

TOWN OF MAMAKATING  
PLANNING BOARD MINUTES  
February 14, 2022  
TOWN HALL  
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS:

LORRENCE GREEN, Chairman  
ALEX GOODMAN, Board Member  
MORT STAROBIN, Board Member  
JOHN LACEY, Board Member  
RICHARD GLISSON, Board Member  
ADRIENNE JENSEN, Alternate Board Member  
KYRA PLATT, Building Department  
MEGAN COMFORT, Building Department  
J. BENJAMIN GAILEY, ESQ., Attorney  
CHRISTIAN PAGGI, P.E., Engineer  
MAX STACH, 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

----- X  
McDonald Road 45 LLC  
Proposed Amended Site Plan  
Tax Map Section 26; Block 1; Lot 27.1  
Airport Development Zone  
----- X

Town Hall  
Town of Mamakating  
February 14, 2023  
7:11 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
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- RICHARD GLISSON, Board Member
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- MEGAN COMFORT, Building Department
- J. BENJAMIN GAILEY, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner

Also Present: Jay Samuelson, P.E. M.ASCE  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1                   - RE:  McDONALD ROAD 45 LLC -

2           CHAIRMAN GREEN:  Greeting, all, to the February 14th,  
3 2023 meeting of the Town of Mamakating Planning Board.

4           Can I have a motion to open the meeting?

5           BOARD MEMBER GOODMAN:  Motion.

6           CHAIRMAN GREEN:  Alex.

7           Second?

8           BOARD MEMBER STAROBIN:  Second.

9           CHAIRMAN GREEN:  Mort.

10          All in favor?

11          BOARD MEMBER GOODMAN:  Aye.

12          BOARD MEMBER STAROBIN:  Aye.

13          BOARD MEMBER LACEY:  Aye.

14          BOARD MEMBER GLISSON:  Aye.

15          CHAIRMAN GREEN:  Aye.

16                   (The motion was approved and carried.)

17          CHAIRMAN GREEN:  Good.

18          Adrienne will be a voting full member this evening.

19          Please join me in the Pledge of Allegiance.

20                   (The Pledge of Allegiance was recited.)

21          CHAIRMAN GREEN:  And again, I can see Kyra looking at  
22 me, telling me to remind everyone to speak directly into the  
23 microphone.

24          The first applicant this evening is Engineering  
25 Properties on behalf of McDonald Road 45 LLC, proposed

1                   - RE: McDONALD ROAD 45 LLC -  
2 amended site plan to expand existing warehouse. The property  
3 is located at 25-45 McDonald Road, Tax Map Section 26; Block  
4 1; Lot 21.7. It is approximately 5.22 acres and lies within  
5 the Airport Development Zone.

6           MR. SAMUELSON: Good evening. Jay Samuelson,  
7 Engineering Properties here representing the Applicant  
8 tonight.

9           As you stated, is an approximately five acre parcel that  
10 has an existing 35,000 square foot warehouse on it. There's  
11 currently a paved parking area in the front for approximately  
12 21 spaces and a gravel turnaround loading area at the rear of  
13 the building.

14           What we're proposing is to extend the warehouse to  
15 basically double in size. We'll have another 35,000 square  
16 foot addition. But we will clear up the loading area, make  
17 that loading area recessed between the existing building and  
18 the proposed building, providing turnaround areas for that,  
19 and modifying the existing stormwater that is on the site now  
20 to accommodate any of the additional impervious surface area.

21           Again, this is just a sketch submission to brief the  
22 Board on what we're proposing. Obviously, we need to prepare  
23 detailed design plans and stormwater analysis, but I just  
24 wanted to make the presentation to the Board, get some  
25 initial feedback, and then we can work forward working

1                   - RE: McDONALD ROAD 45 LLC -  
2 through the design and answering the consultants' comments.

3           CHAIRMAN GREEN: Okay. Thank you.

4           Christian.

5           MR. PAGGI: So as the Applicant just mentioned, this was  
6 really a sketch plan so we outlined just generic comments.  
7 They're going to need stormwater design, a bunch of extra  
8 details.

9           The only comments really worth noting, there were some  
10 improvements proposed within the town right-of-way so we're  
11 definitely going to look at that to make sure that there's no  
12 encroachments into the right-of-way.

13           And showing existing SDS on site and if there's going to  
14 be any impact relative to the expansion, if that SDS is going  
15 to need to be expanded along with the water supply.

16           So just responding to those, if they require any  
17 additional design. I'm sure we'll include that in the next  
18 submittal.

19           That was really it.

20           CHAIRMAN GREEN: Right.

21           Max.

22           MR. STACH: Yes. So we did provide a list of the site  
23 plan requirements here for the Applicant's use. I'm sure  
24 they're aware of most of these, anyway.

25           We did want to see truck maneuverability diagrams to

1                   - RE: McDONALD ROAD 45 LLC -

2 make sure that these trucks, it looks like they're pulling in  
3 and then backing up, but just to show how that works.

4           The Applicant already indicated they require a variance  
5 from the parking requirement.

6           There is a requirement in the code that landscaped areas  
7 with minimum areas equal to 20 percent of the parking area  
8 will be required. There's a question because this is  
9 partially existing, partially expanded, whether that would  
10 need to be met. I think it probably would since it's such a  
11 substantial increase, so they should show that.

12           Additionally, the Town does have industrial and  
13 commercial district design guidelines. We know that those  
14 were not updated to reflect the new zoning districts.  
15 However, this would probably be held to those requirements  
16 applicable to the LIO district or industrial district. We  
17 just want to see that documented, how this complies. It  
18 might require some more breaking up of this building. It's a  
19 fairly long building with a flat front, so maybe jogs or  
20 surface treatment to break up the monotony of the front  
21 facade. Elevations would need to be submitted to show how  
22 that's done.

23           We believe this is an unlisted action under SEQRA. It  
24 doesn't trip any of the Type I thresholds.

25           And lastly, we do not see any basis by which Sullivan

1                   - RE:  McDONALD ROAD 45 LLC -  
2 County GML review would be required.  It's not within 500  
3 feet of county resources or state resources that we could  
4 identify.

5           CHAIRMAN GREEN:  Anyone have any comments?

6           MR. SAMUELSON:  I have one further question regarding  
7 the variance.  Do you guys do a referral to the ZBA from this  
8 board or can I just make that separate application?

9           MR. STACH:  Yes, this board will refer you.

10          MR. SAMUELSON:  Okay.

11          MR. STACH:  I believe you could also get a referral from  
12 the Building Department, but I don't see any reason why you  
13 would.

14          MR. SAMUELSON:  Okay.

15          MR. STACH:  This is unlisted so we could do an  
16 uncoordinated review, but it's probably just easier for us to  
17 do coordinated review --

18          MR. SAMUELSON:  Right.

19          MR. STACH:  -- under SEQRA.

20          MR. SAMUELSON:  Okay.

21          MR. STACH:  One of the things that is going to likely  
22 come up under SEQRA that you're going to have to look into, I  
23 don't think you'll necessarily have an issue with it, but  
24 it's going to have to be investigated, is visual impacts from  
25 the Long Path which is right on the ridge overlooking the



1                   - RE:  McDONALD ROAD 45 LLC -

2  site.

3           MR. SAMUELSON:  Uh-huh.

4           MR. STACH:  You're right next to the much larger Kohl's  
5  warehouse so I don't think it's necessarily going to be an  
6  issue, but it is going to be identified in SEQRA.  And also,  
7  the D and H Canal Trail, and you are located over the  
8  aquifer.  So I think we'll want to understand how your  
9  operation will be protective of the aquifer and I'm sure that  
10 would be something that Mr. Paggi takes a look at, also.

11          MR. SAMUELSON:  Okay, okay.  So you would wait for that  
12 referral to the ZBA until we get further along with some of  
13 the detailed designs rather than doing it now or ...

14          MR. STACH:  I would suggest, yes.

15          MR. SAMUELSON:  I would rather do it now to know where  
16 I'm going to be with the variance on the parking before I get  
17 too detailed in design before I have to revise everything.

18          MR. STACH:  Here's the thing.  If you go now for parking  
19 and you submit an application and get a little down the road  
20 and find out you need something else, now you're going back.

21          MR. SAMUELSON:  Okay.

22          MR. STACH:  If you submit a full application, the  
23 Building Inspector can do a full code review, we can do our  
24 full reviews, and if you have to go to the ZBA you'll go --

25          MR. SAMUELSON:  At that point.

1                   - RE:  McDONALD ROAD 45 LLC -

2           MR. STACH:  -- at that point.

3           MR. SAMUELSON:  Okay

4           MR. STACH:  And the Planning Board can also, I don't  
5 know if they've done this in the past, but sometimes when  
6 boards refer things to the Zoning Board, they give some kind  
7 of impression favorable or unfavorable --

8           CHAIRMAN GREEN:  Yes.

9           MR. STACH:  -- and so that might also be done.

10          MR. SAMUELSON:  Okay.  If there's no other comments,  
11 then I think I'm good.  I know where we have to go.  I  
12 appreciate it.  Thank you for your time.

13          CHAIRMAN GREEN:  Thank you for coming.

14                               (Time noted:  7:19 p.m.)

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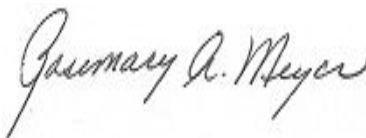
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REPORTER'S CERTIFICATION

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 McDonald Road 45 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: April 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X  
Sol Source Power (Steven Long)  
On Behalf of Michael Kuhl  
Installation of Approximately 5 mw Large Scale  
Community Solar Array  
Tax Map Section 72; Block 1; Lot 2.1  
Residential Agricultural Zone  
----- X

Town Hall  
Town of Mamakating  
February 14, 2023  
7:19 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
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- MEGAN COMFORT, Building Department
- J. BENJAMIN GAILEY, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner

Also Present: Adam Fishel, P.E., CPESC  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1                   - RE: SOL SOURCE POWER -

2           CHAIRMAN GREEN: The next applicant is Sol Source Power,  
3 Steven Long, on behalf of Michael Kuhl, installation of  
4 approximately five megawatt large scale community solar  
5 array. The property is located on Upper Road, Tax Map  
6 Section 72; Block 1; Lot 2.1. It is approximately 68.09  
7 acres and lies in the Residential Agricultural Zone.

8           MR. FISHEL: Good evening, everybody. Adam Fishel,  
9 Marathon Engineering, civil engineer for the project. With  
10 me tonight is Glen Land from Sol Source Power and Ryan  
11 Abruzzo from our office. I decided, through Kyra's help, to  
12 use the projector here tonight and hopefully, it's a bit  
13 easier to see things.

14           We were last before you folks back in December before  
15 the Christmas holiday where we received, you know, several  
16 comments from both the Town Engineer and Town Planner, and  
17 also the Planning Board staff, as well. We've, since that  
18 submission, revised the layout a bit to have -- my pointer is  
19 not showing. We've revised the access road as it comes up  
20 into the site and turns toward the array to come in more on  
21 the south side of the array versus going up and traversing  
22 the slope on the east side to try to help with maintaining  
23 some of the vegetative buffering along the east side. This  
24 revision does trigger the need for a wetland permit from the  
25 Army Corps. We're expecting the wetlands to be federally

1                   - RE: SOL SOURCE POWER -

2 jurisdictional.

3           We are providing a bridge structure, a precast concrete  
4 deck panel, to try to traverse some of the wetland areas, but  
5 we are resulting in an unavoidable wetland impact that will  
6 require a wetland permit, as I said.

7           Through the previous meeting there were some comments  
8 and requests for the visual simulations, and through the  
9 Board's input we did collect photographs. Just due to the  
10 timing as to when we got feedback on where the photo  
11 locations needed to be and the holidays and getting the  
12 renderings done, we only were able to render two locations  
13 for tonight. But with further input, we can certainly refine  
14 those and have them formally resubmitted to you folks for  
15 review.

16           If you could go, Ryan, to the Google Earth image.

17                   (Google Earth image was displayed on the  
18 screen.)

19           MR. FISHEL: So in red you can see that's the general  
20 location of the site. There were some photo locations  
21 requested of us on, pardon me, Nichol Drive, Karen Joy Drive,  
22 Jean, I think it's Jean Road, and then the one --

23           I can't see the one down there on the south. What's  
24 that one Ryan?

25           MR. ABRUZZO: Robinson and Maple.

1                   - RE: SOL SOURCE POWER -

2           MR. FISHEL: Robinson and Maple.

3           Looking at the viewshed from along Robinson Road, you  
4 know, that's the furthest viewpoint from the site and there's  
5 a lot of vegetation that's right up close to the road.

6 There's actually a rise in the terrain between Robinson and  
7 Jean Ridge Road that would likely provide a fair amount of  
8 visual buffering for those properties along Robinson.

9           If you can go back to the visuals there, Ryan. Thank  
10 you.

11                   (Visuals was displayed on the screen.)

12           MR. FISHEL: So this is the one at the bottom of Karen  
13 Joy Drive and Nichol Road, existing. I can hand out some  
14 hard copies here. But that's looking up Nichol Road toward  
15 the site and that's existing conditions. And under proposed  
16 conditions, you can see a little bit of the site. And  
17 similarly, at the top of the hill, the cul-de-sac on Nichol  
18 Road, you can also see the array, and I can hand out some  
19 hard copies here.

20           CHAIRMAN GREEN: So this is Nichol and Karen Joy Drive?

21           MR. FISHEL: Correct.

22           CHAIRMAN GREEN: Okay. Yes, because I'm down here.

23           MR. FISHEL: So in an effort to provide some additional  
24 visual buffering, you know, based on these visuals, we will  
25 add some vegetative buffering along that south side of the

1                   - RE: SOL SOURCE POWER -

2 project site in addition to, you know, the east, east  
3 property line.

4           Based on some suggestions from the Town Planner at the  
5 last meeting and through input from the Planning Board's  
6 staff, requests were made to do some visuals on Stagecoach.  
7 Once we started looking into that, Stagecoach appeared to be  
8 a private drive so we're really not sure how we could get up  
9 on a private property to snap a photo across someone's yard  
10 to render it. I'm happy to have a conversation with Planning  
11 staff or the Code Enforcement Officer to find a way to get  
12 access to render those views, but we are open to providing,  
13 you know, visual mitigation along those areas, too, if  
14 warranted.

15           So these, again, are the only two that we had the  
16 ability to render for tonight. We do have our visual  
17 consultant working on the remainder locations.

18           As you get further away from the site, similar to  
19 Robinson Road, the terrain does provide some level of  
20 buffering along with the existing vegetation along those  
21 roadways. But we'll do our best to render those in the next  
22 submission.

23           We did receive the Town Engineer comments. We also  
24 received the Town Planner comments. I think, and Christian,  
25 correct me if I'm wrong, I think the crux of what we need to



1                   - RE: SOL SOURCE POWER -

2 work out is just the DEC's compliance or whether or not we  
3 comply to the stormwater regulations dictated for these types  
4 of projects. There's some other, I consider minor  
5 engineering details we need to work out, but that's the big  
6 one that we need to sort out. So we have reached out to the  
7 Natalie Brown at DEC. As of this morning she's open to  
8 having a coordinated meeting between you and I and her to  
9 sort this out. That's one item I don't have a clear answer  
10 for tonight, but that's certainly something that we're going  
11 to look through.

12           As far as the Town Planner comments, I think the two  
13 bigger ones, or maybe three, rather, are compliance to the  
14 tree clearing criteria. I realize I probably didn't answer  
15 one of the questions quite appropriately, being the five area  
16 one. And really, you know, this goes back to that arborist  
17 survey that was done on the site before. You know, we tried  
18 to get the map showing the limit of their study that was done  
19 prior to this project and we really didn't get more than a  
20 pencil sketch. So what we're going to do is have them go out  
21 and place flags or tape in the area that they actually  
22 surveyed so that then we can quantify that boundary for the  
23 limit of their survey, and then to have them also do the same  
24 thing for the forested areas that have the trees that are  
25 greater than eight inches in diameter so that we can also

1                   - RE: SOL SOURCE POWER -

2 quantify that criteria.

3           MR. STACH: Does that pencil drawing show where?

4 Usually, when they go out and do tree surveys they identify a  
5 tree on a map and they key it to species, size and condition.  
6 They didn't do anything like that?

7           MR. FISHEL: So the letter that we got, it did identify  
8 certain tree species, the size and how many are living or  
9 dead, but it didn't specify specific points as to where they  
10 were located. We got, you know, a general kind of marker on  
11 that aerial, this is where I looked at. So we need to do  
12 some more homework on that because we do have -- admittedly,  
13 we have, on our tree clearing plan, eight acres of clearing,  
14 whether that's brush, scrub removal or, you know, certainly,  
15 some of that's going to be trees over eight inches in  
16 diameter. We've just got to quantify that better, so we'll  
17 work on that one.

18           On the criteria that --

19           MR. STACH: I would think it's worthwhile for you to  
20 settle that with the Planning Board, how you're going to  
21 attack that, if you're going to be having those arborists  
22 come back to the site.

23           MR. FISHEL: Sure.

24           MR. STACH: Obviously, we don't want you to undergo the  
25 cost of coming back a third time --

1                   - RE: SOL SOURCE POWER -

2           MR. FISHEL: Sure.

3           MR. STACH: -- if you don't give us. I mean typically,  
4 in our experience, what's happened is within the limit of  
5 disturbance, meaning you don't have to do any surveys outside  
6 of the area you're not proposing to disturb. Maybe you go  
7 ten feet if you think you might end up, in the future, going  
8 in a certain direction because you're moved out of a  
9 different area. But generally, you know, within the area of  
10 disturbance, we would be looking for you to identify trees  
11 over a certain diameter at breast height. I think the code  
12 requires you to look at eight inch and 15 inch. So  
13 typically, what we would do is we would say at least show us,  
14 on a map, where the eight inch trees are and that way we know  
15 the area that you're clearing is not one of these forested  
16 areas. You know, if there's a few eight inch trees in there,  
17 that's not a forest. But if there is, you know, 20 eight  
18 inch trees, then it's likely it's in a small area, then it's  
19 slightly a wooded area. That's typically what we would ask.  
20 If you're looking for providing less than that, I think it  
21 probably makes sense to clear that with the Planning Board  
22 now.

23           MR. FISHEL: Sure. So I guess that would be my  
24 approach. As the --

25           I'm sorry. What's your name?

1                   - RE: SOL SOURCE POWER -

2           MR. STACH: Max.

3           MR. FISHEL: Max or Matt?

4           MR. STACH: Max.

5           MR. FISHEL: Max.

6           As Max aligned, that would be my general approach as to  
7 how we would get more information to hopefully demonstrate  
8 compliance to that criteria. Does that seem reasonable?

9           MR. STACH: Yes.

10          MR. GAILEY: I would just say take a look at H(3).

11          MR. FISHEL: H(3)?

12          MR. GAILEY: Yes. Well, 199-21(H)(3), and then also  
13 (H)(4)(B) and (4)(D).

14          MR. FISHEL: Okay. So there was also the question about  
15 clearing of mature forest. One thing that was outlined in  
16 the arborist's letter was that a majority of the trees that  
17 they surveyed within that area did not quantify, did not  
18 constitute the mature forest, which is the 50 percent cover  
19 at 15 inches diameter breast height or larger. So that's why  
20 we're making that argument, that that criteria isn't really  
21 applicable to the area of the solar array that was surveyed  
22 by the arborist. But again, we need to have that area  
23 delineated so that you folks can understand that.

24          MR. STACH: And I think that your tree survey will bear  
25 that out. So if he's telling us what the DBHs are of the

1                   - RE: SOL SOURCE POWER -

2 trees and we're not finding large stands of 15 inch trees in  
3 an area, then that's bearing out his testimony, or her  
4 testimony.

5           CHAIRMAN GREEN: Okay.

6           BOARD MEMBER GOODMAN: I see the letter here that has  
7 this list. It's above what they're giving you here with the  
8 heights, the size of the trees and --

9           MR. STACH: Yes. So typically, when a tree survey is  
10 done, you don't just get a summary list of what's present on  
11 the site, you get a map tied to it and they actually identify  
12 where the trees are because they have to do that anyway.  
13 They're logging, they're going around and they're saying:  
14 Here's one tree at this size. It's this species, it's this  
15 condition, dead, healthy; right? So typically, that's key to  
16 a map. And usually, the arborist has a GPS and it's very  
17 easy for them to enter all this information on a GPS as  
18 they're going around the site, and then it automatically  
19 populates into a CAD drawing. It's very straightforward.  
20 What we're missing is that map. We have the summary of the  
21 data, but not the map. I think that's because, as the  
22 Applicant mentioned, this was probably done a long time ago.  
23 So this was before, presumably, somebody would do that and  
24 they were just writing down notes or on a sketch, something  
25 to that effect. So I think if you get this information then

1                   - RE: SOL SOURCE POWER -

2   you're able to not only hear the testimony of the arborist,  
3   you're able to verify it by looking at the map and then you  
4   don't have to necessarily hire your own professional to  
5   verify their opinion, which is what I would say without a map  
6   you'd have to do at this point; right? He says there's no  
7   mature forest. So typically, if somebody says there's going  
8   to be no drainage impact you hire an engineer to verify it;  
9   right? Here, if you were to rely on that, the recommendation  
10  would be hire an arborist to verify it. Instead, show us the  
11  map and then we can all look at it and understand what's  
12  going on on the site and verify it.

13           CHAIRMAN GREEN: You may remember when we did the  
14  Delaware River project that we had the outlines of where the  
15  trees were and it looked like there was a lot of growth, but  
16  in fact, we had just one big area in the middle. The others  
17  were just scrub brush that had grown up. In fact, our  
18  pictures had shown it hadn't even been there five or six  
19  years ago. So yes, if it turns out that all the tall trees  
20  are in one area, then they're a forest. But if it turns out  
21  well, there's one here, there's one there, they're not.

22           MR. FISHEL: So limit of the tree survey and location of  
23  the alive trees that meet that criteria is what I'm hearing.

24           MR. STACH: Well, the tree survey should be all trees  
25  over eight inches, key to a map.

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2           MR. FISHEL: Alive or dead or just alive?

3           MR. STACH: Alive and dead.

4           MR. FISHEL: Okay.

5           MR. STACH: Right? And then the arborist is going to  
6 indicate the condition because it'll be dead, it'll be alive.  
7 There may be some that are in poor condition that are  
8 probably going to die, right, that aren't dead.

9           MR. FISHEL: Sure.

10          MR. STACH: We would want to know that. That way the  
11 Board can make a determination. You know, if you have a  
12 couple live ones but they're on the way out, that might be  
13 different than if you have healthy trees in that area.

14          MR. FISHEL: Sure. Okay.

15          MR. STACH: And typically, the arborist would categorize  
16 the health of the tree.

17          MR. FISHEL: Yes, and they have. We just want to make  
18 sure we're communicating what we need to do to them.

19          MR. STACH: Yes.

20          MR. FISHEL: Understood. Okay.

21          BOARD MEMBER STAROBIN: I have a question. It's  
22 partially legal and partially engineering. They mention on  
23 the site it varies from some areas having 30 degree slope  
24 down to five percent slope with an average of eight percent.  
25 With the remediation of this, what happens if, in fact, you

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2 know, precipitation events have been increasing, what happens  
3 if it breaches these mitigation measures that are made?  
4 Because we already have problems on that area and, you know,  
5 if they follow regulations and it fails, who's responsible at  
6 that time?

7           MR. PAGGI: So the stormwater design is our major  
8 comment. Based on the information that was submitted, we  
9 don't really believe that it meets the criteria for the DEC's  
10 guidelines that they're applying right now. We're going to  
11 work through with the Applicant and the DEC and if it's  
12 determined that they don't meet that criteria, they're going  
13 to meet the more stringent criteria in the stormwater design  
14 manual which assumes that the panels are an impervious  
15 surface and provide adequate treatment, stormwater detention  
16 as such. So it would significantly enhance the stormwater  
17 management design associated with this project.

18           With that said, I'm not sure where those types of  
19 practices would be able to be located on a site like this,  
20 but that's something that really needs to be looked at  
21 closely. So stormwater is a significant concern with this  
22 application. If there's existing drainage issues out there,  
23 I think that those should be documented.

24           Is there something specific that you're aware of or  
25 that's been brought up by the public?



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2 BOARD MEMBER STAROBIN: Well, I know on that whole side  
3 of the mountain it's an issue.

4 MR. PAGGI: Yes.

5 CHAIRMAN GREEN: Yes.

6 MR. PAGGI: For homeowners or ...

7 BOARD MEMBER STAROBIN: For homeowners. And, you know,  
8 about ten years ago one of the applicants had put a  
9 stormwater management system in. Not put it in, but the  
10 plans, which were pretty extensive, which looked like it  
11 would have remediated the problem. This is a fairly large  
12 area that's going to be disturbed. We want to make sure that  
13 it's going to handle the stormwater flow that's already  
14 coming off that mountain. It's not their fault, but that's  
15 an existing situation.

16 MR. PAGGI: And that's what we're looking for them to  
17 provide, more information to demonstrate that they are  
18 adequately mitigating those concerns.

19 So your other question, if it fails, who's responsible.  
20 It's a little bit of a loaded question. You can then look at  
21 why did it fail, was it due to maintenance. Any stormwater  
22 management practice, because there will be a SWPPP associated  
23 with this, will require stormwater maintenance agreements to  
24 be set in place. So they'll be required to maintain any  
25 practices, you know, consistent with that maintenance

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2 agreement and if it's not maintained then the Town has the  
3 right to go in and maintain, perform whatever maintenance  
4 work that needs to be performed, and that would need to be  
5 paid for by the Applicant. There are measures in place to  
6 make sure that one, it's maintained. Well, really, one, that  
7 it's designed correctly and that it meets current standard;  
8 two, that once it's installed that it's maintained. And then  
9 if those two items check out, that it did meet, the design  
10 did meet the standards, it was maintained and it failed, then  
11 that's got to be a unique situation and it depends on, it  
12 would need to be looked at closer. But ultimately, we try to  
13 avoid being in that situation by doing the homework now. So  
14 I don't know if that answers your question or not, but that's  
15 my ...

16           MR. GAILEY: It was a good answer.

17           CHAIRMAN GREEN: Are there any other questions,  
18 comments?

19           MR. FISHEL: So the other two comments that came out of  
20 the engineering and planning review last time, in addition to  
21 others, but we're primarily focused on reaching out to the  
22 fire department, which we have. We did get some additional  
23 comments and feedback here this morning so we're in the  
24 process of digesting that, as well as reach out. I think the  
25 comment letter noted town highway, but it's actually county

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2 highway. We have reached out and we've actually been in long  
3 conversation with them already. We've submitted initial  
4 plans to them showing the alignment of the driveway, the  
5 make-up, the geometry and so on to County DOT. We don't have  
6 any feedback yet, but we'll certainly keep that dialogue  
7 moving along.

8           So I guess that's the end of my spiel and presentation.  
9 Any questions?

10          CHAIRMAN GREEN: Any other questions?

11          Mort?

12          MR. PAGGI: I had a couple other comments I just wanted  
13 to bring up to the Board. One of them, we tend to ask for  
14 the solar projects some of the same questions and one of them  
15 is if this project is going to require any off-site work  
16 associated with the utility upgrade or utility provider or  
17 highway upgrade associated with this new solar, then that  
18 should be noted and potentially incorporated into the  
19 application as part of the SEQRA review. We asked that  
20 question. The Applicant has responded with some information,  
21 that the Bloomingburg substation will need to be upgraded, as  
22 well as need to be 180 million feet of overhead three-phase  
23 line upgraded and various overhead full mounted equipment to  
24 accommodate the connected load. So we're just asking for a  
25 little bit more information to clarify what that would

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2 entail. I know that some of that actually was included in  
3 one of those supplemental documents that you provided there.  
4 There was some description of what that work included.

5           But what I am just trying to point out to the Board is  
6 that if there's additional site disturbance or potential  
7 regulatory approvals that are required for this off-site  
8 work, it may need to be incorporated into this application as  
9 part of the SEQRA review. But we also don't want to make a  
10 mountain out of a molehill. We're just looking for a little  
11 bit more information for them to kind of quantify and qualify  
12 the amount of work that's happening. That way, the Board can  
13 make a determination of whether or not that type of work  
14 should be included or you guys should be reviewing any of  
15 that.

16           One other comment that we had, typically, we ask for an  
17 emergency action plan. That's something that the Planning  
18 Board has reviewed in the past as part of the site plan  
19 approval process. It also is something that emergency  
20 services has had a chance to review as part of the site plan  
21 review. They've asked if they could defer that and provide  
22 that as part of a conditional approval. I'm deferring that  
23 to the Board of how you'd like to handle that. Again,  
24 typically, it's reviewed by the Planning Board, but it's up  
25 to you if you think it's appropriate to have that

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2 administrative review by staff or by other consultants as  
3 opposed to Planning. If you defer as a conditional, allow it  
4 to be provided as a condition of approval, then you won't  
5 have the opportunity to review it, obviously.

6           MR. GAILEY: I think it's really faster for the  
7 Applicant to do that earlier in the process because we need  
8 the emergency services to review the plan and if that gets  
9 delayed until a conditional approval is granted, that's just  
10 going to delay final approval. I think the sooner the better  
11 for that.

12           CHAIRMAN GREEN: I would like to at least see it first,  
13 at least a sketch of it first.

14           MR. FISHEL: Sure. Okay

15           MR. PAGGI: That was it.

16           MR. STACH: I have some I wanted to go over, as well.

17           One of the responses to code review has do with  
18 sensitive natural communities. DEC has indicated that  
19 chestnut oak forest exists up on the ridge and it's sort of  
20 put a big swath, generally, you know, 30,000 feet, this is  
21 where it is, kind of thing, but it's not exact. On some of  
22 your plans you show a line of where that forest is, but you  
23 don't indicate how that line was located, if you had a  
24 certified professional that went out and actually surveyed  
25 the different sensitive natural communities or whether this

1                   - RE: SOL SOURCE POWER -

2 was sort of like the depiction of what came from DEC's  
3 Environmental Resource Mapper, map information. Typically,  
4 and I think in the past, what we would do is we would ask you  
5 to have somebody go out and identify the natural communities  
6 on site, not just the chestnut oak forest, but sort of  
7 generally across the site, this is a successional field, this  
8 is meadow, just so that we know that somebody who is  
9 qualified and knows what they're looking at has gone out and  
10 identified that there's no other natural communities on the  
11 site that are sensitive because we know that DEC doesn't know  
12 where all of these things are. So that was one point of  
13 clarification on that.

14           When your visual analyst goes out and takes the pictures  
15 they should be taking the pictures at a focal length that  
16 approximates the field of view of human eye, the human  
17 vision, which is generally around 30 millimeters on a full  
18 frame camera, and if they're using a crop lens camera it  
19 might change. So if you can make sure when they write up  
20 their report they are using the right focal length to mimic  
21 human vision, it's not telephoto zoom or it's not wide angle  
22 pan. It should be in the right field of view.

23           MR. FISHEL: Okay.

24           MR. STACH: In response to our comments on the stone  
25 walls that you're going to be moving, it said they would be

1                   - RE: SOL SOURCE POWER -

2 stockpiled and that the final disposition would be the  
3 subject of the contractors, the contractor would decide how  
4 their final disposition is.

5           MR. FISHEL: The final location of the stockpile.

6           MR. STACH: Right. The Planning Board, in the past,  
7 when you've dealt with these stone walls, from time to time  
8 you've asked that these stone walls be used as decorative  
9 elements. I just wanted to bring it to your attention. If  
10 you want these stone walls not to just remain in stockpiles,  
11 that's something you should direct the Applicant do.

12           And then we had prepared a --

13           MR. FISHEL: Sorry Max. Can I get an answer on that  
14 one?

15           CHAIRMAN GREEN: Does anybody have any comment on that?

16           BOARD MEMBER GOODMAN: Well, I've seen one type of stone  
17 walls, a historic stone wall that these are fields that have  
18 overgrown and it's --

19           MR. STACH: These are farm fields.

20           BOARD MEMBER GOODMAN: Yes.

21           MR. STACH: Stone walls.

22           MR. FISHEL: The idea, at least the intent on our  
23 drawings, would be that they would be stockpiled and not just  
24 landfill or buried. They would be stockpiled so that if and  
25 when the project is decommissioned 25 years from now, the

1                   - RE: SOL SOURCE POWER -

2 owner could then replaced put them in a fence or reuse them  
3 as they see fit. The problem I have with putting in a fence  
4 as a decorative measure, at some point the project is going  
5 to be decommissioned and that might not be where the  
6 landowner wants the stone wall in the end. But I'm happy to  
7 have that conversation and looking for some feedback on that  
8 one.

9           BOARD MEMBER GOODMAN: I know some towns have things  
10 trying to preserve stone walls, but I don't think we have  
11 such a thing in our town.

12           MR. STACH: Okay.

13           CHAIRMAN GREEN: Yes.

14           MR. STACH: Yes, if it's not important then --

15           CHAIRMAN GREEN: I don't think it's a big deal.

16           MR. STACH: We had prepared a Lead Agency NOI to being  
17 the SEQRA review on this, coordinated review. We're  
18 suggesting that you classify it as a Type I Action under  
19 SEQRA because of the area of disturbance. And we had  
20 identified the DEC, the NYSERDA, County Department of Public  
21 Works and the County Planning Department as involved agencies  
22 that need to be copied.

23           There may be variances required. Are you aware --

24           MR. FISHEL: We haven't identified any as of right now.

25           MR. STACH: Yes. I'm not sure. It might be a good



1                   - RE: SOL SOURCE POWER -

2 idea, however, to notify them just in case, in the future.

3           MR. FISHEL: The Town ZBA?

4           MR. STACH: The Town ZBA.

5           MR. FISHEL: Yes.

6           MR. STACH: I think that was one that we were going to  
7 suggest you add to this list just in case we need to. It  
8 won't make us start back a Phase 1. That is something that  
9 you could do tonight if you wanted, notice your intent to  
10 declare Lead Agency.

11           CHAIRMAN GREEN: So we have enough information to do  
12 that at this point?

13           MR. STACH: If you feel like these most recent maps are  
14 adequate for the agencies to start their reviews and  
15 understand whether there is going to be impacts, I would say  
16 yes because the intent of SEQRA is that you begin as early as  
17 possible in the process.

18           CHAIRMAN GREEN: Okay. And this will be a Notice of  
19 Intent, meaning if there are other agencies that thought, No,  
20 you don't have the resources to do this, they would step in  
21 and ...

22           MR. STACH: So typically, it's if they feel they have  
23 better ability to review and require mitigations, or if there  
24 was some outstanding issue of import, that's the time when  
25 they say, No, we're going to be Lead Agency, Town, you step

1                   - RE: SOL SOURCE POWER -

2     aside. And then ultimately, you would have to come to an  
3     agreement on who's going to serve.

4             In this instance, really, what you're doing is you're  
5     alerting them so that they inform you if they have any  
6     concerns or what their permit authority is. So when you send  
7     this to the DEC they'll tell you whether or not they need  
8     some type of permit for incidental taking because it's so  
9     close to bat hibernacula or something like that.

10            CHAIRMAN GREEN: So you think they have enough  
11     information with what we've been presented that they could  
12     make that determination?

13            MR. STACH: I do.

14            CHAIRMAN GREEN: Okay.

15            MR. FISHEL: If I could add one agency to your list,  
16     Max, is the Army Corps.

17            MR. STACH: Army Corps we will send to.

18            MR. FISHEL: Okay.

19            MR. STACH: But they're not actually subject to SEQRA.

20            MR. FISHEL: Just want to make sure that they're  
21     getting --

22            MR. STACH: Yes.

23            MR. FISHEL: -- the communication from you folks, that's  
24     all.

25            MR. STACH: Yes. So federal agencies are not subject to

1                   - RE: SOL SOURCE POWER -

2 State --

3       MR. FISHEL: Okay.

4       MR. STACH: -- Environmental Quality Review. We can  
5 send them for information purposes. I can add that to the  
6 list.

7       MR. FISHEL: And we are obviously coordinating with them  
8 on the jurisdictional determination, both them and DEC, on  
9 the wetlands, regardless.

10       MR. STACH: Right. And they don't have to wait. They  
11 can give you a permit tomorrow.

12       MR. FISHEL: Yes.

13       MR. STACH: And likewise, County Planning isn't really  
14 an involved agency, but because they're interested we include  
15 them.

16       MR. PAGGI: There's no indication that the DEC would  
17 take jurisdiction?

18       MR. FISHEL: I don't see that happening. The wetlands  
19 on the site aren't large enough and just the way that the  
20 federal rule has been written, we see them being federally  
21 jurisdictional or isolated nonjurisdictional.

22       MR. PAGGI: I think that in the past two years they've  
23 revised how they issue those nationwide permits. Where it's  
24 requires the DEC water quality permit, then you do have to  
25 wait for SEQRA before the --

1                   - RE: SOL SOURCE POWER -

2           MR. FISHEL: Before the permit's issued, yes.

3           MR. PAGGI: Right. So that will hold up your permit.  
4 We've run into that.

5           MR. FISHEL: Yes. To Max's credit, if we could start  
6 the SEQRA process to get that ball rolling because I think  
7 these items that are at hand now, through coordination with  
8 Christian and DEC, I think we can come to a resolution,  
9 hopefully, and not change the scope of the project, but we  
10 have to go down that road to figure that out. I think we can  
11 achieve, we're looking forward to address Max's team's  
12 concerns on how we're checking the box for the remaining  
13 zoning criteria.

14          CHAIRMAN GREEN: Does this bind us in terms of any sort  
15 of time frame? Because I don't want to rush. There are a  
16 lot of issues that you all brought up and I don't want to  
17 find out, Well, you started this so you only get 30 days to  
18 review the engineering or the community --

19          MR. GAILEY: No, it does not.

20          CHAIRMAN GREEN: Okay. I'm fine with it. Anybody else?

21          MR. GAILEY: Will there be any County Industrial  
22 Development Agency?

23          MR. FISHEL: Sorry. Say that again.

24          MR. GAILEY: Will you be involved with the County  
25 Industrial Development Agency? Should we notice them?

1                   - RE: SOL SOURCE POWER -

2           MR. FISHEL: They would -- not to my knowledge, unless  
3 we're going for --

4           Are we going for a PILOT on this one from the IDA?

5           UNIDENTIFIED SPEAKER: I think we might.

6           MR. FISHEL: From the IDA or the ...

7           UNIDENTIFIED SPEAKER: (Inaudible.)

8           MR. FISHEL: Yes. Maybe.

9           MR. GAILEY: So we'll add them.

10          MR. FISHEL: Okay.

11          CHAIRMAN GREEN: All right. Well, I think it's okay.

12          So do I have a motion to declare us as the Lead Agency?

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

14          CHAIRMAN GREEN: Alex.

15          Do I have a second?

16          ALTERNATE BOARD MEMBER JENSEN: Second.

17          CHAIRMAN GREEN: Adrienne.

18          All in favor?

19          BOARD MEMBER GOODMAN: Aye.

20          BOARD MEMBER STAROBIN: Aye.

21          BOARD MEMBER LACEY: Aye.

22          BOARD MEMBER GLISSON: Aye.

23          ALTERNATE BOARD MEMBER JENSEN: Aye.

24          CHAIRMAN GREEN: Aye.

25                   (The motion was agreed and carried.)

1                   - RE: SOL SOURCE POWER -

2           MR. GAILEY: And out of that motion, this is a Type I  
3 action and this Board will be coordinating SEQRA review.  
4 Don't need to revote that. It's part of the motion.

5           CHAIRMAN GREEN: Okay.

6           MR. FISHEL: Thank you very much. We appreciate it.

7           And as far as timeline, Kyra, the submittal deadline for  
8 the March meeting is Tuesday?

9           MS. PLATT: Yes.

10          MR. FISHEL: So I think we'll be back before you  
11 probably in April at this point.

12          I appreciate everybody. Thank you very much.

13                   (Time noted: 7:54 p.m.)

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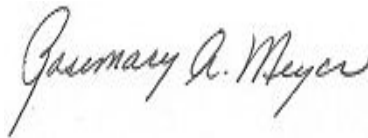
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Sol Source Power, 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: April 4, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X

Beth Hamedrash Shaarie Yosher Institute Inc.  
Proposed Amended Site Plan  
Tax Map Section 63; Block 1; Lot 49.3  
Mountain Greenbelt Zone with Shawangunk  
Ridge Protection Overlay

----- X

Town Hall  
Town of Mamakating  
February 14, 2023  
7:54 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- J. BENJAMIN GAILEY, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner

Also Present: Martin Miller, ESQ.  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer



1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           CHAIRMAN GREEN: Okay. The next applicant is Beth  
3 Hamedrash Shaarie Yosher Institute, incorporated, proposed  
4 amended site plan, fence and mikvah. The property is located  
5 at 437-438 South Road, Tax Map Section 63; Block 1; Lot 49.3.  
6 It is approximately 46.16 acres and lies in the Mountain  
7 Greenbelt Zone with Shawangunk Ridge Protection.

8           So who's here for that?

9           MR. MILLER: Yes.

10          CHAIRMAN GREEN: Okay.

11          MR. MILLER: I'm giving out the door prizes.

12          Good evening. Marty Miller for the Applicant.

13          When we were last here -- I don't have the foam board  
14 and the maps, but I think we've narrowed this down to two  
15 basic issues. The camp is putting in, or will be putting in  
16 a security fencing which is an appropriate installation with  
17 a children's camp, and more particularly, important and  
18 substantially supported by Homeland Security because of the  
19 nature of the camp and the attendees there.

20          The question that was presented rightfully by the Board  
21 was the issue of the gates and access and emergency access.  
22 To that end, today, the Fire Department provided a letter  
23 regarding that, approving of the fence, its location and  
24 discussing the locks for the gates.

25          The Fire Department indicated that there were two

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 acceptable -- well, there were multiple acceptables, but they  
3 didn't want to deal with the issue of the siren based access.  
4 They thought that might be a little complicated. So they  
5 suggested either a key based access or a combination based  
6 access. For purposes of humor, my client said if we use a  
7 combination based access it'll only be a matter of perhaps a  
8 day and a half before everyone in the camp has that  
9 combination and it'll be self-defeating. So they're going to  
10 go with a key based access. And the observation made by the  
11 Fire Department is that every vehicle carries a bolt cutter,  
12 as well as the keys to all the gates. But should they have  
13 an issue with respect to the need for emergency access, they  
14 have that handy dandy large key which will destroy the lock,  
15 and that's certainly appropriate. All the locks will be  
16 keyed alike and that addresses the concern that the Board  
17 raised relative, I think that addresses that concern, with  
18 respect to the gates which are needed for the security.

19           The other issue which was raised and asked that we  
20 review was the issue of the Department of Health with the  
21 installation of the mikvah at the site. To that end, our  
22 engineers had prepared an analysis which had been submitted  
23 earlier which indicated there'd be no greater water usage and  
24 that there would be no greater burden on the sewage disposal  
25 system. We've submitted that information to the DOH and by

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 letter of January 18th, the Department of Health has  
3 confirmed that and indicated that the mikvah can be built.  
4 The letter from the engineer indicates the conversion does  
5 not add any additional outfall flows to Outfall 18 or any  
6 other outfall at the facility; that the use of the mikvah is  
7 limited to campers or staff currently living there, which is  
8 what we represented; and that the camp will continue not to  
9 do laundry on site.

10           So with those two issues being the key issues for the  
11 minor modification of the site plan, we'd ask the Board to  
12 approve those modifications so that we can move forward.  
13 We'd like to move forward with the construction of the mikvah  
14 as quickly as possible so that it could be utilized for the  
15 summer session this year. The delay, any delay would defer  
16 that.

17           With respect to the fencing and the gates, they can go  
18 up now and the appropriate lock can be installed, the Fire  
19 Department can be provided with the access.

20           And I think that addresses the concerns that the Board  
21 raised when we were last here. So if there are any other  
22 concerns or questions, I'd be prepared to respond to them,  
23 but I think we're ready to move to the step of, Thanks, guys,  
24 we're going to go forward.

25           MR. GAILEY: What exactly is the application here, to

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 install the fence?

3           MR. MILLER: There was a site plan submitted which  
4 showed the location of a security fence at the camp. Yes,  
5 we're modifying the site plan slightly to reflect that fence.

6           MR. GAILEY: The fence has not previously been approved  
7 by this board; correct?

8           MR. MILLER: No, that is correct.

9           MR. GAILEY: Okay. I think we need a public hearing  
10 before the Board --

11          MR. MILLER: I think it's a minor modification of a  
12 preexisting approval. I don't think you need a public  
13 hearing for the installation of a fence at a camp.

14          MR. GAILEY: Can you point me to the provision in the  
15 code?

16          MR. MILLER: Yes. It's called logic.

17                         (Mr. Gailey examining the code.)

18          MR. PAGGI: So plans weren't submitted. Plans were not  
19 submitted with this.

20          MR. MILLER: Yes, they were. They were at the last  
21 hearing.

22          MR. PAGGI: At the last meeting, right.

23          MR. MILLER: Yes.

24          MR. PAGGI: So we didn't provide a comment letter. We  
25 did receive the letter from the Health Department.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           I think the only other item that I can recall, but  
3 again, plans were not submitted so we didn't review anything,  
4 if there were any changes to the plan since that previous  
5 meeting. The plans submitted for that meeting did show a  
6 fence detail and I believe the fence was indicated to be  
7 eight feet tall. I'm not sure if that was an error. We  
8 didn't get any positive feedback or confirmation from the  
9 Applicant whether an eight foot fence was, indeed, being  
10 proposed and that that would be addressed.

11           Is an eight foot fence proposed or --

12           MR. MILLER: I have to be honest with you. I'm not  
13 certain as to the height of the fence.

14           BOARD MEMBER GOODMAN: I believe it was in one place it  
15 was referred to as a six foot fence and then somewhere else,  
16 on the drawing maybe it's an eight foot and in the narrative  
17 it said six foot or vice versa.

18           MR. PAGGI: Right, there was a discrepancy. I think an  
19 eight foot fence is going to require a variance.

20           BOARD MEMBER GOODMAN: Right.

21           MR. MILLER: We are talking about a security fence at a  
22 facility that is under the guidance of the Department of  
23 Homeland Security, who, in fact, is paying for a substantial  
24 portion, if not all of the fence. I just thought I'd point  
25 that out. I mean you can --

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           MR. PAGGI: It's just a matter that the Board needs to  
3 make sure that they're enforcing the code that the Town Board  
4 has enacted. There's a code stipulation about fence height.  
5 There was --

6           MR. MILLER: We can assure you that the fence will meet  
7 code. If it should turn out that the fence needs to be  
8 higher, if the Board gives us the approval and we need to go  
9 to the ZBA on that issue, we will. I don't believe that we  
10 will need that requirement.

11          MS. PLATT: So the Board would need that information in  
12 writing, I would assume.

13          BOARD MEMBER GOODMAN: Well, it says somewhere that it's  
14 eight foot. Are we then approving an eight foot fence or is  
15 that a condition when the permit is issued, if that doesn't  
16 meet the code does our approval allow that to ...

17          MR. PAGGI: This is a site plan. It's a site plan  
18 approval, that the plan will need to be endorsed by the  
19 Chairman. If there's small revisions that need to be made,  
20 those could be made as conditions of approval. This plan  
21 could be submitted, reviewed to make sure that it meets those  
22 conditions, such as to revising the fence height to six feet  
23 or whatever the code requires. That can be submitted and  
24 demonstrated before the Chairman signs the plans.

25          BOARD MEMBER GLISSON: Ben, is the construction of a

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 fence a major modification? I mean because it's turning on  
3 what he describes as an adjective which, in his mind, is a  
4 minor modification. Is the construction of an eight foot  
5 fence, regardless of whether Homeland Security or whoever  
6 pays for it, is it considered a modification that rises to  
7 the level of requiring a variance?

8           MR. GAILEY: Two different concepts. Whether it's a  
9 major modification and whether it requires a variance are two  
10 different things.

11          BOARD MEMBER GLISSON: Yes.

12          MR. GAILEY: Yes. Whether it requires a variance is  
13 dependent upon what the height limitation for fences are in  
14 the town code. If they're proposing an eight foot fence when  
15 the code limitation is six feet, this board doesn't have the  
16 authority to grant that approval until the variance has  
17 already been granted. The variance can't be granted after  
18 the fact.

19          Now, major modification is relevant as to whether the  
20 Board holds a public hearing or not because Max and I checked  
21 the code on the site plan application and the site plan  
22 amendment. Like it says, a public hearing is optional and  
23 it's up to the Board to determine whether they determine the  
24 amendment to be a major change to what had previously been  
25 approved or not.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2           BOARD MEMBER GLISSON: Okay.

3           MR. GAILEY: My question really is, I mean I haven't  
4 seen plans. I haven't been here lately. But Christian, do  
5 we know what the Board would even be approving at this point?  
6 Fence location, gate location?

7           MR. PAGGI: So they showed the fence location, the gate,  
8 the initial plans. There were a couple rounds of plans that  
9 were submitted. The initial plan, we had asked them to  
10 revise the location of the fence because it had encroached  
11 into the right-of-way. They did that. They provided a plan.  
12 They clearly showed the right-of-way and the fence located  
13 outside of it. They identified the gate location. I do  
14 think that they addressed a lot of the concerns.

15           Another part of the confusion was that there were other  
16 items or improvements that were wrapped into that  
17 application. There were proposed improvements to a pool that  
18 were originally a part of the application, I guess, that are  
19 no longer part of the application.

20           MR. MILLER: That's correct. This application is  
21 limited to the two issues, the fence and the installation of  
22 the mikvah in this location which previously housed the  
23 sauna.

24           CHAIRMAN GREEN: So have we reviewed that? Because  
25 you're right. I'm looking through my notes. The original



1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 project that was given to us in August of 2021 was the fence,  
3 the gate at the pool and the mikvah. I know that there were  
4 discussions and that's why you just cut the thing back to the  
5 fence. And it just strikes that all of a sudden, everything  
6 is back here. We haven't looked at that. I don't believe  
7 we've reviewed what's in front of us now. And to tell me,  
8 Well, we don't know if the fence is six feet or eight feet,  
9 by the way, go and approve it, I don't really think that's a  
10 good idea.

11           MR. MILLER: Well, I would suggest that you could  
12 approve it so long as it conforms with code. If it should  
13 turn out that the fence, that the Applicant is seeking a  
14 fence that is in excess of the code, one, Mary isn't going to  
15 give us a permit and we can come back and we can go to the  
16 ZBA. But presuming that it conforms to code, there's no  
17 reason that it shouldn't be able to be installed. That would  
18 be that.

19           And with respect to the other item that we're  
20 discussing, it was the question of the mikvah. The issue  
21 with the mikvah really was whether the facility would support  
22 it. And the answer to that is that the engineers and the DOH  
23 have reflected that it will support it and that it's within  
24 the confines of the preexisting structures. So it's a  
25 conversion in an existing location of a use.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           So those are the two issues that we're presenting.

3           MR. GAILEY: Is the camp currently in operation?

4           MR. MILLER: It is. Well, not in the winter, but yes,  
5 in the summer.

6           MR. GAILEY: Right. So you'll recommence operation in  
7 May, June?

8           MR. MILLER: Somewhere. I can't give you the date that  
9 people will show up. I'm assuming that in May at some point,  
10 or perhaps even earlier, staff may show up to get the  
11 facility ready and that sometime in perhaps June attendees  
12 will be there.

13           MR. GAILEY: So if the Board had the opportunity to get  
14 back up to speed on this application and make a decision next  
15 month, that would not cause any undue delay to the Applicant.

16           MR. MILLER: It would with respect to the mikvah and the  
17 construction of it, and to some extent, it may with the  
18 fence. I mean the answer is that the Board asked us for  
19 specific information to be comfortable with the fact that it  
20 was not a change that would cause any adverse use or activity  
21 and we provided that. It's totally internal to the property.

22           And with respect to the fence, it's outside the road,  
23 I'm going to say for the most part because the reality is  
24 that is where the buildings are. I don't know north, east,  
25 south, west, but if you're going down the road, on the

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 right-hand side, the buildings themselves are almost up  
3 against the road bounds and the fence would be in the  
4 vicinity of the buildings. So I don't want to suggest that  
5 some small portion of the fence might not be in road bounds,  
6 but they're certainly not within the travelled way of the  
7 existing road and they're beyond it, and it's within the area  
8 that is occupied by the camp and the campers.

9           BOARD MEMBER GOODMAN: I tend to agree. I think last  
10 month, the last time we visited this, that question of the  
11 access for the fire department was the only remaining thing  
12 that we were looking to clarify. I think we had worked  
13 through the rest of the issues with the fence.

14           CHAIRMAN GREEN: Okay. I'm looking at the Department of  
15 Health letter and they're saying that with the following  
16 conditions that the conversion to a mikvah does not add any  
17 additional flows to Outfall 18 or any other outfall on the  
18 facility. So how do we know that that's not going to do  
19 that? They're making that a condition.

20           MR. MILLER: Because the engineers have said that.  
21 That's what they're premising the, I'm going to use the word  
22 approval, but their response is premised on that. It would  
23 be -- if you have a hundred people, whether you have ten  
24 showers or a hundred showers, there are a hundred people and  
25 the calculation is based on the number of individuals, not

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 based on the number of facilities or toilets or those sorts  
3 of things.

4           CHAIRMAN GREEN: Okay.

5           MR. MILLER: This calculation is based upon the actual  
6 use at the site and the attendance at the site. And the, I'm  
7 going to say the plumbing of the site is remaining constant.  
8 That's what the engineers are telling us and that's what DOH  
9 is telling us.

10          CHAIRMAN GREEN: Okay.

11          MR. PAGGI: I'm not sure if that is exactly what that  
12 letter is saying. The DOH is approving, is saying that it's  
13 acceptable conditioned that you do not increase flows to  
14 Outfall 18. They're not saying you are not increasing flows  
15 to Outfall 18, they say conditioned that you do not.

16          MR. MILLER: We understand, and we're not. We're not  
17 increasing any flows. It's the same number of people and the  
18 way that that's restricted is by Item 2, it's limited to  
19 campers and staff currently living at the camp, without  
20 outside visitors. The water facilities at the site, both  
21 well and septic, are sufficient for the purpose of the people  
22 at the facility. These are people at the facility. So that  
23 issue is resolved within the confines of the engineering and  
24 the DOH. And the other condition is that we do not do  
25 laundry on site, which we do not do, because that would

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 burden the system further. So we are meeting those  
3 requirements and the engineers have demonstrated it.

4           CHAIRMAN GREEN: So have we seen those engineering?

5           MR. MILLER: I believe they were submitted to this board  
6 earlier on and they were submitted to DOH.

7           CHAIRMAN GREEN: Okay.

8           MR. MILLER: But certainly, DOH has seen them and passed  
9 on them as saying acceptable.

10          CHAIRMAN GREEN: Okay. So the question --

11          MR. MILLER: Reviewed and found acceptable.

12          CHAIRMAN GREEN: Okay. The question I was asking was  
13 just had we actually seen the engineering.

14          MR. PAGGI: That wouldn't be our jurisdiction, really,  
15 to review that.

16          So the DOH has said that they're okay with it. I mean  
17 they haven't added any stipulations like it needs to be  
18 metered and it needs to be monitored.

19          CHAIRMAN GREEN: Okay.

20          MR. PAGGI: So that's really up to them.

21          CHAIRMAN GREEN: So they got to see the engineering  
22 reports. Okay.

23          MR. PAGGI: They saw the engineering reports and they  
24 were acceptable.

25          CHAIRMAN GREEN: Okay. That's all I was asking.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           MR. MILLER: Don't assault that microphone. It's a nice  
3 microphone.

4           BOARD MEMBER STAROBIN: Is it already metered, the well?

5           MR. PAGGI: I'm sure that since it's a public water  
6 supply it probably is required to be metered.

7           BOARD MEMBER STAROBIN: So that's ...

8           MR. PAGGI: But I doubt that they -- I shouldn't say I  
9 doubt. That doesn't mean that each individual building is  
10 metered, like the mikvah. In order to know that they're not  
11 increasing flows to that specific outfall they would need to  
12 know how much water is going into that building that  
13 discharges to that outfall. If there was a concern that they  
14 could potentially be exceeding the capacity of that sewage  
15 disposal system or that outfall, then the Health Department  
16 could stipulate, Well, we want to meter that and we're going  
17 to be monitoring to make sure that it's not going to be over  
18 capacity. But it's --

19           BOARD MEMBER STAROBIN: Okay. This is not our issue,  
20 then?

21           MR. PAGGI: This is not our issue.

22           CHAIRMAN GREEN: Okay.

23           MR. GAILEY: Marty, was this January 18 letter  
24 previously submitted to the Planning Board or is this --

25           MR. MILLER: I don't know. I received it yesterday.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -

2           CHAIRMAN GREEN: No, we had it. It was in the  
3 information Kyra had sent.

4           MS. PLATT: The only letter that we did not get was the  
5 fire department letter.

6           MR. MILLER: The fire department letter appeared today.  
7 It's dated --

8           MS. PLATT: That wasn't given to the Department, though.  
9 I didn't get that. This department didn't get that. You  
10 just handed it --

11          MR. MILLER: No, no. I received it this afternoon. It  
12 was dated today. I'm presuming that it was generated today  
13 by the chief. I gave it to you. Literally, it was hot off  
14 the press.

15          MS. PLATT: I'll need a copy of it.

16          MR. MILLER: I'll get you one.

17          MS. PLATT: Thank you.

18          MR. MILLER: Or we'll swipe one of these and give it to  
19 you.

20          CHAIRMAN GREEN: Do you want --

21          MS. PLATT: Thank you.

22          MR. MILLER: You're welcome.

23          Never mind.

24          CHAIRMAN GREEN: Okay. All right. So what are we up  
25 to? So do we want to give them a conditional approval and

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 state that the fences have to be six feet or ...

3           BOARD MEMBER GOODMAN: No, that they have to meet code.

4           MR. MILLER: They have to meet code I think would  
5 address it. And therefore, if they don't meet code, Mary,  
6 one, is going to stop us and two, we'll have to come back to  
7 you.

8           MR. GAILEY: Yes. I think another condition should be  
9 conditioned upon review by the Board's engineer of the plans  
10 just to make sure everything is proper.

11          CHAIRMAN GREEN: Okay. That works.

12          MR. STACH: Can I ask very basic question? Was a  
13 special permit already approved on this and this is just an  
14 amendment to a site plan that's already been approved?

15          MR. MILLER: Yes is the answer.

16          MR. STACH: Okay. So there's a valid special permit,  
17 there's a valid site plan that was approved about six months  
18 to a year ago?

19          CHAIRMAN GREEN: I think it was like two years, two  
20 years ago.

21          MR. MILLER: It was pre-COVID, if I'm not mistaken. I  
22 could look it up.

23          CHAIRMAN GREEN: I think it was one of the first COVID  
24 meetings and I think we were all ...

25          MR. MILLER: There's an existing approval and this is a



1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2 modification of an existing approval.

3           CHAIRMAN GREEN: Because I do remember granting the two  
4 year approval. That, we did do.

5           MS. PLATT: That was back in --

6           CHAIRMAN GREEN: February?

7           MS. PLATT: February 9th, 2020, yes.

8           CHAIRMAN GREEN: Okay.

9           MS. PLATT: They got a two year extension.

10          CHAIRMAN GREEN: Were there any conditions with that?

11          MS. PLATT: Conditions being that there are no  
12 complaints the summer of the first year, we won't be seeing  
13 more people at the camp.

14          CHAIRMAN GREEN: Have we had any complaints?

15          MS. PLATT: I don't know off the top of my head without  
16 having the file.

17          CHAIRMAN GREEN: Okay.

18          MR. MILLER: When we were here last time we discussed  
19 the fact that we would go into the Building Department for  
20 the purposes of their review and reissuance of the updated  
21 permit.

22          BOARD MEMBER GOODMAN: I move that we move ahead with  
23 conditional approval with the two conditions noted.

24          MR. GAILEY: Just add to that a Negative Declaration  
25 under SEQRA.

1           - RE: BETH HAMEDRASH SHAARIE YOSHER INSTITUTE -  
2           BOARD MEMBER GOODMAN: Along with a Negative  
3 Declaration.

4           CHAIRMAN GREEN: Do I have a second?

5           BOARD MEMBER LACEY: Second.

6           CHAIRMAN GREEN: John.

7           All in favor?

8           BOARD MEMBER GOODMAN: Aye.

9           BOARD MEMBER STAROBIN: Aye.

10          BOARD MEMBER LACEY: Aye.

11          BOARD MEMBER GLISSON: Aye.

12          ALTERNATE BOARD MEMBER JENSEN: Aye.

13          CHAIRMAN GREEN: Aye.

14                         (The motion was agreed and carried.)

15          MR. MILLER: Thank you.

16          CHAIRMAN GREEN: You're welcome.

17          MR. MILLER: We will contact Mary and move forward.

18 Thank you. Have a good evening.

19                         (Time noted: 8:17 p.m.)

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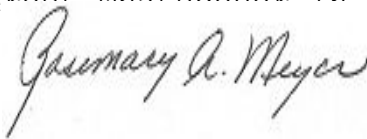
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REPORTER'S CERTIFICATION

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 Beth Hamedrash Shaarie Yosher Institute, Inc., to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: April 4, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X  
Ski Run Realty, LLC  
Proposed Amendment and Reapproval of  
Children's Summer Camp  
Tax Map Section 12; Block 1; Lot 7  
Burlingham Residential Zone  
Tax Map Section 12; Block 1; Lot 9.1  
Hamlet Center Zone  
----- X

Town Hall  
Town of Mamakating  
February 14, 2023  
8:18 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- J. BENJAMIN GAILEY, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner

Also Present: Amador Laput,  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1                   - RE: SKI RUN REALTY LLC -

2           CHAIRMAN GREEN: The next applicant is David Moskowitz  
3 on behalf of Ski Run Realty LLC, Camp Nitra, proposed  
4 amendment and reapproval of children's summer camp. The  
5 properties are located on Ski Run Road and 1478 Ski Run Road,  
6 Tax Map 12.-1-7, which is approximately 119.45 acres and lies  
7 within the Burlingham Residential Zone; and Tax Map  
8 12.-1-9.1, which is approximately 34.20 acres and lies within  
9 the Hamlet Center Zone.

10          MR. LAPUT: Good evening. Amador Laput, Fellenzer  
11 Engineering. I'm here with David Moskowitz of Ski Run  
12 Realty.

13          CHAIRMAN GREEN: Welcome.

14          MR. LAPUT: We're seeking a special use approval.  
15 Apparently, their two years has expired. So he was open last  
16 summer, with this camp, and he's hoping to open again this  
17 summer. So Mary Grass said get through the Planning Board  
18 and get the special use approval.

19                So of the two properties, the camp is entirely on  
20 12.-1-9.1, the 34 acres. So the other 12.-1-7 is not  
21 involved in camp operations. So the owners tried to just buy  
22 the camp but the previous owner wasn't willing to sell them  
23 off separately so he was selling them as a pair so the  
24 12.-1-7 came along with the camp.

25                So the 12.-1-7, apparently, the previous owners were not

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2 so good at keeping up the permits so for the past two months  
3 David has worked with Mary Grass on helping to get whatever  
4 permits were needed. So there were a couple dozen  
5 violations, so David had a number of documentation on Mary's  
6 desk that she will go through and hopefully clear most of the  
7 violations.

8           So we're not proposing any site improvements or  
9 improvements to any of the buildings, so tonight is just for  
10 the reapproval of the special use.

11           CHAIRMAN GREEN: Okay.

12           MR. LAPUT: Any questions?

13           CHAIRMAN GREEN: Max.

14           MR. STACH: So just for clarification, there is no  
15 amendment, this is just reapproval.

16           MR. LAPUT: Yes, I saw that. I don't know what an  
17 amendment to a special permit would be.

18           MR. STACH: Okay.

19           MR. LAPUT: Would it be a change of ownership? Would  
20 that be an amendment?

21           CHAIRMAN GREEN: Like adding a building --

22           MR. STACH: No.

23           CHAIRMAN GREEN: -- or something like that.

24           MR. LAPUT: Oh.

25           MR. STACH: So I guess --

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2           MR. LAPUT: There are no amendments in this application.

3           MR. STACH: So I mean the only thing I would say is this  
4 is fairly easy. Usually, when you have an expiring special  
5 permit you have a reason why you set up that and it's usually  
6 to make sure that you're complying with conditions on an  
7 ongoing basis. It would be our recommendation that you ask  
8 the Building Inspector for a report, that she finds the site  
9 is substantially consistent with the approved plan and  
10 there's been no outstanding violations of record or excessive  
11 complaints, sort of a report. Then the Board would use that  
12 as a basis to reauthorize.

13           BOARD MEMBER GOODMAN: You said the violations were on  
14 the one property or on both? The outstanding violations.

15           MR. LAPUT: David, was it both properties or mostly ...

16           MR. MOSKOWITZ: Most is on the camp property. Over the  
17 last six weeks Mary (inaudible).

18           CHAIRMAN GREEN: You know what --

19           MR. LAPUT: So it was both properties?

20           CHAIRMAN GREEN: The stenographer can't hear you. Just  
21 come up to the microphone. She has to be able to hear you.

22           BOARD MEMBER GOODMAN: Well, my question is if the  
23 purpose of coming before us is to make sure there aren't any  
24 violations and there are violations, do we just need  
25 something from Mary to say that now we have a new owner, he

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2 became aware of the violations and currently, he has applied  
3 for the permits to address all of the ongoing violations  
4 before we can say yes, or can we condition it on such a  
5 thing.

6           MR. STACH: I would ask for a report from your building  
7 inspector that, again, the site is substantially consistent  
8 with the conditions of your original approval, the original  
9 site plan; that all violations have been cured or, in her  
10 opinion, in the process of being cured. That would give you  
11 the basis for reauthorizing the approval.

12           I think the fact that it's changed ownership is a good  
13 explanation about why you would do that; right? You're not  
14 expecting to go through the same experience over the next two  
15 years because you have a new owner. But I would defer to --

16           MR. GAILEY: No, I agree. I think that's a good way.

17           CHAIRMAN GREEN: Yes.

18           MR. MOSKOWITZ: I would comment on that, that most of  
19 the violations come from the prior owner. I got the property  
20 with the violations.

21           CHAIRMAN GREEN: Yes.

22           MR. MOSKOWITZ: So as soon as we established, I was  
23 hired to take care. I'm in touch with Mary, Building  
24 Department, on a daily basis, to take care. We submitted  
25 some stuff. It's under her review.



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2                   So respectfully, I'm asking for a special use.

3                   CHAIRMAN GREEN: Yes, our concern is we just want our  
4 building inspector to just say, Okay, I'm aware of all these  
5 things and they're all being worked on. Not that they've got  
6 to be fixed before we approve anything, but just that we're  
7 aware of them. That's all we're asking for.

8                   MR. MOSKOWITZ: Okay.

9                   BOARD MEMBER GOODMAN: Because there could be violations  
10 that violate this special use permit --

11                   CHAIRMAN GREEN: Correct.

12                   BOARD MEMBER GOODMAN: -- that make it nonconforming.  
13 Whatever conditions were made when the special use permit  
14 was --

15                   MR. STACH: And you want Mary. Because when Mary goes  
16 and does an inspection, I don't know if her practice is to  
17 review, I guess the building code which she knows like that,  
18 right, and she can spot these things right away, or if she's  
19 doing an inspection with the special permit approval and the  
20 site plan in hand to make sure all those conditions are being  
21 met. So by asking her to verify that all the special  
22 conditions are being met, she will either say, Yes, I already  
23 checked and here's what I'm working with, or she'll arrange  
24 to make sure that those conditions are being met.

25                   CHAIRMAN GREEN: Yes, I think that's reasonable.

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2           BOARD MEMBER GOODMAN: So it seems like we can't move  
3 forward and grant the renewal until we have something from  
4 Mary, a report back, that explains what's going on and how  
5 you're remedying all these violations.

6           MR. LAPUT: Could that be a condition of approval?

7           CHAIRMAN GREEN: See, I don't like doing that just  
8 because it's a new owner and nobody's been out there for  
9 quite a while, so I'd rather just have her go and look.

10          BOARD MEMBER GOODMAN: We don't even know the extent  
11 of how egregious the violations could be so it really  
12 wouldn't be prudent.

13          MR. LAPUT: So David, would you be willing to tell them  
14 which violations are still open?

15          MR. GAILEY: No, we need to hear --

16          CHAIRMAN GREEN: We need it from her.

17          MR. LAPUT: Okay.

18          MR. MOSKOWITZ: Now we know exactly. She was on the  
19 property. I called her and she came in. She made a  
20 walk-through, she wrote down all the comments. So she knows  
21 well that I'm here to work through, cure all the violations.

22          CHAIRMAN GREEN: Okay.

23          MR. MOSKOWITZ: I don't think I will be able to finish  
24 with them before the season, but she has to give --

25          CHAIRMAN GREEN: Right.

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2           MR. MOSKOWITZ: -- if she feels okay that we are doing  
3 the work.

4           CHAIRMAN GREEN: Again, that's not the issue. We just  
5 want to see the list, that's all. We have had applicants in  
6 the past that have been in exactly the same situation. This  
7 is pretty much what we've done with them.

8           MR. MOSKOWITZ: How would that be? Mary will write a  
9 letter or call?

10          MR. GAILEY: Correct.

11          CHAIRMAN GREEN: Yes, tomorrow.

12          MR. GAILEY: She'll send a letter or a memo to the  
13 Board.

14          MR. LAPUT: Okay. Very good.

15          MR. MOSKOWITZ: Thank you.

16          MR. LAPUT: Thank you very much.

17          MR. STACH: Actually, reauthorization of a special  
18 permit is going to require a public hearing; right?

19          MR. GAILEY: I don't know.

20          MR. STACH: All special permit approvals require a  
21 public hearing.

22          MR. GAILEY: Renewals?

23          MR. STACH: I don't know if there's any provision in  
24 here for renewals.

25          MR. GAILEY: Okay.

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2           CHAIRMAN GREEN: All right. Hold on a second.

3           MR. GAILEY: I would suggest why don't we schedule a  
4 public hearing for your next meeting.

5           CHAIRMAN GREEN: Okay.

6           MR. GAILEY: If it turns out it's not necessary, we  
7 won't put the notice in the paper and we won't hold the  
8 hearing.

9           CHAIRMAN GREEN: Okay. It sounds good.

10          MR. GAILEY: If it's required, you've scheduled it.

11          CHAIRMAN GREEN: So what's going on here is in the code,  
12 in order to give you the special permit, to renew it you  
13 have, we think we may need a public hearing. We're going to  
14 schedule one. If we don't need it, we won't have it. It  
15 just gives the public a chance to come and say what they're  
16 going to say. We don't want to find that next month, no, it  
17 really did need a public hearing and have to do it the month  
18 after.

19          MR. LAPUT: Okay

20          MS. PLATT: I would just need to know no later than  
21 March 4th if it is going to go through with it, that way we  
22 can have everything sent out in timely manner.

23          MR. GAILEY: Not a problem.

24          CHAIRMAN GREEN: All right. So do I have a motion for a  
25 public hearing?

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2           MR. GAILEY:  When's your next meeting date?

3           MS. PLATT:  March 4th.

4           CHAIRMAN GREEN:  March 4th.  Right, it's four weeks.

5           BOARD MEMBER STAROBIN:  Motion.

6           CHAIRMAN GREEN:  Motion.  Good.

7           Second?

8           BOARD MEMBER GLISSON:  Second.

9           CHAIRMAN GREEN:  All in favor?

10          BOARD MEMBER GOODMAN:  Aye.

11          BOARD MEMBER STAROBIN:  Aye.

12          BOARD MEMBER LACEY:  Aye.

13          BOARD MEMBER GLISSON:  Aye.

14          ALTERNATE BOARD MEMBER JENSEN:  Aye.

15          CHAIRMAN GREEN:  Aye.

16                   (The motion was agreed and carried.)

17          MR. LAPUT:  All right.  Thank you very much.

18          CHAIRMAN GREEN:  You're welcome.

19          BOARD MEMBER STAROBIN:  Motion to close the meeting.

20          CHAIRMAN GREEN:  So again, as I told the Board

21          beforehand, anybody that is interested, we have a training at

22          six p.m. through 7:30 p.m. by the Agriculture Department on

23          agricultural law here in the town, so anybody that's

24          interested in attending, please do.

25                 With that, do I have a motion to close the meeting?

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BOARD MEMBER STAROBIN: Motion.

CHAIRMAN GREEN: Mort.

Second?

BOARD MEMBER GOODMAN: Second.

CHAIRMAN GREEN: All in favor?

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER STAROBIN: Aye.

BOARD MEMBER LACEY: Aye.

BOARD MEMBER GLISSON: Aye.

ALTERNATE BOARD MEMBER JENSEN: Aye.

CHAIRMAN GREEN: Aye.

(The motion was agreed and carried.)

(Time noted: 8:29 p.m.)

\* \* \* \* \*

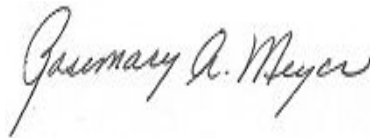
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REPORTER'S CERTIFICATION

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 Ski Run Realty 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: April 4, 2023

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