

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
APRIL 11, 2023
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
DOUGLAS STANTON, Board Member
ADRIENNE JENSEN, Alternate Board Member
KYRA PLATT, Building Department
KELSEY CALHOUN, Building Department
JOHN CAPPELLO, ESQ., Attorney
CHRISTIAN PAGGI, P.E., Engineer
MAX STACH, Planner, AICP

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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A G E N D A I N D E X

	Pages
Call Meeting to Order	4
Pledge of Allegiance	4
Acceptance of Minutes, January and February 2023 ..	5
Olga & Elizabeth Horvath, Extension of 9-Lot Subdivision	3 - 9
Bloomingsburg Fire District, Proposed Fire House ..	10 - 27
David Moskowitz on Behalf of Ski Run Realty LLC (Camp Nitra) Proposed Amendment and Reapproval of Children's Summer Camp, Public Hearing	28 - 77
Ledwin Oviedo for Back River Hope Campground Inc. Proposed Re-Approval and Amendment of Site Plan ..	78 - 85
Lane Meadow Farm LLC, Proposed 11-lot Subdivision	86 - 90
Bloomingsburg Mountain Resort c/o Israel Kraus, Proposed Use for Summer Camp	91 - 112
McDonald Road 45 LLC, Proposed Amended Site Plan to Expand Existing Warehouse	113 - 129
Close Meeting	127

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Olga & Elizabeth Horvath Run Realty, LLC
Extension for Nine-Lot Subdivision
Tax Map Section 27; Block 2; Lot 22
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
April 11, 2023
7:08 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
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- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: Frank Nutt, Jr.,
On Behalf of Applicant

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Reported By: Rosemary A. Meyer

1 - RE: OLGA & ELIZABETH HORVATH -

2 CHAIRMAN GREEN: All right. We received the January and
3 February minutes. Does anybody have a comment on them?

4 (No verbal response.)

5 CHAIRMAN GREEN: Okay. Do I have a motion to accept the
6 minutes?

7 BOARD MEMBER LACEY: Motion.

8 CHAIRMAN GREEN: John.

9 Second?

10 BOARD MEMBER STANTON: I'll second

11 ALTERNATE BOARD MEMBER JENSEN: Second.

12 CHAIRMAN GREEN: Adrienne.

13 All in favor?

14 BOARD MEMBER GOODMAN: Aye.

15 BOARD MEMBER LACEY: Aye.

16 BOARD MEMBER GLISSON: Aye.

17 BOARD MEMBER STANTON: Aye.

18 BOARD MEMBER STAROBIN: Aye.

19 ALTERNATE BOARD MEMBER JENSEN: Aye.

20 CHAIRMAN GREEN: Aye.

21 (The motion was approved and carried.)

22 CHAIRMAN GREEN: Okay. First on the agenda, extension
23 for Olga and Elizabeth Horvath, nine-lot subdivision. The
24 property is located on Burlingham Road, Tax Map Section 27;
25 Block 2; Lot 22. The property lies in the Burlingham

1 - RE: OLGA & ELIZABETH HORVATH -
2 Residential Zone and involves 23.68 acres.

3 MR. NUTT, JR.: Good evening. Frank Nutt, Jr. I am 26
4 James Street who now is the contract purchaser of the
5 property from Olga. Not from Olga. Sorry. From Betty and
6 Jim Divoli.

7 We're here to get a six-month extension on our approval
8 that was granted back in November of 2021. We are looking
9 forward to filing these maps in this six-month extension. I
10 have spoken to both the attorney and to young Mr. Paggi about
11 having some meetings at the site so that we can put together
12 the final paperwork that we need. We just need an approval
13 from the Board for another six-month extension.

14 CHAIRMAN GREEN: Anyone have any comments?

15 (No verbal response.)

16 CHAIRMAN GREEN: I have one question. My note from when
17 you were here last time, that Mary had sent a note, the
18 conditions, things that should be conditions. Did you ever
19 receive the note?

20 MR. NUTT, JR.: Well, what happened was I decided, at
21 that time -- we've been getting our SWPPP every week for the
22 last, over a year and a half and Mary wasn't getting those.
23 So I had contacted the office and said: Listen, I want to
24 have them cc you to get the SWPPP. And the first one that
25 was sent, of course, had a list of six or seven things. She

1 - RE: OLGA & ELIZABETH HORVATH -

2 went like this, (indicating). They were very minor. But
3 that was the letter that she had sent us.

4 CHAIRMAN GREEN: Okay.

5 MR. NUTT, JR.: But she has, since then, gotten a copy
6 of the SWPPP every single week. And we had it done by
7 Mercurio, Norton, Tarolli's office every week.

8 CHAIRMAN GREEN: Okay.

9 MR. NUTT, JR.: But yes, she's seen them all now.

10 CHAIRMAN GREEN: All right. Do I have a motion to grant
11 a six-month extension for this project?

12 ALTERNATE BOARD MEMBER JENSEN: I make a motion to grant
13 a six-month extension.

14 CHAIRMAN GREEN: Adrienne.

15 Do I have a second?

16 BOARD MEMBER LACEY: Second.

17 CHAIRMAN GREEN: John.

18 All in favor?

19 BOARD MEMBER GOODMAN: Aye.

20 BOARD MEMBER LACEY: Aye.

21 BOARD MEMBER GLISSON: Aye.

22 BOARD MEMBER STANTON: Aye.

23 BOARD MEMBER STAROBIN: Aye.

24 ALTERNATE BOARD MEMBER JENSEN: Aye.

25 CHAIRMAN GREEN: Aye.

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- RE: OLGA & ELIZABETH HORVATH -

(The motion was approved and carried.)

CHAIRMAN GREEN: That was fast.

MR. NUTT, JR.: Thank you very much. Have a good night.

(Time noted: 7:11 p.m.)

* * * * *

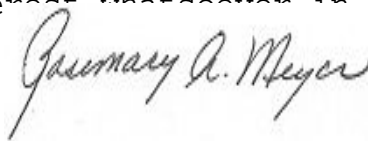
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REPORTER'S CERTIFICATION

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 Olga & Elizabeth Horvath, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: May 29, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Bloomingburg Fire District
Proposed Fire House
Tax Map Section 13; Block 1; Lot a
Burlingham Residential Zone
----- X

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

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- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner

Also Present: David Getz, P.E.,
On Behalf of Applicant

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Reported By: Rosemary A. Meyer

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 CHAIRMAN GREEN: Okay. Next on the list, Engineering
3 Properties for Bloomingburg Fire District, proposed
4 firehouse. The property is located on Ski Run Road, Tax Map
5 Section 13; Block 1; Lot 1. The property lies in the
6 Burlingham Residential Zone and involves approximately 2.60
7 acres.

8 MR. GETZ: Good evening. I'm David Getz from
9 Engineering Properties. And ...

10 MR. CARPENTER: Joe Carpenter, commissioner from the
11 Bloomingburg Fire District.

12 MR. GETZ: Since our last appearance we updated our
13 plans, providing a little more detail on some drainage
14 measures, addressing some of the SEQRA issues such as
15 providing some landscaping, providing responses to your
16 engineer and planner's comments.

17 We received, this afternoon, the engineer's letter and I
18 noted some drainage concerns that we'd be happy to discuss.

19 CHAIRMAN GREEN: Okay. Christian.

20 MR. PAGGI: Sure. So just walking through our comment
21 letter, down to No. 3, the current town code, the driveway
22 standards require that the driveway pitch back from the road
23 to divert stormwater away from the road unless there's an
24 existing collection system or some other device to collect
25 that water and ensure that runoff, or during winter, snow

1 - RE: BLOOMINGBURG FIRE DISTRICT -
2 melt doesn't run out into the travel lane. They have
3 proposed, in lieu of pitching the driveway back away from the
4 road, a trench drain in the right-of-way, a slotted drain.
5 We are just pointing out that that would need to be approved
6 by a highway super since that would be within the
7 right-of-way.

8 I'm not sure if that would require any sort of agreement
9 for maintenance if it's in the right-of-way. Typically,
10 those such things are maintained by the Highway Department.
11 I don't know if that would really apply here. But just in
12 general, those types of drains can be kind of a nuisance to
13 maintain and if they aren't maintained, then they don't work.
14 So our recommendation was to revise the grading to pitch the
15 driveway away from the road and eliminate the trench drain
16 and that way, allow the runoff to be directed to the swale on
17 either side of the driveway. I know that has impact to your
18 site. You're dealing with existing grades where you're
19 trying to, I assume, minimize the amount of excavation and
20 grading work --

21 MR. GETZ: Correct.

22 MR. PAGGI: -- within the property.

23 MR. GETZ: We could lower the building and revise the
24 driveway, but it would require additional earthwork. It
25 would mean adding a pump tank to the septic system. We

1 - RE: BLOOMINGBURG FIRE DISTRICT -
2 couldn't go by gravity with that lower building elevation.
3 So we feel what we're doing is a reasonable alternative.

4 We submitted a set of plans for the highway
5 superintendent's review, but I guess we don't have comments
6 back from him. So we --

7 MR. CARPENTER: Whatever drainage, that trench drain, we
8 maintain our fire trucks, we maintain our gear. We're going
9 to make sure it's clear. And we work with the town all the
10 time, whether it's, you know, storm emergencies, trees down,
11 wires down. So we're not going to not maintain the area.
12 This going to be a public building.

13 MR. PAGGI: And I understand your design challenges.
14 You're obviously more intimately involved with that design
15 and know the issues and what you're saying makes perfect
16 sense.

17 So the way that we left it was that if the highway super
18 is okay with it, then that would be fine, but we were just
19 noting that our recommendation would be --

20 CHAIRMAN GREEN: So --

21 MR. PAGGI: -- to not have that.

22 MR. GETZ: So we would respectfully request approval,
23 depending on other things we discuss, but subject to his
24 comments.

25 MR. PAGGI: Then the next comment really dovetails from

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 that. Our concerns are relative to drainage. It's a
3 relatively small site. It's under an acre of disturbance.
4 The concerns relative to drainage really are really specific
5 concerns relative to erosion and concentrations of runoff.
6 We're not talking about huge volumes of runoff that we're
7 generating, but they're significant enough to where they
8 create local issues that should just be addressed at the
9 get-go. In their last submission prior to this, they
10 submitted a drainage report that indicated one-and-a-half CFS
11 increase in the peak discharge during a hundred year storm.
12 So a one-and-a-half CFS discharge is not insignificant going
13 through a 10-inch pipe or a 15-inch pipe. I think that
14 certainly has the potential for erosion if it's not
15 addressed. And it may be out there. Maybe there is existing
16 stabilization and it can handle that, but there's nothing on
17 the plan and there was nothing in the submittal that
18 addressed that.

19 MR. GETZ: So we went and measured the existing culvert
20 that's downstream of the Ski Run Road culvert and it's a
21 small 10-inch diameter metal pipe that goes under the
22 stockade fence. Actually, it's by the lake shown on that
23 other site plan there. That existing pipe, honestly, is
24 completely or at least mostly clogged so it has very limited
25 capacity. So any flow that gets to that area now just flows

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 under the fence and overland, over the lawn area and over a
3 paved sidewalk and makes its way down to the lake which is
4 nine acres in size, quite a sizable lake.

5 So I have a couple things I'd like to bring up. The
6 method that we used to calculate those flows, those peak
7 flows, is the SCS method. And for sites like this one that
8 have Class A soils, which are quite sandy and quickly
9 drained, we find that they underestimate peak flows from
10 natural conditions. For example, there are calculations
11 using the method, it's really like a cookbook. There's not a
12 lot of choices. You plug in the numbers, you plug in the
13 factors. It calculates a 10-year peak flow from this site of
14 .01 CFS, five inches or more of rain. So in reality, that's
15 underestimating the real flow. And our challenge in
16 designing a system like this is to try to match or reduce the
17 flows below those existing levels. So I think there is an
18 increase. There's a lower part of the driveway that the
19 apron is really impossible to collect because of site
20 elevations and the road elevation and all, but we think what
21 we're doing is reasonable.

22 And another factor is that we analyzed, in our report,
23 existing conditions today which really have an impervious
24 roof area from the old schoolhouse that's been abandoned.
25 But in the past, there was a driveway, a parking lot and a

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 paved playground. When we did the soil testing we saw
3 remains of that playground. So that if we compare our runoff
4 valves from today or from the proposed conditions on our plan
5 to what may have been there, I guess that was 50 years ago,
6 well, the impervious area is still there under the grass, I
7 guess. So what I'm getting at is that our proposed
8 conditions numbers really may not be higher than what
9 conditions were in the past on that site. We didn't try to
10 estimate how big was the old driveway, the parking area and
11 playground. So what we did was very conservative and just
12 from a practical point of view, I feel what we're proposing
13 is reasonable.

14 MR. PAGGI: I don't disagree with anything that he was
15 describing about the method of modeling the site and the
16 previous, post. A lot of times when you have sites that have
17 existing impervious or preexisting impervious that have since
18 been converted to lawn, you can take that into account.

19 So again, my main concerns are not looking at just the
20 model and what the numbers are showing, it's more of a
21 practical concern. Like what you were saying about that
22 existing 10-inch culvert, the fact that it's clogged and we
23 are going to be discharging runoff to it because we're
24 collecting it and directing it there, that's concerning.

25 MR. GETZ: To the extent we could, we're bringing runoff

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 to dry wells.

3 MR. PAGGI: Right.

4 MR. GETZ: It's not the entire site, but ...

5 MR. PAGGI: But we are going to be discharging, again,
6 not an insignificant amount of water to that 10-inch culvert
7 that you've just mentioned is clogged. So what is that going
8 to do to that area? There's a fence there, there's a
9 sidewalk there. Is that going to create -- are we going to
10 undermine the fence or the sidewalk? There're more practical
11 concerns that I'm having other than, you know, just trying to
12 make the numbers work.

13 MR. CARPENTER: The culvert, I believe, is on their
14 private property across the street. And again, we will
15 maintain whatever we need to make sure because we need to get
16 fire trucks in and out every day, any time that we need to
17 go, at a moment's notice. So that's --

18 MR. PAGGI: Right.

19 MR. CARPENTER: You know, whatever maintenance we need
20 to do, we'll make sure it gets done. And if there is a
21 problem, we can take care of it. But it's just, you know, we
22 want to be able to move forward with the project to set up
23 the fire house and be able to help our constituents out that
24 end of the district.

25 MR. PAGGI: And that's understood.

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 What property is that culvert on?

3 MR. CARPENTER: That's it -- it's the -- well, it's the
4 old Camp Nitra across the street.

5 MR. PAGGI: So is that owned by an HOA? Is that what
6 that is?

7 MR. CARPENTER: They're here tonight for their project.
8 I don't know who owns it currently. It used to be the old
9 Camp Nitra.

10 CHAIRMAN GREEN: So let me ask this. How much rain are
11 we talking about would have to fall so this actually became a
12 problem? Like five inches an hour or something like that?

13 MR. PAGGI: It would have to be a significant rain
14 event. So it's ...

15 MR. GETZ: Right. Like he mentioned, it's really -- we
16 studied the one, the one, the 10 and the hundred year storms
17 and it's the hundred year storm, a one percent chance of
18 happening in any given year, that really, those were the
19 numbers we're discussing.

20 MR. PAGGI: And with the sandy soil that you do have, I
21 mean there's also a potential that what you're modeling is
22 not even going to get there because it's going to be
23 infiltrating. It's just that I don't have that information.
24 You have the design and you've seen the sites. It's --

25 (A cell phone rang.)

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 MS. PLATT: If we could just mute any phones that we
3 have for notifications, please. Thank you.

4 MR. GETZ: So I guess the highway superintendent, his
5 opinion is important.

6 MR. PAGGI: And perhaps he can weigh in, also, on that
7 culvert, if that's something that he typically maintains,
8 because it is road runoff that's getting there. So if
9 there's something that we can do to repair.

10 You said that culvert is clogged.

11 BOARD MEMBER GOODMAN: Is the culvert, the part that's
12 clogged, under the road or is that the part that goes on the
13 property across the street?

14 MR. GETZ: On the property across the street. There's a
15 brand new one under the road in really good condition.

16 BOARD MEMBER GOODMAN: So it's after it goes across the
17 road.

18 MR. GETZ: Yes.

19 And even with that culvert partially or totally clogged,
20 if water overflows because it can't go through the pipe, it's
21 still well below the road surface. It's not threatening to
22 back up onto the road or create ice on the road or anything
23 like that.

24 MR. PAGGI: And just for the Board's reference, again,
25 the project does not exceed the one acre threshold to require

1 - RE: BLOOMINGBURG FIRE DISTRICT -
2 post-construction stormwater management practices.

3 The Board's practice in the past have been, for projects
4 like this where you're increasing imperious, to either
5 maintain preexisting or predevelopment runoff conditions or
6 demonstrate that you're not going to create any adverse
7 impacts downstream. They've opted for the latter. So they
8 could either, to stay consistent with the Board's past
9 practice, either demonstrate that they're not going to
10 potentially have adverse impacts downstream or modify their
11 design to keep more runoff on site to keep their
12 post-development discharge rates down to preconstruction
13 levels.

14 MR. GETZ: The Fire Department would agree to enter into
15 any kind of obligation to maintain the area along both sides
16 of the road, certainly.

17 MR. CARPENTER: Again, if we need to -- I mean we added
18 more blacktop for the turnaround so that our fire trucks
19 wouldn't have to back into the road for a safety function.
20 But if the Town would rather have us back in from the road,
21 we'll do that. We're firemen, we get it done. So again, we
22 also want to make sure that, again, we can move forward with
23 the project and get this firehouse going.

24 BOARD MEMBER LACEY: I have a question. Is this 10-inch
25 culvert consistent with the rest of the properties on that

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 road?

3 MR. GETZ: To be honest, I don't know.

4 BOARD MEMBER LACEY: My concern is during the fall
5 months, October and November, when the leaves begin to drop
6 off, and who's going to clean the drainage ditches before the
7 water gets to the culvert pipe? Why the size of 10 inches?
8 That's very small. Why was that in the original design?

9 MR. GETZ: We didn't design that. That's been there for
10 many years. It's an old metal pipe, so I don't know the
11 history of it.

12 MR. CARPENTER: Yeah, that's not on our property.
13 That's across the street from the property --

14 BOARD MEMBER LACEY: Okay.

15 MR. CARPENTER: -- so we don't have any control of it.

16 MR. PAGGI: Which is one of the main reasons why we try
17 to maintain predevelopment runoff.

18 BOARD MEMBER GOODMAN: Well, the part that goes under
19 the road, that's what the Town just redid; right? They just
20 did that --

21 MR. CARPENTER: They just redid that

22 BOARD MEMBER GOODMAN: -- 15 inch under the road.

23 MR. CARPENTER: Currently, there is a -- if you walk to
24 the site now, you would see that the road is quite a bit
25 higher than before. You actually drop down to come onto our

1 - RE: BLOOMINGBURG FIRE DISTRICT -
2 property. Then the property gradually rises up to where the
3 firehouse is going be situated. So ...

4 CHAIRMAN GREEN: See if Max has anything to say.

5 MR. PAGGI: If there was a mechanism for them to agree,
6 like they said, to maintain that outfall, that obviously
7 addresses the concern.

8 CHAIRMAN GREEN: Okay.

9 MR. PAGGI: I just don't know what that mechanism would
10 be. From my perspective, I would try to handle it in design
11 and try to avoid the problem, but I'm not the designer. But
12 addressing it how they've proposed does mitigate the concern.
13 I just don't know, again, what that mechanism would be to
14 have them accountable for that maintenance.

15 MR. STACH: So I looked through the Applicant's
16 responses, the comments, and there were two issues that I
17 wanted to bring to the Board's attention. The first had to
18 do with tree clearing. The Applicant had added a note to
19 their plan on page 1 indicating restriction of tree clearing
20 for trees with a diameter of five inches at breast height
21 only to be cleared after October 31st and before April 1st.
22 It actually says: Will not occur from April 1st to October
23 31st. DEC's guidance for protection of bats is that there be
24 no tree clearing during that time period. That may run afoul
25 of the Applicant's time horizon that they're looking, but

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 that is the DEC guidance to avoid bat habitats.

3 This is not subject to SEQRA.

4 CHAIRMAN GREEN: Okay.

5 MR. STACH: This is still subject to those limitations,
6 but I'm not sure how they get enforced. Technically, you're
7 supposed to seek a takings permit if you're going to clear
8 the trees outside of that time period.

9 The only other issue that I thought was significant
10 enough to raise tonight was the issue with lighting. The
11 only thing there is that they have specified a light fixture
12 with a 4,000 K tele temperature and we pretty much, unless
13 it's absolutely necessary for an industrial process,
14 especially in areas with wildlife and/or residences in the
15 area, recommend a maximum tele temperature of 3,000 K. The
16 blue light can impact both residential sleep and wildlife.

17 MR. GETZ: We'd be happy to make that change.

18 CHAIRMAN GREEN: Okay.

19 MR. CAPPELLO: The only comment I have is on the
20 drainage. The Highway Department, if it is in the Town's
21 right-of-way the Town would do that. We could give easements
22 for someone else to maintain in the roadway. I mean but they
23 can work out protocol or something between the Highway
24 Department and the Fire Department to make sure everything's
25 maintained in it and it's noticed correctly. But that would

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 be something. There will be, to do any work in the Town
3 right-of-way will require the approval, a road opening permit
4 from the Highway Superintendent so we would just have to make
5 sure that they coordinate it as a condition of any approval.

6 CHAIRMAN GREEN: So this is a Type II which, according
7 to SEQRA, means that the Board can skip Step 3 and Step 4 and
8 we would just approve it?

9 MR. CAPPELLO: Right. You don't have to do --

10 CHAIRMAN GREEN: We can do conditions --

11 MR. CAPPELLO: It's not subject to --

12 CHAIRMAN GREEN: Right.

13 MR. CAPPELLO: -- issuance of a Negative Declaration.

14 CHAIRMAN GREEN: Right.

15 MR. CAPPELLO: -- or a Positive Declaration, but you
16 still have to review the site plan. So drainage is a site
17 plan issue.

18 CHAIRMAN GREEN: Is this something where we could just
19 like do a conditional and they just work it out with the
20 Highway Superintendent?

21 MR. CAPPELLO: Conditioned upon Highway Superintendent's
22 approval of the design and maintenance in consultation with
23 the Town engineer. But if the design substantially changed
24 based on that consultation, then they may have to amend.

25 CHAIRMAN GREEN: Any thoughts?

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 BOARD MEMBER GOODMAN: I like that idea.

3 CHAIRMAN GREEN: Me, too.

4 Anybody else?

5 (No verbal response.)

6 CHAIRMAN GREEN: Okay. So I guess I'll call for a
7 motion now for --

8 MR. CAPPELLO: For site plan approval --

9 CHAIRMAN GREEN: -- for site plan approval, conditional
10 on the Applicant coming to some sort of an agreement with the
11 Highway Superintendent.

12 MR. CAPPELLO: Well, to obtain the necessary approvals
13 to do work in the highway right-of-way and to agree upon a
14 maintenance plan in consultation with the Town engineer.

15 CHAIRMAN GREEN: Okay.

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

17 CHAIRMAN GREEN: Alex.

18 Is there a second?

19 ALTERNATE BOARD MEMBER JENSEN: I'll second it.

20 CHAIRMAN GREEN: Adrienne.

21 All in favor?

22 BOARD MEMBER GOODMAN: Aye.

23 BOARD MEMBER LACEY: Aye.

24 BOARD MEMBER GLISSON: Aye.

25 BOARD MEMBER STANTON: Aye.

1 - RE: BLOOMINGBURG FIRE DISTRICT -

2 BOARD MEMBER STAROBIN: Aye.

3 ALTERNATE BOARD MEMBER JENSEN: Aye.

4 CHAIRMAN GREEN: Aye.

5 (The motion was approved and carried.)

6 MR. GETZ: Thank you.

7 MR. CAPPELLO: And also, just include, for the record,
8 the amendment down to 3,000 whatever it is.

9 MR. GETZ: Yes, yes.

10 CHAIRMAN GREEN: Yes.

11 (Time noted: 7:33 p.m.)

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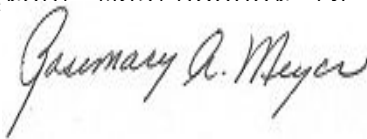
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REPORTER'S CERTIFICATION

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 Bloomingburg Fire District, 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: May 28, 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
April 11, 2023
7:33 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- DOUGLAS STANTON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: Amador Laput,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services

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

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: The next item on the agenda is a public
3 hearing, David Moskowitz on behalf of Ski Run Realty LLC,
4 Camp Nitra, proposed amendment and reapproval of a children's
5 summer camp. The properties are located on Ski Run Road,
6 14-78 Ski Run Road, Tax Map 12.-1-7, which is approximately
7 119.45 acres and lies within the Burlingham Residential Zone;
8 and Tax Map 12.-1-9.1, which is approximately 34.20 acres and
9 lies within the Burlingham Zone.

10 So shall we have the Applicant do a presentation and
11 then open the floor for public comment and then ...

12 MR. GETZ: Happy to.

13 Amador Laput, Fellenzer Engineering, representing Ski
14 Run Realty and David Moskowitz.

15 He's asked me to read his letter of April 2nd, if I
16 might.

17 CHAIRMAN GREEN: Go ahead.

18 Mr. getz: To the Devout Members of the Planning
19 Committee:

20 I would like to present the following in the name of
21 David Moskowitz who has sent the following narrative for me
22 to share on his behalf.

23 I regret I am unable to join this virtual meeting
24 tonight. The time is concurrent with the start of the Jewish
25 Passover holiday and important preparation for the holiday

1 - RE: SKI RUN REALTY LLC -

2 tonight prevent me from being present at the meeting.

3 However, I've asked Mr. Amador Laput, the engineer who has
4 been working closely together with me on this project that we
5 are discussing tonight at 14 to 78 Ski Run Road to please
6 share our respective and the most current information
7 available to advance the request to renew the special use
8 permit for a summer and day camp.

9 We last met in February and we, unfortunately, missed
10 our March meeting due to inclement weather. Since our last
11 meeting we have been working hard and have made a lot of
12 progress toward correcting the open violations, most of which
13 were incurred at the previous owner's discretion. You have
14 obviously noted our efforts and continue to act in good faith
15 correcting the violations on a steady basis. Already, our
16 efforts have borne fruits as you can see from the connection
17 between Miss Grass' report and the clearly delineated summary
18 of submittals. The previous owner's violations list is being
19 tackled item by item.

20 The mention of new violations are minor repairs that
21 were made shortly after the purchase of the property simply
22 to enable use of the camp. The new owners were very rushed
23 and not aware of the necessary procedures for renovation
24 requests. Now that I, Mr. Moskowitz, has assumed the role of
25 running this project, we have applied for permits for all the

1 - RE: SKI RUN REALTY LLC -

2 work that was done and that still needs to be done.

3 Building 7's violation is being addressed as you can see
4 in Submittal 3 dated January 8 of this year.

5 Buildings 24 to 30 violations have been taken care of as
6 you can see in Submittal 6 in our summary of submittals. We
7 are simply waiting to sign off on the applications.

8 We've had the architect draw up two sets of plans per
9 building. We're willing to do whatever it takes to do things
10 the right way.

11 We have submitted a request for demolition permit for
12 trailers that have been removed from the campgrounds as you
13 can see in Submittal 1.

14 Submittal 2 shows that we have applied for and paid for
15 a permit for the demolition of the CIT building which was
16 done by previous owners.

17 We are aware that this not a once and done situation.
18 The previous owners had left us numerous violations, but
19 there's no question that once we get through everything
20 methodically this could be a beautiful campground that would
21 be pleasing to the eye and environmentally sound. Too many
22 years of noncompliance in the past have left us with lots of
23 hard work, but we are determined, with your help, to take
24 care of all the open violations one by one.

25

1 - RE: SKI RUN REALTY LLC -

2 The Honorable Planning Board Members have asked us to
3 demonstrate our willingness to cooperate and make as much
4 progress as possible toward correcting the violations and I
5 believe we have properly shown that we are doing so in good
6 faith as you can see from our summary of submittals.

7 We are not done and I plan to continue driving this
8 project to completion. However, we'd like to respectfully
9 request that our request for renewal of the special use
10 permit for a summer and day camp be granted. This camp was
11 used as a summer use and day camp for the past 60 years or
12 so. As mentioned in the report, these campgrounds predate
13 the zoning. We just want to continue to use the grounds as
14 they have been used in the past as a summer camp, but as the
15 manager I will try to do so in compliance with the legal
16 requirements. The summer season is fast approaching and this
17 request is time dependent. We have given and will continue
18 to give our full cooperation to the Building Department as
19 well as all relevant agencies that require our attention.

20 Thank you for allowing me to share my words tonight.

21 David Moskowitz.

22 CHAIRMAN GREEN: Can I ask? When did he actually buy
23 the property?

24 MR. GETZ: I don't have that date. I don't know that
25 date.

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: Okay.

3 BOARD MEMBER GOODMAN: Open the public hearing?

4 MR. GETZ: But I could find out.

5 CHAIRMAN GREEN: Okay. All right.

6 Do I have a motion to open the public hearing?

7 MR. CAPPELLO: Do we have plans before us that you could
8 show or do we have a plan before us that we're being asked to
9 approve?

10 MR. GETZ: So I've brought the plans to my right on this
11 easel for the public to see, and we have submitted the
12 prerequisite copies for the last meeting.

13 MR. CAPPELLO: All right. Maybe the public would like
14 you to run through what's there and what you're proposing to
15 do and ...

16 MR. GETZ: So there's no improvements on the site. So
17 we're not proposing any improvements to the site. What's
18 there is going to continue to be there other than whatever is
19 going to be demoed or taken away. So we're not proposing any
20 new site issues.

21 CHAIRMAN GREEN: Is this plan for both parcels of land
22 or just for the one?

23 MR. GETZ: This --

24 CHAIRMAN GREEN: Because I did see a memo here that --

25 MR. GETZ: Just the one.

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: Okay.

3 MR. GETZ: So the camp is only on the one parcel.

4 MR. STACH: So is that map an as-built survey or is that
5 the approved plan?

6 MR. GETZ: That is the approved land.

7 MR. STACH: That is the approved plan.

8 I believe I saw a survey, right, survey map of Pine
9 Lake. Do I have the wrong? I might have the wrong one.

10 MR. GETZ: Yeah, it was Pine Lake Camp.

11 MR. STACH: Pine Lake Development Corp.

12 Has there been any comparison between as built and
13 approved? Because I understand there were some violations
14 that involved buildings, right, that weren't --

15 MR. GETZ: Yes.

16 MR. STACH: -- that weren't supposed to be constructed.

17 MR. GETZ: That's right.

18 MR. STACH: Is there a map that shows what that is?

19 MR. GETZ: No.

20 MR. STACH: No?

21 MR. GETZ: Not at this time.

22 MR. STACH: But it's understood that anything that has
23 been built that is not in conformance, the Applicant is
24 proposing to remove all of that?

25 MR. GETZ: Well, either to remove it or bring it up to

1 - RE: SKI RUN REALTY LLC -

2 compliance.

3 MR. CAPPELLO: Then we're going to need to see that on a
4 plan. We're going to need to see what you're proposing to
5 demolish and what you're proposing to fix and what it's going
6 to look like when you're done so that would be the plan we
7 could approve so you don't have to face this year after year.
8 Everybody will know what, if anything, has been approved,
9 what, if anything, is compliant, and it would be a much
10 easier course to go. We have a map here that's dated March
11 16, 2022, so I think what Max is saying is what was there on
12 March 6, 2022, what is there today and how does that relate
13 to what was approved for this facility.

14 MR. GETZ: So is that survey dated March of 2022?

15 MR. CAPPELLO: Yes.

16 MR. GETZ: Okay.

17 MR. STACH: So verify nothing's been built since then --

18 MR. GETZ: Yes.

19 MR. STACH: -- right?

20 MR. GETZ: So nothing's been built since March 2022.

21 MR. STACH: Great. So what we want to see is a
22 comparison. We want to see the difference between as built
23 and approved.

24 MR. GETZ: Okay.

25 MR. STACH: And then any buildings that were built that

1 - RE: SKI RUN REALTY LLC -

2 were not approved, you need to designate on the map whether
3 you're asking for approval of those now or whether you're
4 going to remove them.

5 MR. GETZ: Okay. Will do.

6 MR. STACH: Which I think I'm having a flashback about
7 four years ago when we did that exact exercise, I believe.

8 CHAIRMAN GREEN: So if this is approved, shouldn't it be
9 signed?

10 MR. CAPPELLO: Well, it looks like it may have been
11 preexisting.

12 CHAIRMAN GREEN: Okay.

13 MR. CAPPELLO: I mean we just need to just clarify. And
14 if it was preexisting, that means you could extend it. So we
15 just need to really clarify what exactly we're being asked to
16 sign off on and approve and look at it as a site plan because
17 one of the things I'm sure Christian may be saying in a
18 minute is where's that culvert and is there a --

19 MS. PLATT: A little louder, please.

20 MR. CAPPELLO: Is there's a stopped up culvert that may
21 impact drainage on this property that's also impacting the
22 drainage on the fire and what do we need to do to fix or get
23 that working properly.

24 CHAIRMAN GREEN: Okay.

25 BOARD MEMBER GOODMAN: So this narrative here is from

1 - RE: SKI RUN REALTY LLC -

2 Mary?

3 CHAIRMAN GREEN: Right.

4 BOARD MEMBER GREEN: Doesn't that address some of those
5 issues? It talks about it being preexisting and that there
6 was never -- she could not find an actual site plan or
7 special use approvals.

8 MR. STACH: Unless I'm confusing this with another
9 camp --

10 BOARD MEMBER GOODMAN: Maybe it was Camp Echo?

11 MR. STACH: Maybe it was Camp Echo that we went through
12 that with.

13 CHAIRMAN GREEN: Yes.

14 MR. STACH: Okay. It seemed similar to this in layout,
15 also.

16 CHAIRMAN GREEN: But there again, they did show up with
17 a map, you may recall, that they had three colors on them.

18 MR. STACH: Yes.

19 CHAIRMAN GREEN: Like the red ones were things that were
20 built that had been approved. I think the green ones were
21 things that they wanted to build and the yellow ones were
22 things that had been built with no approval. So we actually
23 got to see what it was we were approving. My concern here
24 is, well, if we're just extending this, I would like to know
25 what we're extending?

1 - RE: SKI RUN REALTY LLC -

2 MR. STACH: I think that you guys went through the right
3 process with Camp Echo and do the same here.

4 CHAIRMAN GREEN: Yes, we've used that as a role model
5 for other projects, as well.

6 MR. STACH: Yes.

7 MR. CAPPELLO: And Mary does tell us what she believed
8 was done past the nonconformity that would have needed a
9 permit that never received a permit. So we should see that
10 on there and get something from Mary, not just that they're
11 working, that the violations will be removed before this is
12 occupied.

13 CHAIRMAN GREEN: Right.

14 BOARD MEMBER STAROBIN: I have a question. Kyra, you
15 may be able to answer this. Are there any safety violations?

16 MS. PLATT: There was work done to cabins without
17 permits so they technically can't be occupied until the
18 permits are issued and certificates issued.

19 There were trailers that were on the site that had
20 previously been used for sleeping and those were removed.

21 There are trailer bodies on the property that need to be
22 removed that Mr. Moskowitz e-mailed today that he was working
23 on getting them removed.

24 There was fire two years ago in the theater building.

25 Those are the only things that come to mind at the

1 - RE: SKI RUN REALTY LLC -

2 moment. There are issues that the owner is aware of that
3 they are working on, but that's all that comes to mind at the
4 moment.

5 BOARD MEMBER STAROBIN: I have a question for John.
6 With these existing conditions is it possible to issue a
7 special permit in this situation?

8 MR. CAPPELLO: Usually, when you issue a permit, we have
9 to look at what is existing and in compliance, meaning what
10 was not in compliance and is going to be brought in
11 compliance, and how and what, if anything, new is there.
12 Now, Mary gave us her memo. One of the things she says, the
13 new owners made mention of using an old wood road to access a
14 private road which was never part of any site plan. So they
15 need to take what they're doing, what they propose to do and
16 how they propose to operate it, and put it on a map so we
17 could say: Okay, now as of whatever day you were to approve
18 it, this is the project. It doesn't have to be all
19 completed, like any site plan, because sometimes you're just
20 building it. But it has to say Building No. 7, this is going
21 to be done to bring Building No. 7 in compliance, this is
22 going to be done to bring Buildings 24 through 30, which are
23 sleeping cabins that had been completely rebuilt, this is
24 what needs to be done before they can be occupied, and give
25 us a schedule so Mary knows what we approved, they know what

1 - RE: SKI RUN REALTY LLC -

2 they have approved and what they need to do and then we can
3 just check the boxes as it goes along and this is completed.

4 BOARD MEMBER LACEY: It appears quite apparent, with our
5 Building Inspector report here, that the campground, in 2021
6 and '22, operated in defiance of all the rules and
7 regulations and special permits. How are you going to update
8 that and satisfy Mary Grass, the Building Inspector, and this
9 board if you have indifference to the rules and procedures
10 for the town and just do what you want when you want? How do
11 you expect us to approve anything for you?

12 MR. GETZ: So the previous owner did do that. But David
13 Moskowitz, since he's bought the property, has been meeting
14 with Mary to address all the violations and he's been
15 basically dogging the Building Department on each of the
16 violations to get them to respond. He has submitted the
17 permits and documentation that they have asked for and that's
18 all we can do. So I think --

19 BOARD MEMBER LACEY: Are you stating that all the
20 violations go to the previous owner for the new construction
21 last year and the campground opening for the camp in defiance
22 of the special permit? Are you saying that falls on the
23 previous owner or the new owner?

24 MR. GETZ: Well, last year he operated the camp.

25 BOARD MEMBER LACEY: Yes, he did.

1 - RE: SKI RUN REALTY LLC -

2 MR. GETZ: I don't know that he was aware of what
3 violations were current.

4 CHAIRMAN GREEN: So it gets back to the question that I
5 started the discussion off with, which is we can understand
6 someone else operated the camp without any permission last
7 summer, but if it was him, this is a whole different set of
8 facts.

9 BOARD MEMBER LACEY: Yes.

10 MR. CAPPELLO: Just the one thing I would add. Mary's
11 memo mentions Building Nos. 20, 24, mentions Building No. 7.
12 The plan that we have has no numbers so it's impossible to
13 see where the theater building is, where the other buildings
14 are. I think that would be a first step, is to number the --

15 MR. GETZ: We've added building numbers to --

16 MR. CAPPELLO: What's that?

17 MR. GETZ: There is a plan with building numbers so
18 we'll submit that.

19 MR. CAPPELLO: Well, we're going to need to approve a
20 plan and that plan --

21 MR. GETZ: Yes.

22 MR. CAPPELLO: This plan that I got does not have
23 building numbers. I don't know, is there one in planning? I
24 didn't see one in the planning board.

25 MR. GETZ: Yes, the first one did not have building

1 - RE: SKI RUN REALTY LLC -

2 numbers.

3 CHAIRMAN GREEN: Right. And this one is stamped
4 progress print, not for construction. Probably it's a
5 temporary plan. And it does have both properties on it, I
6 might add.

7 MR. CAPPELLO: Oh, both?

8 MR. GETZ: Yes, we did submit both properties --

9 MR. CAPPELLO: Okay.

10 MR. GETZ: -- to show that there were no camp amenities
11 on the other property.

12 CHAIRMAN GREEN: Well, that's actually one of the
13 questions I had because the property for, whatever it was,
14 the -7 here, it lists tennis courts and hockey rinks. You're
15 telling me that they're not going to use those?

16 MR. GETZ: I don't believe so.

17 BOARD MEMBER JENSEN: How is that monitored? Who's
18 going to try to monitor whether they're actual used or not,
19 safety wise?

20 CHAIRMAN GREEN: 12.-1-7 shows tennis courts, hockey
21 rink, and that's supposedly the part that's not the camp.

22 BOARD MEMBER GOODMAN: Well, John, I guess my question
23 is so if they're looking for renewal of a special use permit,
24 but a lot of the stuff on the site has never been approved or
25 signed off on --

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: Right.

3 BOARD MEMBER GOODMAN: -- even if they had renewal of
4 the permit they wouldn't be able to use these buildings or
5 any of these improvements that were made when zoning became
6 enforced and that. Is that

7 MR. CAPPELLO: Right. Well, that's what we're trying to
8 figure out. If we were to consider this, what buildings
9 would we say, Okay, these buildings exist, they're compliant
10 and they're part of the historic camp and they're habitable
11 and they're in good shape and maybe we will renew for that
12 subject, but these other buildings need to be brought in
13 compliance with the Building Inspector. We need to know
14 where those buildings are, what will be done to bring them in
15 compliance. So we could potentially do it in phases where we
16 would renew it to allow immediate or near occupancy of the
17 buildings that conform and are habitable and then some kind
18 of schedule when the other ones, what are you doing so we
19 could approve that as a site plan as if they weren't there,
20 that once Mary goes in and says, Now they're approved and
21 they're habitable, then they could be used without
22 necessarily coming back.

23 CHAIRMAN GREEN: But does the act of just saying that
24 we're renewing the special use permit sort of get our
25 blessing as to what we see in front of us? We're

1 - RE: SKI RUN REALTY LLC -

2 accepting --

3 MR. CAPPELLO: It would if that's what was said, but I
4 don't think we're ready to say that.

5 CHAIRMAN GREEN: No, no, no.

6 MR. GETZ: We would agree to what Mr. Cappello is
7 saying, to designate certain buildings that have been
8 approved as that. So anything that has not been approved, to
9 be excluded from the approval.

10 MR. CAPPELLO: But you need to show us that --

11 MR. GETZ: Yes.

12 MR. CAPPELLO: -- and you need to show us that those
13 buildings are in good condition and those buildings that are
14 not approved, what you're going to do --

15 MR. GETZ: Correct.

16 MR. CAPPELLO: -- to bring them into compliance.

17 MR. GETZ: Yes, we will do that.

18 MR. CAPPELLO: I'm not saying the Board would approve
19 that, but that's something --

20 CHAIRMAN GREEN: Yes.

21 MR. CAPPELLO: -- that would be allowed to be. There
22 may be other issues.

23 BOARD MEMBER GOODMAN: well, it's easy. We have
24 historical data going to 1995 when they started to bring
25 things in so we would have that information.

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: Mary seems to have a handle on it, but we
3 just need to make sure we're looking at the same thing she's
4 looking at and we're all on the same page.

5 CHAIRMAN GREEN: So maybe a question for Kyra. I mean
6 we certainly applaud people coming into properties that are
7 derelict and trying to fix them, and I did see the list of
8 things what that were listed. Do you have a sense, Kyra, of
9 how many violations are actually out there and how far down
10 the list they've actually gotten?

11 MS. PLATT: Like I said before to Mort, they did take
12 care of, there were expired permits from 2000, early 2000's,
13 I want to say, that they did take care of.

14 They took care of sleeping trailers that were there that
15 they did remove. But again, there's the issue of work that
16 was done without permits on cabins, renovations that need be
17 done to the fire damaged structure, and then the other
18 trailer bodies that need to be removed.

19 So there's a few violations still. I can't give you an
20 exact number right now. We sent recent violations so there
21 could be additional violation numbers, but it doesn't
22 necessarily mean how many different items there are.

23 BOARD MEMBER GLISSON: So are any of those violations
24 since the new owner took over the property and may, in your
25 words in that well crafted letter, be unaware of what the

1 - RE: SKI RUN REALTY LLC -

2 violations are? So there have been violations since the
3 ownership changed hands with this conversion?

4 MS. PLATT: There have been violations. Mary was out to
5 the site. The current owners are aware of those violations.
6 They did meet with Mary. Mary did go out to the site at the
7 time that some of the violations were happening so there has
8 definitely been discussion with the current owners. They are
9 aware of what the violations are and what they need to do to
10 correct them. They do reach out by e-mail, they do call us.
11 We have met in person at least two or three times, so they
12 have been reaching out.

13 BOARD MEMBER GOODMAN: We have to open the public
14 hearing; right?

15 CHAIRMAN GREEN: Yes, so we should do that so we can
16 hear what the public has got to say, as well.

17 So do I have a motion to open the public hearing?

18 ALTERNATE BOARD MEMBER JENSEN: I make a motion to open
19 the public hearing.

20 CHAIRMAN GREEN: Adrienne.

21 Do I have a second?

22 BOARD MEMBER STANTON: Second.

23 CHAIRMAN GREEN: All in favor?

24 BOARD MEMBER GOODMAN: Aye.

25 BOARD MEMBER STAROBIN: Aye.

1 - RE: SKI RUN REALTY LLC -

2 BOARD MEMBER LACEY: Aye.

3 BOARD MEMBER GLISSON: Aye.

4 BOARD MEMBER STANTON: Aye.

5 ALTERNATE BOARD MEMBER JENSEN: Aye.

6 CHAIRMAN GREEN: Aye.

7 (The motion was approved and carried.)

8 CHAIRMAN GREEN: Okay. So Kyra, you have a list of
9 people that have signed up.

10 If you wish to say something, please sign up with Kyra.

11 MS. PLATT: The first person is Ralph Roda, and if I am
12 pronouncing the name wrong, I apologize.

13 MR. R. RODA: No, you pronounced it correctly

14 My name is Ralph, R-A-L-P-H, Roda, R-O-D-A. I live at
15 111 Walker Valley Road.

16 I have a little information I could share with you guys.
17 We have a couple copies of this stuff.

18 So 111 Walker Valley Road, one side is bounded by an
19 easement which is a right-of-way road and it leads to the
20 back gate of the camp, Camp Nitra, and I see some activity
21 going on in the back there. I'm a little concerned about
22 what the intent is for the right-of-way road.

23 There's a map on the second to last page. You can see
24 where my property is in relationship to Walker Valley Road
25 and what is now called Shannon Lane which used to be called

1 - RE: SKI RUN REALTY LLC -

2 Old Walker Valley Road. And there is some deed information
3 on the next page; it refers to the right-of-way road.

4 There are three landlocked properties that you can see
5 on the map there, none of which are the camp, No. 1 being an
6 Airbnb that's being used now, and No. 3 in the back is a
7 sandbank.

8 And the gentleman, at one point -- and I want to
9 establish how the right-of-way road, in the past, has been
10 abused, in my opinion. The gentleman that had the property
11 in the back, the sand lot, built an enormous berm across the
12 back of my property. I have a degree in geology and I also
13 worked for a land surveyor for a while. And I realize that
14 the watershed from nearby my house has to go through my
15 property to get to Lake Jerry which is on the camp property
16 so I understand that we have a watershed issue that goes
17 through there. And in fact, the ditch that goes in front of
18 my property, it levels off just in front of my property and
19 ends right at Shannon Lane so often, there is a water problem
20 right at the end of Shannon Lane there.

21 So for your edification, I highlighted, and this is from
22 the law with Albert Goodwin, some of the ideas of what an
23 easement is meant for. It's a legal right to use another
24 person's land for a particular purpose, a particular purpose.
25 An easement does not grant the easement holder any right of

1 - RE: SKI RUN REALTY LLC -

2 ownership over the land but is restricted to the use of the
3 land strictly for that purpose. The easement is strictly
4 construed and grants the easement holder the use of the land
5 for travel from one place to another and for no other
6 purpose. The strict construction arises from the fact the
7 law favors the unrestricted use of one's property. Thus, the
8 easement holder cannot one day plant vegetables, put a fence,
9 beautify, do any other act of possession ownership to the
10 property covered in the easement except for a particular
11 purpose granted to him under the easement. When an easement
12 holder does not act in an authorized purpose under the grant
13 of easement, it will be considered trespass.

14 And so then the last page has a bit of a call-out from
15 one of the properties, and it says here that it's reflected
16 on the other deeds. I don't have my deed information, but it
17 says in here that this information reflected is on the
18 several deeds around that property.

19 So in the past there's been some transgressions, in my
20 opinion. The person in the back built a large berm across
21 the property and immediately flooded out my property. When I
22 told him I informed the building inspector, he then put a
23 culvert pipe in which is only a small 10-inch pipe, I think,
24 and it's really not low enough, but it did drain off the
25 land.

1 - RE: SKI RUN REALTY LLC -

2 And then he also built two enormous gate pillars on
3 either side of the entrance to his property. Trouble is he
4 didn't build them on his own property. One is certainly on
5 my property, another one might be, as well and then at the
6 end of the right-of-way road. And most currently, they've
7 begun to run an Airbnb off one of the homes on the road.

8 Now, the road was originally granted for access and
9 strictly for that purpose. It seems that they're preparing
10 to do some traverse across there. I don't think the road is
11 intended to be used for daily travelers across. It's
12 intended for the person that owns the property and possibly
13 people that work at the property. But if you were to invite
14 50 or a hundred people, I don't think that right-of-way
15 transfers down to those people. So that's my concern.

16 And since things have happened in the past already, I
17 wanted to kind of get ahead of it before anything occurred,
18 you know, that I wouldn't be able to control. My concern is
19 there will be traffic, it seems. And we've heard that the
20 idea will be to run daily traffic through the right-of-way
21 road to the back of the camp. So if that's the case, I'd be
22 opposed to that.

23 CHAIRMAN GREEN: Okay. Thank you.

24 MR. R. RODA: My wife looked up the date of the transfer
25 of the property. She said it changed hands in May of last

1 - RE: SKI RUN REALTY LLC -

2 year.

3 CHAIRMAN GREEN: Okay.

4 MS. PLATT: May of 2022. Kelsey looked it up, as well.

5 CHAIRMAN GREEN: Okay. Thank you.

6 MR. R. RODA: Any questions or ...

7 (No verbal response.)

8 MR. R. RODA: No?

9 MR. CAPPELLO: Do we have the map showing those others?

10 I remember that there was a lot of issues over that mining
11 operation.

12 CHAIRMAN GREEN: That's what that, I think he refers to
13 as the sandbank, was the Amy Thomas property.

14 MR. R. RODA: Yes. In fact, a few years ago they were
15 asking to transport sand out of there before they built the
16 modular home at the base of that sand mountain that's back
17 there, which seems unstable to me. I don't know how they
18 were allowed to build a home there. That's just sandy stuff.
19 Nothing grows on it. I think a small earthquake would bury
20 that house that's under there. But they were asked to have
21 permission to travel dump trucks up and down the road all day
22 and we kind of came up to the meeting and shot that down,
23 too. It's not really intended for that.

24 CHAIRMAN GREEN: So let me just ask. The point Mr. Roda
25 is raising is that he has a right-of-way going across his

1 - RE: SKI RUN REALTY LLC -

2 property.

3 MS. PLATT: Shannon Lane is a nonofficial highway. It's
4 not a real road. It's easements or right-of-ways that the
5 property owners have to get to their properties. I would
6 assume it would be through everybody's deed. So like you
7 said, it's not really a real road that --

8 CHAIRMAN GREEN: Right.

9 MR. R. RODA: That's right. It's property, it's not a
10 road. And the camp, I want to point out, is not a landlocked
11 piece of property. They have at least five gates that lead
12 out to Ski Run Road. So it's not like -- and in the 23 years
13 we've lived there, no one has ever used that gate and they've
14 ran the camp many times, so that's never been an issue.

15 CHAIRMAN GREEN: Is that something that would have to be
16 on the site plan?

17 MR. CAPPELLO: We should see all the properties they
18 own. I mean I see dwelling. I'm having a little problem. I
19 see Mr. Roda's property on this existing conditions map, but
20 I'm having problems coordinating the two maps to see where
21 the sandbank property is, where the Airbnb property is and
22 where the other property is to see how they work with the
23 rest of the property, how they will be. If they're all owned
24 by the same owner, we should see them all and see what the
25 use is going to be, how it is going to be there.

1 - RE: SKI RUN REALTY LLC -

2 Now, usually, easements and covenants, those are private
3 property rights. But this is, if it's used for access, the
4 Applicant is going to need to show us that they have
5 appropriate access for it to be considered and they have the
6 right to be there. I don't want to opine on the status of
7 the road. Those are all legitimate issues and it certainly
8 should be addressed, how is that area going to be used, how
9 are people getting to purposes, how does the Airbnb, if it's
10 Airbnb, work to the rest of it, what is the status, because
11 I'm pretty sure there's existing violations regarding the
12 reclamation of the that sandbank. That was a --

13 (Mr. Roda approached the consultant's table.)

14 MS. PLATT: If you want it in the minutes, please speak
15 clearly into the microphone.

16 MR. R. RODA: Here's my property here.

17 MR. CAPPELLO: Okay.

18 MR. R. RODA: And this is a big sand lot and back here
19 is the camp. The other part of the camp is over here.

20 MR. CAPPELLO: Yes. So this seems, to me, to be stating
21 that that lot line -- or maybe it's just a bigger -- yes,
22 it's a bigger. The hockey rink. It doesn't show that
23 property line on this map.

24 MR. R. RODA: That's not -- this is kind of in here,
25 too.

1 - RE: SKI RUN REALTY LLC -

2 MR. STACH: So John, I mean these are things that would
3 normally be required to be on the site plan; right?

4 CHAIRMAN GREEN: That's right.

5 MR. CAPPELLO: Yes, yes, correct.

6 MR. STACH: So if we have a site plan we don't have to
7 spitball here tonight.

8 CHAIRMAN GREEN: It's not on what they've sent us.

9 MR. STACH: What?

10 CHAIRMAN GREEN: I don't believe it is on what they sent
11 us.

12 MR. STACH: Okay. No, we don't have a site plan. We
13 have a survey that was the site conditions as they existed in
14 2022.

15 CHAIRMAN GREEN: Right, right.

16 MR. STACH: And so when you issue a special use permit,
17 I don't know if it's appropriate for me to -- is it okay,
18 yes?

19 MR. CAPPELLO: Yes.

20 MR. STACH: You have to either approve a site plan or
21 waive a site plan. The only time you waive a site plan is if
22 they're not proposing physical changes. In this instance, I
23 think they were saying they weren't proposing physical
24 changes, but the reality was physical changes that were not
25 approved are on the site already and so they are proposing.

1 - RE: SKI RUN REALTY LLC -

2 If they're proposing to keep those buildings, they're
3 proposing physical changes so we need to have the site plan.

4 MR. R. RODA: There's already been some construction
5 vehicles going up and down for the last several days. I'm
6 not sure what the limitation on this, you know, is on the
7 right-of-way road thing. That was my point about it.

8 MR. CAPPELLO: Have they been using the right-of way?
9 Have those construction vehicles been using the right-of-way?

10 MR. R. RODA: Yes, yes. They've run over my fence and
11 knocked out some of my post-it signs and things like that.
12 You know, there are these two gate posts. They had to go
13 between them. I didn't build them, somebody else did. And
14 as you go under, the power lines are so low you can almost
15 grab them from the ground. So that's an issue, too, because
16 they're bringing these big construction vehicles back there
17 and knocking my stuff down.

18 MR. CAPPELLO: I would almost suggest, I mean we still
19 have the public to hear from, but at some point after this --

20 CHAIRMAN GREEN: On this thing from 2022, March 16th,
21 here's the second one. The 12.-9-1, they do show Shannon
22 Lane but it's not connected to anything. It's actually
23 labeled here as a unpaved private road and there are two or
24 three houses.

25 MR. CAPPELLO: I mean I think a site visit is warranted

1 - RE: SKI RUN REALTY LLC -

2 maybe with Mary and with the map.

3 CHAIRMAN GREEN: With the maps, go and take a look. It
4 basically looks --

5 MR. CAPPELLO: Figure out what's there and what we need
6 to do. I mean we have a history. The containers were going
7 to be, they were going to have an architect. They were going
8 to be shelters with bathrooms. So there's a lot of history
9 and lot of issues, prior issues. Whether this applicant,
10 unfortunately, you buy, gets the property, you look at not
11 who owns it and when, what exists and what violations are
12 there and how do they get corrected.

13 MR. R. RODA: I would just like to add. I'm sorry. I
14 don't see any signs or a recent land survey out there. No
15 flagging, no stakes. That's something I would see. There's
16 nothing like that so I don't know when they did a survey.

17 BOARD MEMBER STANTON: What is the date of the survey?

18 MR. STACH: March of 2022.

19 BOARD MEMBER STANTON: So if I read Mary's letter
20 correctly, there's additional construction after that survey
21 so representation that there's been no additional
22 construction is incorrect.

23 CHAIRMAN GREEN: Next.

24 MS. PLATT: Next up is Chris Leser.

25 MR. C. LESER: A lot of questions here that you folks

1 - RE: SKI RUN REALTY LLC -

2 have not addressed. I have a big concern of how did you get
3 here. If all these problems are not going to be resolved,
4 how did they get here to this board at this time?

5 My notes. I shall return in a moment.

6 This is from the Thomas map, that note here. On the
7 other map it does not show the boundaries, over here, of No.
8 7. It doesn't show the boundaries over there. This goes
9 through the Burlingham Residential area, not Bloomingburg.
10 Some people think they live in Bloomingburg over there. This
11 is the Burlingham Residential area. And here is the line,
12 one of the things that's requested. It goes along here, up
13 to the, how do you say, the former camp. Okay. That's one
14 issue.

15 On the other side. There's mention about Shannon Lane.
16 On that little extension over there, which I don't have a
17 copy of, which that office refused to give me a copy of it, I
18 would have paid for it, over here, for that Shannon Lane
19 issue, their paper also says unpaved private road.

20 CHAIRMAN GREEN: Yes, that's the one I just read.

21 MR. C.LESER: Okay. I just wanted to clarify that --

22 CHAIRMAN GREEN: Yes.

23 MR. C. LESER: -- private road.

24 So here's the other issue over here that shows on this
25 map that I got for Amy Thomas. Here is the definition,

1 - RE: SKI RUN REALTY LLC -

2 there's the road, Burlingham Road, and there's the line of
3 where the kids might be, in that area. That's the lake.
4 This is Ski Run Road. So there's some questions here.

5 As the gentleman Ralph just said a little while ago,
6 they're using this back entrance through Shannon Lane, which
7 is a private lane, private road that's been there since BC,
8 before Chris. We used that gravel bank years and years and
9 years and years ago. Okay? So they're coming back and
10 they're doing all kinds of, when I saw it today, all kinds of
11 damage. They just run rampant through there. They do
12 whatever they want to do. This has got to cease and desist.

13 Okay, there's no property line boundaries. I've got
14 that one.

15 No ingress or egress along Shannon Lane. What will keep
16 the children from wandering over to Shannon Lane? There's no
17 fence, there's nothing there to restrict the kids from
18 wandering over to Shannon Lane over there. They can come
19 right over to see exactly where that is, the driveway, yes.

20 Here's the gravel bank that they questioned, that's been
21 mentioned for many, many years over there. So they maybe
22 come through and go into here, and eventually, there's Walker
23 Valley Road.

24 So in case of an emergency there -- nobody's mentioned
25 this. In case there was an emergency, where is this person

1 - RE: SKI RUN REALTY LLC -

2 that's going to be in charge, where is that person going to
3 be? We hold everything else, these B and Bs and medicals and
4 stuff, for someone to be accountable, 24/7. I didn't hear
5 anything mentioned about somebody for this camp. Who's going
6 to be responsible 24/7? I see numerous issues over there.

7 I just figured this thing would be a little bit better.
8 The attorney had some questions and answers. This is from,
9 what I said, Amy Thomas, her map. This is March 16, 2022.
10 It has all the boundaries on it than that map over there.

11 I'll let some of this go.

12 If I read this right, this map versus that as far as the
13 acreages, there's an acreage, a little bit over an acreage
14 difference. No big deal, but if it was in my favor, I'd have
15 that acre. But I'll just let this go for the moment just
16 to ...

17 I added some other -- oh, somebody mentioned about the
18 buildings. This here shows all the buildings. I think it's
19 more precise than that one over there. There's all the
20 buildings, the bunks. As I say, you can see, there's the
21 lake. And all this blacktop is all around. Christine
22 Thomas, the original owner, had blacktopped all around. And
23 I don't see the need to having this Shannon Lane. Walker
24 Valley Road comes down through here. Shannon Lane is right
25 adjacent to that. So this camp has been using this to go and

1 - RE: SKI RUN REALTY LLC -

2 do miscellaneous things on the property, which they just
3 don't seem to care what's going on over there.

4 Just a couple weeks ago there was a nice, along their
5 fence over there, there was a nice fire going. Did they get
6 a permit for that? No? Burned quite a bit of shrubbery,
7 trees, the brush and everything else near Mark and Lisa's
8 house, maybe a hundred feet away. If this was going near
9 your neck of the woods and the house that you had is a
10 hundred feet away, I think you'd be concerned about it. Yes,
11 so the fire companies were called. They burned quite a bit
12 in that area without any permission. They just did it. And
13 I was told that somebody was fined and that's all I know
14 about that part of it.

15 But do you have any more questions? This is two-sided.
16 This is the one that's in question for this here, in '91.
17 And the other side outlines the one 1.7, 1-7.

18 CHAIRMAN GREEN: We have it.

19 MR. C. LESER: You have this map here?

20 MR. CAPPELLO: Chris, can you show me where Walker
21 Valley Road? Does Shannon Lane connect to something?

22 MR. C. LESER: Yes.

23 MR. CAPPELLO: Where does it ...

24 MR. STACH: That map is the survey map.

25 MR. C. LESER: That map doesn't show everything that

1 - RE: SKI RUN REALTY LLC -

2 these two do.

3 MR. STACH: We have that map, as well.

4 MR. C. LESER: You have the map that's over there, not
5 this one.

6 MR. STACH: No, we do have both.

7 MR. C. LESER: You do have both?

8 MR. STACH: Yes.

9 MR. C. LESER: All right. Then it's on this one here.

10 MR. STACH: That one's actually a survey, sir.

11 MR. C. LESER: Right. But I mean it gives all the
12 stuff, I think, on what's --

13 There's Walker Valley Road, if I can look at this upside
14 down. And then that's the gravel bank. Someplace down here
15 is Shannon Lane.

16 MR. CAPPELLO: People are using Shannon Lane to --

17 MS. PLATT: Our stenographer is still taking the
18 minutes. If everybody could just quiet down a little. Thank
19 you.

20 MR. CAPPELLO: What I'm just trying to figure out is
21 what are people -- okay. So Shannon Lane goes here to get
22 back to Walker Valley Road?

23 MR. C. LESER: Walker Valley Road goes up. And it's as
24 if you were heading towards Walker Valley, this Shannon Lane
25 would be on your left-hand side.

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: Okay.

3 MR. C. LESER: And that's the thing that was in
4 question. You were here, I think a few of you were here from
5 years ago when they were hauling stone out of there, sand and
6 stuff. It was illegal, whatever ...

7 All right. I'm done momentarily. In case somebody
8 needs to look or whatever, I'm okay with that.

9 CHAIRMAN GREEN: Kyra.

10 MS. PLATT: Did you want to speak Elissa?

11 MS. E. FRONCZEK: Yes, please.

12 MS. E. FRONCZEK: My name is Elissa Fronczek,
13 E-L-I-S-S-A, F-R-O-N-C-Z-E-K, and with me is Marcus Fronczek.

14 Thank you, Chris.

15 All violations should be corrected before the camp is
16 open. It doesn't matter --

17 BOARD MEMBER LACEY: Speak into the --

18 MS. E. FRONCZEK: -- existing buildings.

19 BOARD MEMBER LACEY: Speak into the microphone.

20 MS. E. FRONCZEK: It doesn't matter if there was
21 preexisting buildings. From my understanding, most of the
22 buildings that were there were already in violation, to begin
23 with. And then when they took over the camp and remodeled
24 some of those buildings, they didn't come into compliance,
25 they were still in violation again. So for the safety of the

1 - RE: SKI RUN REALTY LLC -

2 children, I recommend that the camp be brought up to code
3 before you allow children and families to come and visit for
4 the summer, especially since, like Chris said, they have a
5 habit of burning and it shouldn't be on windy days and
6 starting my back yard on fire.

7 There's no way to track, you know, what's being used and
8 coming in and out of the camp once they block access to Mary
9 and board members with gates and tree logs and things like
10 that. You know, it's kind of hard to get into the camp when
11 it's locked up. So it's my understanding that there's been
12 problems getting access to the camp. I could be wrong with
13 that, but it's what I've been told in the past.

14 And that's all I have to say about it.

15 Oh, and also, they should not be trespassing on other
16 people's properties and removing their fencing when they
17 shouldn't be. It's, you know, slightly illegal.

18 MR. M. FRONCZEK: Hi. My name is Marc Fronczek.

19 Shannon Lane's the biggest issue as far as we're
20 concerned. Shannon Lane, again, as Ralph and Chris said, is
21 a private road. It's meant for access to landlocked
22 properties, not for general traverse to non-landlocked
23 properties.

24 My main issue is I've been the individual who's been
25 taking care of Shannon Lane for probably the past 20 some odd

1 - RE: SKI RUN REALTY LLC -

2 years. I've been the one who's plowed it, filled in all the
3 holes. I'm the one who, me and Ralph, fought when they
4 wanted to run 80,000 pound dump trucks back and forth with
5 the sand, which again, eventually got nixed.

6 When we were going to build our, we built an addition
7 several years ago back in 2015, the town ran us through the
8 loops about building a small addition for our house, about:
9 Hey can the road support, you know, this, that? Can the road
10 support an extra couple vehicles going up and down the road?
11 Can it support an ambulance? And now, what we're concerned
12 with is what we've seen, again, like what they said before,
13 over the past several weeks, two, three weeks, that back gate
14 for the camp has always been -- it's basically always been
15 overgrown. They've never used it in the 20 years I've been
16 there. Just recently, now the gate's all cleared, it's
17 fixed, the road's all like a brand new road. If you look,
18 and if you -- I mean you can see from my property because you
19 can see through the fence where, like my wife was saying,
20 where the fire burned the holes in the fence, you can see
21 right through. There's almost a parking -- there's a parking
22 lot there. That's not for maintenance people. That's not
23 for -- you know what I'm saying? There's a reason for that.

24 Not if you've ever seen -- I'm sure most of you have not
25 seen Shannon Lane. Shannon Lane is a single lane. It's

1 - RE: SKI RUN REALTY LLC -

2 basically a driveway, it's not a road. You know, two cars
3 coming in and out, you can't get two cars past each other.
4 And in order for two cars to pass each other, one side is a
5 drop off and the other side is grass, you have to pull onto
6 somebody else's property in order for two cars to traverse
7 that road. It's not possible. That's our biggest concern,
8 the cars, you know, the amount of traffic on Shannon Lane.

9 With the Airbnb the traffic's -- we've already run into
10 problems where the road's been blocked or we've had issues
11 getting a hold of people to move cars and all kinds of other
12 issues. So that's mainly our main issues, is the use of
13 Shannon Lane.

14 BOARD MEMBER GOODMAN: All right. Thank you.

15 MR. M. FRONCZEK: Again, it's not meant for, you know,
16 multiple cars. I mean I don't know if you've seen. You
17 know, you get a hundred campers coming in, coming in in
18 vehicles, Shannon Lane is going to be -- you're going to have
19 cars backed out there and it's going to block access.

20 But again, thank you.

21 MS. PLATT: Nobody else signed up on the sheet. Kelsey
22 said nobody on Zoom has contacted her. I don't know if
23 anybody wants to speak that hasn't signed up.

24 CHAIRMAN GREEN: Okay. Is there anybody that hasn't
25 signed up wish to speak?

1 - RE: SKI RUN REALTY LLC -

2 (No verbal response.)

3 CHAIRMAN GREEN: Okay. Board members have any comments?
4 Do you have any comments?

5 BOARD MEMBER STAROBIN: Just to the engineer, camp
6 starts in what, nine weeks?

7 MR. GETZ: Yes.

8 BOARD MEMBER STAROBIN: Tight schedule.

9 MR. GETZ: Yes, it is.

10 So Shannon Lane will not be used by the camp. So I was
11 speaking with David earlier tonight. He said if that comes
12 up, tell them it would not be used by the camp. I'm not sure
13 what they've been doing out there, but ...

14 MR. CAPPELLO: We want a plan --

15 MR. GETZ: Okay.

16 MR. CAPPELLO: -- to show where the access is, how it
17 will operate, how it's operating now, as we said. And in
18 that plan it needs to show all the properties --

19 MR. GETZ: Yes.

20 MR. CAPPELLO: -- and what's going on at that Shannon
21 Lane property, how it will be restricted from traffic. Those
22 are all issues that need to be shown on a plan for this board
23 to review so we could put conditions so we don't have these
24 issues going forward.

25 MR. GETZ: Okay. We'll do that.

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: And in that, it would be nice to have a
3 little report on how the drainage is working now, what
4 facilities might be upgraded, because we got the report from
5 the prior applicant that there are problems there, as well.

6 MR. GETZ: Okay.

7 MR. CAPPELLO: Now's the time to take care of it.

8 MR. GETZ: All right; update the site plan and a
9 drainage report.

10 CHAIRMAN GREEN: Max.

11 MR. STACH: So one of the things when we were going
12 through this with Camp Echo, because it predated the zoning
13 we needed to establish what existed on the date that the
14 zoning was adopted. So we're going back to, I think the
15 first zoning was -- I'm not sure. I know it was updated
16 around 2001 and then it was updated again in --

17 CHAIRMAN GREEN: 2019.

18 MR. STACH: 2019, right.

19 I think that you're going to have to work with Mary to
20 establish what is existing nonconforming. And I would
21 recommend there are available aerial photography going back
22 over the years that will show buildings that existed in, for
23 2004, 1996, 1982, that might help you get there, because I
24 don't know how you're going to establish that without having
25 something like. You certainly have some violations on record

1 - RE: SKI RUN REALTY LLC -

2 and some things that will help you since 2000, let's say.

3 But before that, you're going to have to show that it existed
4 and I think you're going to need to get some aerial
5 photography or something.

6 MR. GETZ: Okay.

7 BOARD MEMBER GOODMAN: So was there a special use permit
8 on file, or is there?

9 MR. CAPPELLO: No. I think, if I'm reading Mary's memo
10 correctly, there never was and that's part of the --

11 MR. STACH: A site plan.

12 MR. CAPPELLO: A site plan or a special use permit that
13 preexisted. But I might be wrong.

14 BOARD MEMBER GOODWIN: I mean --

15 BOARD MEMBER LACEY: In Mary's report they never had a
16 special use permit, and yet they still opened.

17 MR. GETZ: Didn't the special use permit expire?

18 MR. CAPPELLO: It says: 1995 the owners of Indian Lake
19 Camp applied to the Planning Board for special use and
20 amended site plan approval after being --

21 MS. PLATT: Is it possible to speak into the microphone?

22 MR. CAPPELLO: -- after being violated for the
23 construction of four tennis courts and hockey. It should be
24 rink.

25 On June 10th, 1996, a letter was sent by then Code

1 - RE: SKI RUN REALTY LLC -

2 Enforcement Officer stating that the application was denied
3 on July 25th, 1995.

4 March 4, 2008, a submission was made to the Planning
5 Board for special use and amended site plan approval with the
6 town engineer to make an inspection as they install the
7 drainage swale in the back of the hockey rink. Engineer was
8 never contacted and never confirmed the work was done. It
9 was done; it was not inspected as required.

10 After much research in the property, there's no actual
11 site plan and special use approvals from the Town of
12 Mamakating. From what I could find, this is a preexisting
13 camp that predates town zoning.

14 In 1995, 2008, in 2015 the owners of the camp were
15 before the Planning Board because changes had been made to
16 the site plan without permits or approvals and the special
17 permit never received approval.

18 So I think going back to Max's point, what was there
19 pre-1995 that may have been legal that they changed to at
20 least install four additional tennis courts and hockey court
21 that required them to go to the Planning Board. It seems
22 like everything since that has been done without the required
23 approvals.

24 CHAIRMAN GREEN: Again, if I read this correctly, the
25 tennis courts are on the piece of property that they're

1 - RE: SKI RUN REALTY LLC -

2 saying isn't part of the camp. Well, they own the other
3 piece of property but they're saying it's not part of the
4 camp, that they had to buy it as a condition of buying the
5 camp; right?

6 BOARD MEMBER GOODMAN: I guess my point is that we're
7 being asked to renew something that never existed if there
8 never was a special use permit.

9 MR. CAPPELLO: Right. Really, they need to get a
10 special use permit, yes.

11 BOARD MEMBER GOODMAN: Right. So we can't do anything
12 because there's nothing to renew.

13 MR. CAPPELLO: Yes, you're right.

14 So they may have an argument that they would have to
15 convince Mary that whatever was there pre 1995 with pre
16 zoning could continue.

17 BOARD MEMBER GOODMAN: Right.

18 MR. CAPPELLO: But I don't know if you expanded it --
19 and it is a conforming use so they can just come and get a
20 special use for the whole thing now and do it correctly and
21 do it right so we have a record and then you don't have to go
22 back in time. But right now, you're right, we need to find
23 out what may, may, I don't know, have a right to continue
24 pre 1995, and then what needs to be approved.

25 BOARD MEMBER STANTON: So John, can you clarify that?

1 - RE: SKI RUN REALTY LLC -

2 So it's up to the Applicant to prove that --

3 MR. CAPPELLO: Yes.

4 BOARD MEMBER STANTON: -- before 1995, nonconforming.

5 MR. CAPPELLO: Exactly, yes.

6 BOARD MEMBER STANTON: So to the extent they don't come
7 in front of us, they're in violation. Is that correct?

8 MR. CAPPELLO: Yes.

9 MS. PLATT: Can I just ask where 1995 is coming from?

10 MR. CAPPELLO: It says on May 1995 --

11 MS. PLATT: Oh, thank you.

12 MR. CAPPELLO: -- the owners of the Indian Lake Camp
13 applied. So we know just before 1995 something was added
14 that caused them to go back.

15 MS. PLATT: Thank you.

16 MR. CAPPELLO: But you're right. If there was no record
17 or site plan it would have been whenever original zoning was
18 adopted, what existed, and that might be --

19 MS. PLATT: '73.

20 MR. CAPPELLO: Do we have a history?

21 MR. STACH: There is a provision of zoning.

22 MR. CAPPELLO: '73.

23 MR. STACH: I think it dated back to the 2001 zoning
24 that said if something exists and it's made a special use
25 permit in that district, when the zoning was adopted, I

1 - RE: SKI RUN REALTY LLC -

2 believe back in 2001, that it would become conforming,
3 without any further action, it would become conforming, but
4 that to expand it, you need to get the special use.

5 MR. CAPPELLO: And it would have to be legal in 1995.
6 We know at least some of it was not legal.

7 MR. STACH: Yes.

8 MR. CAPPELLO: Whatever was legal in 2001 --

9 MR. STACH: It was expanded, yes.

10 CHAIRMAN GREEN: Did the current owner get any of these
11 old records when he bought the place?

12 MR. GETZ: I don't know that.

13 CHAIRMAN GREEN: Okay.

14 All right. So what do we do with the public hearing
15 now?

16 MR. CAPPELLO: Leave it open.

17 CHAIRMAN GREEN: Okay.

18 MR. CAPPELLO: So the public should know that it's being
19 left open to the May meeting. If we have any new
20 documentation by now, you can call, but you won't get another
21 notice. But this will be on for the May meeting for a
22 continuation of the public hearing. So you can call, see
23 what else has been submitted. You're welcome to review it
24 and also attend the meeting in May where comments will be
25 heard. That date is May -- the second Tuesday.

1 - RE: SKI RUN REALTY LLC -

2 MS. PLATT: May 9th.

3 MR. CAPPELLO: May 9th.

4 CHAIRMAN GREEN: May 9th, okay.

5 MR. CAPPELLO: So this board should just adjourn it to
6 May 9th.

7 CHAIRMAN GREEN: Okay.

8 BOARD MEMBER GOODMAN: Chris has something to say?

9 CHAIRMAN GREEN: Yes.

10 MR. C. LESER: Did I hear John --

11 CHAIRMAN GREEN: The mic.

12 MR. C. LESER: -- talking about Indian Lake Camp in
13 1995? Did I hear that correctly?

14 MR. CAPPELLO: They were before the Planning Board in
15 1995.

16 MR. C. LESER: I just -- I don't like to argue with you,
17 John, but I believe it was 1999 when they first came here and
18 they started doing work and they did not own that property
19 exactly then. That's what, the rumor they started with the
20 fat farm. Richard Stoloff was the attorney for them. I'm
21 not sure whether Richard Stoloff is still here. I know he
22 was planning on moving. But I'm almost certain that when
23 they came here it was 1999 and they didn't own the property
24 then. But they started doing work on it in lieu of and going
25 to get the property in the year 2000.

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: Okay.

3 MR. C. LESER: I could stand corrected, but I'm pretty
4 certain, John, I'm correct.

5 MR. CAPPELLO: This is a memo. I was reading from a
6 memo from Mary, for the record.

7 MR. C. LESER: It could have been --

8 MR. CAPPELLO: It could be --

9 MR. C. LESER: -- typical typo.

10 CHAIRMAN GREEN: Okay.

11 MR. C. LESER: Is there a Zoom meeting?

12 CHAIRMAN GREEN: Now?

13 MR. C. LESER: No. Tomorrow. Yes, now.

14 CHAIRMAN GREEN: We're being zoomed right now.

15 MR. C. LESER: That's why I'm just questioning, because
16 someone usually calls in on Zoom.

17 CHAIRMAN GREEN: Kyra said nobody had.

18 MR. C. LESER: Okay.

19 BOARD MEMBER GOODMAN: Thanks, Chris.

20 CHAIRMAN GREEN: Go ahead.

21 MS. UNIDENTIFIED SPEAKER: Ski Run Realty is an LLC.
22 Can we know who actually owns the camp? Like aren't we
23 supposed to be provided --

24 CHAIRMAN GREEN: I thought we have that information.
25 Ski Run, it belonged to a group called Ski Run Realty and

1 - RE: SKI RUN REALTY LLC -

2 they sold it, I believe the owner before this current owner
3 who then sold it to this owner. I'm sure that's on record
4 somewhere.

5 MS. UNIDENTIFIED SPEAKER: Right. But is David
6 Moskowitz the owner or does he work for the owner? I'm a
7 little confused as to who actually owns the camp.

8 CHAIRMAN GREEN: I can't tell you off the top of my
9 head.

10 MS. UNIDENTIFIED SPEAKER: That's my only question.

11 CHAIRMAN GREEN: Okay.

12 MS. PLATT: So Ski Run Realty LLC is the property owner.
13 We have entity disclosure forms that they have to submit
14 breaking down members and everything like that. I left the
15 file in the office, but that's something that if you wanted
16 to FOIL it, we can definitely give you that information. I
17 just don't have the folder with me. I apologize.

18 CHAIRMAN GREEN: I know we have seen the document
19 itself.

20 MS. UNIDENTIFIED SPEAKER: All right, great. So I'll
21 talk to you tomorrow, figure out how to get the info. Thank
22 you.

23 BOARD MEMBER STANTON: I would point out that at least
24 according to the Mamakating billing department, David
25 Moskowitz says he lives there, or he put an address of 1005

1 - RE: SKI RUN REALTY LLC -
2 Old Bedford Avenue. The owner, Miss Rothcard (phonetic),
3 also says 1005 Bedford Avenue. Ski Run Realty is also listed
4 at 1005 Bedford Avenue. So there seems to be a lot of
5 interesting ownership here.

6 ALTERNATE BOARD MEMBER JENSEN: Well, and then on line
7 that it says that it's Talmud Torah Trust.

8 BOARD MEMBER STANTON: That's the address of that,
9 yes.

10 CHAIRMAN GREEN: Okay. So again, just to recap, I have
11 my calendar in front of me, we're leaving the public hearing
12 open. The next meeting will be May 9, 2023.

13 (Time noted: 8:39 p.m.)

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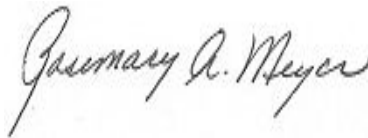
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REPORTER'S CERTIFICATION

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 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: May 8, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

- - - - - X

Ledwin Oviedo for Back River Hope Campground
Proposed Re-Approval and Amendment of Site Plan
for a Vacation Campground
Tax Map Section 14; Block 1; Lot 22.2
Mountain Greenbelt Zone

- - - - - X

Town Hall
Town of Mamakating
April 11, 2023
8:39 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- DOUGLAS STANTON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: James Martinez,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Narrowsburg, New York 12764
(845) 252-3515

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 CHAIRMAN GREEN: All right. Next on the agenda, Ledwin
3 Oviedo for Back River Hope Campground, Incorporated, proposed
4 reapproval and amendment of a site plan for a vacation
5 campground. The property is located at 811 Mt. Vernon Road,
6 Tax Map Section 14; Block 1; Lot 22.2. The property lies in
7 the Mountain Greenbelt and is approximately 45 acres.

8 MR. MARTINEZ: Good evening. James Martinez here with
9 Engineering and Surveying Properties.

10 Just to bring you guys up to speed, since the last --

11 BOARD MEMBER GOODMAN: I can't hear you.

12 BOARD MEMBER LACEY: I don't think that mic is working.

13 MR. MARTINEZ: Since the last meeting we have kind of
14 been trying to put a dent in everything. We're still going
15 through the design detail for Christian, but I think we put a
16 sizable dent in a lot of Max's comments.

17 We kind of ironed out the front amenities area, what
18 we're looking do with there. Same with the wetland area and
19 the camping domes on top of the platforms.

20 We also, since the last meeting, we had a Zoom meeting
21 with Mike Fratz from the DEC. He was in general agreement
22 with us that he thought the platform, the raised platforms
23 with the concrete footings, were a lot less invasive and
24 disturbing than what the cabins that we had proposed or what
25 was down in that area, so we're looking to move forward with

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 that in that area.

3 We also obtained a letter from the fire department.

4 They're in general approval of the driveway widths, the

5 turning radiuses and everything.

6 We also -- oh, I got e-mail correspondence from Craig
7 Blakesly that the heaviest emergency vehicle is 65,000
8 pounds, but we will still have a note on the plan that the
9 access drives will be able to support 85,000 pounds. We can
10 get that in writing if that's something that you're looking
11 for, the max emergency vehicle weight.

12 MR. PAGGI: Do you have a correspondence from the fire
13 department? Did they give a general approval of what you
14 were proposing?

15 MR. MARTINEZ: Yes. We have a letter. It was
16 submitted. I had sent it to Kyra after the fact because it
17 was past the deadline, but we will include that with our next
18 submission.

19 MR. PAGGI: Yes.

20 MS. PLATT: I thought I forwarded that.

21 MR. PAGGI: You probably did. Yes, I'm sorry.

22 MR. MARTINEZ: We also noticed that Max had the Lead
23 Agency notice drafted. That's what we were looking to
24 hopefully have circulated after this evening's meeting.

25 And I know going through Max's review letters, there's a

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 lot of minor stuff that we could clean up. I know
3 landscaping and lighting, we're looking to have that done for
4 our next submission, not necessarily next week, but possibly
5 for the June meeting, most likely for the June meeting. Sign
6 plan, et cetera.

7 I know there was one comment regarding the caretakers'
8 units and the clubhouse. I know it's a big property to be
9 taken care of and it's probably going to need multiple
10 caretakers to keep up the quality and the efficiency of the
11 site as a whole. We'll get more information on that.

12 But that's pretty much the long and short of it. If you
13 guys have any additional comments or anything.

14 CHAIRMAN GREEN: Okay. So Christian, do you want to add
15 anything?

16 MR. PAGGI: No. Most of our comments are still
17 outstanding. They are still working on, I guess a lot of the
18 technical details.

19 The biggest thing we're waiting on is stormwater. So
20 once they submit that, that would be really the proof that
21 they have adequate space for what they're proposing.

22 You mentioned that you talked to DEC about the wetland
23 permitting.

24 MR. MARTINEZ: We didn't start the permitting process
25 yet.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 MR. PAGGI: Okay.

3 MR. MARTINEZ: I think we -- there's still a wetland
4 delineation map that's been approved. It might still be -- I
5 don't know if it's expired. I think it's still -- I'll have
6 to check with Mike Fratz from the DEC, but he recalls walking
7 the site, I think back in 2019 or probably around then, I
8 think, when the last, the previous application was made for
9 the site.

10 MR. PAGGI: Have you had conversations with the DOH and
11 DEC regarding water and septic?

12 MR. MARTINEZ: We're actually working with another
13 engineering firm for the wastewater treatment facility.
14 They're going to look into the SPDES permit that was approved
15 for it, the flow that we're proposing now, and see what needs
16 to be done to bring it, make it current.

17 There are two existing wells on site. We had sent those
18 off to DOH to see what their comments were about that. They
19 had a comment about it, a couple of them being too close to
20 the dog park, stormwater facility. So based on how the
21 stormwater layout works out, we may be able to utilize both
22 those wells. But we will send that back off to them to get
23 their approval on it and then go from there.

24 MR. PAGGI: But it sounds like there's still a bit to do
25 before getting any sort of initial feedback from both of

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 them, on the water and sewer, as far as --

3 MR. MARTINEZ: Yeah. We're going to start looking at --
4 well, the company is going to start looking into the
5 wastewater and I guess the water system will follow once we
6 have the stormwater and rest of the site grading figured out.

7 MR. PAGGI: Okay.

8 CHAIRMAN GREEN: Okay. Max.

9 MR. STACH: Yes. So I would agree. I think a lot of
10 our concerns have been addressed or missing information
11 provided. There are several outstanding. I don't know if we
12 need to go through them.

13 Our recommendation is we feel like the plans have
14 progressed to the point where it's ready to go through the
15 Lead Agency Notice of Intent. We have prepared one. I did
16 notice a couple of typos and changes that need to be made
17 which I can get to Kyra. Before she sends it out I have to
18 fill in the date, too.

19 CHAIRMAN GREEN: Okay. So should we have a motion to
20 assume Lead Agency?

21 MR. CAPPELLO: Notice.

22 MR. STACH: Notice your intent.

23 CHAIRMAN GREEN: Notice of Intent, okay.

24 Do I have a motion to assume Notice of Intent on this
25 project?

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

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

3 CHAIRMAN GREEN: Alex.

4 Second?

5 BOARD MEMBER STANTON: I'll second.

6 CHAIRMAN GREEN: Doug.

7 All in favor?

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER LACEY: Aye.

10 BOARD MEMBER GLISSON: Aye.

11 BOARD MEMBER STANTON: Aye.

12 BOARD MEMBER STAROBIN: Aye.

13 ALTERNATE BOARD MEMBER JENSEN: Aye.

14 CHAIRMAN GREEN: Aye.

15 (The motion was approved and carried.)

16 CHAIRMAN GREEN: Is that it?

17 MR. MARTINEZ: Thank you.

18 CHAIRMAN GREEN: You're welcome.

19 (Time noted: 8:47 p.m.)

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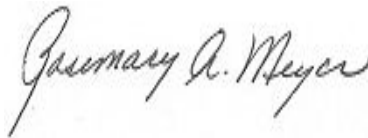
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Back River Hope Campground 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: May 26, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Lane Meadow Farm LLC
Proposed 11-lot Subdivision
Tax Map Section 68; Block 1; Lot 81.7
Residential Agricultural Zone
----- X

Town Hall
Town of Mamakating
April 11, 2023
8:47 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- DOUGLAS STANTON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: Reuben Buck,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Narrowsburg, New York 12764
(845) 252-3515

Reported By: Rosemary A. Meyer

1 - RE: LANE MEADOW FARM LLC -

2 CHAIRMAN GREEN: Okay. Next on the agenda, Lane Meadow
3 Farm LLC, proposed 11-lot subdivision. The property is
4 located on Winters Road, Tax Map Section 68; Block 1; Lot
5 81.7. It is approximately 56.52 acres and lies in the
6 Residential Agricultural Zone.

7 MR. BUCK: Good evening. Reuben Buck, Engineering
8 Properties here on behalf of the Applicant.

9 We're here to request an six-month extension. We are
10 right at the finish line. We recently received approval from
11 the Department of Health on the project. And at this point
12 in time, we're down to posting the bonds for the project, as
13 well as completing the stream buffer disturbance permit.
14 Those are the last outstanding items. Then we just need a
15 little bit more time to finish that up, so we request that
16 the Board consider a six-month extension.

17 CHAIRMAN GREEN: Are there any comments?

18 BOARD MEMBER GOODMAN: No.

19 CHAIRMAN GREEN: Okay.

20 BOARD MEMBER GOODMAN: I think we've been through
21 enough.

22 MR. BUCK: Yes.

23 CHAIRMAN GREEN: Do we have a motion to extend this -- I
24 went and looked up the date -- until October 10th, 2023?

25 ALTERNATE BOARD MEMBER JENSEN: I make a motion to

1 - RE: LANE MEADOW FARM LLC -

2 extend it.

3 CHAIRMAN GREEN: Adrienne.

4 Second?

5 BOARD MEMBER STANTON: I'll second.

6 CHAIRMAN GREEN: All in favor?

7 BOARD MEMBER GOODMAN: Aye.

8 BOARD MEMBER LACEY: Aye.

9 BOARD MEMBER GLISSON: Aye.

10 BOARD MEMBER STANTON: Aye.

11 BOARD MEMBER STAROBIN: Aye.

12 ALTERNATE BOARD MEMBER JENSEN: Aye.

13 CHAIRMAN GREEN: Aye.

14 (The motion was approved and carried.)

15 MR. MARTINEZ: Thank you.

16 BOARD MEMBER LACEY: What was that extended to?

17 CHAIRMAN GREEN: I just want to point out a note. When
18 I was going to research the Applicant tonight I went back and
19 took a look at their appearance when they were here last time
20 and in the transcript it says, and I quote: "Mr. Cappello:
21 At the April 11th meeting you have to remind me that my
22 wife's birthday is the next day."

23 John, your wife's birthday is tomorrow.

24 And Mrs. Cappello, if you're listening to this on Zoom,
25 from myself and the Board, happy birthday tomorrow. And we

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- RE: LANE MEADOW FARM LLC -

hope he takes you someplace nice.

(Time noted: 8:49 p.m.)

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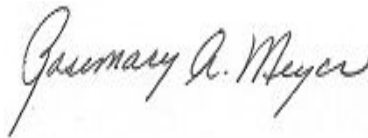
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REPORTER'S CERTIFICATION

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 Lane Meadow Farm 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: May 27, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Bloomingburg Mountain Resort c/o Israel Kraus
Current Use: Event Facility and Inn with Cabins
Proposed Use: Summer Camp and Event Facility
Tax Map Section 50.-1-38 and 50.-1-37
Residential Agricultural Zone
----- X

Town Hall
Town of Mamakating
April 11, 2023
8:49 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- DOUGLAS STANTON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: Zachary Peters, P.E.,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Narrowsburg, New York 12764
(845) 252-3515

Reported By: Rosemary A. Meyer

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 CHAIRMAN GREEN: Okay. Next, Bloomingburg Mountain
3 Resort, care of Israel Kraus. Current use is an event
4 facility and inn with cabins. Proposed use is for summer
5 camp and event facility. The property is located on Eagles
6 Nest Road, and at 58 Eagles Nest Road. Tax Maps are 50.-1-38
7 and 50.-1-37. The properties are a total of 53.84 acres and
8 lie within the Residential Agricultural Zone.

9 MR. PETERS: Good evening. Zachary Peters from
10 Mercurio, Norton, Tarolli, Marshall. We're the engineers for
11 the Applicant.

12 As you noted, I'm sure the Board is probably aware of
13 the facility, the former Eagles Nest facility located at the
14 end of Eagles Next Road. It's an existing event space
15 hosting weddings and similar events. What the application
16 before you tonight is the current owner is looking to expand
17 the current use of the site to include a summer camp during
18 approximately three months during the summer. The intention
19 is that the occupants would be utilizing the site in a
20 similar manner to how it's utilized now in terms of occupancy
21 and the facilities. The number of occupants is going to be
22 less than the total occupancy of the event facility. Based
23 on the previous owner, the event facility had approximately
24 218 people. What we are seeking or what the overnight
25 facilities can accommodate would be approximately 126 people.

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 It would be 86 campers and eight staff families that would be
3 utilizing, essentially, the same overnight spaces and kitchen
4 facilities in the event center that currently exist. So
5 those people, the proposed occupants would also be accessing
6 the site either via bus or via car in a similar manner to how
7 the access is provided now for the event space.

8 That's sort of an overview of the site.

9 CHAIRMAN GREEN: Max.

10 MR. STACH: Yes. So we reviewed the application and I
11 think, you know, it's early yet so we did have some requests
12 for clarification and/or additional information.

13 I think the biggest concern, significant concern we
14 have, is whether or not you can reuse what are presumably,
15 and I don't have the floor plans for the existing buildings,
16 but presumably something between guest rooms, overnight
17 accommodations and apartments, cottages. I don't know how
18 they're arranged, if they have individual kitchens, for
19 example, currently.

20 MR. PETERS: No. We'll confirm that, but there's a
21 central kitchen facility in the main event building that does
22 serve the site.

23 MR. STACH: But in other words, reusing cottages, sort
24 of plumbed dwelling units or accommodation units as a camp.
25 And we saw a couple of issues with the definition. One is

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 that a summer camp says that it's one or more temporary or
3 permanent shelters, buildings or structures, together with
4 the lot or tract of land appertaining thereto, established or
5 maintained as living quarters for temporary occupancy and not
6 arranged or intended for such occupancy except during the
7 period from May 15th to October 15th in any year. And so the
8 question is is if you have a building that's not a seasonal
9 building, built to be occupied year-round, is that still a
10 summer camp or is that some other animal in the code. And I
11 read the definition of bungalow colony or tourist cabins and
12 cottages which reads: A type of seasonal resort complex
13 consisting of a group of individual, usually one-story
14 structures, where indoor plumbing and kitchen facilities may
15 be provided in each unit. Said facility may also have
16 communal eating and recreational facilities. For purposes of
17 this chapter, existing colonies shall be deemed nonconforming
18 uses. New bungalow colonies are prohibited.

19 The reason why this sort of is relevant is because this
20 use as an assembly use, almost a country inn, I think you
21 said it was comparable to a country inn or what would be
22 allowed, I actually think in order to be a country inn the
23 owner would have to live on site. That's part of the
24 definition. It's actually comparable to what's, under the
25 code, considered a resort which is not allowed in this

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 district. It's a residential district, higher density,
3 meaning homes, small lot sizes than would be the RVP and the
4 MG where resorts and these types of uses are allowed.

5 I think we need, first, to get a definition from Mary --

6 CHAIRMAN GREEN: Okay.

7 MR. STACH: -- as to whether this qualifies, whether the
8 individual plumbing facilities in these units and the fact
9 that they're not designed or intended for seasonal occupancy,
10 they're designed and intended for year-round occupancy,
11 whether they're still able to be a summer camp without some
12 modifications.

13 BOARD MEMBER STAROBIN: Don't we have a similar
14 situation with Camp Kaylie where they're open, on some units,
15 part of the year and on other units the entire year it's
16 usable.

17 MR. CAPPELLO: I think on Camp Kaylie we allowed special
18 events, but I'd have to go back and look. I think it was
19 only from Labor Day to October 5th because our code says from
20 May something to October 15 and the summer camps usually end
21 Labor Day. So on Camp Kaylie, I know we did carve out, well,
22 if you want to have a fall festival or something, we said you
23 could use it in the time between Labor Day and October 15th.
24 This, I think, is a little bit different.

25 And I would just add on to Max's. I think what Mary

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 might want to look at is the historical use because if the
3 historical use was resort, I don't know if it's continued to
4 be a resort just in summer, children stay there. So I think
5 we just need to bear down on it and see exactly how we should
6 characterize it and proceed through the process.

7 MR. STACH: And there are protections under both. So
8 there's protections relevant to summer camps that this
9 property could not meet, meaning the 200 foot buffer of
10 activity space, which is significant. So when we have
11 outdoor camps we assume there's going to be a fair amount of
12 outdoor activity and that activity is supposed to be buffered
13 200 feet from any lot line and effectively screened. So if
14 this is a resort there may be different standards to that.

15 In any event, I think we need to verify what this is, if
16 this, in fact, can be a summer camp.

17 MR. BARSHOV: Mr. Chairman, my name is Steven Barshov,
18 Sive, Paget and Riesel. I'm counsel for the Applicant.

19 And let me clarify a few things. We just got this
20 letter today so we certainly would like an opportunity to
21 respond in greater depth. But what you have here is a
22 nonconforming use that is going to continue just as it had
23 except for the summer months. And the idea is to take what
24 that nonconforming use is year-round and to put in a
25 conforming use during the summertime. And that would be a

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 use that is allowed under the town's zoning, which is
3 specially permitted, is a camp use. This will not be a
4 typical camp in the sense of people running around and having
5 primarily outdoor activities. This will be primarily a
6 religious education facility where most of the activities
7 will be indoor, not all. We'll clarify all of that in
8 greater detail.

9 There certainly are nonconforming structures and
10 buildings and there would be requests for certain waivers
11 from the Board which we'll also address in greater detail.

12 So the idea is since the policy of every municipality,
13 certainly the Town of Mamakating is no exception, is to want
14 to eliminate, wherever possible, nonconforming uses, the idea
15 is to, at least for part of the year, substitute what is
16 currently a nonconforming use with a use that would be
17 specially permitted under the code. So that's the overall
18 thrust of this. Some of the specifics about what waivers are
19 required and the like we will get into.

20 As far as the definitional issue is concerned, I think
21 you have a somewhat unusual circumstance. I think what your
22 definitional provision was put in place to do was to try to
23 say, Listen, we're going to define the types of typical
24 buildings that are there for a summer camp. The use is the
25 use. Nobody is going to turn around and say that what is

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 happening here, or proposed to happen here, over the summer
3 isn't a summer camp because the existing buildings are the
4 way they are configured. You don't turn around and take down
5 the existing buildings that would be used for the rest of the
6 year to put up temporary structures that would only be used
7 for a camp over the summer. It just doesn't make any sense,
8 especially since those buildings like fallow. So we will
9 address this, as well, and I think we'll be able to, at least
10 I hope we will be able to satisfy the Board that the
11 definitional criteria is for the use, not for the fact that
12 you have to have certain buildings defines the use. That's
13 just never any way I've ever seen the zoning interpreted.

14 So what we would request tonight is the opportunity to
15 put in some additional material to flesh out responses to
16 these questions that were raised today. And really, the only
17 action that we would ask the Board to undertake would be to
18 just get the process going regarding Lead Agency.

19 CHAIRMAN GREEN: So just one thing. You could have come
20 to a workshop. We probably could have hashed this all out --

21 MR. BARSHOV: Sure.

22 CHAIRMAN GREEN: -- a lot easier, a lot more give and
23 take. I like to encourage applicants to do that because we
24 end up with situations here where you've gone to all the
25 expense of appearing before the Board.

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 MR. BARSHOV: Sure.

3 CHAIRMAN GREEN: It might have made it easier on you.

4 MR. BARSHOV: And you know what? We're happy to do that
5 with you. If that's what you'd like, we could happily do
6 that, too.

7 CHAIRMAN GREEN: Let me ask. So right now it's approved
8 as an event?

9 MR. CAPPELLO: Well, I think what I would like to
10 request is do everything you said, but on your zoning, on the
11 use issue, address that to our Building Inspector so she can
12 make a determination and include the history of what it's
13 approved for now.

14 And also, if you could address -- I followed everything
15 you said. The only concern, and I haven't looked in the
16 code, is would the changing to a conforming use for a certain
17 period of time knock out the nonconforming use because it's
18 generally, if you change from a nonconforming to a conforming
19 you lose. I mean I'm not saying that for sure, but I'd
20 like ...

21 MR. BARSHOV: Right. We'll address that for you, John.
22 Obviously, we're certainly not proposing to make the summer
23 use cure worse than the nonconforming use. All right?

24 So the idea is that I believe that what the Board can do
25 under its special permit review authority, and I will address

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 this is in greater detail, is authorize the nonconforming use
3 to be gone for that period of time. So it's a temporal, if
4 you will, a temporal switch to the specially permitted use.

5 And Mr. Chairman, if it helps, and we'll do this, we
6 could do this both ways. If you would prefer that we have a
7 workshop and that is something that you think would be
8 helpful, we're happy to come in and do that.

9 CHAIRMAN GREEN: It's your call. It's just we could
10 have hashed all this out --

11 MR. BARSHOV: Sure.

12 CHAIRMAN GREEN: -- before having to have all the
13 reviews and everything.

14 But my question, going back, so right now it's basically
15 a hotel?

16 MR. CAPPELLO: I don't want to opine because --

17 CHAIRMAN GREEN: All right. Okay.

18 MR. CAPPELLO: I mean I've been there --

19 CHAIRMAN GREEN: No, my thought is --

20 MR. CAPPELLO: -- for events and some weddings.

21 CHAIRMAN GREEN: Me, too. Me, too.

22 MR. CAPPELLO: I've never stayed there, but I didn't
23 know there was that many rooms.

24 CHAIRMAN GREEN: But that's my whole point, which is
25 you're calling it a camp and basically, you're using it the

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 way you'd be using it anyway. Why don't you just say, We're
3 going to be using it as a hotel for the summer?

4 MR. BARSHOV: Listen, if we could. I think the idea was
5 that it's not going -- we're just trying to be honest.

6 CHAIRMAN GREEN: Right.

7 MR. BARSHOV: It's not going to be individualized events
8 that would be occurring for a wedding or similar kind of
9 thing. There will be people up there for the entire summer.

10 CHAIRMAN GREEN: Right.

11 MR. BARSHOV: And so if you consider one long event,
12 okay. I just -- my own sense is is that if I had come in and
13 proposed that I might have been seeing some eyebrows go up.
14 So the idea is --look, we could talk about that at a
15 workshop, too. So we want to work with you. The idea is to
16 be able to have religious education occur during the summer
17 here.

18 CHAIRMAN GREEN: Okay.

19 MR. STACH: So the other thing that we might want to
20 look at is, and thank you for reminding me, is that
21 Department of Health requires a permit for a camp, but do
22 they require it for this other, whatever it might be.

23 MR. BARSHOV: I've run into this before. And basically,
24 what you have happening around the state is there are all of
25 these different ways which local governments handle this type

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -
2 of use. Regardless of whether it's called a place of
3 worship, which it is in some places, a camp, which it is in
4 other places, for purposes of that type of permit, it's just
5 you've got kids, they're there, you need that permit and
6 approval. It doesn't matter what you call it. So we would
7 definitely have to do that and go through that permitting
8 process. So this is not an attempt to say, Oh, we're going
9 to give it a certain name and therefore, you don't have to
10 deal with the Health Department. We've got to. And I've
11 dealt with this in Wawarsing regarding Talmud Torah and in
12 other places. So that's the reality that we're all dealing
13 with and that's not a problem.

14 ALTERNATE BOARD MEMBER JENSEN: Can I ask a question?

15 MR. BARSHOV: Sure.

16 ALTERNATE BOARD MEMBER JENSEN: Just to understand, what
17 you're saying was that currently, it's 218 persons is the
18 limit, but that's only typically like on weekends. And so
19 you're saying that this would be 126 person capacity, but
20 through the entire summer.

21 MR. BARSHOV: That is correct. That's exactly right.

22 MR. STACH: And that was a planning concern that we had,
23 also.

24 ALTERNATIVE BOARD MEMBER JENSEN: Yes.

25 MR. STACH: Because you do have a situation where right

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 now, this is a neighborhood and --

3 ALTERNATIVE BOARD MEMBER JENSEN: It's very quiet.

4 MR. STACH: Yes. I mean this use, a country inn,
5 wouldn't have been allowed there. A campground would. And
6 certainly, this property has a lot of land that you could
7 build a campground. But in this fashion where it's sort of
8 clustered up against the residential, that raises concerns
9 with regard to, again, the operation of it, the noise. So I
10 think to the extent that you can describe why those concerns
11 are not relevant here, I think that's something --

12 MR. BARSHOV: Sure.

13 MR. STACH: -- the Planning Board will want to --

14 MR. BARSHOV: Absolutely.

15 MR. STACH: -- have a clear idea.

16 MR. BARSHOV: No doubt that you have to be a good
17 neighbor and you have to have appropriate things put in place
18 to make sure you're a good neighbor regardless of whether
19 they're residences or whoever your neighbors are. So
20 absolutely. And we can certainly address that, you know, the
21 typical kinds of things of no loudspeakers and the kind. And
22 most of the activities here, as far as I know, a good deal of
23 the time these will be children that are just simply studying
24 indoors. But we'll give you a much better idea of what that
25 will involve.

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 ALTERNATE BOARD MEMBER JENSEN: When did it change
3 hands?

4 MR. BARSHOV: Oh, gosh, that, I don't know for sure.
5 We'll get you that. I just don't want to misspeak. I know
6 it hasn't been that long ago, but I wouldn't want to misspeak
7 and tell you something incorrect.

8 MS. PLATT: So in 2022 there was a new owner,
9 Bloomingburg Mountain Resort LLC. And then in 2023 it became
10 Bloomingburg Mountain Resort LLC, also, so it's the same. So
11 sometime after January of '21. I don't have the exact date,
12 though.

13 MR. BARSHOV: It's relatively recently, but not like two
14 weeks ago.

15 BOARD MEMBER STANTON: Is the 218 person number, is
16 that the capacity of the dining room or is that the number of
17 people that can actually sleep overnight there?

18 MR. BARSHOV: I'm not sure. And again, we'll get you
19 that answer. I just want to be clear. We're not looking to
20 change any of that for the non-summer months. Whatever that
21 nonconforming use limit is is what would be respected.
22 There's no proposal to change that in any way, shape or form.
23 But we'll get you that information so you understand what the
24 nonconforming use entails, which I think was the question
25 that you were asking.

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 MR. STACH: And one other thing that also came up when
3 we were sort of trying to get a handle on this lot is we saw
4 some information in Sullivan County that the lots had been
5 merged. I assume this is through a lot line assessor.

6 MR. BARSHOV: Yes. I caught that in your letter and I
7 didn't have any information about that at all. So that's
8 another. I'm going to go through the whole letter and we'll
9 address these things. But I saw that point having been
10 raised and have no information for you about that.

11 MR. STACH: Okay. And I think my bigger question is was
12 there ever any consideration by the owner to use, this is a
13 very large piece of land, to use this property to have a camp
14 that sort of puts the activity, if there is activity, and
15 maybe that's the answer, there is no activity, at a further
16 distance from existing.

17 MR. BARSHOV: I have not had that conversation. I don't
18 know if anybody thought about that. I think, at least
19 initially, the way it was described to me was they didn't
20 want to further improve, further disturb the land, further
21 develop it in terms of its intensity of development of number
22 of buildings. And they simply wanted to say, We'll take
23 existing structures, existing buildings, and change the use
24 from its nonconforming use to a conforming use for these
25 summer months. So, you know, again, at a workshop we could

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -
2 talk about whether or not the town, and for that matter,
3 whether the neighbors would prefer that there be more
4 development on the site. Normally, when I come in most units
5 of local governments planning boards don't turn around and
6 say, Yeah, sure, why don't you just put up a whole bunch of
7 new buildings and other stuff someplace else. Usually
8 preserving the land is the preference, but maybe there's a
9 different point of view here.

10 BOARD MEMBER GOODMAN: If I'm not incorrect, I think
11 doesn't the rest of the property drop off the side of the
12 mountain?

13 MR. PETERS: Yes. Just for reference, just to back up
14 one step, the existing, you know, recreation or outdoor
15 facilities that we're referencing, there's an existing tennis
16 court that's on the far westerly side of the property, right
17 here. There's also an existing pool located somewhat
18 centrally. This is the existing field area. So those are
19 where the outdoor recreation currently is and the intent was
20 just that it was going to keep using those facilities.

21 And then you are correct, the site does drop off
22 relatively steeply. Basically, everything below that line
23 starts to go down the mountain. We can look at adding some
24 USGS contours or some other information just to depict that.

25 But going back to the overall map, it really, once you

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 start getting down here, it's substantially steeper than
3 everywhere else. And everything, at least in close proximity
4 to the existing development, is wooded up in that area.

5 MR. STACH: And that was another question we had, is I
6 think that you don't meet the lot area requirement keeping
7 these two lots separate. So I think you would have to --
8 now, I'm not going to tell you what to do, but you don't
9 necessarily need to merge them, but you certainly have to
10 move that lot line; right? So that was going to be my
11 question, is are you proposing to merge the lots, are you
12 proposing to move that lot line so you get the 25 acres.

13 MR. PETERS: Yes, we'll confirm that with the Applicant.

14 And just to touch on that, your prior comment, I believe
15 you are correct that at least some of those tax parcels were
16 merged previously. The site plan that was done is based on a
17 prior survey that was completed before that.

18 MR. STACH: Okay.

19 MR. PETERS: We'll confirm that information, as well.

20 MS. PLATT: The pool used to be on its own property, or
21 like half on two properties, which is why that was combined.
22 It just made sense to put them as one piece.

23 MR. STACH: Another significant concern was about it
24 appears that at least, I don't know if all of the parking or
25 half of the parking is in the right-of-way. So I would think

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -
2 you need to -- well, that's a question. So it's a
3 preexisting nonconforming condition with regard to whatever
4 Mary determines this use is now, or preexisting use. So
5 that's going to be a deficit parking. There will be a
6 parking requirement relative to the camp and can you use
7 those parking spaces that are partially within the
8 right-of-way to meet the camp use and is it even in the
9 right-of-way. Or am I reading the map wrong?

10 MR. PETERS: Again, I think everything that we've noted
11 we'll expand on further.

12 There is a separate gravel parking area here, which is
13 clearly on the site. This area you're referencing is up in
14 here where it kind of stands out. This is the end of the
15 road according to the old map that we have. So we'll look
16 into that and see what the layout space is. You're looking
17 for more information on the parking. Maybe there's some
18 different orientation we can do with that.

19 MR. STACH: Okay. Other than that, I think this is
20 going to be a Type I. It's a Type I under the Department of
21 Health regulations. It's going to require referral to
22 Sullivan County because of a lot in an Ag district that's
23 within 500 feet.

24 And it seems you'll need to submit a full EAF Part 1
25 because of the Type I. We received a short form. But it

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 seems like there's just some more issues we have to work
3 through. I don't think I need to go through any of the other
4 details --

5 CHAIRMAN GREEN: Okay.

6 MR. STACH: -- in my memo.

7 CHAIRMAN GREEN: Christian, any additional comments?

8 MR. PAGGI: My comments were preliminary based on this
9 information. I think it was already covered by Max. So
10 unless the Applicant or the Board has any questions on any of
11 these bullets in my comment letter, I don't know if it's
12 really necessary to go through them.

13 MR. BARSHOV: I think for tonight, just Notice of Intent
14 to serve as Lead Agency is really the only action. We'll
15 look at the Type I question, as well, and include that in our
16 response. But that's yet one step away, which has got be
17 Lead Agency first.

18 MR. STACH: So with regard to that, you could issue your
19 Notice of Intent but you won't be able to circulate it until
20 we get that full EAF Part 1.

21 CHAIRMAN GREEN: Yes. So ...

22 MR. STACH: So typically, we'd like to just do a quick
23 review of the full EAF. We don't do a deep dive, but I think
24 if you could provide the full EAF, I think next month.

25 MR. BARSHOV: Did you want to have a work session or do

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 you feel at this point it's not necessary?

3 CHAIRMAN GREEN: That's up to you. I mean you're
4 certainly welcome to come and take the Board's time.

5 MR. BARSHOV: When is it?

6 CHAIRMAN GREEN: You may have passed the point where a
7 work session would have helped. We could have answered a lot
8 of these questions just sitting around a table.

9 MR. BARSHOV: Okay. I mean as long as the Board isn't
10 feeling that we're doing something wrong by not asking for
11 it.

12 CHAIRMAN GREEN: Oh, no, no, no. I was saying that for
13 your benefit, that's all.

14 MR. BARSHOV: Okay. Fair enough. I appreciate it.

15 CHAIRMAN GREEN: Or anybody else or applicants out
16 there, that it's usually if we have an applicant where, well,
17 we're not sure about the zoning or the whatever, that's
18 usually best, just resolve it at the workshop before we get
19 involved.

20 MR. BARSHOV: I'll tell you what. What we'll do is if
21 it's okay with you is we'll talk with our clients and
22 probably reach out, as well, to you guys, and look at some of
23 the questions and answers and then we'll get back to you as
24 to whether or not we'd like to have the work session. Will
25 that work?

1 - RE: BLOOMINGBURG MOUNTAIN RESORT -

2 CHAIRMAN GREEN: That's than fine. Yes, it works.

3 MR. CAPPELLO: And I think in the meantime, if we can
4 get that analysis to Mary then we can get a determination and
5 that will help us determine which way to go.

6 CHAIRMAN GREEN: Okay.

7 MR. BARSHOV: All right. Thank you very much.

8 (Time noted: 9:18 p.m.)

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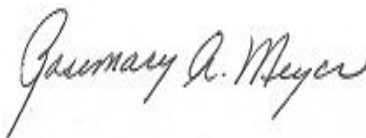
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REPORTER'S CERTIFICATION

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 Bloomingburg Mountain Resort, 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: May 30, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
McDonald Road 45 LLC
Proposed Amended Site Plan to Expand Existing Warehouse
Tax Map Section 26; Block 1; Lot 21.7
Airport Development Zone
----- X

Town Hall
Town of Mamakating
April 11, 2023
9:18 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, Board Member
- DOUGLAS STANTON, Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAX STACH, Planner, AICP

Also Present: Reuben Buck,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Narrowsburg, New York 12764
(845) 252-3515

Reported By: Rosemary A. Meyer

1 - RE: McDONALD ROAD 45 LLC -

2 CHAIRMAN GREEN: So next on the agenda, Engineering
3 Properties on behalf of McDonald Road 45 LLC, proposed
4 amended site plan to expand existing warehouse. The property
5 is located at 21-45 McDonald Road, Tax Map Section 26; Block
6 1; Lot 21.7. It is approximately 5.22 acres and lies within
7 the Airport Development Zone.

8 MR. BUCK: Good evening. Reuben Buck, Engineering
9 Properties. I'm joined by Jason Rashford from the Eastgate
10 Group for the application at McDonald Road.

11 Since we last appeared before the Board we prepared full
12 site plans which addressed some of the comments that were
13 issued by the Town planner and Town engineer. We did receive
14 the most recent comment memos and understand there are some
15 outstanding items still that need to be addressed.

16 Given this project is going to require several variances
17 to proceed, we would be happy to discuss the comment letters
18 from the planner and engineer. But ultimately, our goal for
19 tonight would be to have the Board declare their intent to be
20 lead agent so we can proceed with the uncoordinated review
21 and move on to the ZBA to address the zoning issues prior to
22 doing any further design work and analysis for the project.

23 CHAIRMAN GREEN: Okay. Christian, to start off.

24 MR. PAGGI: Similar to the last, we're still waiting on
25 a SWPPP for stormwater design. They indicate that'll be

1 - RE: McDONALD ROAD 45 LLC -
2 provided in future submissions.

3 They provided a maneuvering diagram for a WB-67, that
4 large semi truck. We were just noting that you have what
5 looks like a spot for four different semis to be parked up
6 there and if that's the case, if there's going to be those
7 similar spaces taken, that's going to be pretty tight to
8 maneuver, so some sort of response, and again, even on
9 narrative, in written form, describing what the anticipated
10 delivery schedule will be just to go along with that
11 maneuvering diagram just so the Board can really have the
12 opportunity to evaluate whether that's adequate or not.

13 Also, the plans now do show an area for future
14 dedication of a right-of-way along McDonald Road. Right now
15 the property line extends to the center line of McDonald
16 Road. So typically, when applicants come before the Board
17 for a subdivision, a site plan, the Board's practice has been
18 to ask them to offer that area for dedication so there can be
19 a formal right-of-way deeded. So they will just need to
20 provide the metes and bounds, obviously. Agreement to
21 dedicate that area will need to be executed either prior to a
22 CO being issued. I'm not sure how the Board typically
23 handles that, but that's certainly something that can be done
24 as a condition of approval, at the least.

25 The other big item that they're waiting on is

1 - RE: McDONALD ROAD 45 LLC -

2 information on the septic system. They're going to be
3 expanding the use of the warehouse, obviously. We just asked
4 them to indicate what that will translate to as far as water
5 usage and sewer demand, if there's any upgrades or
6 modifications to the systems as they currently stand that
7 need to made. Also, just showing the location of existing
8 septic to see if any of the proposed improvements are
9 potentially impacting those relative to the infiltration
10 basin that's proposed, any other stormwater management
11 facilities, making sure that they're maintaining the
12 necessary horizontal separation to those features.

13 There's an existing culvert across McDonald Road. You
14 guys are proposing to remove that and not replacing it at
15 this time.

16 MR. BUCK: It's not our intention, no.

17 MR. PAGGI: So the removal, will you be actually
18 removing this or abandoning it in place and filling it or ...

19 MR. BUCK: We'll have to look at it in more detail, see
20 what's going to be the more practical way of handling it.

21 MR. PAGGI: Okay. One of our other questions was, I
22 mean that culvert was serving a purpose. There's a swale. I
23 believe it's pretty poorly defined and I'm not sure how much
24 runoff it actually sees. But if you're creating that, in
25 removing that culvert and then adding that curb cut, any

1 - RE: McDONALD ROAD 45 LLC -

2 water that's impounded on the uphill side of that, that west
3 side of that, you know, what are your plans for that? I
4 think in your response letter it was just that runoff was
5 going to be directed to the new stormwater feature as opposed
6 to the culvert. it looked like there was some areas that
7 need to be addressed.

8 We're asking for a little bit more information on that
9 curb cut and the driveway to make sure that it complies with
10 the Town's driveway standards.

11 And that's really it. The rest of them are really
12 technical details and notes. Unless you guys have questions
13 on the comments; the same with the Board.

14 MR. BUCK: If I may, I'll just address two of the
15 comments that you brought up because we did receive the
16 FOIL-ed information on the septic system. It's currently a
17 seepage pit so there's definitely going to be improvements
18 needed for the septic system. Based on -- even if we weren't
19 expanding the use, obviously, the seepage pit is not standard
20 practice anymore.

21 And then as far as the road dedication, it's my
22 understanding that Jay Samuelson from my office had
23 correspondence with the highway super, and the intention was
24 to dedicate that portion of the road following the approval
25 of the project. I just wanted to make sure that the Board

1 - RE: McDONALD ROAD 45 LLC -

2 understood that and that we're on the same page regarding how
3 that's being handle.

4 MR. PAGGI: So yes, thank you for mentioning that. I
5 had a conversation with Jay and with the highway super about
6 that.

7 The implications of that road dedication are that the
8 property line will be basically moving into the property 25
9 feet, which affects their setbacks. So right now, where the
10 property line is is the center line of the road. They're
11 proposing their building at the 50 foot setback from that
12 property line. What I had discussed with Jay was if the
13 right-of-way area was dedicated after site plan approval,
14 then they would still be in compliance, they would be
15 meeting. Right now the 50 foot setback is in place and
16 they're maintaining that. The idea would be that the road
17 dedication would happen after the site plan is approved, and
18 that is, of course, if the Planning Board is comfortable with
19 that and if the highway super is comfortable with that. I
20 spoke with the highway superintendent. The concerns there
21 would be are there any improvements that would be needed
22 along McDonald Road that could potentially be impacted by
23 that shorter setback in the front. The highway super did not
24 see any issues given the volume of traffic that this road
25 sees and the properties that it's serving. So he didn't seem

1 - RE: McDONALD ROAD 45 LLC -
2 concerned, but I did want to bring that to the Board's
3 attention so thank you for reminding me.

4 BOARD MEMBER STAROBIN: A question regarding the
5 infiltration, stormwater management. The property itself is
6 what, five acres?

7 CHAIRMAN GREEN: Yes, 5.22

8 BOARD MEMBER STAROBIN: Yes. So you're going to have
9 basically two acres of building, right, almost 80,000 square
10 feet. And the paved area which amounts to how much?

11 MR. BUCK: The paved portion --

12 BOARD MEMBER STAROBIN: Just an estimate.

13 MR. BUCK: 10,000, 10,000 square feet or so.

14 BOARD MEMBER STAROBIN: Just my question is this. You
15 know, with Kohl's right there, which is acres of impervious
16 surfaces, buildings, asphalt, and this parcel right next to
17 it, and the area is fairly saturated to begin with, the water
18 table is very high there, is this a potential problem in the
19 future?

20 MR. PAGGI: So we have yet to review any design
21 information on that infiltration basin. I mean we haven't
22 seen soil testing yet. Those are my concerns, also. You
23 know, where is the water table, what is the infiltration
24 capacity on the soil there, because that's what's going to
25 dictate the size of that basin.

1 - RE: McDONALD ROAD 45 LLC -

2 I'm assuming you guys have some preliminary information
3 which is how you based the size of that on.

4 MR. BUCK: It's very preliminary in nature. And as I
5 said earlier, that's really getting into much more detail
6 design. Obviously, we've got a full site plan, but that's
7 preparation of a stormwater pollution plan, soil testing.
8 Before we go and take care of all those and address the
9 comments of the Town engineer we would like to go before the
10 Zoning Board. If the Zoning Board doesn't approve the
11 variances, we've got no project. But we'll be sure to
12 address all the stormwater concerns.

13 MR. CAPPELLO: I mean the Board should know, while we're
14 talking, the details. There's a couple significant variances
15 this project needs. There's a couple significant variances,
16 I think if you look in Max's memo, that this project needs.
17 So I think what they're looking for is start the process with
18 the ZBA before they get in a lot of detail because it's
19 possible that ...

20 I didn't meant to step on Max.

21 MR. STACH: So yes. And I have to apologize. This was
22 my first meeting last month. But I did miss something which
23 is warehouses aren't permitted in the zoning district so this
24 has become an existing nonconforming use as of 2019 when the
25 new zoning was adopted. Warehouses and a bunch of other uses

1 - RE: McDONALD ROAD 45 LLC -

2 were excluded from the Airport Development District because
3 there was a feeling that particularly Kohl's was extremely
4 large and extremely impactful on the community character and
5 they wanted different types of development in this location.

6 That being said, it's going to require a variance from a
7 provision of your code that says that that existing
8 nonconforming uses cannot be expanded. And I will leave it
9 to the much more informed legal minds that advise this board
10 and the Zoning Board as to whether that's a use or an area
11 variance. I think you could argue -- if it was my applicant
12 I'd argue certainly one way. But certainly, it's something
13 that I agree with John. We need to get a decision. It
14 doesn't make sense for us to do anything here until they know
15 that they're going to be able to expand the warehouse.

16 That said, I think you asked for a Lead Agency Notice of
17 Intent. I don't see this as being a Type I action. It's an
18 unlisted action which means you can commence with
19 uncoordinated review. I don't know what the typical process
20 is, but the Zoning Board could, especially if they find that
21 this is an area variance, could do SEQRA on their own. But
22 if you are disposed to do a Lead Agency Notice of Intent,
23 then certainly, that's something I can put together quickly,
24 identifying the Zoning Board as being the involved agency
25 that needs to be copied.

1 - RE: McDONALD ROAD 45 LLC -

2 CHAIRMAN GREEN: So their next step is to go to the ZBA?

3 MR. CAPPELLO: Yes, for either a use or an area
4 variance, depending. And it would really be Mary and then
5 the ZBA's determination as to what, ultimately, the ZBA, I
6 should say. And also, a fairly significant parking. What is
7 it, 71 spaces are required and 17 are provided. So they're
8 pretty large. Yes, they would have to go to ZBA.

9 To just expand quickly on what Max said about
10 coordinating lead agency, I mean if you coordinated lead
11 agency then what would happen is they would go to the ZBA to
12 start the process. The ZBA could hold a public hearing,
13 could hear the evidence and maybe give some kind of
14 preliminary indication, but the ZBA could not act on the
15 variances until the lead agency made a SEQRA determination.
16 Then once this board, as the Lead Agency, made a SEQRA
17 determination, then the ZBA could grant the variance because
18 you can't grant site plan until the variances. So it's a
19 little bit of (inaudible), but I mean I've done it on Type I
20 actions before and what you do is you try to get as much an
21 indication from the ZBA, without a formal vote, that they're
22 inclined to granting it. And meanwhile, the ZBA could just
23 give some input, especially on a project like this. Before
24 they consider a variance of that size they may want input
25 from this board and your consultants as to the advisability

1 - RE: McDONALD ROAD 45 LLC -
2 of considering or granting it because there's a lot of
3 environmental and planning issues associated with granting
4 the variances. So it will take some coordination, whether
5 it's a coordinated SEQRA process or just getting input in the
6 review, I would say.

7 CHAIRMAN GREEN: So if we voted to be the Lead Agency
8 Notice of Intent, would that make it easier for them, then?
9 Would that smooth things out? I'm just trying to --

10 MR. CAPPELLO: Yes.

11 CHAIRMAN GREEN: -- what is the easiest path for these
12 guys.

13 MR. CAPPELLO: I would leave it to them, what's the
14 easiest path is the most protected path --

15 CHAIRMAN GREEN: Okay.

16 MR. CAPPELLO: -- for this board would be to coordinate
17 lead agency and coordinate with the ZBA. If the Applicant
18 requests to do it otherwise, then the Board can consider it.

19 MR. STACH: The one caution I would put on that is if
20 you coordinate your review with the Zoning Board, this board
21 will become responsible for assessing the impact of the
22 Zoning Board granting the variance which means you will have
23 to decide whether or not the purposes of the zoning and the
24 Comprehensive Plan are served by granting the variances,
25 which is something you probably wouldn't have to consider if

1 - RE: MCDONALD ROAD 45 LLC -

2 the Zoning Board does that review itself. So you will be,
3 from the environmental review standpoint, inserted into that
4 zoning board process.

5 MR. BUCK: If I may add, we would prefer an
6 uncoordinated review. We understand that variances sought
7 are large and the ZBA does have the ability if they feel they
8 need more time or information, to hold the public hearing
9 open to continue their review process prior than the typical
10 two meeting schedule. We feel if we can get the variances
11 granted and complete the ZBA, those items can be put to rest
12 and then we can come to the Planning Board with a plan that's
13 set and ready for your review. And as your planner had
14 mentioned, now you don't have to take into consideration the
15 items that specifically are for the Zoning Board to review
16 and allow them to handle their process and complete it and
17 then we'll come back ready to address all of your comments
18 and questions, as well.

19 MR. CAPPELLO: The flip side of that, if you want the
20 ZBA considering a variance of this size without making sure
21 there's opportunity for input from Christian and Max as to
22 the impact on drainage, or potentially traffic, or
23 potentially any of the issues, because if, then, they come
24 back and they have the variances, they say, Well, that's a
25 done deal. So it's six of one, half dozen of the another.

1 - RE: McDONALD ROAD 45 LLC -

2 But one way, whether it's coordinated SEQRA review or not, we
3 should make sure that the ZBA has some input from this board
4 and its consultants on the environmental issues associated
5 with considering the variances on the site.

6 CHAIRMAN GREEN: Comments? I love putting people on the
7 spot.

8 BOARD MEMBER STANTON: I would defer to them. They
9 seem like they want to go uncoordinated route.

10 CHAIRMAN GREEN: Uncoordinated takes us out of the loop.

11 BOARD MEMBER STAROBIN: I think it should be a
12 coordinated review for the reasons that John mentions.

13 CHAIRMAN GREEN: Mort is our Comprehensive Plan expert
14 so I'm inclined to go with him.

15 John.

16 BOARD MEMBER LACEY: Yes, coordinated.

17 CHAIRMAN GREEN: Okay. So Mort, you can make the
18 motion.

19 BOARD MEMBER STAROBIN: What's the motion?

20 MR. CAPPELLO: The motion would be direct Max to prepare
21 a Notice of Intent for Lead Agency to coordinate review.

22 BOARD MEMBER STAROBIN: Motion.

23 BOARD MEMBER LACEY: Second.

24 CHAIRMAN GREEN: John, second.

25 All in favor?

1 - RE: McDONALD ROAD 45 LLC -

2 BOARD MEMBER GOODMAN: Aye.

3 BOARD MEMBER LACEY: Aye.

4 BOARD MEMBER GLISSON: Aye.

5 BOARD MEMBER STANTON: Aye.

6 BOARD MEMBER STAROBIN: Aye.

7 ALTERNATE BOARD MEMBER JENSEN: Aye.

8 CHAIRMAN GREEN: Aye.

9 (The motion was approved and carried.)

10 CHAIRMAN GREEN: Okay.

11 MR. BUCK: Thank you.

12 MR. CAPPELLO: I mean we still --

13 CHAIRMAN GREEN: Right.

14 MR. CAPPELLO: -- refer you to the ZBA so you can still
15 start the ZBA process.

16 MR. BUCK: Absolutely.

17 MR. CAPPELLO: We'll send them a copy of the Notice of
18 Intent.

19 MR. STACH: And just for your information, I also have
20 what I'm going to recommend next month, they adopt as a Part
21 2, so you can see the issues that I've already identified.

22 MR. BUCK: We noticed that page 2 is missing of the Part
23 2. We didn't receive it.

24 MR. STACH: Page 2 of the Part 2 is actually Part 3.

25 MR. BUCK: Oh.

1 - RE: McDONALD ROAD 45 LLC -

2 MR. STACH: That's why it's missing.

3 MR. BUCK: I see.

4 MR. STACH: Yes, yes. It's confusing on the short form.

5 CHAIRMAN GREEN: We don't have any more applicants?

6 Well, this is definitely a record.

7 But before we say good night, I want to acknowledge
8 Mr. Robert Pape sitting over there. He is one of the
9 students that -- so what class are you taking?

10 MR. PAPE: Government.

11 CHAIRMAN GREEN: I'm supposed to be saying that you're
12 here because you just want to learn more about local
13 government. All right. But actually, he's forced to because
14 of a course he's taking. But we want to encourage all young
15 people to come and take a lot more part in their community.
16 So thank you for being here tonight.

17 With that, may I have a motion to close the meeting?

18 BOARD MEMBER STAROBIN: Motion.

19 CHAIRMAN GREEN: Mort.

20 BOARD MEMBER STANTON: Second.

21 ALTERNATE BOARD MEMBER JENSEN: Second.

22 CHAIRMAN GREEN: Doug, Adrienne second.

23 All in favor?

24 BOARD MEMBER GOODMAN: Aye.

25 BOARD MEMBER LACEY: Aye.

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- RE: McDONALD ROAD 45 LLC -

BOARD MEMBER GLISSON: Aye.

BOARD MEMBER STANTON: Aye.

BOARD MEMBER STAROBIN: Aye.

ALTERNATE BOARD MEMBER JENSEN: Aye.

CHAIRMAN GREEN: Aye.

(The motion was approved and carried.)

(Time noted: 9:39 p.m.)

* * * * *

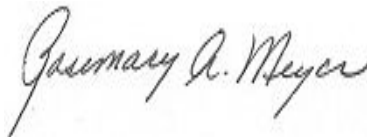
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REPORTER'S CERTIFICATION

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 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: May 29, 2023

<p>A</p>	<p>action (5) 72:3;98:17;109:14; 121:17,18</p>	<p>25:20;46:20;88:3; 127:22</p>	<p>Albert (1) 48:22</p>	<p>110:7</p>
<p>abandoned (1) 15:24</p>	<p>actions (1) 122:20</p>	<p>advance (1) 30:7</p>	<p>Alex (3) 4:6;25:17;84:3</p>	<p>anticipated (1) 115:9</p>
<p>abandoning (1) 116:18</p>	<p>activities (3) 97:5,6;103:22</p>	<p>adverse (2) 20:6,10</p>	<p>Allegiance (2) 4:24,25</p>	<p>anymore (1) 117:20</p>
<p>ability (1) 124:7</p>	<p>activity (7) 47:20;96:10,12,12; 105:14,14,15</p>	<p>advisability (1) 122:25</p>	<p>allow (4) 12:16;43:16;63:3; 124:16</p>	<p>apartments (1) 93:17</p>
<p>able (13) 17:22,23;38:15; 43:4;50:18;80:9; 82:21;95:11;98:9,10; 101:16;109:19; 121:15</p>	<p>actual (3) 37:6;42:18;69:10</p>	<p>advise (1) 121:9</p>	<p>allowed (8) 44:21;51:18;94:22, 25;95:4,17;97:2; 103:5</p>	<p>apologize (4) 4:21;47:12;75:17; 120:21</p>
<p>absolutely (4) 23:13;103:14,20; 126:16</p>	<p>Actually (21) 14:22;18:11;21:25; 22:22;32:22;37:22; 42:12;45:9,10;55:22; 61:10;74:22;75:7; 82:12;94:22,24; 104:17;116:17,24; 126:24;127:13</p>	<p>aerial (2) 67:21;68:4</p>	<p>allowing (1) 32:20</p>	<p>apparent (1) 40:4</p>
<p>abused (1) 48:10</p>	<p>add (6) 41:10;42:6;56:13; 81:14;95:25;124:5</p>	<p>affects (1) 118:9</p>	<p>almost (6) 55:14,18;64:21; 73:22;94:20;119:9</p>	<p>appearance (2) 11:12;88:19</p>
<p>accept (1) 5:5</p>	<p>added (5) 20:17;22:18;41:15; 59:17;71:13</p>	<p>afoul (1) 22:24</p>	<p>along (8) 20:15;40:3;57:12; 58:15;60:4;115:10, 14;118:22</p>	<p>appeared (1) 114:11</p>
<p>accepting (1) 44:2</p>	<p>adding (3) 12:25;106:23; 116:25</p>	<p>afternoon (1) 11:17</p>	<p>ALTERNATE (20) 4:8,16;5:11,19; 7:12,24;25:19;26:3; 46:18;47:5;76:6; 84:13;87:25;88:12; 102:14,16;104:2; 126:7;127:21;128:5</p>	<p>appearing (1) 98:25</p>
<p>access (11) 39:13;50:8;53:3,5; 63:8,12,21;65:19; 66:16;80:9;93:7</p>	<p>addition (2) 64:6,8</p>	<p>Ag (1) 108:22</p>	<p>alternative (3) 13:3;102:24;103:3</p>	<p>appears (2) 40:4;107:24</p>
<p>accessing (1) 93:5</p>	<p>additional (9) 12:24;45:21;56:20, 21;69:20;81:13; 93:12;98:15;109:7</p>	<p>again (24) 16:19;17:5,14; 19:24;20:17,21,22; 22:13;37:16;45:15; 62:25;63:20;64:5,12; 65:15,20;67:16; 69:24;76:10;103:9; 104:18;105:25; 108:10;115:8</p>	<p>always (2) 64:14,14</p>	<p>appertaining (1) 94:4</p>
<p>accommodate (1) 92:25</p>	<p>address (17) 37:4;40:14;75:25; 76:8;97:11;98:9; 99:11,14,21,25; 103:20;105:9; 114:21;117:14; 120:8,12;124:17</p>	<p>against (1) 103:8</p>	<p>Agency (16) 80:23;83:15,20; 98:18;109:14,17; 121:16,22,24;122:10, 11,15,16;123:7,17; 125:21</p>	<p>applaud (1) 45:6</p>
<p>accommodation (1) 93:24</p>	<p>addresses (1) 22:7</p>	<p>agencies (1) 32:19</p>	<p>Amador (2) 29:13;30:3</p>	<p>Applicant (17) 22:18;25:10;29:10; 34:23;53:4;56:9; 67:5;71:2;87:8; 88:18;92:11;96:18; 107:13;109:10; 110:16;121:11; 123:17</p>
<p>accommodations (1) 93:17</p>	<p>addressing (2) 11:14;22:12</p>	<p>Agency (16) 80:23;83:15,20; 98:18;109:14,17; 121:16,22,24;122:10, 11,15,16;123:7,17; 125:21</p>	<p>ambulance (1) 64:11</p>	<p>Applicant's (2) 22:15,25</p>
<p>according (3) 24:6;75:24;108:15</p>	<p>adequate (2) 81:21;115:12</p>	<p>agenda (5) 5:22;29:2;79:2; 87:2;114:2</p>	<p>amend (1) 24:24</p>	<p>application (5) 69:2;82:8;92:15; 93:10;114:10</p>
<p>account (1) 16:18</p>	<p>adjacent (1) 59:25</p>	<p>agent (1) 114:20</p>	<p>amended (3) 68:20;69:5;114:4</p>	<p>applications (1) 31:7</p>
<p>accountable (2) 22:14;59:4</p>	<p>adjourn (1) 73:5</p>	<p>ago (11) 16:5;36:7;38:24; 51:14;58:5,9;60:4; 62:5;64:7;104:6,14</p>	<p>amenities (2) 42:10;79:17</p>	<p>applied (4) 30:25;31:14;68:19; 71:13</p>
<p>acknowledge (1) 127:7</p>	<p>adopt (1) 126:20</p>	<p>agree (6) 20:14;22:5;25:13; 44:6;83:9;121:13</p>	<p>amount (4) 12:19;17:6;65:8; 96:11</p>	<p>apply (1) 12:11</p>
<p>acre (3) 14:3;19:25;59:15</p>	<p>adopted (4) 67:14;71:18,25; 120:25</p>	<p>agreement (4) 12:8;25:10;79:21; 115:20</p>	<p>amounts (1) 119:10</p>	<p>appreciate (1) 110:14</p>
<p>acreage (2) 59:13,13</p>	<p>Adrienne (8) 4:9,20,5;12;7:14;</p>	<p>Agricultural (2) 87:6;92:8</p>	<p>Amy (3) 51:13;57:25;59:9</p>	<p>approached (1) 53:13</p>
<p>acreages (1) 59:13</p>		<p>Airbnb (6) 48:6;50:7;52:21; 53:9,10;65:9</p>	<p>analysis (2) 111:4;114:22</p>	<p>approaching (1) 32:16</p>
<p>acres (13) 6:2;11:7;15:4;29:7, 8;79:7;87:5;92:7; 107:12;114:6;119:6, 9,15</p>		<p>ahead (3) 29:17;50:17;74:20</p>	<p>analyzed (1) 15:22</p>	<p>approval (22) 6:7,12;13:22;24:3, 5,22;25:8,9;36:3; 37:22;44:9;68:20; 69:5,17;80:4,13; 82:23;87:10;102:6; 115:24;117:24; 118:13</p>
<p>across (12) 17:14;18:4;19:13, 14,16;21:13;48:11; 49:20;50:10,11; 51:25;116:13</p>		<p>Airport (2) 114:7;121:2</p>	<p>and/or (2) 23:14;93:12</p>	
<p>act (5) 30:14;43:23;49:9, 12;122:14</p>			<p>animal (1) 94:10</p>	
			<p>announce (1) 4:19</p>	
			<p>answered (1)</p>	

<p>approvals (5) 25:12;37:7;69:11, 16,23</p> <p>approve (11) 24:8;33:9;35:7; 36:16;39:17;40:11; 41:19;43:19;44:18; 54:20;120:10</p> <p>approved (34) 4:18;5:21;8:2; 12:5;26:5;34:5,6,7, 13;35:8,13,23;36:2,8; 37:20;39:25;40:2; 42:24;43:20;44:8,8, 14;47:7;54:25;70:24; 82:4,14;84:15;88:14; 99:7,13;118:17; 126:9;128:7</p> <p>approving (1) 37:23</p> <p>approximately (9) 11:6;29:6,8;79:7; 87:5;92:18,23,25; 114:6</p> <p>April (5) 4:2;22:21,22; 29:15;88:21</p> <p>apron (1) 15:19</p> <p>architect (2) 31:8;56:7</p> <p>area (32) 13:11;14:25;15:2, 24;16:6,10;17:8; 20:15;23:15;53:8; 57:9,11;58:3;60:12; 79:17,18,25;80:2; 106:18;107:4,6; 108:12,13;115:13,18, 21;118:13;119:10, 17;121:10,21;122:3</p> <p>areas (2) 23:14;117:6</p> <p>argue (3) 73:16;121:11,12</p> <p>argument (1) 70:14</p> <p>arises (1) 49:6</p> <p>around (11) 49:18;59:21,22; 67:16;82:7;97:4,25; 98:4;101:24;106:5; 110:8</p> <p>arranged (2) 93:18;94:6</p> <p>as-built (1) 34:4</p> <p>asphalt (1) 119:16</p> <p>assembly (1) 94:20</p> <p>assessing (1)</p>	<p>123:21</p> <p>assessor (1) 105:5</p> <p>associated (2) 123:3;125:4</p> <p>assume (6) 12:19;52:6;83:20, 24;96:11;105:5</p> <p>assumed (1) 30:24</p> <p>assuming (1) 120:2</p> <p>attempt (1) 102:8</p> <p>attend (1) 72:24</p> <p>attention (3) 22:17;32:19;119:3</p> <p>attorney (3) 6:10;59:8;73:20</p> <p>authority (1) 99:25</p> <p>authorize (1) 100:2</p> <p>authorized (1) 49:12</p> <p>available (2) 30:7;67:21</p> <p>Avenue (3) 76:2,3,4</p> <p>avoid (2) 22:11;23:2</p> <p>aware (7) 30:23;31:17;39:2; 41:2;46:5,9;92:12</p> <p>away (7) 11:23;12:3,15; 33:19;60:8,10; 109:16</p> <p>Aye (63) 4:11,12,13,14,15, 16,17;5:14,15,16,17, 18,19,20;7:19,20,21, 22,23,24,25;25:22, 23,24,25;26:2,3,4; 46:24,25;47:2,3,4,5, 6;84:8,9,10,11,12,13, 14;88:7,8,9,10,11,12, 13;126:2,3,4,5,6,7,8; 127:24,25;128:2,3,4, 5,6</p>	<p>71:14,23;72:2;79:1, 3;80:1;81:1;82:1,7, 22;83:1;84:1;88:18; 95:18;100:14; 106:13,25;110:23; 124:17,24</p> <p>backed (1) 65:19</p> <p>bank (3) 58:8,20;61:14</p> <p>BARSHOV (28) 96:17,17;98:21; 99:2,4,21;100:11; 101:4,7,11,23; 102:15,21;103:12,14, 16;104:4,13,18; 105:6,17;109:13,25; 110:5,9,14,20;111:7</p> <p>base (1) 51:16</p> <p>based (7) 24:24;82:20;92:22; 107:16;109:8; 117:18;120:3</p> <p>basically (10) 40:15;56:4;64:14; 65:2;100:14,25; 101:23;106:22; 118:8;119:9</p> <p>basin (3) 116:10;119:21,25</p> <p>basis (1) 30:15</p> <p>bat (1) 23:2</p> <p>bathrooms (1) 56:8</p> <p>bats (1) 22:23</p> <p>BC (1) 58:7</p> <p>bear (1) 96:5</p> <p>beautiful (1) 31:20</p> <p>beautify (1) 49:9</p> <p>became (3) 18:11;43:5;104:9</p> <p>become (4) 72:2,3;120:24; 123:21</p> <p>Bedford (3) 76:2,3,4</p> <p>begin (3) 21:5;62:22;119:17</p> <p>begun (1) 50:7</p> <p>behalf (4) 29:3,22;87:8;114:3</p> <p>belonged (1) 74:25</p> <p>below (3)</p>	<p>15:17;19:21; 106:22</p> <p>benefit (1) 110:13</p> <p>berm (2) 48:11;49:20</p> <p>best (1) 110:18</p> <p>better (2) 59:7;103:24</p> <p>Betty (1) 6:5</p> <p>big (7) 16:10;53:18;55:16; 57:2;59:14;81:8; 115:25</p> <p>bigger (3) 53:21,22;105:11</p> <p>biggest (4) 63:19;65:7;81:19; 93:13</p> <p>billing (1) 75:24</p> <p>birthday (3) 88:22,23,25</p> <p>bit (12) 4:23;21:24;49:14; 59:7,13;60:6,11; 82:24;87:15;95:24; 117:8;122:19</p> <p>blacktop (2) 20:18;59:21</p> <p>blacktopped (1) 59:22</p> <p>Blakesly (1) 80:7</p> <p>blissing (1) 43:25</p> <p>Block (7) 5:25;11:5;63:8; 65:19;79:6;87:4; 114:5</p> <p>blocked (1) 65:10</p> <p>BLOOMINGBURG (43) 11:1,3,11;12:1; 13:1;14:1;15:1;16:1; 17:1;18:1;19:1;20:1; 21:1;22:1;23:1;24:1; 25:1;26:1;57:9,10; 92:1,2;93:1;94:1; 95:1;96:1;97:1;98:1; 99:1;100:1;101:1; 102:1;103:1;104:1,9, 10;105:1;106:1; 107:1;108:1;109:1; 110:1;111:1</p> <p>blue (1) 23:16</p> <p>Board (195) 4:3,5,8,11,12,13, 14,15,16;5:7,10,11, 14,15,16,17,18,19;</p>	<p>6:13;7:12,16,19,20, 21,22,23,24;19:11, 16;20:24;21:4,14,18, 22;24:7;25:2,16,19, 22,23,24,25;26:2,3; 32:2;33:3;36:25; 37:4,10;38:14;39:5; 40:4,9,19,25;41:9,24; 42:17,22;43:3;44:18, 23;45:23;46:13,18, 22,24,25;47:2,3,4,5; 56:17,19;57:4;62:17, 19;63:9;65:14;66:3, 5,8,22;68:7,14,15,19; 69:5,15,21;70:6,11, 17,25;71:4,6;73:5,8, 14;74:19;75:23;76:6, 8;79:11,12;84:2,5,8, 9,10,11,12,13;87:16, 18,20,25;88:5,7,8,9, 10,11,12,16,25; 92:12;95:13;97:11; 98:10,17,25;99:24; 102:14,16,24;103:3, 13;104:2,15;106:10; 109:10;110:9; 114:11,19;115:11,16, 22;117:13,25; 118:18;119:4,8,12, 14;120:10,10,13; 121:9,10,20,24; 122:16,25;123:16,18, 20,20,22;124:2,4,12, 15;125:3,8,11,16,19, 22,23;126:2,3,4,5,6, 7;127:18,20,21,24, 25;128:2,3,4,5</p> <p>boards (1) 106:5</p> <p>Board's (7) 19:24;20:3,8; 22:17;110:4;115:17; 119:2</p> <p>bodies (2) 38:21;45:18</p> <p>bonds (1) 87:12</p> <p>borne (1) 30:16</p> <p>both (13) 6:10;20:15;23:16; 33:21;42:5,7,8;61:6, 7;82:21,25;96:7; 100:6</p> <p>bought (2) 40:13;72:11</p> <p>boundaries (4) 57:7,8;58:13;59:10</p> <p>bounded (1) 47:18</p> <p>bounds (1) 115:20</p> <p>boxes (1)</p>
---	--	--	--	--

<p>40:3 brand (2) 19:15;64:17 breaking (1) 75:14 breast (1) 22:20 bring (11) 15:5;22:17;34:25; 39:21,22;43:14; 44:16,24;79:10; 82:16;119:2 bringing (2) 16:25;55:16 brought (5) 33:10;39:10;43:12; 63:2;117:15 brush (1) 60:7 Bs (1) 59:3 BUCK (17) 87:7,7,22;114:8,8; 116:16,19;117:14; 119:11,13;120:4; 124:5;126:11,16,22, 25;127:3 buffer (2) 87:13;96:9 buffered (1) 96:12 build (6) 37:21;50:4;51:18; 55:13;64:6;103:7 building (30) 12:23;13:2,12; 31:3,9,15;32:18; 38:24;39:20,20,21; 40:5,8,15;41:11,11, 13,15,17,23,25; 43:13;49:22;64:8; 93:21;94:8,9;99:11; 118:11;119:9 Buildings (35) 31:5;34:14;35:25; 39:22;41:13;43:4,8,9, 12,14,17;44:7,13,13; 55:2;59:18,18,20; 62:18,21,22,24; 67:22;93:15;94:3; 97:10,24;98:3,5,8,12; 105:22,23;106:7; 119:16 built (14) 34:12,23;35:17,20, 22,25;37:20,22; 48:11;49:20;50:2; 51:15;64:6;94:9 bullets (1) 109:11 bunch (2) 106:6;120:25 bungalow (2)</p>	<p>94:11,18 bunks (1) 59:20 Burlingham (8) 5:24,25;11:6;29:7, 9;57:9,11;58:2 Burned (3) 60:6,11;64:20 burning (1) 63:5 bury (1) 51:19 bus (1) 93:6 buy (3) 32:22;56:10;70:4 buying (1) 70:4</p> <p style="text-align: center;">C</p> <p>cabins (6) 38:16;39:23;45:16; 79:24;92:4;94:11 calculate (1) 15:6 calculates (1) 15:13 calculations (1) 15:10 calendar (1) 76:11 call (6) 25:6;46:10;72:20, 22;100:9;102:6 called (5) 47:25,25;60:11; 74:25;102:2 calling (1) 100:25 call-out (1) 49:14 calls (1) 74:16 came (4) 51:22;73:17,23; 105:2 Camp (76) 18:4,9;29:4,5;30:8, 22;32:10,10,11,14; 34:3,10;37:9,10,11; 38:3;40:21,24;41:6; 42:10,21;43:10; 47:20,20;48:5,15; 50:21;52:10,14; 53:19,19;57:13;59:5, 25;62:15,23;63:2,8, 10,12;64:14;66:5,10, 12;67:12;68:19; 69:13,14;70:2,4,5; 71:12;73:12;74:22; 75:7;92:5,17;93:24; 94:2,10;95:11,14,17,</p>	<p>21;96:16;97:3,4,24; 98:3,7;100:25; 101:21;102:3; 105:13;108:6,8 campers (2) 65:17;93:2 campground (13) 31:20;40:5,21; 79:1,3,5;80:1;81:1; 82:1;83:1;84:1; 103:5,7 campgrounds (2) 31:12;32:12 camping (1) 79:19 camp (3) 95:20;96:8,11 can (72) 6:11;12:12;14:16; 16:18;17:21;19:6,9; 20:22;23:16,23;24:7, 10;30:16;31:3,6,13; 32:6,22;39:24;40:2, 18;41:5;46:15;47:23; 48:4;55:14;58:18; 59:20;60:20;61:13; 64:9,9,11,18,19,20; 70:19,25;71:9;72:20, 22;74:22;75:16;80:9; 83:17;92:25;93:14; 96:16;99:11,24; 102:14;103:10,20; 104:17;106:23; 108:6,18;111:3,4; 114:20;115:11,18,23; 121:18,23;123:18; 124:10,11,12;125:17; 126:14,21 capacity (4) 14:25;102:19; 104:16;119:24 CAPPELLO (99) 23:19;24:9,11,13, 15,21;25:8,12;26:7; 33:7,13;35:3,15; 36:10,13,20;38:7; 39:8;41:10,16,19,22; 42:7,9;43:2,7;44:3,6, 10,12,16,18,21;45:2; 51:9;52:17;53:17,20; 54:5,19;55:8,18,25; 56:5;60:20,23;61:16, 20;62:2;66:14,16,20; 67:2,7;68:9,12,18,22; 70:9,13,18;71:3,5,8, 10,12,16,20,22;72:5, 8,16,18;73:3,5,14; 74:2,5,8;83:21;88:20, 24;95:17;99:9; 100:16,18,20,22; 111:3;120:13;122:3; 123:10,13,16;124:19; 125:20;126:12,14,17</p>	<p>car (1) 93:6 care (12) 17:21;31:5,24; 45:12,13,14;60:3; 63:25;67:7;81:9; 92:3;120:8 caretakers (1) 81:10 caretakers' (1) 81:7 CARPENTER (12) 11:10,10;13:7; 17:13,19;18:3,7; 20:17;21:12,15,21,23 carried (9) 4:18;5:21;8:2; 26:5;47:7;84:15; 88:14;126:9;128:7 cars (8) 65:2,3,4,6,8,11,16, 19 carve (1) 95:21 case (5) 50:21;58:24,25; 62:7;115:6 caught (1) 105:6 caused (1) 71:14 caution (1) 123:19 cc (1) 6:24 cease (1) 58:12 cell (1) 18:25 center (3) 93:4;115:15; 118:10 central (1) 93:21 centrally (1) 106:18 certain (7) 44:7;73:22;74:4; 97:10;98:12;99:16; 102:9 certainly (18) 14:14;20:16;45:6; 50:4;53:7;67:25; 96:20;97:9,13;99:22; 103:6,20;107:9; 110:4;115:23; 121:12,12,23 certificates (1) 38:18 cetera (1) 81:6 CFS (3) 14:10,12;15:14</p>	<p>CHAIRMAN (177) 4:2,6,9,17,19;5:2,5, 8,12,20,22;6:14,16; 7:4,8,10,14,17,25; 8:3;11:2,19;13:20; 18:10;22:4,8;23:4, 18;24:6,10,12,14,18, 25;25:3,6,9,15,17,20; 26:4,10;29:2,17; 32:22;33:2,5,21,24; 34:2;36:8,12,24;37:3, 13,16,19;38:4,13; 41:4;42:3,12,20; 43:23;44:5,20;45:5; 46:15,20,23;47:6,8; 50:23;51:3,5,12,24; 52:8,15;54:4,8,10,15; 55:20;56:3,23;57:20, 22;60:18;62:9;65:24; 66:3;67:10,17;69:24; 72:10,13,17;73:4,7,9, 11;74:10,12,14,17, 20,24;75:8,11,18; 76:10;79:2;81:14; 83:8,19,23;84:3,6,14, 16,18;87:2,17,19,23; 88:3,6,13,17;92:2; 93:9;95:6;96:17; 98:19,22;99:3,7; 100:5,9,12,17,19,21, 24;101:6,10,18; 109:5,7,21;110:3,6, 12,15;111:2,6;114:2, 23;119:7;122:2; 123:7,11,15;125:6, 10,13,17,24;126:8, 10,13;127:5,11,19, 22;128:6 challenge (1) 15:15 challenges (1) 13:13 chance (1) 18:17 change (6) 23:17;99:18;104:2, 20,22;105:23 changed (4) 24:23;46:3;50:25; 69:19 changes (6) 54:22,24,24;55:3; 69:15;83:16 changing (1) 99:16 chapter (1) 94:17 character (1) 121:4 characterize (1) 96:6 charge (1) 59:2</p>
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<p>check (2) 40:3;82:6</p> <p>children (5) 58:16;63:2,3;96:4; 103:23</p> <p>children's (1) 29:4</p> <p>choices (1) 15:12</p> <p>Chris (8) 56:24;58:8;60:20; 62:14;63:4,20;73:8; 74:19</p> <p>Christian (7) 11:19;36:17;79:15; 81:14;109:7;114:23; 124:21</p> <p>Christine (1) 59:21</p> <p>circulate (1) 109:19</p> <p>circulated (1) 80:24</p> <p>circumstance (1) 97:21</p> <p>CIT (1) 31:15</p> <p>clarification (1) 93:12</p> <p>clarify (6) 36:13,15;57:21; 70:25;96:19;97:7</p> <p>Class (2) 15:8;127:9</p> <p>clean (2) 21:6;81:2</p> <p>clear (4) 13:9;23:7;103:15; 104:19</p> <p>cleared (2) 22:21;64:16</p> <p>clearing (3) 22:18,19,24</p> <p>clearly (3) 30:17;53:15; 108:13</p> <p>CLESER (1) 57:21</p> <p>clients (1) 110:21</p> <p>clogged (6) 14:24;16:22;17:7; 19:10,12,19</p> <p>close (3) 82:19;107:3; 127:17</p> <p>closely (1) 30:4</p> <p>clubhouse (1) 81:8</p> <p>clustered (1) 103:8</p> <p>CO (1)</p>	<p>115:22</p> <p>code (9) 11:21;63:2;68:25; 94:10,25;95:19; 97:17;99:16;121:7</p> <p>collect (2) 11:24;15:19</p> <p>collecting (1) 16:24</p> <p>collection (1) 11:24</p> <p>colonies (2) 94:17,18</p> <p>colony (1) 94:11</p> <p>colors (1) 37:17</p> <p>combined (1) 107:21</p> <p>comfortable (2) 118:18,19</p> <p>coming (9) 25:10;43:22;45:6; 58:9;63:8;65:3,17, 17;71:9</p> <p>commence (1) 121:18</p> <p>comment (11) 5:3;11:20;13:25; 23:19;29:11;81:7; 82:19;107:14; 109:11;114:14,17</p> <p>comments (21) 6:14;11:16;13:5, 24;22:16;66:3,4; 72:24;79:16;81:13, 16;82:18;87:17; 109:7,8;114:12; 117:13,15;120:9; 124:17;125:6</p> <p>commissioner (1) 11:10</p> <p>Committee (1) 29:19</p> <p>communal (1) 94:16</p> <p>community (2) 121:4;127:15</p> <p>companies (1) 60:11</p> <p>company (1) 83:4</p> <p>comparable (2) 94:21,24</p> <p>compare (1) 16:3</p> <p>comparison (2) 34:12;35:22</p> <p>complete (2) 124:11,16</p> <p>completed (3) 39:19;40:3;107:17</p> <p>completely (2)</p>	<p>14:24;39:23</p> <p>completing (1) 87:13</p> <p>completion (1) 32:8</p> <p>complex (1) 94:12</p> <p>compliance (11) 32:15;35:2;39:9, 10,11,21;43:13,15; 44:16;62:24;118:14</p> <p>compliant (2) 35:9;43:9</p> <p>complies (1) 117:9</p> <p>Comprehensive (2) 123:24;125:13</p> <p>concentrations (1) 14:5</p> <p>concern (14) 16:21;21:4;22:7, 12;37:23;50:15,18; 57:2;65:7;93:13,13; 99:15;102:22;107:23</p> <p>concerned (6) 47:21;60:10;63:20; 64:11;97:20;119:2</p> <p>concerning (1) 16:24</p> <p>concerns (12) 11:18;14:2,4,5; 16:19;17:11;83:10; 103:8,10;118:20; 119:22;120:12</p> <p>concrete (1) 79:23</p> <p>concurrent (1) 29:24</p> <p>condition (6) 19:15;24:5;44:13; 70:4;108:3;115:24</p> <p>conditional (2) 24:19;25:9</p> <p>Conditioned (1) 24:21</p> <p>conditions (13) 6:18,18;15:10,23; 16:4,8,9;20:5;24:10; 39:6;52:19;54:13; 66:23</p> <p>configured (1) 98:4</p> <p>confirm (3) 93:20;107:13,19</p> <p>confirmed (1) 69:8</p> <p>conform (1) 43:17</p> <p>conformance (1) 34:23</p> <p>conforming (7) 70:19;72:2,3; 96:25;99:16,18;</p>	<p>105:24</p> <p>confused (1) 75:7</p> <p>confusing (2) 37:8;127:4</p> <p>connect (1) 60:21</p> <p>connected (1) 55:22</p> <p>connection (1) 30:16</p> <p>conservative (1) 16:11</p> <p>consider (6) 43:8;87:16;101:11; 122:24;123:18,25</p> <p>consideration (2) 105:12;124:14</p> <p>considered (3) 49:13;53:5;94:25</p> <p>considering (3) 123:2;124:20; 125:5</p> <p>consistent (2) 20:8,25</p> <p>consisting (1) 94:13</p> <p>constituents (1) 17:23</p> <p>constructed (1) 34:16</p> <p>construction (9) 40:20;42:4;49:6; 55:4,9,16;56:20,22; 68:23</p> <p>construed (1) 49:4</p> <p>consultants (2) 122:25;125:4</p> <p>consultant's (1) 53:13</p> <p>consultation (3) 24:22,24;25:14</p> <p>contacted (3) 6:23;65:22;69:8</p> <p>containers (1) 56:6</p> <p>continuation (1) 72:22</p> <p>continue (9) 30:14;32:7,13,17; 33:18;70:16,23; 96:22;124:9</p> <p>continued (1) 96:3</p> <p>contours (1) 106:24</p> <p>contract (1) 6:4</p> <p>control (2) 21:15;50:18</p> <p>conversation (2) 105:17;118:5</p>	<p>conversations (1) 82:10</p> <p>conversion (1) 46:3</p> <p>converted (1) 16:18</p> <p>convince (1) 70:15</p> <p>cookbook (1) 15:11</p> <p>cooperate (1) 32:3</p> <p>cooperation (1) 32:18</p> <p>coordinate (5) 24:5;123:16,17,20; 125:21</p> <p>coordinated (5) 122:10;123:5; 125:2,12,16</p> <p>coordinating (2) 52:20;122:10</p> <p>coordination (1) 123:4</p> <p>copied (1) 121:25</p> <p>copies (2) 33:12;47:17</p> <p>copy (4) 7:5;57:17,17; 126:17</p> <p>Corp (1) 34:11</p> <p>corrected (3) 56:12;62:15;74:3</p> <p>correcting (3) 30:12,15;32:4</p> <p>correctly (7) 23:25;47:13;56:20; 68:10;69:24;70:20; 73:13</p> <p>correspondence (3) 80:6,12;117:23</p> <p>cottages (3) 93:17,23;94:12</p> <p>counsel (1) 96:18</p> <p>country (4) 94:20,21,22;103:4</p> <p>County (2) 105:4;108:22</p> <p>couple (9) 15:5;47:17;60:4; 64:10;82:19;83:16; 93:25;120:14,15</p> <p>course (4) 6:25;35:10;118:18; 127:14</p> <p>court (2) 69:20;106:16</p> <p>courts (5) 42:14,20;68:23; 69:20,25</p>
--	--	--	---	---

covenants (1) 53:2	55:5;63:5	48:12	detail (8) 11:13;79:15;97:8, 11;100:2;116:19; 120:5,18	discussion (2) 41:5;46:8
covered (2) 49:10;109:9	deadline (1) 80:17	delayed (1) 4:23	details (4) 81:18;109:4; 117:12;120:14	disposed (1) 121:22
crafted (1) 45:25	deal (4) 59:14;102:10; 103:22;124:25	delineated (1) 30:17	determination (5) 99:12;111:4;122:5, 15,17	distance (1) 105:16
Craig (1) 80:6	dealing (2) 12:18;102:12	delineation (1) 82:4	determine (1) 111:5	DISTRICT (25) 11:1,3,11;12:1; 13:1;14:1;15:1;16:1; 17:1,24;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1; 71:25;95:2,2;108:22; 120:23;121:2
create (4) 14:8;17:9;19:22; 20:6	dealt (1) 102:11	delivery (1) 115:10	determined (1) 31:23	disturb (1) 105:20
creating (1) 116:24	DEC (5) 23:2;79:21;81:22; 82:6,11	demand (1) 116:5	determines (1) 108:4	disturbance (2) 14:3;87:13
criteria (1) 98:11	decide (1) 123:23	demoed (1) 33:19	develop (1) 105:21	disturbing (1) 79:24
culvert (19) 14:19,20;16:22; 17:6,13;18:2;19:7,10, 11,19;20:25;21:7; 36:18,20;49:23; 116:13,22,25;117:6	decided (1) 6:20	demolish (1) 35:5	Development (7) 34:11;105:21; 106:4;107:4;114:7; 121:2,5	ditch (1) 48:17
curb (2) 116:25;117:9	decision (1) 121:13	demolition (2) 31:11,15	device (1) 11:24	ditches (1) 21:6
cure (1) 99:23	Declaration (2) 24:13,15	demonstrate (3) 20:6,9;32:3	Devout (1) 29:18	dive (1) 109:23
current (11) 11:21;30:6;41:3; 46:5,8;72:10;75:2; 82:16;92:3,16,17	declare (1) 114:19	denied (1) 69:2	diagram (2) 115:3,11	divert (1) 11:23
currently (10) 18:8;21:23;50:6; 93:4,19;97:16; 102:17;106:19; 116:6;117:16	DEC's (1) 22:23	density (1) 95:2	diameter (2) 14:21;22:20	Divoli (1) 6:6
cut (2) 116:25;117:9	dedicate (2) 115:21;117:24	dent (2) 79:14,16	dictate (1) 119:25	document (1) 75:18
D	dedicated (1) 118:13	Department (14) 12:10;20:14;23:20, 24,24;32:18;40:15; 75:24;80:3,13;87:11; 101:21;102:10; 108:20	difference (2) 35:22;59:14	documentation (2) 40:17;72:20
daily (2) 50:11,20	dedication (5) 115:14,18;117:21; 118:7,17	dependent (1) 32:17	different (9) 41:7;45:22;95:24; 96:14;101:25;106:9; 108:18;115:5;121:5	dog (1) 82:20
damage (1) 58:11	deed (3) 48:2;49:16;52:6	depending (2) 13:23;122:4	dining (1) 104:16	dogging (1) 40:15
damaged (1) 45:17	deeded (1) 115:19	depict (1) 106:24	direct (1) 125:20	DOH (2) 82:10,18
data (1) 44:24	deeds (2) 49:16,18	depth (1) 96:21	directed (2) 12:16;117:5	domes (1) 79:19
date (9) 32:24,25;50:24; 56:17;67:13;72:25; 83:18;87:24;104:11	deemed (1) 94:17	derelict (1) 45:7	directing (1) 16:24	done (27) 7:6;17:20;20:21; 31:2,2,16,17;32:7; 35:6;38:8,16;39:21, 22,24;43:14;45:16, 17;62:7;69:8,9,22; 81:3;82:16;107:16; 115:23;122:19; 124:25
dated (4) 31:4;35:10,14; 71:23	deep (1) 109:23	describe (1) 103:10	disagree (1) 16:14	doubt (1) 103:16
David (9) 11:8;29:3,14,21; 32:21;40:12;66:11; 75:5,24	defer (1) 125:8	described (1) 105:19	discharge (3) 14:11,12;20:12	Doug (2) 84:6;127:22
day (11) 17:16;30:8;32:10, 11;39:17;49:8;51:21; 88:22;95:19,21,23	defiance (2) 40:6,21	describing (2) 16:15;115:9	discharging (2) 16:23;17:5	dovetails (1) 13:25
days (2)	deficit (1) 108:5	design (14) 13:13,14;18:24; 20:11;21:8,9;22:10; 24:22,23;79:15; 114:22,25;119:20; 120:6	discuss (3) 11:18;13:23; 114:17	down (25) 11:21;13:10,11; 15:3;20:12;21:25; 26:8;45:9;50:15; 51:21,22;55:5,17; 59:24;61:14,14,18;
	define (1) 97:23	designate (2) 36:2;44:7	discussed (1) 118:12	
	defined (1) 116:23	designed (2) 95:9,10	discussing (2) 18:19;30:5	
	defines (1) 98:12	designer (1) 22:11		
	definitely (5) 46:8;75:16;102:7; 117:17;127:6	designing (1) 15:16		
	definition (5) 57:25;93:25;94:11, 24;95:5	desist (1) 58:12		
	definitional (3) 97:20,22;98:11			
	degree (1)			

64:10;75:14;79:25; 87:12;96:5;98:4; 106:23;107:2 downstream (3) 14:20;20:7,10 dozen (1) 124:25 drafted (1) 80:23 drain (5) 12:4,4,15;13:7; 49:24 drainage (15) 11:13,18;13:7; 14:2,4,10;21:6; 23:20;24:16;36:21, 22;67:3,9;69:7; 124:22 drained (1) 15:9 drains (1) 12:12 draw (1) 31:8 drives (1) 80:9 driveway (14) 11:21,22;12:3,15, 17,24;15:18,25; 16:10;58:19;65:2; 80:4;117:9,10 driving (1) 32:7 drop (5) 21:5,25;65:5; 106:11,21 dry (1) 17:2 due (1) 30:10 dump (2) 51:21;64:4 during (9) 11:25;14:11;21:4; 22:24;92:17,18;94:6; 96:25;101:16 dwelling (2) 52:18;93:24	12:24 easel (1) 33:11 easement (11) 47:19;48:23,25,25; 49:3,4,8,10,11,11,13 easements (3) 23:21;52:4;53:2 easier (4) 35:10;98:22;99:3; 123:8 easiest (2) 123:11,14 Eastgate (1) 114:9 easy (1) 44:23 eating (1) 94:16 Echo (4) 37:10,11;38:3; 67:12 edification (1) 48:21 education (2) 97:6;101:16 effectively (1) 96:13 efficiency (1) 81:10 efforts (2) 30:14,16 egress (1) 58:15 eight (1) 93:2 either (10) 12:17;20:4,8,9; 34:25;50:3;54:20; 93:6;115:21;122:3 elevation (2) 13:2;15:20 elevations (1) 15:20 eliminate (2) 12:15;97:14 Elissa (2) 62:10,12 E-L-I-S-S-A (1) 62:13 ELIZABETH (6) 4:1;5:1,23;6:1;7:1; 8:1 else (11) 23:22;25:4;41:6; 55:13;59:3;60:7; 65:21;72:23;106:7; 107:3;110:15 else's (1) 65:6 e-mail (2) 46:10;80:6 e-mailed (1)	38:22 emergencies (1) 13:10 emergency (4) 58:24,25;80:7,11 enable (1) 30:22 encourage (2) 98:23;127:14 end (7) 17:24;48:20;50:6; 92:14;95:20;98:24; 108:14 ends (1) 48:19 enforced (2) 23:6;43:6 Enforcement (1) 69:2 engineer (10) 11:16;24:23;25:14; 30:3;66:5;69:6,7; 114:13,18;120:9 Engineering (8) 11:2,9;29:13;79:9; 82:13;87:7;114:2,8 engineers (1) 92:10 engineer's (1) 11:17 enormous (2) 48:11;50:2 enough (5) 14:7;23:10;49:24; 87:21;110:14 ensure (1) 11:25 entails (1) 104:24 enter (1) 20:14 entire (4) 17:4;95:15;101:9; 102:20 entity (1) 75:13 entrance (2) 50:3;58:6 environmental (3) 123:3;124:3;125:4 environmentally (1) 31:21 erosion (2) 14:5,14 especially (5) 23:14;63:4;98:8; 121:20;122:23 essentially (1) 93:3 establish (4) 48:9;67:13,20,24 established (1) 94:4	estimate (2) 16:10;119:12 et (1) 81:6 evaluate (1) 115:12 even (6) 18:22;19:19;43:3; 108:8;115:8;117:18 evening (6) 6:3;11:8;79:8; 87:7;92:9;114:8 evening's (1) 80:24 event (12) 18:14;92:3,5,14,22, 23;93:4,7,21;96:15; 99:8;101:11 events (4) 92:15;95:18; 100:20;101:7 eventually (2) 58:22;64:5 everybody (3) 4:2;35:8;61:18 everybody's (1) 52:6 everything's (1) 23:24 everywhere (1) 107:3 evidence (1) 122:13 exact (3) 36:7;45:20;104:11 exactly (6) 36:15;58:19;71:5; 73:19;96:5;102:21 example (2) 15:10;93:19 excavation (1) 12:19 exceed (1) 19:25 except (3) 49:10;94:6;96:23 exception (1) 97:13 excluded (2) 44:9;121:2 executed (1) 115:21 exercise (1) 36:7 exist (2) 43:9;93:4 existed (6) 54:13;67:13,22; 68:3;70:7;71:18 existing (34) 11:24;12:18;14:15, 19,23;15:17,23; 16:17,22;39:6,9;	52:19;53:11;62:18; 67:20;82:17;92:14; 93:15;94:17;98:3,5; 105:16,23,23;106:14, 15,17,18;107:4; 114:4;116:7,13; 120:24;121:7 exists (2) 56:11;71:24 expand (6) 72:4;92:16;108:11; 114:4;121:15;122:9 expanded (3) 70:18;72:9;121:8 expanding (2) 116:3;117:19 expect (1) 40:11 expense (1) 98:25 expert (1) 125:13 expire (1) 68:17 expired (2) 45:12;82:5 extend (3) 36:14;87:23;88:2 extended (1) 88:16 extending (2) 37:24,25 extends (1) 115:15 extension (9) 5:22;6:7,9,13;7:11, 13;57:16;87:9,16 extent (3) 16:25;71:6;103:10 extra (1) 64:10 extremely (2) 121:3,4 eye (1) 31:21 eyebrows (1) 101:13
E				F
EAF (4) 108:24;109:20,23, 24 Eagles (4) 92:5,6,13,14 earlier (2) 66:11;120:5 early (2) 45:12;93:11 earthquake (1) 51:19 earthwork (1)				face (1) 35:7 facilities (10) 67:4;92:21,25; 93:4;94:14,16;95:8; 106:15,20;116:11 facility (12) 35:13;82:13,20; 92:4,5,13,13,22,23; 93:21;94:15;97:6 fact (8) 16:22;48:17;49:6; 51:14;80:16;95:8;

<p>96:16;98:11 factor (1) 15:22 factors (1) 15:13 facts (1) 41:8 fair (2) 96:11;110:14 fairly (2) 119:17;122:6 faith (2) 30:14;32:6 fall (3) 18:11;21:4;95:22 fallow (1) 98:8 falls (1) 40:22 families (2) 63:3;93:2 far (9) 45:9;59:12;63:19; 83:2;97:20;103:22; 106:16;116:4;117:21 farm (5) 73:20;87:1,3;88:1; 89:1 fashion (1) 103:7 fast (2) 8:3;32:16 fat (1) 73:20 favor (10) 4:10;5:13;7:18; 25:21;46:23;59:14; 84:7;88:6;125:25; 127:23 favors (1) 49:7 feature (1) 117:5 features (1) 116:12 February (2) 5:3;30:9 feedback (1) 82:25 feel (6) 13:3;16:12;83:13; 110:2;124:7,10 feeling (2) 110:10;121:3 feet (7) 60:8,10;96:13; 108:23;118:9; 119:10,13 Fellenzer (1) 29:13 fence (10) 14:22;15:2;17:8, 10;49:8;55:10;58:17;</p>	<p>60:5;64:19,20 fencing (1) 63:16 festival (1) 95:22 few (4) 45:19;51:14;62:4; 96:19 field (1) 106:18 figure (4) 43:8;56:5;61:20; 75:21 figured (2) 59:7;83:6 file (2) 68:8;75:15 filing (1) 6:9 fill (1) 83:18 filled (1) 64:2 filling (1) 116:18 final (1) 6:12 find (6) 15:9;33:4;37:6; 69:12;70:22;121:20 fine (2) 13:18;111:2 fined (1) 60:13 finish (2) 87:10,15 FIRE (33) 11:1,3,11;12:1; 13:1,8;14:1;15:1; 16:1;17:1,16,23; 18:1;19:1;20:1,14, 18;21:1;22:1;23:1, 24;24:1;25:1;26:1; 36:22;38:24;45:17; 60:5,11;63:6;64:20; 80:3,12 firehouse (3) 11:4;20:23;22:3 firemen (1) 20:21 firm (1) 82:13 First (11) 5:22;6:24;22:17; 41:14,25;47:11; 67:15;73:17;95:5; 109:17;120:22 five (5) 15:14;18:12;22:20; 52:11;119:6 fix (3) 35:5;36:22;45:7 fixed (1)</p>	<p>64:17 fixture (1) 23:11 flagging (1) 56:15 flashback (1) 36:6 flesh (1) 98:15 flip (1) 124:19 flooded (1) 49:21 floor (2) 29:11;93:15 flow (4) 14:25;15:13,15; 82:15 flows (5) 14:25;15:6,7,9,17 FOIL (1) 75:16 FOIL-ed (1) 117:16 folder (1) 75:17 folks (1) 56:25 follow (1) 83:5 followed (1) 99:14 following (3) 29:20,21;117:24 foot (3) 96:9;118:11,15 footings (1) 79:23 forced (1) 127:13 form (4) 104:22;108:25; 115:9;127:4 formal (2) 115:19;122:21 former (2) 57:13;92:13 forms (1) 75:13 forth (1) 64:4 forward (5) 6:9;17:22;20:22; 66:24;79:25 forwarded (1) 80:20 fought (1) 64:3 four (4) 36:7;68:23;69:20; 115:5 Frank (1) 6:3</p>	<p>Fratz (2) 79:21;82:6 FRONCZEK (9) 62:11,12,12,13,18, 20;63:18,18;65:15 F-R-O-N-C-Z-E-K (1) 62:13 front (7) 43:25;48:17,18; 71:7;76:11;79:17; 118:23 fruits (1) 30:16 full (8) 4:20;32:18;108:24; 109:20,23,24;114:11; 120:6 function (1) 20:19 further (7) 72:3;105:15,20,20, 20;108:11;114:22 future (3) 115:2,13;119:19</p>	<p>35:14,16,18,20,24; 36:5;40:12,24;41:2, 15,17,21,25;42:8,10, 16;44:6,11,15,17; 66:7,9,15,19,25;67:6, 8;68:6,17;72:12 given (4) 18:18;32:17; 114:16;118:24 gives (1) 61:11 GLISSON (10) 4:13;5:16;7:21; 25:24;45:23;47:3; 84:10;88:9;126:4; 128:2 goal (1) 114:18 goes (12) 14:21;19:12,16; 21:18;40:3;43:20; 48:16,17;57:8,12; 61:21,23 Good (16) 6:3;8:4;11:8; 19:15;30:14;32:5; 43:11;44:13;79:8; 87:7;92:9;103:16,18, 22;114:8;127:7 GOODMAN (35) 4:5,11;5:14;7:19; 19:11,16;21:18,22; 25:2,16,22;33:3; 36:25;37:10;42:22; 43:3;44:23;46:13,24; 65:14;68:7;70:6,11, 17;73:8;74:19;79:11; 84:2,8;87:18,20; 88:7;106:10;126:2; 127:24 Goodwin (2) 48:22;68:14 gosh (1) 104:4 Government (2) 127:10,13 governments (2) 101:25;106:5 grab (1) 55:15 grades (1) 12:18 grading (3) 12:14,20;83:6 gradually (1) 22:2 grant (6) 7:10,12;48:25; 49:12;122:17,18 granted (5) 6:8;32:10;49:11; 50:8;124:11 granting (5)</p>
G				
			<p>gate (5) 47:20;50:2;52:13; 55:12;64:13 gates (2) 52:11;63:9 gate's (1) 64:16 gave (1) 39:12 gear (1) 13:8 general (5) 12:12;63:22;79:21; 80:4,13 generally (1) 99:18 generating (1) 14:7 gentleman (3) 48:8,10;58:5 geology (1) 48:12 get-go (1) 14:9 gets (5) 14:25;17:20;21:7; 41:4;56:10 GETZ (65) 11:8,8,12;12:21, 23;13:22;14:19; 16:25;17:4;18:15; 19:4,14,18;20:14; 21:3,9;23:17;26:6,9; 29:12,18;32:24;33:4, 10,16,23,25;34:3,6, 10,15,17,19,21,25;</p>	

122:22;123:2,3,22, 24 grants (1) 49:4 grass (3) 16:6;40:8;65:5 Grass' (1) 30:17 gravel (4) 58:8,20;61:14; 108:12 gravity (1) 13:2 Great (2) 35:21;75:20 greater (4) 96:21;97:8,11; 100:2 GREEN (177) 4:2,6,9,17,19;5:2,5, 8,12,20,22;6:14,16; 7:4,8,10,14,17,25; 8:3;11:2,19;13:20; 18:10;22:4,8;23:4, 18;24:6,10,12,14,18, 25;25:3,6,9,15,17,20; 26:4,10;29:2,17; 32:22;33:2,5,21,24; 34:2;36:8,12,24;37:3, 4,13,16,19,20;38:4, 13;41:4;42:3,12,20; 43:23;44:5,20;45:5; 46:15,20,23;47:6,8; 50:23;51:3,5,12,24; 52:8,15;54:4,8,10,15; 55:20;56:3,23;57:20, 22;60:18;62:9;65:24; 66:3;67:10,17;69:24; 72:10,13,17;73:4,7,9, 11;74:10,12,14,17, 20,24;75:8,11,18; 76:10;79:2;81:14; 83:8,19,23;84:3,6,14, 16,18;87:2,17,19,23; 88:3,6,13,17;92:2; 93:9;95:6;98:19,22; 99:3,7;100:9,12,17, 19,21,24;101:6,10, 18;109:5,7,21;110:3, 6,12,15;111:2,6; 114:2,23;119:7; 122:2;123:7,11,15; 125:6,10,13,17,24; 126:8,10,13;127:5, 11,19,22;128:6 Greenbelt (1) 79:7 ground (1) 55:15 grounds (1) 32:13 group (3) 74:25;94:13;	114:10 grows (1) 51:19 guess (9) 13:5;16:5,7;19:4; 25:6;42:22;70:6; 81:17;83:5 guest (1) 93:16 guidance (2) 22:23;23:2 guys (9) 38:2;47:16;79:10; 81:13;110:22; 116:14;117:12; 120:2;123:12 H habit (1) 63:5 habitable (3) 43:10,17,21 habitats (1) 23:2 half (4) 6:22;107:21,25; 124:25 handle (7) 14:16;22:10;45:2; 101:25;105:3;118:3; 124:16 handles (1) 115:23 handling (1) 116:20 hands (3) 46:3;50:25;104:3 happen (3) 98:2;118:17; 122:11 happened (2) 6:20;50:16 happening (4) 18:18;46:7;98:2; 101:24 happily (1) 99:5 happy (7) 11:18;23:17;29:12; 88:25;99:4;100:8; 114:17 hard (3) 30:11;31:23;63:10 hashed (2) 98:20;100:10 hauling (1) 62:5 head (1) 75:9 heading (1) 61:24 Health (4)	87:11;101:21; 102:10;108:21 hear (7) 46:16;55:19;59:4; 73:10,13;79:11; 122:13 heard (2) 50:19;72:25 hearing (11) 29:3;33:3,6;46:14, 17,19;72:14,22; 76:11;122:12;124:8 heaviest (1) 80:7 height (1) 22:20 helicopter (1) 4:22 help (5) 17:23;31:23;67:23; 68:2;111:5 helped (1) 110:7 helpful (1) 100:8 helps (1) 100:5 Here's (4) 53:16;55:21;57:24; 58:20 Hey (1) 64:9 Hi (1) 63:18 high (1) 119:18 higher (3) 16:8;21:25;95:2 highlighted (1) 48:21 highway (18) 12:6,10;13:4,17; 19:4;23:20,23;24:4, 20,21;25:11,13;52:3; 117:23;118:5,19,20, 23 historic (1) 43:10 historical (3) 44:24;96:2,3 history (5) 21:11;56:6,8; 71:20;99:12 HOA (1) 18:5 hockey (6) 42:14,20;53:22; 68:23;69:7,20 hold (4) 59:3;65:11;122:12; 124:8 holder (4) 48:25;49:4,8,12	holes (2) 64:3,20 holiday (2) 29:25,25 home (2) 51:16,18 homes (2) 50:7;95:3 honest (2) 21:3;101:5 honestly (1) 14:23 Honorable (1) 32:2 HOPE (9) 79:1,3;80:1;81:1; 82:1;83:1;84:1;89:2; 98:10 hopefully (1) 80:24 horizon (1) 22:25 horizontal (1) 116:12 HORVATH (6) 4:1;5:1,2,3;6:1;7:1; 8:1 hosting (1) 92:15 hotel (2) 100:15;101:3 hour (1) 18:12 house (6) 17:23;48:14;51:20; 60:8,9;64:8 houses (1) 55:24 huge (1) 14:6 hundred (7) 14:11;18:16,17; 50:14;60:8,10;65:17 I ice (1) 19:22 idea (12) 25:2;50:20;96:23; 97:12,14;99:24; 101:4,14,15;103:15, 24;118:16 ideas (1) 48:22 identified (1) 126:21 identifying (1) 121:24 II (1) 24:6 illegal (2) 62:6;63:17	immediate (1) 43:16 immediately (1) 49:21 impact (5) 12:17;23:16;36:21; 123:21;124:22 impacted (1) 118:22 impactful (1) 121:4 impacting (2) 36:21;116:9 impacts (2) 20:7,10 imperious (1) 20:4 impervious (5) 15:23;16:6,17,17; 119:15 implications (1) 118:7 important (2) 19:5;29:25 impossible (2) 15:19;41:12 impounded (1) 117:2 improve (1) 105:20 improvements (6) 33:16,17;43:5; 116:8;117:17;118:21 inaudible (1) 122:19 INC (6) 79:1;80:1;81:1; 82:1;83:1;84:1 inch (1) 21:22 inches (4) 15:14;18:12;21:7; 22:20 inclement (1) 30:10 inclined (2) 122:22;125:14 include (5) 26:7;80:17;92:17; 99:12;109:15 Incorporated (1) 79:3 incorrect (3) 56:22;104:7; 106:10 increase (2) 14:11;15:18 increasing (1) 20:4 incurred (1) 30:13 Indian (3) 68:18;71:12;73:12
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<p>indicate (2) 114:25;116:4</p> <p>indicated (1) 14:10</p> <p>indicating (2) 7:2;22:19</p> <p>indication (2) 122:14,21</p> <p>indifference (1) 40:9</p> <p>individual (4) 63:24;93:18;94:13; 95:8</p> <p>individualized (1) 101:7</p> <p>indoor (2) 94:14;97:7</p> <p>indoors (1) 103:24</p> <p>industrial (1) 23:13</p> <p>infiltrating (1) 18:23</p> <p>infiltration (4) 116:9;119:5,21,23</p> <p>info (1) 75:21</p> <p>information (27) 18:23;30:6;44:25; 47:16;48:2;49:16,17; 74:24;75:16;81:11; 83:10;93:12;104:23; 105:4,7,10;106:24; 107:19;108:17; 109:9;116:2;117:8, 16;119:21;120:2; 124:8;126:19</p> <p>informed (2) 49:22;121:9</p> <p>ingress (1) 58:15</p> <p>initial (1) 82:25</p> <p>initially (1) 105:19</p> <p>inn (5) 92:4;94:20,21,22; 103:4</p> <p>input (5) 122:23,24;123:5; 124:21;125:3</p> <p>inserted (1) 124:3</p> <p>insignificant (2) 14:12;17:6</p> <p>inspected (1) 69:9</p> <p>inspection (1) 69:6</p> <p>Inspector (5) 40:5,8;43:13; 49:22;99:11</p> <p>install (2)</p>	<p>69:6,20</p> <p>instance (1) 54:22</p> <p>intended (6) 50:11,12;51:23; 94:6;95:9,10</p> <p>intensity (1) 105:21</p> <p>intent (14) 47:22;83:15,22,23, 24;106:19;109:13, 19;114:19;121:17, 22;123:8;125:21; 126:18</p> <p>intention (3) 92:18;116:16; 117:23</p> <p>interesting (1) 76:5</p> <p>interpreted (1) 98:13</p> <p>intimately (1) 13:14</p> <p>into (23) 12:2;16:18;20:14, 19;44:16;45:6;53:15; 58:22;62:17,19,24; 63:10;65:9;68:21; 82:14;83:4;97:19; 101:23;108:16; 118:8;120:5;124:3, 14</p> <p>invasive (1) 79:23</p> <p>invite (1) 50:13</p> <p>involve (1) 103:25</p> <p>involved (4) 13:14;34:14; 110:19;121:24</p> <p>involves (2) 6:2;11:6</p> <p>ironed (1) 79:17</p> <p>Israel (1) 92:3</p> <p>issuance (1) 24:13</p> <p>issue (18) 23:9,10;24:17; 39:6,8;45:15;48:16; 52:14;54:16;55:15; 57:14,19,24;63:19, 24;97:20;99:11; 109:18</p> <p>issued (4) 38:18,18;114:13; 115:22</p> <p>issues (26) 11:14;13:15;14:8; 22:16;33:20;37:5; 39:2;44:22;51:10;</p>	<p>53:7;56:9,9;59:6; 65:10,12,12;66:22, 24;93:25;109:2; 114:21;118:24; 123:3;124:23;125:4; 126:21</p> <p>item (4) 29:2;30:19,19; 115:25</p> <p>items (5) 45:22;87:14; 114:15;124:11,15</p>	<p>keeping (1) 107:6</p> <p>Kelsey (2) 51:4;65:21</p> <p>kids (3) 58:3,17;102:5</p> <p>kind (13) 12:12;20:15;43:17; 50:17;51:22;53:24; 63:10;79:13,17; 101:8;103:21; 108:14;122:13</p> <p>kinds (4) 58:10,10;65:11; 103:21</p> <p>kitchen (3) 93:3,21;94:14</p> <p>kitchens (1) 93:18</p> <p>knock (1) 99:17</p> <p>knocked (1) 55:11</p> <p>knocking (1) 55:17</p> <p>knows (1) 39:25</p> <p>Kohl's (2) 119:15;121:3</p> <p>Kraus (1) 92:3</p> <p>Kyra (9) 38:14;45:5,8;47:8, 10;62:9;74:17;80:16; 83:17</p>	<p>11:15;81:3</p> <p>lane (34) 12:2;47:25;48:19, 20;52:3;55:22;57:15, 18;58:6,7,15,16,18; 59:23,24;60:21; 61:15,16,21,24; 63:20,25;64:25,25, 25;65:8,13,18;66:10, 21;87:1,2;88:1;89:1</p> <p>Lane's (1) 63:19</p> <p>Laput (2) 29:13;30:3</p> <p>large (6) 49:20;105:13; 115:4;121:4;122:8; 124:7</p> <p>last (23) 6:17,22;11:12; 14:9;30:9,10;33:12; 40:21,24;41:6;47:23; 49:14;50:25;55:5; 79:10,13,20;82:8; 87:14;88:19;114:11, 24;120:22</p> <p>late (1) 4:21</p> <p>latter (1) 20:7</p> <p>law (2) 48:22;49:7</p> <p>lawn (2) 15:2;16:18</p> <p>layout (3) 37:14;82:21; 108:16</p> <p>lead (17) 52:11;80:22;83:15, 20;98:18;109:14,17; 114:20;121:16,22; 122:10,10,15,16; 123:7,17;125:21</p> <p>leads (1) 47:19</p> <p>learn (1) 127:12</p> <p>least (13) 14:24;46:11;52:11; 69:20;72:6;75:23; 97:15;98:9;105:18; 107:3,15,24;115:24</p> <p>Leave (3) 72:16;121:8; 123:13</p> <p>leaves (1) 21:5</p> <p>leaving (1) 76:11</p> <p>Ledwin (1) 79:2</p> <p>left (5) 13:17;31:18,22;</p>	
J					
		<p>James (2) 6:4;79:8</p> <p>January (3) 5:2;31:4;104:11</p> <p>Jason (1) 114:9</p> <p>Jay (3) 117:22;118:5,12</p> <p>JENSEN (23) 4:8,16,5;11,19; 7:12,24;25:19;26:3; 42:17;46:18;47:5; 76:6;84:13;87:25; 88:12;102:14,16,24; 103:3;104:2;126:7; 127:21;128:5</p> <p>Jerry (1) 48:15</p> <p>Jewish (1) 29:24</p> <p>Jim (1) 6:6</p> <p>Joe (1) 11:10</p> <p>John (15) 5:8;7:17;39:5; 42:22;54:2;70:25; 73:10,17;74:4;88:23; 99:21;121:13; 125:12,15,24</p> <p>join (2) 4:24;29:23</p> <p>joined (1) 114:9</p> <p>Jr (6) 6:3,3,20;7:5,9;8:4</p> <p>July (1) 69:3</p> <p>June (3) 68:25;81:5,5</p>			
K					
		<p>Kaylie (3) 95:14,17,21</p> <p>keep (6) 20:11,11;55:2; 58:15;81:10;106:20</p>			
L					
			<p>labeled (1) 55:23</p> <p>Labor (3) 95:19,21,23</p> <p>LACEY (25) 4:12;5:7,15;7:16, 20;20:24;21:4,14; 25:23;40:4,19,25; 41:9;47:2;62:17,19; 68:15;79:12;84:9; 88:8,16;125:16,23; 126:3;127:25</p> <p>lake (12) 14:22;15:3,4;34:9, 10,11;48:15;58:3; 59:21;68:18;71:12; 73:12</p> <p>land (14) 33:21;34:6;48:13, 24;49:2,3,4,25;56:14; 94:4;103:6;105:13, 20;106:8</p> <p>landlocked (3) 48:4;52:10;63:21</p> <p>landscaping (2)</p>		

<p>72:19;75:14 left-hand (1) 61:25 legal (7) 32:15;48:23;69:19; 72:5,6,8;121:9 legitimate (1) 53:7 Leser (22) 56:24,25;57:23; 60:19,22,25;61:4,7,9, 11,23;62:3;73:10,12, 16;74:3,7,9,11,13,15, 18 less (2) 79:23;92:22 letter (14) 7:3;11:17,21; 29:15;45:25;56:19; 68:25;80:3,15;96:20; 105:6,8;109:11; 117:4 letters (2) 80:25;114:17 levels (3) 15:17;20:13;48:18 lie (1) 92:8 lies (7) 5:25;11:5;29:7,9; 79:6;87:5;114:6 lieu (2) 12:3;73:24 light (2) 23:11,16 lighting (2) 23:10;81:3 likely (1) 81:5 limit (2) 102:18;104:21 limitation (1) 55:6 limitations (1) 23:5 limited (1) 14:24 line (18) 53:21,23;57:11; 58:2,13;76:6;87:10; 96:13;105:5;106:22; 107:10,12;115:15,15; 118:8,10,10,12 lines (1) 55:14 Lisa's (1) 60:7 list (6) 6:25;11:2;30:18; 45:7,10;47:8 listed (2) 45:8;76:3 Listen (3)</p>	<p>6:23;97:23;101:4 listening (1) 88:24 lists (1) 42:14 little (18) 4:21,23;11:13; 36:19;47:16,21; 52:18;57:16;58:5; 59:7,13;61:18;67:3; 75:7;87:15;95:24; 117:8;122:19 live (3) 47:14;57:10;94:23 lived (1) 52:13 lives (1) 75:25 living (1) 94:5 LLC (73) 29:1,3;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1;53:1;54:1;55:1; 56:1;57:1;58:1;59:1; 60:1;61:1;62:1;63:1; 64:1;65:1;66:1;67:1; 68:1;69:1;70:1;71:1; 72:1;73:1;74:1,21; 75:1,12;76:1;87:1,3; 88:1;89:1;104:9,10; 114:1,3;115:1;116:1; 117:1;118:1;119:1; 120:1;121:1;122:1; 123:1;124:1;125:1; 126:1;127:1;128:1 local (4) 14:8;101:25;106:5; 127:12 located (9) 5:24;11:4;29:5; 79:5;87:4;92:5,13; 106:17;114:5 location (2) 116:7;121:5 locked (1) 63:11 logs (1) 63:9 long (4) 81:12;101:11; 104:6;110:9 look (20) 35:6;36:16;39:9; 56:3,10;61:13;62:8; 64:17;82:14;88:19; 95:18;96:2;101:14, 20;106:23;108:15; 109:15;110:22;</p>	<p>116:19;120:16 looked (6) 22:15;50:24;51:4; 87:24;99:15;117:6 looking (17) 6:8;16:19;22:25; 42:23;45:3,4;79:18, 25;80:10,23;81:3; 83:3,4;92:16;104:19; 108:16;120:17 looks (3) 36:10;56:4;115:5 loop (1) 125:10 loops (1) 64:8 lose (1) 99:19 lot (41) 4:23;5:25;11:5; 15:12,25;16:16; 30:11;42:24;48:11; 51:10;53:18,21;56:8, 9,25;64:22;76:4; 79:6,16,23;81:2,17; 83:9;87:4;94:4;95:3; 96:13;98:22,22; 103:6;105:3,5;107:6, 10,12;108:22;110:7; 114:6;120:18;123:2; 127:15 lots (4) 31:22;105:4;107:7, 11 louder (1) 36:19 loudspeakers (1) 103:21 love (1) 125:6 low (2) 49:24;55:14 lower (3) 12:23;13:2;15:18</p>	<p>maintenance (6) 12:9;17:19;22:14; 24:22;25:14;64:22 makes (2) 13:15;15:3 making (2) 116:11;124:20 Mamakating (4) 4:3;69:12;75:24; 97:13 management (3) 20:2;116:10;119:5 manager (1) 32:15 maneuver (1) 115:8 maneuvering (2) 115:3,11 manner (2) 92:20;93:6 many (8) 21:10;31:21;45:9, 22;52:14;58:21,21; 100:23 Map (36) 5:24;11:4;29:6,8; 34:4,8,18;35:10; 36:2;37:17;39:16; 47:23;48:5;51:9; 52:19;53:23;56:2; 57:6,7,25;59:9,10,12; 60:19,24,24,25;61:3, 4;79:6;82:4;87:4; 106:25;108:9,15; 114:5 maps (4) 6:9;52:20;56:3; 92:6 Marc (1) 63:18 March (9) 30:10;35:10,12,14, 20;55:20;56:18;59:9; 69:4 Marcus (1) 62:13 Mark (1) 60:7 Marshall (1) 92:10 MARTINEZ (11) 79:8,8,13;80:15, 22;81:24;82:3,12; 83:3;84:17;88:15 Mary (24) 6:17,22;37:2;38:7, 10;39:12,25;40:8,14; 43:20;45:2;46:4,6,6; 56:2;63:8;67:19; 70:15;74:6;95:5,25; 108:4;111:4;122:4 Mary's (4) 41:10;56:19;68:9,</p>	<p>15 match (1) 15:16 material (1) 98:15 matter (4) 62:16,20;102:6; 106:2 Max (12) 22:4;35:11;67:10; 80:11,22;83:8;93:9; 109:9;120:20;122:9; 124:21;125:20 maximum (1) 23:15 Max's (5) 69:18;79:16;80:25; 95:25;120:16 may (39) 14:15;16:5,8; 22:24;24:24;36:10, 17,20;37:17;38:15; 44:22;45:24;50:25; 51:4;69:19;70:14,23, 23;71:10;72:19,21, 24,25;73:2,3,4,6; 76:12;82:21;94:7,14, 15;95:20;96:14; 110:6;117:14; 122:24;124:5;127:17 Maybe (14) 14:15;33:13;37:10, 11;43:11;45:5;53:21; 56:2;58:21;60:8; 105:15;106:8; 108:17;122:13 McDONALD (22) 114:1,3,5,10;115:1, 14,15;116:1,13; 117:1;118:1,22; 119:1;120:1;121:1; 122:1;123:1;124:1; 125:1;126:1;127:1; 128:1 MEADOW (4) 87:1,2;88:1;89:1 mean (27) 12:25;18:21;20:17; 23:22;36:13;45:5,22; 52:18;54:2;55:18,25; 56:6;61:11;64:18; 65:16;68:14;99:19; 100:18;103:4;110:3, 9;116:22;119:21; 120:13;122:10,19; 126:12 meaning (3) 39:9;95:3;96:9 means (4) 24:7;36:14;121:18; 123:22 meant (4) 48:23;63:21;65:15;</p>
			M	
		<p>main (5) 16:19;21:16;63:24; 65:12;93:21 mainly (1) 65:12 maintain (10) 12:13;13:8,8,11; 17:15;20:5,15;21:17; 22:6;23:22 maintained (4) 12:10,13;23:25; 94:5 maintaining (2) 116:11;118:16 maintains (1) 19:7</p>		

120:20 meantime (1) 111:3 meanwhile (1) 122:22 measured (1) 14:19 measures (1) 11:14 mechanism (3) 22:5,9,13 medicals (1) 59:3 meet (4) 46:6;96:9;107:6; 108:8 meeting (25) 4:3,4;29:23;30:2, 10,11;33:12;40:13; 51:22;72:19,21,24; 74:11;76:12;79:13, 20,20;80:24;81:5,5; 88:21;118:15; 120:22;124:10; 127:17 meetings (1) 6:11 melt (1) 12:2 MEMBER (141) 4:5,8,11,12,13,14, 15,16,20;5:7,10,11, 14,15,16,17,18,19; 7:12,16,19,20,21,22, 23,24;19:11,16; 20:24;21:4,14,18,22; 25:2,16,19,22,23,24, 25;26:2,3;33:3; 36:25;37:4,10;38:14; 39:5;40:4,19,25; 41:9;42:17,22;43:3; 44:23;45:23;46:13, 18,22,24,25;47:2,3,4, 5;56:17,19;62:17,19; 65:14;66:5,8;68:7,14, 15;70:6,11,17,25; 71:4,6;73:8;74:19; 75:23;76:6,8;79:11, 12;84:2,5,8,9,10,11, 12,13;87:18,20,25; 88:5,7,8,9,10,11,12, 16;95:13;102:14,16, 24;103:3;104:2,15; 106:10;119:4,8,12, 14;125:8,11,16,19, 22,23;126:2,3,4,5,6, 7;127:18,20,21,24, 25;128:2,3,4,5 Members (5) 29:18;32:2;63:9; 66:3;75:14 memo (8) 33:24;39:12;41:11;	68:9;74:5,6;109:6; 120:16 memos (1) 114:14 mention (3) 30:20;39:13;57:15 mentioned (9) 17:7;18:15;32:12; 58:21,24;59:5,17; 81:22;124:14 mentioning (1) 118:4 mentions (3) 41:11,11;125:12 Mercurio (2) 7:7;92:10 merge (2) 107:9,11 merged (2) 105:5;107:16 met (2) 30:9;46:11 metal (2) 14:21;21:10 metes (1) 115:20 method (4) 15:6,7,11;16:15 methodically (1) 31:20 MG (1) 95:4 mic (2) 73:11;79:12 microphone (3) 53:15;62:19;68:21 might (15) 29:16;34:9;42:6; 50:5;58:3;67:4,23; 68:13;71:18;82:4; 96:2;99:3;101:13,19, 22 Mike (2) 79:21;82:6 mind (2) 38:25;39:3 minds (1) 121:9 minimize (1) 12:19 mining (1) 51:10 minor (3) 7:2;30:20;81:2 minute (1) 36:18 minutes (4) 5:3,6;53:14;61:18 miscellaneous (1) 60:2 Miss (3) 30:17;76:2;120:22 missed (1)	30:9 missing (3) 83:10;126:22; 127:2 misspeak (2) 104:5,6 mitigate (1) 22:12 model (2) 16:20;38:4 modeling (2) 16:15;18:21 modifications (2) 95:12;116:6 modify (1) 20:10 modular (1) 51:16 moment (4) 39:2,4;57:5;59:15 momentarily (1) 62:7 moment's (1) 17:17 monitor (1) 42:18 monitored (1) 42:17 month (3) 109:24;120:22; 126:20 months (5) 21:5;92:18;96:23; 104:20;105:25 more (25) 11:13;13:14;15:14; 16:20;17:10;20:11, 18;59:19;60:15; 81:11;87:15;94:2; 98:22;106:3;108:17; 109:2;116:19,20; 117:8;120:5;121:9; 124:8;127:5,12,15 Mort (4) 45:11;125:13,17; 127:19 Moskowitz (9) 29:3,14,21;30:24; 32:21;38:22;40:13; 75:6,25 most (12) 30:6,12;50:6; 62:21;64:24;81:5,16; 97:6;103:22;106:4; 114:14;123:14 mostly (1) 14:24 motion (31) 4:4,5,18;5:5,7,21; 7:10,12;8:2;25:7,16; 26:5;33:6;46:17,18; 47:7;83:19,24;84:2, 15;87:23,25;88:14;	125:18,19,20,22; 126:9;127:17,18; 128:7 mountain (27) 51:16;79:7;92:1,2; 93:1;94:1;95:1;96:1; 97:1;98:1;99:1; 100:1;101:1;102:1; 103:1;104:1,9,10; 105:1;106:1,12,23; 107:1;108:1;109:1; 110:1;111:1 move (7) 17:22;20:22;65:11; 79:25;107:10,12; 114:21 moving (2) 73:22;118:8 Mrs (1) 88:24 Mt (1) 79:5 much (14) 8:4;18:10;23:12; 32:3;35:9;69:10; 81:12;103:24;111:7; 116:23;119:10; 120:5;121:9;122:20 multiple (2) 65:16;81:9 municipality (1) 97:12 must (1) 4:22 mute (1) 19:2 myself (1) 88:25	need (54) 6:12,12;12:5; 17:15,15,16,19; 20:17;35:3,4;36:2,13, 15,22;38:21;39:15; 40:2;41:19;43:12,13; 44:10,12;45:3,16,18; 46:9;53:4;55:3;56:5; 59:23;66:22;68:4; 70:9,22;72:4;81:9; 83:12,16;87:14;95:5; 96:5,15;102:5;107:9; 108:2,24;109:3; 114:15;115:19,21; 116:7;117:7;121:13; 124:8 needed (4) 38:8;67:13;117:18; 118:21 needs (9) 31:2;39:24;62:8; 66:18;70:24;82:15; 120:15,16;121:25 Negative (1) 24:13 neighbor (2) 103:17,18 neighborhood (1) 103:2 neighbors (2) 103:19;106:3 Nest (3) 92:6,6,13 new (16) 19:15;30:20,22; 33:20;39:11,13; 40:20,23;45:24; 64:17;72:19;94:18; 104:8;106:7;117:5; 120:25 Next (20) 11:2;13:25;29:2; 48:3;56:23,24;76:12; 79:2;80:17;81:4,4; 87:2;88:22;92:2,14; 109:24;114:2; 119:16;122:2;126:20 nice (4) 60:4,5;67:2;89:2 night (2) 8:4;127:7 nine (2) 15:4;66:6 nine-lot (1) 5:23 Nitra (4) 18:4,9;29:4;47:20 nixed (1) 64:5 Nobody (4) 65:21,22;74:17; 97:25 nobody's (1)
N				
name (7) 29:20;47:12,14; 62:12;63:18;96:17; 102:9 narrative (3) 29:21;36:25;115:9 natural (1) 15:10 nature (1) 120:4 near (3) 43:16;60:7,8 nearby (1) 48:14 necessarily (4) 43:22;45:22;81:4; 107:9 necessary (6) 23:13;25:12;30:23; 109:12;110:2;116:12 neck (1) 60:9				

58:24 noise (1) 103:9 noncompliance (1) 31:22 nonconforming (18) 67:20;71:4;94:17; 96:22,24;97:9,14,16; 99:17,18,23;100:2; 104:21,24;105:24; 108:3;120:24;121:8 nonconformity (1) 38:8 none (1) 48:5 non-landlocked (1) 63:22 nonofficial (1) 52:3 non-summer (1) 104:20 normally (2) 54:3;106:4 Norton (2) 7:7;92:10 Nos (1) 41:11 note (7) 6:16,17,19;22:18; 57:6;80:8;88:17 noted (11) 8:5;11:18;26:11; 30:14;76:13;84:19; 89:3;92:12;108:10; 111:8;128:8 notes (2) 57:5;117:12 nothing's (2) 35:17,20 notice (16) 17:17;72:21;80:23; 83:15,16,21,22,23, 24;109:13,19;121:16, 22;123:8;125:21; 126:17 noticed (4) 4:22;23:25;80:22; 126:22 notifications (1) 19:3 noting (2) 13:19;115:4 November (2) 6:8;21:5 Now's (1) 67:7 nuisance (1) 12:12 number (6) 41:14;45:20;92:21; 104:15,16;105:21 numbers (11) 15:12;16:8,20;	17:12;18:19;41:12, 15,17,23;42:2;45:21 numerous (2) 31:18;59:6 NUTT (6) 6:3,3,20;7:5,9;8:4 O obligation (1) 20:15 obtain (1) 25:12 obtained (1) 80:3 obviously (8) 13:14;22:6;30:14; 99:22;115:20;116:3; 117:19;120:6 occupancy (7) 43:16;92:20,22; 94:5,6,95:9,10 occupants (3) 92:19,21;93:5 occupied (4) 38:12,17;39:24; 94:9 occur (2) 22:22;101:16 occurred (1) 50:17 occurring (1) 101:8 October (8) 21:5;22:21,22; 87:24;94:7;95:19,20, 23 odd (1) 63:25 off (15) 21:6;31:7;36:16; 41:5;42:25;48:18; 49:24;50:7;65:5; 75:8;82:18,22; 106:11,21;114:23 offer (1) 115:18 office (5) 6:23;7:7;57:17; 75:15;117:22 Officer (1) 69:2 often (1) 48:19 old (10) 15:24;16:10;18:4, 8;21:10;39:13;48:2; 72:11;76:2;108:15 OLGA (8) 4:1;5:1,23;6:1,5,5; 7:1;8:1 once (8) 31:17,19;43:20;	63:8;81:20;83:5; 106:25;122:16 one (62) 6:16,24;15:7; 18:16,16,17;19:15, 25;21:16;31:24,24; 33:22,25;34:3,9; 36:17;39:12;41:10, 23,24,25;42:3,12; 47:18;48:8;49:5,8, 15;50:4,5,7;52:13; 55:21;57:12,13,20; 58:14;59:19;60:16, 17;61:5,9;64:2,3; 65:4;67:11;81:7; 83:15;93:25;94:2; 98:19;101:11;105:2; 106:14;107:22; 109:16;116:21; 121:12;123:19; 124:25;125:2;127:8 one-and-a-half (2) 14:10,12 ones (4) 37:19,20,21;43:18 one's (2) 49:7;61:10 one-story (1) 94:13 only (15) 22:21;23:9,11,19; 34:3;38:25;49:23; 54:21;75:10;95:19; 98:6,16;99:15; 102:18;109:14 onto (3) 19:22;21:25;65:5 open (15) 4:4;29:11;30:12; 31:24;33:3,6;46:13, 17,18;62:16;72:16, 19;76:12;95:14; 124:9 opened (1) 68:16 opening (2) 24:3;40:21 operate (2) 39:16;66:17 operated (3) 40:6,24;41:6 operating (1) 66:17 operation (2) 51:11;103:9 opine (2) 53:6;100:16 opinion (3) 19:5;48:10;49:20 opportunity (4) 96:20;98:14; 115:12;124:21 opposed (2)	50:22;117:5 opted (1) 20:7 order (3) 65:4,6;94:22 orientation (1) 108:18 original (3) 21:8;59:22;71:17 originally (1) 50:8 others (1) 51:9 otherwise (1) 123:18 out (45) 12:2,5;14:15; 17:16,23;23:23; 24:19;33:4;43:8; 45:9;46:4,6,10,12; 49:21;51:15;52:10, 12;55:11;56:5,14; 61:20;62:5;63:8; 65:3,19;66:13;70:23; 75:21,23;79:17; 82:21;83:6,17;88:17; 95:21;98:15,20; 99:17;100:10; 108:14;110:15,22; 123:9;125:10 outdoor (5) 96:11,12;97:5; 106:14,19 outfall (1) 22:6 outlines (1) 60:17 outside (1) 23:8 outstanding (4) 81:17;83:11;87:14; 114:15 over (32) 6:22;15:2,2;45:24; 49:2;51:10;53:19; 55:10;57:7,8,10,16, 18,24;58:16,18,18, 19,21;59:6,10,13,19; 60:3,5;61:4;62:23; 64:13;67:22;98:2,7; 127:8 overall (2) 97:17;106:25 overflows (1) 19:20 overgrown (1) 64:15 overland (1) 15:2 overnight (4) 92:24;93:3,16; 104:17 overview (1)	93:8 Oviedo (1) 79:3 own (8) 50:4;52:18;70:2; 73:18,23;101:12; 107:20;121:21 owned (2) 18:5;52:23 owner (21) 39:2;40:12,20,23, 23;45:24;52:24; 59:22;72:10;75:2,2,3, 6,6,12;76:2;92:16,23; 94:23;104:8;105:12 owners (10) 30:22;31:16,18; 39:13;46:5,8;52:5; 68:18;69:14;71:12 owner's (2) 30:13,18 ownership (4) 46:3;49:2,9;76:5 owns (5) 18:8;50:12;56:11; 74:22;75:7 P page (8) 22:19;45:4;47:23; 48:3;49:14;118:2; 126:22,24 Paget (1) 96:18 Paggi (33) 6:10;11:20;12:22; 13:13,21,25;16:14; 17:3,5,18,25;18:5,13, 20;19:6,24;21:16; 22:5,9;80:12,19,21; 81:16;82:2,10,24; 83:7;109:8;114:24; 116:17,21;118:4; 119:20 paid (2) 31:14;57:18 Pape (2) 127:8,10 paper (1) 57:19 paperwork (1) 6:12 parcel (2) 34:3;119:16 parcels (2) 33:21;107:15 park (1) 82:20 parked (1) 115:5 parking (13) 4:22;15:25;16:10;
--	--	--	---	--

64:21,21;107:24,25; 108:5,6,7,12,17; 122:6 part (22) 15:18;19:11,12; 21:18;39:14;42:21; 43:10;53:19;60:14; 68:10;70:2,3;94:23; 95:15;97:15;108:24; 109:20;126:20,22,24, 24;127:15 partially (2) 19:19;108:7 particular (3) 48:24,24;49:10 particularly (1) 121:3 pass (1) 65:4 passed (1) 110:6 Passover (1) 29:25 past (16) 15:25;16:9;20:3,8; 31:22;32:11,14;38:8; 48:9;49:19;50:16; 63:13,25;64:13;65:3; 80:17 path (3) 123:11,14,14 paved (4) 15:3;16:2;119:10, 11 peak (4) 14:11;15:6,9,13 people (19) 45:6;47:9;50:13, 14,15;53:9;57:10; 61:16,21;64:22; 65:11;92:24,25;93:5; 97:4;101:9;104:17; 125:6;127:15 people's (1) 63:16 per (1) 31:8 percent (1) 18:17 perfect (1) 13:15 perhaps (1) 19:6 period (5) 22:24;23:8;94:7; 99:17;100:3 permanent (1) 94:3 permission (3) 41:6;51:21;60:12 permit (30) 23:7;24:3;30:8; 31:11,15;32:10;38:9,	9;39:7,8;40:22; 42:23;43:4,24;54:16; 60:6;68:7,12,16,17; 69:17;70:8,10;71:25; 82:14;87:13;99:25; 101:21;102:4,5 permits (8) 30:25;38:17,18; 40:7,17;45:12,16; 69:16 permitted (4) 97:3,17;100:4; 120:23 permitting (3) 81:23,24;102:7 person (8) 46:11;47:11;49:20; 50:12;58:25;59:2; 102:19;104:15 persons (1) 102:17 person's (1) 48:24 perspective (1) 22:10 PETERS (7) 92:9,9;93:20; 106:13;107:13,19; 108:10 phases (1) 43:15 phone (1) 18:25 phones (1) 19:2 phonetic (1) 76:2 photography (2) 67:21;68:5 physical (4) 54:22,23,24;55:3 piece (5) 52:11;69:25;70:3; 105:13;107:22 pillars (1) 50:2 Pine (3) 34:8,10,11 pipe (9) 14:13,13,21,23; 19:20;21:7,10;49:23, 23 pit (2) 117:17,19 pitch (2) 11:22;12:14 pitching (1) 12:3 place (7) 49:5;72:11;97:22; 102:2;103:17; 116:18;118:15 places (3)	102:3,4,12 plan (60) 14:17,23;16:4; 22:19;24:16,17;25:8, 9,14;32:7;33:8,21; 34:5,7;35:4,6;36:16; 37:6;39:14,19;41:12, 17,20,20,22;42:5; 43:19;52:16;54:3,6, 12,20,21,21;55:3; 66:14,18,22;67:8; 68:11,12,20;69:5,11, 16;71:17;79:4;80:8; 81:6;107:16;114:4; 115:17;118:13,17; 120:6,7;122:18; 123:24;124:12; 125:13 planner (3) 114:13,18;124:13 planner's (1) 11:16 Planning (17) 4:3;29:18;32:2; 41:23,24;68:19;69:4, 15,21;73:14,22; 102:22;103:13; 106:5;118:18;123:3; 124:12 plans (10) 11:13;13:4;31:8; 33:7,10;83:13;93:15; 114:12;115:13;117:3 plant (1) 49:8 platform (1) 79:22 platforms (2) 79:19,22 PLATT (23) 19:2;36:19;38:16; 45:11;46:4;47:11; 51:4;52:3;53:14; 56:24;61:17;62:10; 65:21;68:21;71:9,11, 15,19;73:2;75:12; 80:20;104:8;107:20 playground (3) 16:2,3,11 Please (7) 4:24;19:3;30:5; 36:19;47:10;53:14; 62:11 pleasing (1) 31:21 Pledge (2) 4:24,25 plowed (1) 64:2 plug (2) 15:12,12 plumbed (1) 93:24	plumbing (2) 94:14;95:8 pm (7) 8:5;26:11;76:13; 84:19;89:3;111:8; 128:8 point (17) 16:12;48:8;51:24; 52:10;55:7,19;69:18; 70:6;75:23;83:14; 87:11;88:17;100:24; 105:9;106:9;110:2,6 pointing (1) 12:5 policy (1) 97:12 pollution (1) 120:7 pool (2) 106:17;107:20 poorly (1) 116:23 portion (2) 117:24;119:11 Positive (1) 24:15 possession (1) 49:9 possible (6) 32:4;39:6;65:7; 68:21;97:14;120:19 possibly (2) 50:12;81:4 post (1) 16:16 post-construction (1) 20:2 post-development (1) 20:12 posting (1) 87:12 post-it (1) 55:11 posts (1) 55:12 potential (3) 14:14;18:21; 119:18 potentially (6) 20:10;43:15;116:9; 118:22;124:22,23 pound (1) 64:4 pounds (2) 80:8,9 power (1) 55:14 practical (4) 16:12,21;17:10; 116:20 practice (4) 20:3,9;115:17; 117:20	practices (1) 20:2 pre (3) 70:15,15,24 pre-1995 (1) 69:19 precise (1) 59:19 preconstruction (1) 20:12 predate (1) 32:12 predated (1) 67:12 predates (1) 69:13 predevelopment (2) 20:5;21:17 preexisted (1) 68:13 preexisting (9) 16:17;20:5;36:11, 14;37:5;62:21;69:12; 108:3,4 prefer (3) 100:6;106:3;124:5 preference (1) 106:8 preliminary (4) 109:8;120:2,4; 122:14 preparation (2) 29:25;120:7 prepare (1) 125:20 prepared (2) 83:15;114:11 preparing (1) 50:9 prerequisite (1) 33:12 present (2) 29:20;30:2 presentation (1) 29:10 preserving (1) 106:8 presumably (2) 93:14,16 pretty (7) 23:12;53:11;74:3; 81:12;115:7;116:23; 122:8 prevent (1) 30:2 previous (10) 16:16;30:13,18; 31:16,18;40:12,20, 23;82:8;92:23 previously (2) 38:20;107:16 primarily (2) 97:5,5
---	---	---	--	---

<p>print (1) 42:4</p> <p>prior (8) 14:9;56:9;67:5; 107:14,17;114:21; 115:21;124:9</p> <p>private (9) 17:14;39:14;53:2; 55:23;57:19,23;58:7, 7;63:21</p> <p>Probably (9) 42:4;63:25;80:21; 81:9;82:7;92:12; 98:20;110:22;123:25</p> <p>problem (7) 17:21;18:12;22:11; 48:19;52:18;102:13; 119:18</p> <p>problems (5) 52:20;57:3;63:12; 65:10;67:5</p> <p>procedures (2) 30:23;40:9</p> <p>proceed (3) 96:6;114:17,20</p> <p>process (14) 23:13;38:3;81:24; 96:6;98:18;102:8; 120:17;121:19; 122:12;123:5;124:4, 9,16;126:15</p> <p>progress (3) 30:12;32:4;42:4</p> <p>progressed (1) 83:14</p> <p>prohibited (1) 94:18</p> <p>project (19) 7:11;17:22;18:7; 19:25;20:23;30:4,25; 32:8;39:18;83:25; 87:11,12;114:16,22; 117:25;120:11,15,16; 122:23</p> <p>projects (2) 20:3;38:5</p> <p>pronounced (1) 47:13</p> <p>pronouncing (1) 47:12</p> <p>proof (1) 81:20</p> <p>properly (2) 32:5;36:23</p> <p>Properties (22) 11:3,9;20:25;29:5; 42:5,8;45:6;48:4; 49:15;52:5,17;63:16, 22,23;66:18;79:9; 87:8;92:7;107:21; 114:3,9;118:25</p> <p>property (84) 5:24,25;6:5;11:4,5;</p>	<p>12:22;17:14;18:2; 19:13,14;21:12,13; 22:2,2;30:21;32:23; 36:21;38:21;40:13; 42:11,13;45:24; 47:24;48:10,12,15, 15,18,18;49:7,10,18, 21,21;50:3,4,5,12,13, 25;51:13;52:2,5,9,11, 19,21,21,22,23;53:3, 16,23;56:10;58:13; 60:2;64:18;65:6; 66:21;69:10,25;70:3; 73:18,23,25;75:12; 79:5,6;81:8;87:3; 92:5;96:9;103:6; 105:13;106:11,16; 107:20;114:4; 115:15;118:8,8,10, 12;119:5</p> <p>proposal (1) 104:22</p> <p>propose (2) 39:15,16</p> <p>proposed (16) 11:3;12:3;16:4,7; 22:12;29:4;79:3,24; 87:3;92:4;93:5;98:2; 101:13;114:3;116:8, 10</p> <p>proposing (20) 16:12;33:14,17,19; 34:24;35:4,5;54:22, 23,25;55:2,3;80:14; 81:21;82:15;99:22; 107:11,12;116:14; 118:11</p> <p>protected (1) 123:14</p> <p>protection (1) 22:23</p> <p>protections (2) 96:7,8</p> <p>protocol (1) 23:23</p> <p>prove (1) 71:2</p> <p>provide (2) 109:24;115:20</p> <p>provided (7) 74:23;83:11;93:7; 94:15;115:2,3;122:7</p> <p>providing (3) 11:13,15,15</p> <p>provision (3) 71:21;97:22;121:7</p> <p>proximity (1) 107:3</p> <p>pubic (1) 46:19</p> <p>public (17) 13:12;29:2,11; 33:3,6,11,13;46:13,</p>	<p>16,17;55:19;72:14, 18,22;76:11;122:12; 124:8</p> <p>pull (1) 65:5</p> <p>pump (1) 12:25</p> <p>purchase (1) 30:21</p> <p>purchaser (1) 6:4</p> <p>purpose (8) 48:24,24;49:3,6,11, 12;50:9;116:22</p> <p>purposes (4) 53:9;94:16;102:4; 123:23</p> <p>put (18) 6:11;39:16;49:8, 22;66:23;75:25; 79:14,15;96:24; 97:22;98:6,15; 103:17;106:6; 107:22;121:23; 123:19;124:11</p> <p>puts (1) 105:14</p> <p>putting (1) 125:6</p>	<p>raising (1) 51:25</p> <p>Ralph (5) 47:11,14;58:5; 63:20;64:3</p> <p>R-A-L-P-H (1) 47:14</p> <p>rampant (1) 58:11</p> <p>ran (2) 52:14;64:7</p> <p>rang (1) 18:25</p> <p>Rashford (1) 114:9</p> <p>rates (1) 20:12</p> <p>rather (1) 20:20</p> <p>RE (113) 4:1;5:1;6:1;7:1; 8:1;11:1;12:1;13:1; 14:1;15:1;16:1;17:1; 18:1;19:1;20:1;21:1; 22:1;23:1;24:1;25:1; 26:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1;53:1;54:1;55:1; 56:1;57:1;58:1;59:1; 60:1;61:1;62:1;63:1; 64:1;65:1;66:1;67:1; 68:1;69:1;70:1;71:1; 72:1;73:1;74:1;75:1; 76:1;79:1;80:1;81:1; 82:1;83:1;84:1;87:1; 88:1;89:1;92:1;93:1; 94:1;95:1;96:1;97:1; 98:1;99:1;100:1; 101:1;102:1;103:1; 104:1;105:1;106:1; 107:1;108:1;109:1; 110:1;111:1;114:1; 115:1;116:1;117:1; 118:1;119:1;120:1; 121:1;122:1;123:1; 124:1;125:1;126:1; 127:1;128:1</p>	<p>44:4;83:14;124:13, 17</p> <p>real (3) 15:15;52:4,7</p> <p>reality (3) 15:14;54:24; 102:12</p> <p>realize (1) 48:13</p> <p>really (26) 12:11;13:25;14:4, 4;15:11,19,23;16:8; 18:15,18;19:15; 36:15;49:24;51:23; 52:7;70:9;81:20; 98:16;106:25; 109:12,14;115:11; 117:11,11;120:5; 122:4</p> <p>REALTY (54) 29:1,3,14;30:1; 31:1;32:1;33:1;34:1; 35:1;36:1;37:1;38:1; 39:1;40:1;41:1;42:1; 43:1;44:1;45:1;46:1; 47:1;48:1;49:1;50:1; 51:1;52:1;53:1;54:1; 55:1;56:1;57:1;58:1; 59:1;60:1;61:1;62:1; 63:1;64:1;65:1;66:1; 67:1;68:1;69:1;70:1; 71:1;72:1;73:1;74:1, 21,25;75:1,12;76:1,3</p> <p>reapproval (2) 29:4;79:4</p> <p>reason (2) 64:23;94:19</p> <p>reasonable (3) 13:3;15:21;16:13</p> <p>reasons (2) 21:16;125:12</p> <p>rebuilt (1) 39:23</p> <p>recall (1) 37:17</p> <p>recalls (1) 82:6</p> <p>recap (1) 76:10</p> <p>receive (4) 6:19;114:13; 117:15;126:23</p> <p>received (6) 5:2;11:17;38:9; 69:17;87:10;108:25</p> <p>recent (3) 45:20;56:14; 114:14</p> <p>recently (3) 64:16;87:10; 104:13</p> <p>recited (1) 4:25</p>
		<p>Q</p> <p>qualifies (1) 95:7</p> <p>quality (1) 81:10</p> <p>quarters (1) 94:5</p> <p>quick (1) 109:22</p> <p>quickly (3) 15:8;121:23;122:9</p> <p>quiet (2) 61:18;103:3</p> <p>quite (6) 15:4,8;21:24;40:4; 60:6,11</p> <p>quote (1) 88:20</p>		
		<p>R</p> <p>radiuses (1) 80:5</p> <p>rain (3) 15:14;18:10,13</p> <p>raise (1) 23:10</p> <p>raised (3) 79:22;98:16; 105:10</p> <p>raises (1) 103:8</p>		

<p>reclamation (1) 53:12</p> <p>recommend (4) 23:15;63:2;67:21; 126:20</p> <p>recommendation (3) 12:14;13:19;83:13</p> <p>record (7) 26:7;67:25;70:21; 71:16;74:6;75:3; 127:6</p> <p>records (1) 72:11</p> <p>recreation (2) 106:14,19</p> <p>recreational (1) 94:16</p> <p>red (1) 37:19</p> <p>redid (2) 21:19,21</p> <p>reduce (1) 15:16</p> <p>refer (1) 126:14</p> <p>reference (2) 19:24;106:13</p> <p>referencing (2) 106:15;108:13</p> <p>referral (1) 108:21</p> <p>refers (2) 48:3;51:12</p> <p>reflected (2) 49:15,17</p> <p>refused (1) 57:17</p> <p>regard (3) 103:9;108:3; 109:18</p> <p>regarding (7) 53:11;81:7;82:11; 98:18;102:11;118:2; 119:4</p> <p>Regardless (2) 102:2;103:18</p> <p>regret (1) 29:23</p> <p>regulations (2) 40:7;108:21</p> <p>relate (1) 35:12</p> <p>relationship (1) 47:24</p> <p>relative (5) 14:2,4,5;108:6; 116:9</p> <p>relatively (3) 14:3;104:13; 106:22</p> <p>relevant (4) 32:19;94:19;96:8; 103:11</p>	<p>religious (2) 97:6;101:16</p> <p>remains (1) 16:3</p> <p>remember (1) 51:10</p> <p>remind (1) 88:21</p> <p>reminding (2) 101:20;119:3</p> <p>remodeled (1) 62:23</p> <p>removal (1) 116:17</p> <p>remove (5) 34:24,25;36:4; 45:15;116:14</p> <p>removed (6) 31:12;38:11,20,22, 23;45:18</p> <p>removing (3) 63:16;116:18,25</p> <p>renew (5) 30:7;43:11,16; 70:7,12</p> <p>renewal (3) 32:9;42:23;43:3</p> <p>renewing (1) 43:24</p> <p>renovation (1) 30:23</p> <p>renovations (1) 45:16</p> <p>repair (1) 19:9</p> <p>repairs (1) 30:20</p> <p>replacing (1) 116:14</p> <p>report (9) 14:10;15:22;30:17; 32:12;40:5;67:3,4,9; 68:15</p> <p>representation (1) 56:21</p> <p>representing (1) 29:13</p> <p>request (10) 13:22;30:7;31:11; 32:9,9,17;87:9,15; 98:14;99:10</p> <p>requested (1) 57:12</p> <p>requests (4) 30:24;93:11;97:10; 123:18</p> <p>require (10) 11:22;12:8,24; 19:25;24:3;32:19; 101:22;108:21; 114:16;121:6</p> <p>required (6) 54:3;69:9,21,22;</p>	<p>97:19;122:7</p> <p>requirement (2) 107:6;108:6</p> <p>requirements (1) 32:16</p> <p>requires (1) 101:21</p> <p>research (2) 69:10;88:18</p> <p>residences (2) 23:14;103:19</p> <p>Residential (10) 6:2;11:6;23:16; 29:7;57:9,11;87:6; 92:8;95:2;103:8</p> <p>resolve (1) 110:18</p> <p>resolved (1) 57:3</p> <p>RESORT (28) 92:1,3;93:1;94:1, 12,25;95:1;96:1,3,4, 14;97:1;98:1;99:1; 100:1;101:1;102:1; 103:1;104:1,9,10; 105:1;106:1;107:1; 108:1;109:1;110:1; 111:1</p> <p>resorts (1) 95:4</p> <p>respected (1) 104:21</p> <p>respectfully (2) 13:22;32:8</p> <p>respective (1) 30:6</p> <p>respond (2) 40:16;96:21</p> <p>response (8) 5:4;6:15;25:5; 51:7;66:2;109:16; 115:8;117:4</p> <p>responses (3) 11:15;22:16;98:15</p> <p>responsible (2) 59:6;123:21</p> <p>rest (8) 20:25;52:23;53:10; 83:6;98:5;106:11; 117:11;124:11</p> <p>restrict (1) 58:17</p> <p>restricted (2) 49:2;66:21</p> <p>restriction (1) 22:19</p> <p>return (1) 57:5</p> <p>Reuben (2) 87:7;114:8</p> <p>reuse (1) 93:14</p> <p>reusing (1)</p>	<p>93:23</p> <p>review (21) 13:5;24:16;66:23; 72:23;80:25;99:25; 109:23;114:20; 119:20;121:19; 123:6,20;124:2,3,6,9, 13,15;125:2,12,21</p> <p>reviewed (1) 93:10</p> <p>reviews (1) 100:13</p> <p>revise (2) 12:14,23</p> <p>Rich (1) 4:20</p> <p>Richard (2) 73:20,21</p> <p>Riesel (1) 96:18</p> <p>right (82) 5:2;7:10;17:3,18; 18:15;21:19;24:9,12, 14;31:10;33:5,10,13; 34:8,14,17;35:19; 37:3;38:2,13;42:3; 43:2,7;45:20;46:14; 48:19,20,23,25;52:8, 9;53:6;54:3,4,15,15; 58:19;59:12,24;61:9, 11;62:7;64:21;65:14; 67:8,18;70:5,9,11,13, 17,21,22,22,23; 71:16;72:14;74:14; 75:5,20;79:2;87:10; 99:7,21,23;100:14, 17;101:6,10;102:21, 25;106:16;107:10; 111:7;115:14;118:9, 15;119:9,15,16; 126:13;127:13</p> <p>right-of (1) 55:8</p> <p>right-of-way (22) 12:4,7,9;23:21; 24:3;25:13;47:19,22; 48:3,9;50:6,14,20; 51:25;55:7,9;107:25; 108:8,9;115:14,19; 118:13</p> <p>right-of-ways (1) 52:4</p> <p>rights (1) 53:3</p> <p>rink (4) 42:21;53:22;68:24; 69:7</p> <p>rinks (1) 42:14</p> <p>rises (1) 22:2</p> <p>RIVER (7) 79:1,3;80:1;81:1;</p>	<p>82:1;83:1;84:1</p> <p>Road (102) 5:24;11:4,22,23; 12:4,15;14:20;15:20; 19:8,12,15,17,21,22, 22;20:16,19,20;21:2, 19,22,24;24:3;29:5,6; 30:5;39:13,14;47:15, 18,19,22,24;48:2,3,9; 50:6,7,8,10,21;51:21; 52:4,7,10,12;53:7; 55:7,23;57:19,23; 58:2,2,4,7,23;59:24; 60:21;61:13,22,23; 63:21;64:9,9,10,17; 65:2,7;79:5;87:4; 92:6,6,14;108:15; 114:1,3,5,10;115:1, 14,16;116:1,13; 117:1,21,24;118:1,7, 10,16,22,24;119:1; 120:1;121:1;122:1; 123:1;124:1;125:1; 126:1;127:1;128:1</p> <p>road's (2) 64:17;65:10</p> <p>roadway (1) 23:22</p> <p>Robert (1) 127:8</p> <p>Roda (16) 47:11,13,14;50:24; 51:6,8,14,24;52:9; 53:13,16,18,24;55:4, 10;56:13</p> <p>R-O-D-A (1) 47:14</p> <p>Roda's (1) 52:19</p> <p>role (2) 30:24;38:4</p> <p>roof (1) 15:24</p> <p>room (1) 104:16</p> <p>rooms (2) 93:16;100:23</p> <p>Rothcard (1) 76:2</p> <p>route (1) 125:9</p> <p>rules (2) 40:6,9</p> <p>rumor (1) 73:19</p> <p>Run (72) 11:4;12:2;14:20; 22:24;29:1,3,5,6,14; 30:1,5;31:1;32:1; 33:1,14;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1;</p>
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48:1;49:1;50:1,7,20; 51:1;52:1,12;53:1; 54:1;55:1,10;56:1; 57:1;58:1,4,11;59:1; 60:1;61:1;62:1;63:1; 64:1,4;65:1,9;66:1; 67:1;68:1;69:1;70:1; 71:1;72:1;73:1;74:1, 21,25,25;75:1,12; 76:1,3;101:23 running (2) 30:25;97:4 runoff (13) 11:25;12:16;14:5, 6;16:3,23,25;19:8; 20:5,11;21:17; 116:24;117:4 rushed (1) 30:22 RVP (1) 95:3	15:7 season (1) 32:16 seasonal (3) 94:8,12;95:9 Second (23) 4:7,8;5:9,10,11; 7:15,16;25:18,19; 46:21,22;47:23; 55:21;72:25;84:4,5; 88:4,5;125:23,24; 127:20,21,22 Section (5) 5:24;11:5;79:6; 87:4;114:5 seeing (1) 101:13 seek (1) 23:7 seeking (1) 92:24 seem (3) 60:3;118:25;125:9 seemed (1) 37:14 seems (9) 45:2;50:9,19; 51:17;53:20;69:21; 76:4;108:24;109:2 seepage (2) 117:17,19 sees (2) 116:24;118:25 semi (1) 115:4 semis (1) 115:5 send (2) 82:22;126:17 sends (1) 83:17 sense (7) 13:16;45:8;97:4; 98:7;101:12;107:22; 121:14 sent (10) 6:17,25;7:3;29:21; 45:20;54:8,10;68:25; 80:16;82:17 separate (2) 107:7;108:12 separation (1) 116:12 septic (6) 12:25;82:11;116:2, 8;117:16,18 SEQRA (8) 11:14;23:3;24:7; 121:21;122:15,16; 123:5;125:2 serve (2) 93:22;109:14 served (1)	123:24 serving (2) 116:22;118:25 session (3) 109:25;110:7,24 set (4) 13:4;17:22;41:7; 124:13 setback (3) 118:11,15,23 setbacks (1) 118:9 sets (1) 31:8 seven (1) 6:25 several (6) 49:18;55:5;64:7, 13;83:11;114:16 sewer (2) 83:2;116:5 shall (3) 29:10;57:5;94:17 Shannon (28) 47:25;48:19,20; 52:3;55:21;57:15,18; 58:6,15,16,18,59:23, 24;60:21;61:15,16, 21,24;63:19,20,25; 64:25,25;65:8,13,18; 66:10,20 shape (2) 43:11;104:22 share (4) 29:22;30:6;32:20; 47:16 sheet (1) 65:21 shelters (2) 56:8;94:3 short (3) 81:12;108:25; 127:4 shorter (1) 118:23 shortly (1) 30:21 shot (1) 51:22 show (17) 33:8;37:16;42:10; 44:10,12;53:4,22; 55:21;57:7,8;60:20, 25;66:16,18;67:22; 68:3;115:13 showing (3) 16:20;51:9;116:7 shown (3) 14:22;32:5;66:22 shows (6) 4:20;31:14;34:18; 42:20;57:24;59:18 shrubbery (1)	60:6 side (13) 12:17;47:18;50:3; 57:15;60:17;61:25; 65:4,5;106:11,16; 117:2,3;124:19 sides (1) 20:15 sidewalk (3) 15:3;17:9,10 sign (4) 31:7;36:16;47:10; 81:5 signed (6) 36:9;42:25;47:9; 65:21,23,25 significant (9) 14:7;18:13;23:9; 93:13;96:10;107:23; 120:14,15;122:6 signs (2) 55:11;56:14 similar (8) 37:14;92:15,20; 93:6;95:13;101:8; 114:24;115:7 simply (4) 30:21;31:7;103:23; 105:22 single (2) 7:6;64:25 site (70) 6:11;12:18;14:3, 23;15:13,19;16:9,15; 17:4;20:11;21:24; 24:16,16;25:8,9; 33:16,17,20;36:16; 37:6;38:19;39:14,19; 42:24;43:19;46:5,6; 52:16;54:3,6,12,13, 20,21,21,25;55:3,25; 67:8;68:11,12,20; 69:5,11,16;71:17; 79:4;81:11;82:7,9, 17;83:6;92:17,19; 93:6,8,22;94:23; 106:4,21;107:16; 108:13;114:4,12; 115:17;118:13,17; 120:6;122:18;125:5 sites (3) 15:7;16:16;18:24 sitting (2) 110:8;127:8 situated (1) 22:3 situation (4) 31:17;39:7;95:14; 102:25 situations (1) 98:24 Sive (1) 96:18	six (2) 6:25;124:25 six-month (7) 6:7,9,13;7:11,13; 87:9,16 sizable (2) 15:4;79:16 size (6) 15:4;21:7;119:25; 120:3;122:24;124:20 sizes (1) 95:3 Ski (62) 11:4;14:20;29:1,3, 5,6,13;30:1,5;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1,12;53:1;54:1; 55:1;56:1;57:1;58:1, 4;59:1;60:1;61:1; 62:1;63:1;64:1;65:1; 66:1;67:1;68:1;69:1; 70:1;71:1;72:1;73:1; 74:1,21,25,25;75:1, 12;76:1,3 skip (1) 24:7 sleep (2) 23:16;104:17 sleeping (3) 38:20;39:23;45:14 slightly (1) 63:17 slotted (1) 12:4 small (7) 14:3,21;21:8; 49:23;51:19;64:8; 95:3 smooth (1) 123:9 snow (1) 11:25 soil (5) 16:2;18:20;119:22, 24;120:7 soils (1) 15:8 sold (2) 75:2,3 somebody (6) 55:13;59:5,17; 60:13;62:7;65:6 someone (4) 23:22;41:6;59:4; 74:16 Someplace (3) 61:14;89:2;106:7 sometime (1) 104:11
S				
safety (4) 20:19;38:15;42:19; 62:25 same (9) 38:3;45:3,4;52:24; 79:18;93:3;104:10; 117:13;118:2 Samuelson (1) 117:22 sand (6) 48:11;51:15,16; 53:18;62:5;64:5 sandbank (4) 48:7;51:13;52:21; 53:12 sandy (3) 15:8;18:20;51:18 satisfy (2) 40:8;98:10 saturated (1) 119:17 saw (6) 16:2;34:8;58:10; 93:25;105:3,9 saying (18) 13:15;16:21;35:11; 36:17;40:22;43:23; 44:7,18;54:23;64:19, 23;70:2,3;99:19; 102:17,19;110:12; 127:11 schedule (5) 39:25;43:18;66:8; 115:10;124:10 schoolhouse (1) 15:24 screened (1) 96:13 SCS (1)				

<p>sometimes (1) 39:19</p> <p>somewhat (2) 97:21;106:17</p> <p>somewhere (1) 75:4</p> <p>Sorry (3) 6:5;56:13;80:21</p> <p>sort (11) 12:8;25:10;43:24; 82:25;93:8,23;94:19; 103:7;105:3,14; 115:8</p> <p>sought (1) 124:6</p> <p>sound (1) 31:21</p> <p>sounds (1) 82:24</p> <p>space (5) 81:21;92:14;93:7; 96:10;108:16</p> <p>spaces (4) 93:3;108:7;115:7; 122:7</p> <p>SPDES (1) 82:14</p> <p>speak (7) 53:14;62:10,17,19; 65:23,25;68:21</p> <p>SPEAKER (4) 74:21;75:5,10,20</p> <p>speaking (1) 66:11</p> <p>special (24) 30:7;32:9;37:7; 39:7;40:7,22;42:23; 43:24;54:16;68:7,12, 16,17,19;69:5,11,16; 70:8,10,20;71:24; 72:4;95:17;99:25</p> <p>specialty (3) 97:3,17;100:4</p> <p>specific (1) 14:4</p> <p>specifically (1) 124:15</p> <p>specifics (1) 97:18</p> <p>specified (1) 23:11</p> <p>speed (1) 79:10</p> <p>spitball (1) 54:7</p> <p>spoke (1) 118:20</p> <p>spoken (1) 6:10</p> <p>spot (2) 115:5;125:7</p> <p>square (2) 119:9,13</p>	<p>stabilization (1) 14:16</p> <p>STACH (66) 22:15;23:5;34:4,7, 11,16,18,20,22; 35:17,19,21,25;36:6; 37:8,11,14,18;38:2,6; 54:2,6,9,12,16,20; 56:18;60:24;61:3,6,8, 10;67:11,18;68:11; 71:21,23;72:7,9;83:9, 22;93:10,23;95:7; 96:7;101:19;102:22, 25;103:4,13,15; 105:2,11;107:5,18, 23;108:19;109:6,18, 22;120:21;123:19; 126:19,24;127:2,4</p> <p>staff (1) 93:2</p> <p>STANTON (23) 4:14;5:10,17;7:22; 25:25;46:22;47:4; 56:17,19;70:25;71:4, 6;75:23;76:8;84:5, 11;88:5,10;104:15; 125:8;126:5;127:20; 128:3</p> <p>stakes (1) 56:15</p> <p>stamped (1) 42:3</p> <p>stand (2) 74:3;116:6</p> <p>standard (1) 117:19</p> <p>standards (3) 11:22;96:14; 117:10</p> <p>standpoint (1) 124:3</p> <p>stands (1) 108:14</p> <p>STAROBIN (22) 4:15;5:18;7:23; 26:2;38:14;39:5; 46:25;66:5,8;84:12; 88:11;95:13;119:4,8, 12,14;125:11,19,22; 126:6;127:18;128:4</p> <p>start (9) 29:24;81:24;83:3, 4;107:2;114:23; 120:17;122:12; 126:15</p> <p>started (5) 41:5;44:24;73:18, 19,24</p> <p>starting (2) 4:21;63:6</p> <p>starts (2) 66:6;106:23</p> <p>state (1)</p>	<p>101:24</p> <p>stating (3) 40:19;53:20;69:2</p> <p>status (2) 53:6,10</p> <p>stay (2) 20:8;96:4</p> <p>stayed (1) 100:22</p> <p>steady (1) 30:15</p> <p>steeper (1) 107:2</p> <p>steeply (1) 106:22</p> <p>stenographer (1) 61:17</p> <p>Step (7) 24:7,7;41:14; 106:14;109:16; 120:20;122:2</p> <p>Steven (1) 96:17</p> <p>still (26) 16:6;19:21;23:5; 24:16;31:2;45:19; 55:18;61:17;62:25; 68:16;73:21;79:14; 80:8;81:16,17;82:3,4, 5,24;94:9;95:11; 114:15,24;118:14; 126:12,14</p> <p>stockade (1) 14:22</p> <p>Stoloff (2) 73:20,21</p> <p>stone (1) 62:5</p> <p>stopped (1) 36:20</p> <p>storm (3) 13:10;14:11;18:17</p> <p>storms (1) 18:16</p> <p>stormwater (12) 11:23;20:2;81:19; 82:20,21;83:6; 114:25;116:10; 117:5;119:5;120:7, 12</p> <p>stream (1) 87:13</p> <p>Street (6) 6:4;17:14;18:4; 19:13,14;21:13</p> <p>strict (1) 49:6</p> <p>strictly (3) 49:3,3;50:9</p> <p>structure (1) 45:17</p> <p>structures (5) 94:3,14;97:9;98:6;</p>	<p>105:23</p> <p>students (1) 127:9</p> <p>studied (1) 18:16</p> <p>studying (1) 103:23</p> <p>stuff (9) 42:24;47:17;51:18; 55:17;59:4;61:12; 62:6;81:2;106:7</p> <p>subdivision (3) 5:23;87:3;115:17</p> <p>subject (5) 13:23;23:3,5; 24:11;43:12</p> <p>submission (4) 14:9;69:4;80:18; 81:4</p> <p>submissions (1) 115:2</p> <p>submit (5) 41:18;42:8;75:13; 81:20;108:24</p> <p>submittal (5) 14:17;31:4,6,13,14</p> <p>submittals (3) 30:18;31:6;32:6</p> <p>submitted (7) 13:4;14:10;31:11; 33:11;40:16;72:23; 80:16</p> <p>substantially (2) 24:23;107:2</p> <p>substitute (1) 97:15</p> <p>suggest (1) 55:18</p> <p>Sullivan (2) 105:4;108:22</p> <p>summary (3) 30:17;31:6;32:6</p> <p>summer (29) 29:5;30:8;32:10, 11,14,16;41:7;63:4; 92:4,17,18;94:2,10; 95:11,20;96:4,8,16, 23;97:24;98:2,3,7; 99:22;101:3,9,16; 102:20;105:25</p> <p>summertime (1) 96:25</p> <p>super (6) 12:6;13:17;117:23; 118:5,19,23</p> <p>superintendent (5) 19:4;24:4,20; 25:11;118:20</p> <p>superintendent's (2) 13:5;24:21</p> <p>support (4) 64:9,10,11;80:9</p> <p>supposed (5)</p>	<p>23:7;34:16;74:23; 96:12;127:11</p> <p>supposedly (1) 42:21</p> <p>Sure (38) 11:20;12:8;13:9; 17:15,20;20:22;23:6, 24;24:5;36:17;45:3; 53:11;55:6;64:24; 66:12;67:15;73:21; 75:3;92:12;98:21; 99:2,19;100:11; 102:15;103:12,18; 104:4,18;106:6; 110:17;115:22; 116:11,23;117:9,25; 120:11;124:20;125:3</p> <p>surface (1) 19:21</p> <p>surfaces (1) 119:16</p> <p>survey (12) 34:4,8,8;35:14; 54:13;56:14,16,17, 20;60:24;61:10; 107:17</p> <p>Surveying (1) 79:9</p> <p>surveyor (1) 48:13</p> <p>swale (3) 12:16;69:7;116:22</p> <p>switch (1) 100:4</p> <p>SWPPP (4) 6:21,24;7:6;114:25</p> <p>system (7) 11:24;12:25;15:16; 83:5;116:2;117:16, 18</p> <p>systems (1) 116:6</p>
T				
			<p>table (4) 53:13;110:8; 119:18,23</p> <p>tackled (1) 30:19</p> <p>takings (1) 23:7</p> <p>talk (4) 75:21;101:14; 106:2;110:21</p> <p>talked (1) 81:22</p> <p>talking (4) 14:6;18:11;73:12; 120:14</p> <p>talks (1) 37:5</p> <p>Talmud (2)</p>	

76:7;102:11 tank (1) 12:25 Tarolli (1) 92:10 Tarolli's (1) 7:7 Tax (9) 5:24;11:4;29:6,8; 79:6;87:4;92:6; 107:15;114:5 technical (2) 81:18;117:12 Technically (2) 23:6;38:17 tele (2) 23:12,15 telling (1) 42:15 temperature (2) 23:12,15 temporal (2) 100:3,4 temporary (4) 42:5;94:2,5;98:6 tennis (6) 42:14,20;68:23; 69:20,25;106:15 terms (2) 92:20;105:21 testing (3) 16:2;119:22;120:7 Thanks (1) 74:19 that'll (1) 114:25 theater (2) 38:24;41:13 therefore (1) 102:9 There're (1) 17:10 thereto (1) 94:4 Thomas (5) 51:13;57:6,25; 59:9,22 though (1) 104:12 thought (6) 23:9;74:24;79:22; 80:20;100:19;105:18 thoughts (1) 24:25 threatening (1) 19:21 three (6) 37:17;46:11;48:4; 55:24;64:13;92:18 threshold (1) 19:25 thrust (1) 97:18	Thus (1) 49:7 Tight (2) 66:8;115:7 times (3) 16:16;46:11;52:14 today (8) 4:21;15:23;16:4; 35:12;38:22;58:10; 96:20;98:16 together (4) 6:11;30:4;94:3; 121:23 told (3) 49:22;60:13;63:13 Tomorrow (4) 74:13;75:21;88:23, 25 Tonight (15) 4:19;18:7;23:10; 29:24;30:2,5;32:20; 54:7;66:11;88:18; 92:16;98:14;109:13; 114:19;127:16 took (4) 45:14,24;62:23; 88:19 top (2) 75:8;79:19 Torah (2) 76:7;102:11 total (2) 92:7,22 totally (1) 19:19 touch (1) 107:14 tourist (1) 94:11 toward (2) 30:12;32:4 towards (1) 61:24 Town (19) 4:3;11:21;13:9; 20:20;21:19;23:21; 24:2,23;25:14;40:10; 64:7;69:6,11,13; 97:13;106:2;114:13, 13;120:9 Town's (3) 23:20;97:2;117:10 track (1) 63:7 tract (1) 94:4 traffic (6) 50:19,20;65:8; 66:21;118:24;124:22 traffic's (1) 65:9 trailer (2) 38:21;45:18	trailers (3) 31:12;38:19;45:14 transcript (1) 88:20 transfer (1) 50:24 transfers (1) 50:15 transgressions (1) 49:19 translate (1) 116:4 transport (1) 51:15 travel (3) 12:2;49:5;51:21 travelers (1) 50:11 traverse (3) 50:10;63:22;65:6 treatment (1) 82:13 tree (4) 22:18,19,24;63:9 trees (4) 13:10;22:20;23:8; 60:7 trench (3) 12:4,15;13:7 trespass (1) 49:13 trespassing (1) 63:15 Trouble (1) 50:3 truck (1) 115:4 trucks (5) 13:8;17:16;20:18; 51:21;64:4 Trust (1) 76:7 try (9) 15:16;16:9;21:16; 22:10,11;32:15; 42:18;97:22;122:20 trying (9) 12:19;17:11;43:7; 45:7;61:20;79:14; 101:5;105:3;123:9 Tuesday (1) 72:25 turn (3) 97:25;98:4;106:5 turnaround (1) 20:18 turning (1) 80:5 two (21) 22:16;31:8;38:24; 46:11;50:2;52:20; 55:12,23;61:2;64:13; 65:2,3,4,6;82:17;	104:13;107:7,21; 117:14;119:9;124:10 two-sided (1) 60:15 Type (10) 24:6;94:12;101:25; 102:4;108:20,20,25; 109:15;121:17; 122:19 types (4) 12:12;95:4;97:23; 121:5 typical (6) 74:9;97:4,23; 103:21;121:19;124:9 Typically (6) 12:9;19:7;102:18; 109:22;115:16,22 typo (1) 74:9 typos (1) 83:16	unlisted (1) 121:18 unpaved (2) 55:23;57:19 unrestricted (1) 49:7 unstable (1) 51:17 unusual (1) 97:21 up (45) 4:20;15:5;17:22; 19:22;22:2;31:8; 34:25;36:20;37:16; 47:9,10;50:24;51:4, 21,22;55:5;56:24; 57:12;61:23;63:2,11; 64:10;65:21,23,25; 66:12;71:2;79:10; 81:2,10;87:15,24; 98:6,24;101:9,13; 103:8;105:2;106:6, 13;107:4;108:13; 110:3;115:5;117:15 update (2) 40:7;67:8 updated (3) 11:12;67:15,16 upgraded (1) 67:4 upgrades (1) 116:5 uphill (1) 117:2 upon (2) 24:21;25:13 upside (1) 61:13 usable (1) 95:16 usage (1) 116:5 use (74) 30:7,22;32:9,11, 13;37:7;42:15,23; 43:4,24;48:23;49:2,4, 7;52:25;54:16;65:12; 68:7,12,16,17,19; 69:5,11;70:8,10,19, 20;71:24;72:4;92:3, 4,17;94:20,20;95:23; 96:2,3,22,24,25;97:2, 3,16,16,24,25;98:11, 12;99:11,16,17,23, 23;100:2,4;102:2; 103:4;104:21,24; 105:12,13,23,24,24; 108:4,4,6,8;116:3; 117:19;120:24; 121:10;122:3 used (22) 15:6;18:8;32:11, 14;38:4,20;42:18;
U				
ultimately (2) 114:18;122:5 unable (1) 29:23 unaware (1) 45:25 uncoordinated (5) 114:20;121:19; 124:6;125:9,10 under (18) 14:3,21;15:2;16:6; 19:12,15;21:18,22; 49:11,12;51:20; 55:14;94:24;96:7; 97:2,17;99:25; 108:20 underestimate (1) 15:9 underestimating (1) 15:15 undermine (1) 17:10 understood (3) 17:25;34:22;118:2 undertake (1) 98:17 unfortunately (2) 30:9;56:10 UNIDENTIFIED (4) 74:21;75:5,10,20 unit (1) 94:15 units (7) 81:8;93:24,24; 95:8,14,15;106:4 unless (6) 4:20;11:23;23:12; 37:8;109:10;117:12				

<p>43:21;47:25;48:6; 50:11;52:13;53:3,8; 58:8;63:7;64:15; 66:10,12;98:5,6; 107:20</p> <p>uses (5) 94:18;95:4;97:14; 120:25;121:8</p> <p>USGS (1) 106:24</p> <p>using (11) 15:11;39:13;55:8, 9;58:6;59:25;61:16; 100:25;101:2,3; 106:20</p> <p>Usually (8) 39:8;53:2;74:16; 94:13;95:20;106:7; 110:16,18</p> <p>utilize (1) 82:21</p> <p>utilized (1) 92:20</p> <p>utilizing (2) 92:19;93:3</p>	<p>violated (1) 68:22</p> <p>violation (5) 31:3;45:21;62:22, 25;71:7</p> <p>violations (29) 30:12,15,18,20; 31:5,18,24;32:4; 34:13;38:11,15; 40:14,16,20;41:3; 45:9,19,20,23;46:2,2, 4,5,7,9;53:11;56:11; 62:15;67:25</p> <p>virtual (1) 29:23</p> <p>visit (2) 55:25;63:3</p> <p>volume (1) 118:24</p> <p>volumes (1) 14:6</p> <p>vote (1) 122:21</p> <p>voted (1) 123:7</p> <p>voting (1) 4:20</p>	<p>watershed (2) 48:14,16</p> <p>Wawarsing (1) 102:11</p> <p>way (15) 12:16;13:17;15:3; 31:10;55:8;63:7; 98:4,13;101:2; 104:22;105:19; 111:5;116:20; 121:12;125:2</p> <p>ways (2) 100:6;101:25</p> <p>WB-67 (1) 115:3</p> <p>weather (1) 30:10</p> <p>wedding (1) 101:8</p> <p>weddings (2) 92:15;100:20</p> <p>week (4) 6:21;7:6,7;81:4</p> <p>weekends (1) 102:18</p> <p>weeks (5) 60:4;64:13,13; 66:6;104:14</p> <p>weigh (1) 19:6</p> <p>weight (1) 80:11</p> <p>Welcome (4) 4:2;72:23;84:18; 110:4</p> <p>wells (3) 17:2;82:17,22</p> <p>weren't (5) 34:14,16;43:19; 54:23;117:18</p> <p>west (1) 117:2</p> <p>westerly (1) 106:16</p> <p>wetland (3) 79:18;81:22;82:3</p> <p>what's (13) 33:14,17;41:16; 56:5;60:3;61:12; 63:7;66:20;94:24; 116:20;119:24; 123:13;125:19</p> <p>whenever (1) 71:17</p> <p>where's (1) 36:18</p> <p>wherever (1) 97:14</p> <p>whole (6) 41:7;70:20;81:11; 100:24;105:8;106:6</p> <p>who's (5) 21:6;42:17;59:5;</p>	<p>63:24;64:2</p> <p>widths (1) 80:4</p> <p>wife (2) 50:24;64:19</p> <p>wife's (2) 88:22,23</p> <p>wildlife (2) 23:14,16</p> <p>willing (1) 31:9</p> <p>willingness (1) 32:3</p> <p>windy (1) 63:5</p> <p>winter (1) 11:25</p> <p>Winters (1) 87:4</p> <p>wires (1) 13:11</p> <p>wise (1) 42:19</p> <p>wish (2) 47:10;65:25</p> <p>within (8) 12:6,22;29:7,9; 92:8;108:7,23;114:6</p> <p>without (12) 38:16;41:6;43:21; 45:16;60:12;67:24; 69:16,22;72:3;95:11; 122:21;124:20</p> <p>wood (1) 39:13</p> <p>wooded (1) 107:4</p> <p>woods (1) 60:9</p> <p>words (3) 32:20;45:25;93:23</p> <p>work (27) 12:13,20;13:9; 17:12;23:23;24:2,19; 25:13;31:2,23;38:16; 45:15;50:13;52:22; 53:10;67:19;69:8; 73:18,24;75:6; 101:15;109:2,25; 110:7,24,25;114:22</p> <p>worked (1) 48:13</p> <p>working (10) 30:4,11;36:23; 38:11,22;39:3;67:3; 79:12;81:17;82:12</p> <p>works (2) 82:21;111:2</p> <p>workshop (5) 98:20;100:7; 101:15;105:25; 110:18</p> <p>worse (1)</p>	<p>99:23</p> <p>worship (1) 102:3</p> <p>writing (1) 80:10</p> <p>written (1) 115:9</p> <p>wrong (7) 34:9,9;47:12; 63:12;68:13;108:9; 110:10</p>
				Y
				<p>yard (1) 63:6</p> <p>year (17) 6:22;14:11;18:16, 17,18;31:4;35:7,7; 40:21,24;51:2;73:25; 94:7;95:15,15;97:15; 98:6</p> <p>year-round (3) 94:9;95:10;96:24</p> <p>years (18) 16:5;21:10;31:22; 32:11;36:7;38:24; 51:14;52:12;58:8,8,9, 9,21;62:5;64:2,7,15; 67:22</p> <p>yellow (1) 37:21</p> <p>young (2) 6:10;127:14</p>
				Z
				<p>Zachary (1) 92:9</p> <p>ZBA (18) 114:21;120:18; 122:2,5,8,11,12,14, 17,21,22;123:17; 124:7,11,20;125:3; 126:14,15</p> <p>ZBA's (1) 122:5</p> <p>Zone (7) 6:2;11:6;29:7,9; 87:6;92:8;114:7</p> <p>zoning (29) 32:13;43:5;67:12, 14,15;69:13;70:16; 71:17,21,23,25;97:2; 98:13;99:10;110:17; 114:21;120:10,10,23, 25;121:10,20,24; 123:20,22,23;124:2, 4,15</p> <p>Zoom (5) 65:22;74:11,16; 79:20;88:24</p> <p>zoomed (1)</p>

74:14	1-7 (1)	23 (1)	87:5	128:8
0	60:17 1982 (1)	52:12 23.68 (1)	58 (1)	91 (1)
01 (1) 15:14	67:23 1995 (13)	6:2 24 (3)	92:6 5th (1)	60:16 9th (4)
1	44:24;68:18;69:3, 14;70:15,24;71:4,9, 10,13;72:5;73:13,15	31:5;39:22;41:11 24/7 (2)	95:19	73:2,3,4,6
1 (10) 11:5,5;22:19; 31:13;48:5;79:6; 87:4;108:24;109:20; 114:6	1996 (2) 67:23;68:25	59:4,6 25 (2)	6	
1.7 (1) 60:17	1999 (2) 73:17,23	107:12;118:8 25th (1)	6 (2) 31:6;35:12	
10 (2) 18:16;21:7	1st (2) 22:21,22	69:3 26 (2)	60 (1) 32:11	
10,000 (2) 119:13,13	2	6:3;114:5 27 (1)	65,000 (1) 80:7	
1005 (3) 75:25;76:3,4	2 (7) 5:25;31:14;126:21, 22,23,24,24	5:24 27 (1)	68 (1) 87:4	
10-inch (6) 14:13,21;16:22; 17:6;20:24;49:23	2.60 (1) 11:6	29:15 2nd (1)	7	
10th (2) 68:25;87:24	20 (3) 41:11;63:25;64:15	3	7 (5) 39:20,21;41:11; 42:14;57:8	
10-year (1) 15:13	200 (2) 96:9,13	3 (5) 11:21;24:7;31:4; 48:6;126:24	7:11 (1) 8:5	
111 (2) 47:15,18	2000 (3) 45:12;68:2;73:25	3,000 (2) 23:15;26:8	7:33 (1) 26:11	
119.45 (1) 29:7	2000's (1) 45:12	30 (2) 31:5;39:22	71 (1) 122:7	
11-lot (1) 87:3	2000's (1) 45:12	31st (2) 22:21,23	73 (2) 71:19,22	
11th (2) 4:3;88:21	2001 (4) 67:16;71:23;72:2,8	34.20 (1) 29:8	78 (1) 30:5	
12-1-7 (2) 29:6;42:20	2004 (1) 67:23	4	7's (1) 31:3	
12-1-9.1 (1) 29:8	2008 (2) 69:4,14	4 (2) 24:7;69:4	8	
126 (2) 92:25;102:19	2015 (2) 64:7;69:14	4,000 (1) 23:12	8 (1) 31:4	
12-9-1 (1) 55:21	2019 (4) 67:17,18;82:7; 120:24	45 (17) 79:7;114:1,3; 115:1;116:1;117:1; 118:1;119:1;120:1; 121:1;122:1;123:1; 124:1;125:1;126:1; 127:1;128:1	8:39 (1) 76:13	
13 (1) 11:5	2021 (2) 6:8;40:5	5	8:47 (1) 84:19	
14 (2) 30:5;79:6	2022 (10) 35:11,12,14,20; 51:4;54:14;55:20; 56:18;59:9;104:8	5.22 (2) 114:6;119:7	8:49 (1) 89:3	
14-78 (1) 29:6	2023 (4) 4:3;76:12;87:24; 104:9	50 (4) 16:5;50:14;118:11, 15	80,000 (2) 64:4;119:9	
15 (2) 21:22;95:20	21 (1) 104:11	500 (1) 108:23	81.7 (1) 87:5	
15-inch (1) 14:13	21.7 (1) 114:6	50-1-37 (1) 92:7	811 (1) 79:5	
15th (3) 94:7,7;95:23	21-45 (1) 114:5	50-1-38 (1) 92:6	85,000 (1) 80:9	
16 (2) 35:11;59:9	218 (3) 92:24;102:17; 104:15	53.84 (1) 92:7	86 (1) 93:2	
16th (1) 55:20	22 (2) 5:25;40:6	56.52 (1)	9	
17 (1) 122:7	22.2 (1) 79:6		9 (1) 76:12	
			9:18 (1) 111:8	
			9:39 (1)	