned on postage
16 stamp size lots, including an 18-hole golf course, along
17 the undeveloped shores of Yankee Lake, now referred to as
18 the tail of the whale. At that time this project, which
19 later became known as Emerald Green, was the second largest
20 development in New York State. Mamakating was caught
21 totally flat-footed at that time. There were no zoning
22 regulations in existence in Mamakating. A number of
23 concerned community members worked tirelessly with newly
24 elected Town Supervisor Dennis Greenwald to enact the
25 town's first zoning regulations. The regulations

1 - RICHARD LANGSEDER / PUBLIC COMMENT -

2 established the entire Yankee Lake area as Residential R-1
3 which required much larger residential lot sizes than were
4 proposed by the developer. Through pressure brought to
5 bear at public hearings, the developer, whose lands did not
6 include lake rights to Yankee Lake, also agreed to provide
7 a greenbelt around the shores of Yankee Lake. Somehow, in
8 the more recent past, special interests were able to change
9 the zoning of Yankee Lake's whale tail to, of all things,
10 an economic development zone with a classification of PRO,
11 Planned Resort and Office Development, multi-story office
12 buildings on the shore of Yankee Lake. Just picture
13 multi-story office buildings sharing office space with our
14 beloved bald eagles.

15 Today, the tool of the large developers is a flood of
16 lawsuits both against the Town and individuals who have the
17 courage to oppose them. Back in the late 1960s and early
18 1970s personal attacks and an undercurrent of threats of
19 personal harm were also used, and those stories are legend.

20 In conclusion, I wish to thank you, Bill, and the
21 entire Town Board and the Planning Board for the courage
22 and determination you have shown in restoring our zoning to
23 be consistent with the intent of the generation before us
24 who had worked so hard to initiate the original zoning
25 regulations and in bringing the regulations in line with

1 - RICHARD LANGSEDER / PUBLIC COMMENT -

2 the Town's Master Plan. Thank you so much for your work.

3 SUPERVISOR HERRMANN: Thank you, Richard.

4 MS. DOUGHERTY: Adeline Bruni.

5 MS. BRUNI: Good evening.

6 SUPERVISOR HERRMANN: Hi.

7 MS. BRUNI: My name is Adeline Bruni. I have the good
8 fortune of being a full-time resident at Yankee Lake. I am
9 presently on the Board of Directors of the Yankee Lake
10 Preservation Association, and I serve as the vice
11 president.

12 I'm just here to read a small statement from our board
13 to show our support.

14 I represent the Yankee Lake Preservation Association,
15 known as the YLPA, the owner of Yankee Lake. The YLPA held
16 its annual meeting on Sunday, May 24, 2015. At that time
17 we outlined to our membership the zoning changes proposed
18 by your administration. After describing the changes we
19 received an overwhelming positive response from our
20 members. The consensus was that everyone in attendance was
21 pleased with what was being proposed as a way to protect
22 and maintain the rural way of life we enjoy at Yankee Lake,
23 and in the Town of Mamakating, in general. The YLPA
24 wholeheartedly supports the proposed zoning changes and
25 look to the approval by the Board.

1 - ADELINE BRUNI / PUBLIC COMMENT -

2 Thank you very much.

3 SUPERVISOR HERRMANN: Thank you, Adeline.

4 MS. DOUGHERTY: Fred Harding.

5 MR. HARDING: Hello. I'm Fred Harding.

6 It would be difficult to think of something new to say
7 tonight, but I'll start by saying I'm not hired to
8 represent anybody, I'm here on my own. I think that's
9 important. I think that's an important fact that you
10 should all be aware of.

11 We heard a lot about rateables, and I talked to you
12 last time about different models for economic development
13 and sustainability. Within this plan that -- and first of
14 all, let me thank you again for your courage in pushing
15 this forward, Mort for facilitating and coordinating a
16 year's work, our planners. But what I'd like to say is
17 that this plan does include provisions for rateables. It
18 includes provisions for rateables around the villages,
19 around the areas where they make sense, not on top of the
20 mountain. They provide some along the 209 corridor near
21 the airport, as I heard earlier today. Those are within
22 the plan. This is not lightly thought out. We understand
23 the need for rateables. We also understand second homes in
24 a mountain greenbelt area are very worthwhile rateables.
25 Those are rateables that don't require a lot of service and

1 - FRED HARDING / PUBLIC COMMENT -

2 don't increase your taxes.

3 Now, I think we heard Mr. Stoloff say how much the
4 cost of living, I guess it is, in Mamakating. I think what
5 we should look at is our tax base, our tax, our cost per
6 thousand of taxes, and compare it to the Town of Thompson
7 which has all these wonderful rateables that they're
8 proposing. They have Walmart and Home Depot and Staples,
9 but it hasn't done anything to improve their tax rate. Do
10 we need rateables? Do we need some additional overnight
11 hospitality venues? Of course, in the right place. Those
12 will come if we preserve our natural assets. I don't think
13 we have to look too far to see that stores will come and
14 stores will go; retail will come, retail will go. Hotels
15 came and went. The casino will come. If we look at what's
16 happening in Atlantic City, four closing in the last two to
17 three years, or we look at New Jersey who's about to build
18 one 30 minutes from the tunnel at the Meadowlands, we can
19 predict pretty much what's going to happen. So if I can
20 stay on the casino theory or theme for just a moment,
21 casinos can come, hotels can come, hotels can go, casinos
22 can come, casinos can go, but the wetlands, the green
23 fields and the tree covered mountains will be here forever
24 if, when you vote, you play your cards right.

25 So thank you.

1 - DAN WISE / PUBLIC COMMENT -

2 SUPERVISOR HERRMANN: Fred Harding for supervisor.

3 MS. DOUGHERTY: Dan Wise.

4 MR. WISE: Dan Wise, Yankees fan.

5 I've been living in this area since the late '90s.

6 This is the first time I get to say this. I want to thank
7 the Town Board for what you're doing and I appreciate the
8 zoning changes you're going to put through.

9 Thank you.

10 SUPERVISOR HERRMANN: Thank you, Dan.

11 MS. DOUGHERTY: Diane Wander.

12 SUPERVISOR HERRMANN: Hi, Diane.

13 MS. WANDER: Hi, there.

14 Good evening. My name is Diane Wander. I'm a member
15 of the YLPA and the third generation of my family to enjoy
16 Yankee Lake.

17 I would like to thank you for undertaking the process
18 and giving me the opportunity to speak. I urge you to vote
19 "yes" to approve the proposed zoning change.

20 Our environment is fragile and our resources are
21 precious. A careful, prudent thought process must protect
22 them. You are our hope for this process. Help us preserve
23 the community we live in, enable us to keep our night
24 skies, pure water and the dense, rich forest that gives
25 shelter to an abundance of creatures, both large and small.

1 - DIANE WANDER / PUBLIC COMMENT -

2 And most of all, help us assure our next generation that
3 these beautiful natural resources in the Town of Mamakating
4 will be here for them to enjoy.

5 Thank you. Please vote "yes".

6 MS. DOUGHERTY: Bridgette Simmons.

7 MS. SIMMONS: Hello. I'm Bridgette Simmons.

8 SUPERVISOR HERRMANN: Hi, Bridgette.

9 MS. SIMMONS: I don't live in Yankee Lake. More
10 recently, my husband and I purchased a home on Nicole
11 Place. So I'm just here to tell you that one of the
12 reasons we did that is because we really like this area.
13 We like the low density. We were attracted to the beauty
14 that is all surrounding us. I just want to show my
15 support. I thank you for the hard decisions that you're
16 going to make for us, and hopefully, you know, to
17 everyone's best support. So I fully support these changes,
18 and I hope that it comes to fruition, that we can keep this
19 area as beautiful as it is today for many more years to
20 come so that my children hopefully won't have to be
21 standing here doing this one day.

22 Thank you.

23 SUPERVISOR HERRMANN: Thank you, Bridgette.

24 Thank you, everybody, very much for your comments.

25 Jean.

1 - ALICE SALMANS / PUBLIC COMMENT -

2 MS. SALMANS: I'm sorry, I didn't get to sign the
3 sheet.

4 SUPERVISOR HERRMANN: Oh, all right.

5 MS. SALMANS: Hello. My name is Alice Salmans and I
6 am a resident of Yankee Lake, sorry to say, but I'm happy
7 to say.

8 I had an entire year of the intensity of the corporate
9 world, not ever remembering a time that Yankee Lake was not
10 a destination for my family. The lake was the only place
11 that corporate chatter ceased and I could relax. My dream
12 of living there in retirement was realized in 2002 when I
13 built my dream house, and I've enjoyed this area ever
14 since.

15 The zoning change will secure and protect my major
16 investment to this area. I've lived and worked in many
17 cities, but this area is a natural for seniors looking for
18 dreams they never had time to realize. We love to walk,
19 hike, cycle, play golf, to enjoy boating in our many
20 beautiful lakes; the wonder of the night sky and the Milky
21 Way, the clean air, the natural wonders of the Basha Kill
22 and this county, the quiet that like no other.

23 Seniors bring great resources with them that represent
24 the major economic opportunity for this area. Perhaps just
25 as important, seniors do not present a major financial

1 - ALICE SALMANS / PUBLIC COMMENT -

2 burden to this community. We bring our 401ks, we bring our
3 skills, we bring our children and grandchildren to spend
4 money, and then they go home. And we bring our time to
5 volunteer. We pay our taxes reliably, without using most
6 of the resources that we pay for. We maintain our
7 properties and play a major role in protecting this
8 environment. Our summer residents look to the area to
9 retire and establish another multi-generation caring
10 family. Finally, we are a responsible group of citizens
11 like no other, hoping to protect and preserve what we so
12 dearly love. Attracting seniors is just plain good
13 business.

14 Thank you.

15 SUPERVISOR HERRMANN: You know, through this whole
16 process it's been very nice to see so many people engaged.
17 Like Mort said, we started this about a year ago. We've
18 had two public workshops where many people came and gave us
19 input into what they would like to see their community to
20 be. That's the purpose of this. You live here, pay your
21 taxes, they play, they enjoy. We asked for your input into
22 what your vision of the community is, and this is very
23 important to the Board. This has been a great guide to the
24 committee. So I appreciate everybody's input for this
25 whole past year. And even if you got on board and found

1 - PROPOSED ZONING AMENDMENTS -

2 out about this a week ago and came out to speak, it is
3 important that we hear everybody no matter what your
4 position is on this. Landowners have rights and everybody
5 has a right to enjoy this town the way that they see fit.
6 That's exactly what this board is trying to do by enforcing
7 the zoning that the Comprehensive Plan laid out. It was a
8 very, very good plan and it's been very much abused over
9 the years. The zoning, as Mort said, just never was there
10 to enforce the vision of this town, and we'd like to stick
11 with that vision.

12 We are going to be closing the Public Hearing portion
13 in a minute. I'd like the attorney to make a statement,
14 though.

15 Now you want to do it?

16 MR. GAILEY: Yes, yes. It's very short.

17 I just want to note for the record that the Board has
18 received additional correspondence, communication since the
19 last Public Hearing.

20 The Board has also received several protest petitions.
21 What those are is where property owners who own 20 percent
22 of the land within an area slated for rezoning submit a
23 protest petition. It's a valid petition. Then with
24 respect to that particular rezoning, not the entire, not
25 all the zoning amendments, but just that particular

1 - PROPOSED ZONING AMENDMENTS -

2 rezoning area, then to adopt that requires a vote by four
3 members of the Board as opposed to three members of the
4 Board.

5 SUPERVISOR HERRMANN: So we'll be doing that.

6 So do I do the workshop?

7 MR. GAILEY: Let's close the hearing first.

8 MR. STOLOFF: Can I ask on question? A ten day period
9 for comments after the 239 review comes in. if it comes in
10 in eight days, then you only have two days to comment.

11 SUPERVISOR HERRMANN: We can't hear you. She can't
12 hear you, Richard.

13 MR. STOLOFF: I'll talk louder.

14 MR. GAILEY: I heard you. I heard you. The answer is
15 no.

16 SUPERVISOR HERRMANN: We have this on the public
17 record, so she needs to hear what you're saying.

18 MR. STOLOFF: What I'm asking if you close the Public
19 Hearing, my question is I think, suggestion, it would be
20 appropriate to -- you want to close the Public Hearing,
21 close the Public Hearing.

22 SUPERVISOR HERRMANN: Yes.

23 MR. STOLOFF: But give the public ten days after the
24 County files the 239-m review to comment because generally,
25 you end up seeing that 239-m review and you get comments

1 - PROPOSED ZONING AMENDMENTS -

2 back based upon it. I don't know when they're going to
3 give it to you. If they give it to you in nine days, the
4 people have one day to look at it and comment on it. I'm
5 just saying take the 239-m review, look at it and give ten
6 days to comment after you receive it. That's my
7 suggestion.

8 MR. GAILEY: We really don't know when we're going to
9 receive those comments. We should have received them by
10 now. I believe the County is probably already late. These
11 public comments are comments on the proposed zoning
12 amendments, they're not comments on the County's
13 recommendation. My suggestion to the Board is allow ten
14 days from tonight for written comment on the proposed
15 zoning amendments.

16 SUPERVISOR HERRMANN: We --

17 MR. STOLOFF: That's --

18 SUPERVISOR HERRMANN: I had a conversation with County
19 Planning today. They told me that people, including you, I
20 believe, have made comments to them. You've talked to
21 them?

22 MR. STOLOFF: Yes. What I submitted today, they asked
23 for. They've been asking for any of the other comments.

24 SUPERVISOR HERRMANN: Right.

25 MR. STOLOFF: We provided it to them. I showed you

1 - PROPOSED ZONING AMENDMENTS -

2 that in the letter.

3 SUPERVISOR HERRMANN: Yes.

4 MR. STOLOFF: We did that.

5 SUPERVISOR HERRMANN: Sure.

6 MR. STOLOFF: I think Travis North had communicated
7 with my office and myself and my partner --

8 SUPERVISOR HERRMANN: Yes.

9 MR. STOLOFF: -- and said: Please provide it to us.

10 SUPERVISOR HERRMANN: Right. So they have been
11 getting some input.

12 MR. STOLOFF: They have been getting input, yes, they
13 have.

14 SUPERVISOR HERRMANN: Yes. Okay.

15 MR. STOLOFF: From the Board and from the public, I
16 understand.

17 SUPERVISOR HERRMANN: Okay.

18 MR. STOLOFF: Okay? Thank you.

19 SUPERVISOR HERRMANN: Thank you.

20 MS. CARUZZI: A question.

21 SUPERVISOR HERRMANN: Sure.

22 MS. CARUZZI: Was Crescent Heights one of the
23 petitioners?

24 MR. GAILEY: Protest petition? Yes.

25 MS. CARUZZI: Crescent Heights was a protest.

1 - PROPOSED ZONING AMENDMENTS -

2 MR. GAILEY: Yes.

3 MS. CORUZZI: Can we get copies of --

4 SUPERVISOR HERRMANN: Yes, yes. Jean has everything.

5 MR. GAILEY: All public record.

6 SUPERVISOR HERRMANN: It's all public record. It's in
7 her office. It doesn't have to be FOILED? You don't have
8 to FOIL it. Just ask Jean, she'll make copies. Okay?

9 Could I have a motion to close the Public Hearing?

10 COUNCILMAN TAYLOR: I'll motion.

11 SUPERVISOR HERRMANN: Second?

12 COUNCILWOMAN GIRALDI: Second.

13 SUPERVISOR HERRMANN: All in favor?

14 (Aye.)

15 (The motion was agreed and carried.)

16 SUPERVISOR HERRMANN: I'm going to make a motion to
17 schedule a workshop on the, is it 30th?

18 I like to make a motion --

19 Excuse me, just one minute, please.

20 I'd like to make a motion to schedule a workshop
21 session on the 30th, Tuesday, at six p.m. This will not be
22 open for public comment. It will be a workshop session for
23 the Board to discuss all of the issues that have been
24 presented to us and any questions we come up with. We
25 would like the planner and the committee there to help

1 - PROPOSED ZONING AMENDMENTS -

2 guide us through this process.

3 I made a motion. Do I have a second?

4 COUNCILMAN TAYLOR: Second.

5 SUPERVISOR HERRMANN: All in favor?

6 (Aye.)

7 (The motion was agreed and carried.)

8 SUPERVISOR HERRMANN: Can I have a motion --

9 MS. DOUGHERTY: What time?

10 MR. GAILEY: The meeting is open to the public.

11 SUPERVISOR HERRMANN: It's open to the public.

12 MR. GAILEY: Not for public comment.

13 SUPERVISOR HERRMANN: Not for public comment.

14 MR. GAILEY: Correct.

15 SUPERVISOR HERRMANN: Thank you. Thank you very much.

16 Can I have a motion to adjourn?

17 COUNCILWOMAN GIRALDI: Motion.

18 SUPERVISOR HERRMANN: Second?

19 COUNCILMAN WOOD, JR.: Second.

20 SUPERVISOR HERRMANN: In favor?

21 (Aye.)

22 (The motion was agreed and carried.)

23 SUPERVISOR HERRMANN: Thank you.

24 (Time noted: 7:34 p.m.)

25 * * * * *

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 herein, 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: August 29, 2015

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