

TOWN OF MAMAKATING  
PLANNING BOARD MINUTES

May 9, 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 DUNN, Board Member

DOUGLAS STANTON, Board Member

ADRIENNE JENSEN, Alternate Board Member

KYRA PLATT, Building Department

JOHN CAPPELLO, ESQ., Attorney

CHRISTIAN PAGGI, P.E., Engineer

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

Reported By: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X

Board Discussion  
Garayev Retail Packaging Project  
Town of Wawarsing Project  
Tax Map 97.2; Block 1; Lot 42  
Neighborhood Settlement Zone (Town of Wawarsing)

----- X

Town Hall  
Town of Mamakating  
May 9, 2023  
7:06 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
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Reported By: Rosemary A. Meyer

1           - BOARD BUSINESS / GARAYEV RETAIL PACKAGING -

2           CHAIRMAN GREEN: Welcome, everyone, to the May 9th, 2023  
3 meeting of the Town of Mamakating Planning Board.

4           May I have a motion to open the meeting?

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

6           CHAIRMAN GREEN: Alex. Thank you, sir.

7           Do I have a second?

8           ALTERNATE BOARD MEMBER JENSEN: I second.

9           CHAIRMAN GREEN: Adrienne, second.

10          All in favor?

11          BOARD MEMBER GOODMAN: Aye.

12          BOARD MEMBER STAROBIN: Aye.

13          BOARD MEMBER LACEY: Aye.

14          BOARD MEMBER DUNN: Aye.

15          BOARD MEMBER STAINTON: Aye.

16          ALTERNATE BOARD MEMBER JENSEN: Aye.

17          CHAIRMAN GREEN: Aye.

18                         (The motion was approved and carried.)

19          CHAIRMAN GREEN: Adrienne will be voting as a full  
20 member this evening.

21          Please join me in the Pledge of Allegiance.

22                         (The Pledge of Allegiance was recited.)

23          CHAIRMAN GREEN: Thank you.

24          So we thank you for getting us the minutes for the Camp  
25 Nitra this evening.

1 - BOARD BUSINESS / GARAYEV RETAIL PACKAGING -

2 UNIDENTIFIED SPEAKER: We can't hear you.

3 CHAIRMAN GREEN: Oh, sorry.

4 Okay. I was just thanking Rosemary for getting us the  
5 minutes for the public hearing for Camp Nitra, a draft.

6 So we'll go to the next item on the agenda which is a  
7 discussion of Town of Wawarsing project Garayev Retail  
8 Packaging Project.

9 This is something that was referred to the Town of  
10 Mamakating and usually, we don't do this. Usually just, they  
11 handle them internally. We decided it was a good idea to  
12 just let the whole board know that we do get these. When you  
13 have a project that's within about 500 feet of the Town of  
14 Mamakating, we're supposed to be notified. We're supposed to  
15 be given a chance to give an opinion. They did send us some  
16 information. I called them. I called the town up there,  
17 spoke to the secretary for the planning board. Basically,  
18 this is a project that's 250 feet from the Town of Mamakating  
19 and it's somebody that wants to start operating a small  
20 business out of their house, and apparently, it was a  
21 business at some point in the past. Their planning board is  
22 dealing with it. They have a public hearing ongoing which  
23 will be open until May 16th. The local people showed up.  
24 They had an issue with where the material is going to be  
25 delivered. The planning board has made recommendations

1           - BOARD BUSINESS / GARAYEV RETAIL PACKAGING -

2   that's going to be part of their approval. And basically, I  
3   said I don't think we had any objection to it but I wanted to  
4   just ask if anybody else did. This is part of the GML. She  
5   said the County had already said that they didn't think it  
6   would have any impact on them.

7           Does anybody have any comments?

8           They said they were basically sending it to us as a  
9   courtesy, so I thanked her.

10                  (No verbal response.)

11          CHAIRMAN GREEN: No? Okay. Thank you.

12          BOARD MEMBER STANTON: Do we vote on this?

13          MR. CAPPELLO: No, you don't. You don't need to have a  
14   vote. It is a requirement that they refer it to the Town if  
15   it's within 500 feet. You can comment; you don't have to  
16   comment. It's totally up to the Board. And if anyone  
17   individually felt motivated to go to the meeting and comment  
18   on your own personal level, you know, you have that right to.  
19   But if the Board wanted to submit something to say, We have  
20   these concerns based upon potential impacts to the Town of  
21   Mamakating, you're certainly within your right to do so.

22          CHAIRMAN GREEN: It's on a road that actually has a  
23   grocery store, I think a thousand feet up the road, so ...

24           Does anybody have any comments?

25                  (No verbal response.)

1           - BOARD BUSINESS / GARAYEV RETAIL PACKAGING -

2       BOARD MEMBER GOODMAN:  No.

3       CHAIRMAN GREEN:  Okay.

4       So do we need a motion to --

5       MR. CAPPELLO:  Acknowledge, in the minutes, that you did  
6 look at it.  And if you want to write a note to thank the  
7 town --

8       CHAIRMAN GREEN:  Okay.

9       MR. CAPPELLO:  -- for submitting it or you can just --

10      CHAIRMAN GREEN:  Okay.

11      MR. CAPPELLO:  -- that you didn't do anything.

12      CHAIRMAN GREEN:  All right.

13                           (Time noted:  7:10 p.m.)

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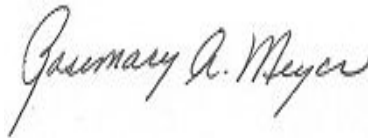
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REPORTER'S CERTIFICATION

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 Board Business, Garayev Retail Packaging Project, Town of Wawarsing, 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: June 10, 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 - Continuation of Public Hearing  
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  
May 9, 2023  
7:10 P.M.

PLANNING BOARD MEMBERS:

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

Also Present: Amador Laput,  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764  
(845) 252-3515

Reported By: Rosemary A. Meyer

1                   - RE: SKI RUN REALTY LLC -

2           CHAIRMAN GREEN: So moving on to the next one,  
3 continuation of public hearing, David Moskowitz on behalf of  
4 Ski Run Realty LLC, Camp Nitra, proposed amendment and  
5 reapproval of children's summer camp. The properties located  
6 on Ski Run Road and 14-78 Ski Run Road, Tax Map 12.-1-7,  
7 which is approximately 119.45 acres and lies within the  
8 Burlingham Residential Zone; and Tax Map 12.-1-9.1, which is  
9 approximately 34.2 acres and lies within the Hamlet Center  
10 Zone.

11           You guys have the floor.

12           MR. LAPUT: Good evening. Amador Laput, Fellenzer  
13 Engineering. I'm here tonight with Steven Barshov who's the  
14 attorney for David Moskowitz.

15           And would you like me to summarize where we are at this  
16 point?

17           CHAIRMAN GREEN: Sure.

18           MR. LAPUT: So we're here for the continuation of a  
19 special use permit to run a summer camp which had been a  
20 continuous use since before zoning, and we are proposing no  
21 improvements to anything outside the buildings.

22           So David has been working with the Building Department  
23 to correct any deficiencies, and he's working with Kyra and  
24 Mary to eventually clear all the deficiencies, so his intent  
25 is to have no deficiencies and have a fully compliant camp.

1                   - RE: SKI RUN REALTY LLC -

2           MR. CAPPELLO: As you may recall at the last meeting,  
3 you were specifically requested -- when you claim it's a  
4 preexisting use, it's preexisting as to before zoning. We  
5 need a demonstration because we have applications that were  
6 made to construct buildings that were never approved that  
7 apparently may have appeared on there. You had advised us  
8 that you were going to come back and show us what was there  
9 and what was entitled to nonconforming or what may have been  
10 there illegally because there's a long history. We haven't  
11 received anything, to date, from you.

12           MR. LAPUT: Sure. I would like to defer to Steven  
13 Barshov.

14           MR. BARSHOV: John, thank you for that. Actually, that  
15 specific inquiry was not forwarded to me by Mr. Moskowitz so  
16 I did not understand.

17           I assume you saw the letter that I sent in. That was in  
18 on the fifth, and it addressed this in concept. It did not  
19 go through, in detail, to provide a history of exactly what  
20 happened and when and so forth. If that's what you're  
21 looking for, we'll try to get it.

22           Mary addressed some of this in her memorandum. She was  
23 the one who indicated, in the first instance, that this use  
24 had been undertake before zoning. I noted, in my letter,  
25 that there had been, to my knowledge, no prosecution by the

1                   - RE: SKI RUN REALTY LLC -  
2   Town for the conduct of an illegal use during all of this  
3   period of time. My understanding was the same as what Mary  
4   had indicated in her memo, which was that there were things  
5   that were constructed by the prior owner without permission,  
6   and then there were, I don't know how you describe this, a  
7   semi-attempt trying to get these things legalized and then  
8   there was no follow through on that. Apparently, the Town  
9   did not give notices of violation about that. I don't know  
10  how all of that stuff shook out. What I can tell you is that  
11  the -- we can go through this, John, use by use or facility  
12  by facility. My understanding is, and I'll confirm this with  
13  David, is that there is not going to be any use of facilities  
14  that were illegally constructed. For example, there was a  
15  hockey rink, I believe, that was illegally constructed.  
16  That's not going to be used. And I think there were tennis  
17  courts that were illegally constructed. Those will not be  
18  used. So the idea is to, for this coming year, as I wrote in  
19  my letter, simply utilize this at the level that it had been  
20  used as a nonconforming use for all of those years. But the  
21  desire is, immediately, to not only cure what whatever  
22  preexisting violations there were, but to also work with you  
23  so that this no longer is a nonconforming use, but gets its  
24  special use permit. Whatever appropriate conditions are that  
25  you want to put on that, you'll be able to. That's what

1                   - RE: SKI RUN REALTY LLC -

2 we're trying to work with the Board to achieve.

3           Now, do you need more specifics than that, John? Do you  
4 want me to --

5           MR. CAPPELLO: Well, first, and I apologize. I didn't  
6 see the letter from --

7           MS. PLATT: I have to apologize, Mr. Barshov. I did not  
8 forward the letter that you had e-mailed to me on the fifth.  
9 I do have it pulled up here. I can read it in if the Board  
10 would like and I can forward it at this moment. I apologize  
11 for that.

12           MR. BARSHOV: I don't know that it's -- it's not that  
13 important. We're going to be back before the Board again so  
14 it's not that big a deal.

15           MR. CAPPELLO: I think, on the onset, what I think would  
16 be helpful to this board is a delineation on that map that  
17 this is what we want to use now and this is what we  
18 understand we're going to get approved, and some type of  
19 report from Mary that what you're using now, what you intend  
20 to use now, has been upgraded or is sufficient --

21           MR. BARSHOV: Right.

22           MR. CAPPELLO: -- to be occupied now.

23           MR. BARSHOV: And part of what's here is the color coded  
24 map, I will let, you know, someone who knows it better than I  
25 explain, is the answer to part of your question about what's

1                   - RE: SKI RUN REALTY LLC -

2 being used and what's being focused on with Mary and so  
3 forth.

4           And what I will say to you, I tried to reach out to  
5 Mary. I know she's very business. But I tried to reach out  
6 to her last week and again, today, for the very purpose of  
7 making sure that we're all on the same page about what needs  
8 to be done.

9           My understanding is that there were permits that were  
10 submitted about two months ago to Mary for work to be done.  
11 Those permits have not yet been issued. So I need to  
12 coordinate with her as to whether there's any technical  
13 submissions that are still needed and why those permits  
14 haven't been issued because, you know, we're ready to rock  
15 and roll and get moving on that work. Okay?

16           I'll let you describe what you ...

17           MR. LAPUT: Sure. You see the blue and the green colors  
18 on this map. So blue are the buildings that David is still  
19 working with Mary on. The green is either not a violation or  
20 okay. The red are the trailers to be removed, so he's  
21 working with some people to take those away, but he has not  
22 found a buyer yet so they're still there.

23           So that's the color coding. I'll have a key.

24           So the hockey rink and the tennis courts are there but  
25 any of those will not be used because they're illegal.

1                   - RE: SKI RUN REALTY LLC -

2           MR. CAPPELLO I don't want to be ignorant, but this is a  
3 summer camp. Is the hockey rink --

4           CHAIRMAN GREEN: Yes, they do that.

5           MR. CAPPELLO: Is it frozen?

6           CHAIRMAN GREEN: No. It's just asphalt.

7           MR. CAPPELLO: Oh.

8           MR. BARSHOV: I suppose you could do roller hockey, too,  
9 if you're really into it.

10          MR. CAPPELLO: I grew up on a border of Canada so hockey  
11 rink to me has a different connotation.

12          MR. LAPUT: All right. So we will show, on this map,  
13 what is going to be used by the camp --

14          MR. CAPPELLO: Okay.

15          MR. LAPUT: -- and what will not be used for the camp.

16                And we added the property line between the two lots.

17 That was not shown at the last public hearing.

18          CHAIRMAN GREEN: So I think part of the difficulty is  
19 that we have to have something to approve; correct? We don't  
20 have anything.

21          MR. LAPUT: Right. So the next submission will be more  
22 complete.

23          CHAIRMAN GREEN: Okay.

24          MR. LAPUT: So this is a preview of our next submission  
25 which will be much more complete. I'm working with David to

1                   - RE: SKI RUN REALTY LLC -

2 get the photographs. He has not authorized those yet, but  
3 we'll have the older photographs before 1995 and that will be  
4 part of our next submission.

5           CHAIRMAN GREEN: Alex.

6           BOARD MEMBER GOODMAN: So then we don't know the full  
7 scope, how many buildings. If all the buildings that you  
8 have -- were the blue ones you said that you were working on?

9           MR. LAPUT: The blue ones are what David is working with  
10 Mary on --

11          BOARD MEMBER GOODMAN: But we don't --

12          MR. LAPUT: -- the violations.

13          BOARD MEMBER GOODMAN: But we don't know what buildings  
14 might be included in that list of buildings done after '95,  
15 or newer buildings. Those are just the ones you know are a  
16 problem right now. I mean we could have a bigger list than  
17 just the blue ones that we see now once you get these photos  
18 back.

19          MR. LAPUT: So David believes everything was there prior  
20 to 1995, so the photos would bear that out.

21          BOARD MEMBER STAROBIN: Excuse me. Is the goal to have  
22 this all approved before you open for the summer session?

23          MR. BARSHOV: No, not at all.

24          BOARD MEMBER STAROBIN: Does that affect us with an  
25 approval or ...



1                   - RE: SKI RUN REALTY LLC -

2           MR. CAPPELLO: Well, he said, no, not at all.

3           Didn't you just say no?

4           MR. LAPUT: No. They're going to continue to be a  
5 nonconforming use.

6           BOARD MEMBER STANTON: So you're going to open the camp  
7 whether we approve it or not.

8           MR. LAPUT: So it's been that way since the zoning  
9 happened so it will continue to be operated that way, at  
10 least for another year.

11           MR. BARSHOV: That's what was in my letter. In other  
12 words, I don't want you to be under the impression that this  
13 was not addressed. So, you know, I'm not trying to throw  
14 Kyra under the bus because she does a really good job, but  
15 that's exactly what I had put in my letter on the fifth, was  
16 to make it clear to the Board that the nonconforming use is  
17 still in play. It's still there, it hasn't been abandoned.  
18 It's going to occur again. We wanted to be very upfront  
19 about that. It's not an active defiance to say, you know,  
20 we're going to do this whether you approve or not. It's just  
21 simply the status quo. It's what's been going on for a very  
22 long time. So because I expect that the Board will require  
23 more time to view the special permit application and so  
24 forth, I doubt that this is going to be approved at your next  
25 meeting. So therefore, the only alternative is to operate

1                   - RE: SKI RUN REALTY LLC -

2 under the nonconforming use status but move as quickly as we  
3 can in order to be able to get a special permit which would  
4 then formalize and legalize the use under your zone.

5           BOARD MEMBER STANTON: I'm a little frustrated because  
6 as John eluded, I think there were specific instructions of  
7 what was supposed to be brought back in front of the Board  
8 and we sort of get this, nothing's happening, but we move  
9 forward.

10           MR. BARSHOV: Well, what you have is our best --

11           BOARD MEMBER STANTON: That we've looked at.

12           MR. BARSHOV: Right. So what you have is our best  
13 understanding of where Mary has been focusing on, which  
14 buildings, which ones she believes there is work that needs  
15 to be done.

16           And as far as moving it forward and moving it forward  
17 rapidly, it's a two-way street. There were permits that have  
18 been out there for two months now where applications have  
19 been in. We don't know why those permits have not been  
20 issued. So we're trying to work with the Town. We want to,  
21 to take care of these things, but we can't do some work  
22 without permits.

23           Now, as far as the information that you're looking for,  
24 I'm sorry, it wasn't relayed to me with that degree of  
25 specificity. I will be on it and you'll have it quickly and

1                   - RE: SKI RUN REALTY LLC -

2 it'll have as much information as I can possibly find out.

3           What I took from Mary's memo that she sent to you guys  
4 that I read and I eluded to in detail in my letter, she's the  
5 one who has indicated that this use predated zoning. She  
6 laid out the history I think quite comprehensively in her  
7 memo to the Planning Board. All we would be doing is tying  
8 that history to individual buildings, and we'll do the best  
9 we can. But remember, we weren't that property owner. That  
10 property owner was apparently, I will say it in polite  
11 language, apparently a royal pain in the you know where, and  
12 that there were all kinds of violations and half-hearted  
13 attempts, if there were even that, at legalizing it. Well,  
14 what you have now is an applicant in front of you that is  
15 committed to taking that process through to completion and  
16 getting a special permit so that there aren't these problems  
17 anymore, period, end of story.

18           MR. CAPPELLO: So from the Board's perspective, what the  
19 Board can do, you only have authority to grant a special  
20 permit. A lot of this in Mary's court. But I think the  
21 public had some concerns and I think what we need to talk is  
22 to coordinate with Mary to see what she believes was  
23 nonconforming and what would be allowed, if anything, to  
24 occur in what buildings that were demonstrated as  
25 nonconforming. I know, and we will have to open this up to

1                   - RE: SKI RUN REALTY LLC -

2 the public, there were significant issues raised regarding  
3 the use of the right-of-way that may have been constructed  
4 afterwards. So I mean we may want to coordinate with Mary to  
5 get some specific conditions as to if and how that  
6 right-of-way would be used and where access to this facility  
7 historically went and where it will continue until we have  
8 all the answers. I don't know how far we are from getting  
9 it. We've approved summer camps before and our position to  
10 the applicant was come in with everything that you want to  
11 show and let's get it all --

12           MR. LAPUT: Right, get it all out.

13           MR. CAPPELLO: -- all done and complete and hopefully  
14 address the public's concerns in the meantime and get this  
15 fixed because there is history.

16           So what I would suggest is that we'll have to keep this  
17 hearing open, take comments from the public, listen to  
18 anything more the Applicant says. But in the meantime,  
19 between now and then, I would recommend that maybe a meeting  
20 be set with the Applicant and their representative, Mary,  
21 Lorry and maybe one other town board member and our  
22 consultants to just go over to make sure Mary knows our  
23 concerns and we know where Mary is heading and there's  
24 coordination so there's no misunderstanding with anybody.  
25 And the sooner we do that --

1                   - RE: SKI RUN REALTY LLC -

2           MR. BARSHOV: And John, I'm on the same page with you on  
3 that because I had tried to reach out by phone to Mary last  
4 week, and again today, for the exact same purpose. I wanted  
5 to be sure that I understood what her concerns were, that we  
6 were able to communicate. I wanted to talk with her about  
7 the permits and yadda, yadda, yadda.

8           CHAIRMAN GREEN: So I guess if you hadn't wanted to  
9 correct the violations and everything then they wouldn't have  
10 had to have been at the planning board at all?

11          MR. BARSHOV: Right.

12          MR. CAPPELLO: Well, I don't know what Mary has done.  
13 She may be waiting for something from us to issue a permit on  
14 certain buildings if she determined that they didn't exist  
15 before or if they're being expanded. I think that's where I  
16 think the coordination needs to be. Are those green  
17 buildings the buildings that were there, have always been  
18 there and can be operated, but the blue ones can't be? Or  
19 can the green ones plus certain ones of the blue ones be  
20 operated once the blue ones are repaired sufficiently? But  
21 we need to just make sure we know all of that.

22          MR. BARSHOV: But Mr. Chairman, your point is correct,  
23 which is that for purposes of whatever the situation is  
24 regarding the nonconforming use, however broad it is, narrow  
25 it is, which buildings, all of that is really not before you.

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2     And I agree with John, that we have to make sure that we all  
3     know exactly what is allowed under the nonconforming, what  
4     isn't. I made the point about there having been no  
5     prosecution by the Town for any illegal activity here because  
6     that would have also indicated what was allowed and what  
7     wasn't and that never happened.

8             CHAIRMAN GREEN: So essentially, this is going to be a  
9     special permit.

10            MR. BARSHOV: Yes.

11            CHAIRMAN GREEN: Approve a special permit. And before  
12     then, it was just historical use.

13            MR. BARSHOV: Correct. It'll be the -- what -- to put  
14     it into words that the Planning Board function really  
15     describes, this takes a nonconforming use and puts it  
16     squarely within the Planning Board's jurisdiction by saying:  
17     Ignore that it was nonconforming. You can take it into  
18     account in terms issuing your special permit, but now you'll  
19     be to able to impose reasonable conditions. You'll know what  
20     the contours of your approval are. And the Applicant now  
21     gets the benefit, in future, of if it needs to change  
22     something or do something differently, it can come back to  
23     the Planning Board for the special permit to be amended and  
24     everything happens in the normal course. It's not this kind  
25     of bizarre never never land.

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2           CHAIRMAN GREEN: Comments?

3           BOARD MEMBER LACEY: I have a question.

4           What's your effective opening date for this year?

5           MR. BARSHOV: I can find out for you specifically, but  
6 my understanding is it is in very early July. I don't know  
7 the exact date, but that's the most -- that's the best  
8 information I have for you right now, but I can get you an  
9 exact date.

10          BOARD MEMBER LACEY: Thank you.

11          CHAIRMAN GREEN: So I guess we'll invite the public up  
12 to continue the public comment at this point.

13          Do we have any names?

14          MS. PLATT: The first person to sign up is Ralph Roda.

15          MR. R. RODA: Hi, everyone. Just to reiterate, my name  
16 is Ralph Roda, R-O-D-A, and I live at 111 Walker Valley Road.  
17 I want to thank you all for letting me have a chance to speak  
18 tonight.

19          And just my concern is that my property is bounded on  
20 one side by an easement road which leads to the back of the  
21 camp. I'm just going to reiterate a few things that I said  
22 from last time just to bring you back up to idea of what I'm  
23 talking about.

24          So the road is now known as Shannon Lane, but it, in  
25 fact, is an easement which was established to allow access to

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2 the back gate to the camp at one point, in 1953.

3           I've done a little more research on what an easement  
4 actually means, and there's three ways that this can arise:  
5 through rule of law, as in a taking like for a bridge,  
6 building or something like that; by necessity, if a company  
7 had to access an electrical tower, something like that; or by  
8 agreement. Since the camp has several accesses to the Ski  
9 Run Road, this wouldn't be by necessity, obviously. So it's  
10 come about as an agreement. And when it's that, when it's  
11 established as that, then there's a specific given, and it's  
12 supposed to be uses for those reasons alone. The reason  
13 given is that it's a right-of-way and that is described just  
14 simply as egress and ingress to the property. That is the  
15 definition of a right-of-way road, as I've discovered and so  
16 that is the specific description of how it's to be used.

17           So last month here, I tried to establish that there's  
18 been a history of the road being abused to some degree. I  
19 understand that my property has a watershed in it. The water  
20 from the nearby hill and hillside go down through my property  
21 and into the lake that's within the camp, Lake Jerry. One of  
22 the owners of the property of a sand lot that's right behind  
23 my house built up the property and built a huge berm and  
24 created a flood. This is, you know, establishing the history  
25 of abuse. And then later on, he built enormous brick pillars



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2 on either side of the road, and they weren't on his property  
3 at all. At least one is fully on my property. And then now,  
4 they're using the easement road as an access to an Airbnb  
5 which seems to me to be running a business, you know, over  
6 the easement. I'm not sure that that's encapsulated in the  
7 description.

8             Are we okay so far?

9             CHAIRMAN GREEN: Yes.

10            MR. R. RODA: You look like you might want to ask me  
11 something. I'll just give you a second.

12            No? Okay.

13            So there was this berm that was created and the gate  
14 pillars that were constructed, and the Airbnb is running now,  
15 and now we see some further activity. I wanted to get ahead  
16 of this before something was constructed or done that was  
17 outside of the terms and limits of an easement road. Since  
18 there's been some history of abuse of it, in my opinion, I  
19 decided that maybe it's time for me to speak before something  
20 else occurred.

21            New York State law suggests that an easement road is  
22 allowed to be used for traverse back and forth, that is a  
23 right-of-way road, but it can't be used, it can't have  
24 anything established on it that should show ownership; no  
25 fences, no bushes, no gate posts, anything of the like. It

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2 has to be just maintained as an open pathway. In fact, I  
3 could have moved to have the easement to that part of the  
4 camp nullified because after 10 years of time of not being  
5 used you can ask to have that changed or edited, and it had  
6 been well over that, that the gate had never been used.

7           Just recently, there's been some work back down there.  
8 They were cleaning up the area. I had some wire to delineate  
9 my property that's been knocked down a few times. I have  
10 some posted signs that are on freestanding posts. Those got  
11 knocked down a couple times because they're squeezing between  
12 those gate pillars and the electrical line hangs very low so  
13 they're trying to avoid that and they're ending up on my  
14 property, a bit of an encroachment there.

15           So Mr. David Moskowitz stopped by my house a few weeks  
16 ago and wanted to address my concerns. He wanted to reassure  
17 me that the road was not going to be used for a thoroughfare  
18 during summer and for the camp. He offered me, he brought a  
19 wafer cake that he gave me which was a sign of his goodwill,  
20 and it was very good. My family enjoyed it. And he also  
21 gave me his phone number and wanted to make sure that I could  
22 contact him any time if I had any concerns about the road, so  
23 I appreciated that. I said he may have his survey -- I  
24 wasn't actually sure where the line specifically is. They  
25 tried to put it right at the property line. When they make

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2     these easements they try to share the burden with all the  
3     property owners so they try to put it right on the border  
4     between all of the adjoining properties. If it ends up that  
5     way, over the years, you don't know. You know, it could move  
6     a little. So Mr. Moskowitz said he would probably have his  
7     surveyor just confirm where the property lines are. And he  
8     also said he might have his lawyer look up the deed  
9     information. I said I had that already, and he wanted to  
10    confirm what it probably said, you know.

11            So the thing is I just wanted to bring this before the  
12    court in case a decision came before you about the use of the  
13    road. It's not my intention to keep people from using their  
14    property that they want and the way they want to. I want  
15    people to use their property the way they want to. I just  
16    don't want them to use my property the way they want to.

17            And that's pretty much all I have to say on the topic.

18            CHAIRMAN GREEN: So in your deed does it actually say  
19    you've granted an easement and what you're saying is that  
20    that easement is given for the specific reason of  
21    right-of-way?

22            MR. R. RODA: Yeah. It's reflected -- I actually have  
23    the deed information from one of the adjoining properties.  
24    But in there it says that the same information is reflected  
25    in all of the properties. I don't have my own, per se, but

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2 it does say in that deed information that it's reflected in  
3 all the deed properties around it. And it says: An easement  
4 right-of-way road shall be provided, unobstructed, and it  
5 refers to the camp specifically and the previous owners. And  
6 as an afterthought, it sort of says the other landlocked  
7 properties are allowed to use it, as well. But it was  
8 intentionally originally meant to address the camp in an  
9 agreement type of easement.

10           CHAIRMAN GREEN: It strikes me that that's probably at  
11 the heart of a lot of this, is just what they actually have  
12 the rights to develop and do.

13           MR. R. RODA: Exactly. And I would assume that it had  
14 to do with people who lived on the property, perhaps, and  
15 staff. Mr. Moskowitz asked if it would be okay with me, if I  
16 would mind if some of his staff went through that road to get  
17 back to there and I said I'd be willing to entertain that.  
18 You know, I don't have full say over it. The other neighbors  
19 also own parts of the road, too. But what quantifies that  
20 would be my question. You know, I don't mind being, you  
21 know, magnanimous, if you will, you know, but I'm not sure  
22 where that leaves the numbers, how many people. It says it  
23 should be unobstructed. So if we had a string of cars going  
24 through, wouldn't that violate that stipulation?

25           CHAIRMAN GREEN: That's what I'm trying to figure out.

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2           MR. CAPPELLO: But that's not our job.

3           CHAIRMAN GREEN: Okay. That's what I was going to say.

4           MR. CAPPELLO: Well, I mean I'm going to clarify that.

5 I'm not saying that.

6           Your job, as a planing board, is to determine how that  
7 road will be used for access to the camp, whether it's  
8 adequate for that purpose, and then request the Applicant to  
9 demonstrate that they have the right to use it. But whether  
10 the extent that they have the right to use it and the  
11 language of the right-of-way, that is a private matter  
12 between -- it's not a zoning matter. It's a private matter  
13 between those people who own the right-of-way to the lot and  
14 the campsite. Our job is to look at, to say at least  
15 demonstrate to us and have a surveyor tell us that you  
16 certify that you have the rights there, if you're wrong,  
17 that's their issue, and that it's adequate to handle the  
18 traffic. You know, is all the camp traffic going be coming  
19 through the road? You do have the SEQRA review to look at  
20 the extent and how that road should be used vis-a-vis the  
21 other access to the site. But the wording of the deed and  
22 the scope of the easement, that's really not a planning  
23 board. You know, you look at your title company and  
24 certainly work out whatever you can with Mr. Moskowitz --

25           MR. R. RODA: Yes.

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2           MR. CAPPELLO: -- and we will certainly consider the  
3 level of use and how that's considered.

4           But the one thing I would like for the Applicant that's  
5 come up, the Airbnb, is that part of this application or is  
6 it on a separate lot? Because it's come up a few times that  
7 there is an Airbnb which doesn't seem to be part of a camp  
8 use. Is that your lot, is that the Applicant's, is it the  
9 camp property, is it part of the application?

10          MR. LAPUT: It's not part of this application, but we'll  
11 get clarification from David on --

12          MR. CAPPELLO: But is it on the property and is it shown  
13 on the property?

14          CHAIRMAN GREEN: It's further down.

15          MR. CAPPELLO: But is it on the same? Is it on the  
16 summer camp lot? Is this part of a -- we need to demonstrate  
17 what lot it's on, what's the level of use and get something  
18 from Mary whether --

19          MR. LAPUT: Yes, we need to clarify that with David.

20          CHAIRMAN GREEN: If I'm not mistaken, it's further down  
21 Shannon Lane, towards Walker Valley, right, the Airbnb?

22          MR. R. RODA: It's the first house that actually uses  
23 it. It's the first landlocked piece of property. Let's put  
24 it that way.

25          CHAIRMAN GREEN: Yes. The camp is like here and then

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2 Shannon Lane comes up and it's sort of over there.

3           MR. CAPPELLO: But the question is is it a separate tax  
4 lot that it's just a person has a house there.

5           MR. R. RODA: It is a separate piece of property, yes.

6           MR. CAPPELLO: Okay, okay, okay.

7           MR. R. RODA: My question would be, you know, as running  
8 a business there, is that part of the scope of the easement.

9           MR. CAPPELLO: That's a Mary, well, a Mary question as  
10 to the use. Once again, your right to --

11           MR. R. RODA: Yep.

12           MR. CAPPELLO: -- whatever your easement --

13           MR. R. RODA: My intention is just to bring forth my  
14 concerns and whatever information I can provide you guys in  
15 case this question should come before you.

16           MR. CAPPELLO: No, we appreciate it.

17           MR. R. RODA: Okay?

18           MR. CAPPELLO: Yes. Thank you.

19           CHAIRMAN GREEN: One thing, I did ask Rosemary to do the  
20 transcript. I can't find it here while I'm looking. But I  
21 do believe that last month they said they were not going to  
22 be using that.

23           MR. R. RODA: And Mr. Moskowitz said that to me in a  
24 letter.

25           CHAIRMAN GREEN: It's in the transcript.

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2           MR. R. RODA: Yes.

3           CHAIRMAN GREEN: Okay.

4           MR. R. RODA: Uh-huh. All right. Thanks very much.

5           CHAIRMAN GREEN: You're welcome.

6           MS. PLATT: The next person signed up is Mark Fronczek.

7           MR. M. FRONCZEK: Yeah. Marc Fronczek, 11 Shannon Lane.

8           Ralph kind of mentioned most of the stuff that I was  
9 going to say. Again, we just want to, again, reiterate.  
10 Again, Dave Moskowitz also spoke with us and again,  
11 reiterated the same thing he spoke to you guys about, about  
12 they had no intention of using it for campers.

13           Your question about the Airbnb, my property is in  
14 between the camp and the Airbnb. So --

15           MS. E. FRONCZEK: And it's our understanding it's two  
16 separate owners.

17           MR. M. FRONCZEK: Yeah, as far as our understanding is,  
18 it's two totally separate owners that we, you know, that we  
19 know of.

20           Like I said, a continuation, like I said, our concern  
21 was mainly about the road which, as far as we know, has  
22 mostly been addressed, whether it's from what we've talked  
23 with you guys and directly from David Moskowitz.

24           CHAIRMAN GREEN: Good.

25           MR. M. FRONCZEK: That's basically it, unless you have



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2 something.

3             MS. E. FRONCZEK: Elissa Fronczek, also 11 Shannon Lane.

4             As far as the nonconforming use goes, that was  
5 pre-ownership. Now you have new owners. They should be  
6 conforming, so they need to make sure that those buildings  
7 are up to code before they allow campers to come and spend  
8 the summer in Sullivan County. There's a lot of issues on  
9 that camp that need to be addressed before they have people  
10 come here and stay there.

11             Okay? Thank you.

12             MR. CAPPELLO: Just so I can clarify for the Board, the  
13 nonconforming use goes to the zoning use of the property  
14 which is --

15             MS. E. FRONCZEK: But it's also --

16             MR. CAPPELLO: If you can let me finish my answer.

17             MS. E. FRONCZEK: Okay. Sorry.

18             MR. CAPPELLO: The code compliance of the building with  
19 New York State Building Code, that is the Building  
20 Inspector's jurisdiction. Our understanding is those blue  
21 buildings, she is looking at the buildings that don't meet  
22 code to make sure. You don't get a preexisting nonconforming  
23 use to not meet New York State Building Code. You have to  
24 meet New York State Building Code. You have to meet New York  
25 State Building Code. That's what she's doing and that's what

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2 she's --

3           MS. E. FRONCZEK: Well, I understand Mary is very busy.

4           MR. CAPPELLO: So those buildings will not be used until  
5 she certifies that they're code compliant.

6           MS. E. FRONCZEK: Well, my only concern was the  
7 gentleman, the engineer stated they were going to open the  
8 camp regardless of what you guys decided.

9           MR. CAPPELLO: Well, on the potential on the  
10 nonconforming use, you can continue to use a building for the  
11 same use and it doesn't go to ownership, it goes to the use  
12 of the building. So if it was a restaurant and then zoning  
13 changed, someone could buy that restaurant. If it was a  
14 continued restaurant, as long as they operated that  
15 restaurant in compliance with all Health Department code and  
16 building code, they can continue to operate that restaurant.  
17 So that's the question.

18           MS. E. FRONCZEK: A restaurant is one thing. But an  
19 establishment where children are going to be sleeping --

20           MR. CAPPELLO: Yes.

21           MS. E. FRONCZEK: -- is different. So that's my only  
22 concern.

23           MR. CAPPELLO: I understand it, and thank you for the --

24           MS. E. FRONCZEK: Okay.

25           MR. M. FRONCZEK: Again, can I ask you a question to

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2 actually wrap this up? If a property is nonconforming use  
3 and there's no, nothing on it, can it be still used as a  
4 nonconforming use if you build something on it or does it  
5 have to be conforming?

6           MR. CAPPELLO: Anything that's built needs to conform  
7 and that's why they're here. For anything that wasn't there  
8 as of the time the zoning changed that wasn't approved they  
9 need to get approved by this board and shown on the site  
10 plan. And when we say it's nonconforming, it's nonconforming  
11 as to it hasn't been approved. It is a permitted use in this  
12 zoning district so they can come here to expand or improve if  
13 it's --

14          MR. M. FRONCZEK: I'm saying if there's buildings or  
15 nothing on the property at all.

16          MR. CAPPELLO: On any property in this zoning district,  
17 it is a permitted use. Someone could come in and propose a  
18 summer camp and build a brand new summer camp on --

19          MR. M. FRONCZEK: As nonconforming?

20          MR. CAPPELLO: No, as a permitted use.

21          MR. M. FRONCZEK: It would have to --

22          MR. CAPPELLO: It's nonconforming as to not having been  
23 approved by the Planning Board. The new buildings need this  
24 special permit. That's why they're here.

25          MR. M. FRONCZEK: Okay. Well, no. Well, my question is

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2 if you have a property that is nonconforming and you want to  
3 build a house on it or a property on it, something on it, you  
4 would have to make it conforming before you build.

5           MR. CAPPELLO: There are specific laws as to houses. I  
6 don't want get into an --

7           MR. M. FRONCZEK: Yeah.

8           MR. CAPPELLO: -- but if you have a undersized lot in  
9 the town there are special provisions in the code that as  
10 long as, you know, if it's not owned, if you don't own other  
11 adjoining land and that's the only lot you own, that you can  
12 so long as you meet certain conditions to get a building  
13 permit to put a house on it. Different rules. It's a whole  
14 land use course as to nonconforming use versus nonconforming  
15 bulk and what you can and can't do.

16          MR. M. FRONCZEK: Okay. It gets convoluted.

17          MR. CAPPELLO: Yes.

18          CHAIRMAN GREEN: I think part of this, we have had this  
19 with applicants in the past, that you have a camp, let's say,  
20 that's operating and new owners come in and find out: Wow,  
21 this building doesn't have a permit. This isn't on the site  
22 plan. What are we going to do? What the Planning Board has  
23 done in the past is basically the path we're following here.  
24 Give us a plan. Tell us what's there, tell us what's been  
25 approved, what's not been approved, and we'll create a

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2 pathway so the thing is fully in compliance with the law.  
3 The nonconforming use, if they hadn't done any of this, they  
4 could have still operated a camp. Mary would have, I assume,  
5 gone in and violated them, well, this building isn't  
6 approved, this building, but they could have operated as a  
7 camp. And so that's --

8           MS. E. FRONCZEK: So they're applying for a special  
9 permit. Like, what are the restraints on that?

10          CHAIRMAN GREEN: Right. So they have to have site plan  
11 approval and that's what we're trying to get them to right  
12 now. We're all trying to do this. We're all trying to get a  
13 site plan that is following the codes of today, following use  
14 of today. What they have now, as I said, they didn't have to  
15 come before. That was the question that I was asking  
16 beforehand. They would have continued to get violations.  
17 We're just trying to clean all this up.

18          MR. M. FRONCZEK: Well, I guess they say they're not  
19 using the tennis courts and hockey courts. They're not using  
20 it for tennis, they're not using it for hockey, but they are  
21 gathering there. We heard them all last summer doing that.  
22 So that's why we're asking specific questions to see what is  
23 conforming, nonconforming, what they're allowed to use, what  
24 they're not, because, you know, what they're saying, what  
25 they're actually doing, two totally different things.

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2           CHAIRMAN GREEN: Thanks. We need to hear that.

3           MS. E. FRONCZEK: Just be aware of it.

4           MS. PLATT: The next person signed up is Chris Leser.

5           MR. C. LESER: So some of this discussion is about the  
6 privacy of Shannon Lane. On one of my planning board notes  
7 that I brought back, maybe John could remember this, that the  
8 two people that were just here, they were in conversation  
9 with getting their two-family house, so on and so forth. The  
10 property is located on Shannon Lane. Excuse me. Well, some  
11 of the notes that I wrote down here, it says: No more  
12 building on Shannon Lane as per new zoning; also, legal  
13 right-of-way. That still is remaining a question. So  
14 Rosemary, at that time, was the stenographer so if the Board  
15 needs to go back in time to research those notes as to the  
16 determination of that Shannon Lane, I think it would be on  
17 those notes.

18           CHAIRMAN GREEN: Do you know when that was?

19           MR. C. LESER: May 26, 2015.

20           UNIDENTIFIED SPEAKER: (Inaudible comment.)

21                   (The stenographer reminded the public that  
22 Mr. C. Leser has been recognized by the Board at this  
23 time.)

24           MR. C. LESER: That was also for that house because I  
25 wrote down special use permit of the clearing would be in

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2 June. I didn't have that, but I have a July copy which  
3 really wasn't very much on it. I have a habit of just making  
4 notes.

5           Okay. So, something was mentioned here about the tennis  
6 court and the hockey court, about whether it was legal or  
7 whatever. Poley Paving did that, that whole thing over  
8 there. They're out of Liberty. I guess they have a pretty  
9 good reputation with doing tennis courts and things of that  
10 nature. If there's a question about that, the validity of  
11 the permit or something, I don't know. I know they did the  
12 work if that needs to be in question.

13           All right. So now we have some of the other issues  
14 here. Will there need to be a Health Department check?

15           MS. PLATT: It is before the Health Department. They  
16 did receive some documentation, paperwork. The Health  
17 Department is reviewing it. The name, if you'll give me one  
18 second, Chris, I can pull the name of --

19           MR. C. LESER: Sure, sure.

20           MS. PLATT: -- who it was referenced to.

21           MR. C. LESER: It was just a general question. In  
22 order for camps to open I would imagine you need just a  
23 general Health Department --

24           CHAIRMAN GREEN: They have to follow whatever other laws  
25 apply to camps.

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2           MR. C. LESER: That's why I'm mentioning it because I  
3 don't hear anything mentioning by the Board so that's why I'm  
4 bringing this up.

5           So in the meantime, I think I mentioned this at the last  
6 meeting, who's going to be there, the on-site supervisor, the  
7 on-site 24/7 supervisor, in case there's an issue, there's a  
8 problem? I haven't heard that being addressed. If there's  
9 an issue on the camp and someone's not there, I think there  
10 should be a --

11          MR. CAPPELLO: We could ask the Applicant to respond to  
12 that. That's a reasonable question. Not right now, in  
13 writing so it'll be in the --

14          MR. C. LESER: All right. I get you. I'll just  
15 generally throw out the question and then eventually --

16          MR. CAPPELLO: Yes.

17          MR. C. LESER: Okay.

18          MR. LAPUT: Yes, I will do that.

19          CHAIRMAN GREEN: Again, they still have to follow all  
20 the laws. The camp up where I am had a weekend thing about  
21 five, six years ago where they rented the place out to I  
22 don't know what. They were playing this really loud music.  
23 It was so loud it was literally vibrating windows five miles  
24 away. We called the state police. You know, it wasn't a  
25 planning board issue.



1                                 - RE: SKI RUN REALTY LLC -

2             MR. C. LESER: Well, I mean here, this is if there's a  
3 supervisor, if there's something, say a medical issue on the  
4 camp, no one's around, who reports to who through the chain  
5 of command? There's nobody there, I'm pretty certain that  
6 that's -- I remember the Camp Echo. The owner, a few year  
7 back, and I was there, there was a major fire on that place,  
8 burned several of the cabins almost to the ground. I  
9 happened to be. The man was there 24/7, for example.

10            Okay. Where does the camp water source come from is  
11 another question. There's going to be a lot of kids there, a  
12 lot of bungalows that are there, showers, water, whatever is  
13 needed.

14            Same basic question: Where does the camp septic and  
15 sewage go, for example. Same basic on that order.

16            How much parking is needed or designated parking,  
17 perhaps, for handicapped parking, for example.

18            And of course, one of my favorites is no loudspeakers.

19            I guess that's pretty much -- in the future -- oh, yes.  
20 And going back to the Shannon Lane issue, there is, adjacent  
21 to that, a big gravel bank and that was an issue, may still  
22 be an issue, with the previous owner. So that's going to --  
23 that could very well pose some difficulty in the future if  
24 the new owner decides to do something with that gravel bank  
25 and has to come onto Shannon Lane to get out to Walker Valley

1                   - RE: SKI RUN REALTY LLC -

2 Road. I'm just throwing that out there for a possibly future  
3 problem. This Shannon Lane has got something to do with  
4 several of these issues.

5           MR. CAPPELLO: Is the gravel bank and the house that was  
6 built, is that on the summer camp property or is that a  
7 separate lot?

8           MR. C. LESER: Separate lot.

9           CHAIRMAN GREEN: That's a question I actually have,  
10 because they show it on the plan.

11          MR. C. LESER: Yes.

12          CHAIRMAN GREEN: It's 12.-1-20. Does the camp own that?

13          MR. C. LESER: No.

14          Oh, sorry, John.

15          CHAIRMAN GREEN: Does the camp own that?

16          MR. C. LESER: The gravel bank --

17          MR. LAPUT: The gravel bank is owned by the camp.

18          CHAIRMAN GREEN: It's owned by the camp, also. Okay.

19          MR. C. LESER: The gravel bank --

20          CHAIRMAN GREEN: So they own it.

21          MR. C. LESER: Yes.

22          MR. LAPUT: It's on the camp property.

23          MR. C. LESER: I should get out my map because I  
24 believe, relevantly, maybe March of this year, I believe the  
25 new owners bought that house and the gravel bank is not a

1                                 - RE: SKI RUN REALTY LLC -

2 separate section block and lot. It doesn't belong to the  
3 camp.

4             MR. LAPUT: So it could be a big gravel bank and it  
5 crosses the property.

6             MR. CAPPELLO: Just for the Applicant, there was a house  
7 that they came back a decade or a decade and a half ago and  
8 ran a mine but said they were building a pool for the house.  
9 Then they never finished it and then they were cited and the  
10 DEC said, no, this wasn't associated with building a pool,  
11 it's a mining operation. So that has kind of sat there. I  
12 know there was some litigation involved. I don't know any of  
13 that went onto the camp property, but that's an open kind of  
14 unclosed issue as to what needs to be done

15             MR. BARSHOV: So John, you're saying that the DEC took  
16 an enforcement action on that?

17             MR. CAPPELLO: They mention enforcement action because  
18 originally, the prior board said, No, you're building a pool  
19 for your house and therefore, you can take it out. They took  
20 out some, then they never did it. Then they went beyond the  
21 scope and then the DEC was brought in. I frankly don't know  
22 how. I know they went to the ZBA. They lost, they sued and  
23 I believe they lost, and I don't know whatever happened with  
24 the gravel bank.

25             MR. BARSHOV: And the "they" is the prior camp owner or

1                                 - RE: SKI RUN REALTY LLC -

2 somebody else?

3             MR. CAPPELLO: Well, I think it was the same woman or  
4 her sister or something or it was a --

5             MS. PLATT: I believe it was the mother.

6             CHAIRMAN GREEN: It was this one, Amy Thomas. That's  
7 why I was asking, because that 12.-20 is on here and it looks  
8 like it's part of the camp.

9             MR. C. LESER: Actually, it was before Amy Thomas. Amy  
10 Thomas is the daughter of the original camp owner, Christine  
11 Thomas.

12             CHAIRMAN GREEN: Okay.

13             MR. C. LESER: She had that whole thing.

14             But the basic argument was we didn't have mining in the  
15 zoning and that was the basic argument of zoning and coming  
16 with all of that goings-on.

17             All righty. Okay. Anyway, all right. Thank you. All  
18 right.

19             MS. PLATT: Just jumping back, Steven Praser,  
20 P-R-A-S-E-R, is the Department of Health camp contact person.

21             MR. C. LESER: Liberty? I mean I don't want -- I'm just  
22 assuming that.

23             CHAIRMAN GREEN: It's part of the approvals. When you  
24 get site plan approval they all have to sign off.

25             MR. CAPPELLO: They can't open up the camp --

1                   - RE: SKI RUN REALTY LLC -

2           CHAIRMAN GREEN: Right.

3           MR. CAPPELLO: -- without a yearly approval from the  
4 Health Department.

5           CHAIRMAN GREEN: Right.

6           MR. C. LESER: I just wanted to go on the record make  
7 sure that someone's paying attention, that, Well, did they  
8 get a Health Department report? Uh, no. I mean anything can  
9 happen.

10          MS. PLATT: I've asked several times if anybody on Zoom  
11 wanted to comment. Nobody's gotten back to me. Nobody else  
12 has signed up. But if anybody else, if you'd like to come  
13 up, you're welcome to state your name and comments.

14          MS. Y. CAPLANDIES: My name is Yvonne Caplandies.

15          So I'm just interested in all of this nonconforming,  
16 conforming, all that.

17          So the Health Department is required a yearly  
18 inspection, in general, for any summer camp, whether it's  
19 existing under old laws where nothing was ever changed and  
20 therefore, it's allowed to open; right?

21          MR. CAPPELLO: Yes.

22          MS. Y. CAPLANDIES: So it's at least subject to a health  
23 inspection.

24          MR. CAPPELLO: Yes.

25          MS. Y. CAPLANDIES: And that would include water and

1                   - RE: SKI RUN REALTY LLC -

2 septic probably to --

3           MR. CAPPELLO: Yes.

4           MS. Y. CAPLANDIES: -- water testing and stuff. So  
5 whether or not it has a special use permit, which is what  
6 we're doing now, or whether it was the old style, everybody  
7 gets a health inspection.

8           MR. CAPPELLO: Exactly. It's just like a restaurant  
9 that would need health --

10          MS. Y. CAPLANDIES: Inspection.

11          MR. CAPPELLO: Yes.

12          MS. Y. CAPLANDIES: So I think that helps ease the  
13 concerns of people, that at least a health inspection is done  
14 even though things are going on and on and on, possibly, with  
15 all the violations that are still happening, which you say  
16 are there, which is Mary's department, the building  
17 inspector.

18          MR. CAPPELLO: Right.

19          MS. Y. CAPLANDIES: And she's so busy; right? She's got  
20 violations all over; right? She's got to get to it. She's  
21 got the staff here. She's got to get to it.

22                And so I think the other concern is as far as  
23 operational things in the county, is, okay, so everything is  
24 going on as usual, which the complaint was in the past that  
25 things were going on with violations, nobody ever corrects

1                   - RE: SKI RUN REALTY LLC -

2   them, you know. The owner doesn't, the Building Department  
3   doesn't, right, and everything goes along. So the woman back  
4   here I think was trying to address the safety of the children  
5   when all this stuff is still going on; right? So my question  
6   is who's the enforcement if it's allowed to go on? Beside  
7   the Health Department, who is the enforcer that they aren't  
8   still being run as usual and having violations and safety  
9   concerns; right?

10           And on of the ones that sticks in my head is that we're  
11   going to have this camp that was built prior to zoning and  
12   how much space is between them; right? Who are you fitting  
13   in there; right? Is there going to be fire where if there's  
14   a spark here it jumps here, you know, in five minutes, you  
15   know, and nobody did anything because there was, you know,  
16   something in the past. Is it allowed to still open and be a  
17   safety concern to children, which nobody knows how many are  
18   in there or what violations are taking place, you know. So  
19   who's the enforcer of that now and next month and next week,  
20   and you know, or if there is no enforcing.

21           MR. CAPPELLO: The Health Department authorizes the  
22   opening of the camp and they have to do that every year.

23           The code compliance of the buildings themselves for fire  
24   and safety, that is a building code issue that there is,  
25   while there are some nonconformities, but that has nothing to

1                   - RE: SKI RUN REALTY LLC -

2 do with the Planning Board. That is the Building Department.

3 The Planning Board, once everything is there and they do

4 grant, if they do, a new special permit, the new procedures

5 with the Planning Board has been to require periodic renewal

6 of those special permits. So at the beginning, on a yearly

7 basis, then potentially on a semiannual basis, the Applicant

8 will have to come in March or April. We'll have a report

9 from the Building Department to say: Yes, no new buildings

10 have been constructed. Everything's in compliance. Or:

11 These five things need to be done. So it'll be another belts

12 and suspenders to make sure that these summer camps, that we

13 don't run into these situations we've been running into that

14 nobody's looked at something since the 1950s. So the Board

15 is trying, and the Town is trying to implement procedures to

16 make sure everything operates smoothly and safely.

17           MS. Y. CAPLANDIES: Okay. So if a use changes, and I

18 know how it gets all murky with the buildings and stuff, but

19 if a use changes is there a building code which would say,

20 Well, you can't open these two buildings because they're too

21 close to each other and have kids in them? Is there

22 something that would be effective or it can be enforced?

23           MR. CAPPELLO: Yes, yes. Yes. Any new building will

24 have to meet the --

25           MS. Y. CAPLANDIES: No, I'm talking about old ones.



1                   - RE: SKI RUN REALTY LLC -

2           MR. CAPPELLO: An old building, it depends what it is,  
3 if it's a health and safety concern or if it's a zoning. It  
4 depends.

5           MS. Y. CAPLANDIES: A health and safety.

6           MR. CAPPELLO: Well, then the Health Department would  
7 look at it. You know, we'd really have to see the particular  
8 example.

9           MS. Y. CAPLANDIES: So primarily, under the Health  
10 Department.

11          MR. CAPPELLO: I can't answer hypotheticals. We have to  
12 look -- I mean I'm not trying to be, but --

13          MS. Y. CAPLANDIES: No. So there's nothing in the code,  
14 then, that says these buildings have to be --

15          MR. CAPPELLO: We're dealing with this application.  
16 There is stuff in the code and we're seeking to get them to  
17 comply.

18          MR. PAGGI: And New York State Building Code does cover  
19 a lot of that inasfar-as existing structures, change of use  
20 of existing structures, rehab of existing structures --

21          MS. Y. CAPLANDIES: Right.

22          MR. PAGGI: -- to bring them up to code, the current  
23 code. But yes, there's a plethora of building codes which  
24 include fire, electrical, all of that, plumbing, that Mary  
25 would be looking at.

1                   - RE: SKI RUN REALTY LLC -

2           MS. Y. CAPLANDIES: Right. But if she thinks something  
3 is a concern, it should spark something in her head that, no,  
4 it shouldn't be open for kids to go in if there's only one  
5 way out and they're close together, you know. Then that  
6 would be a concern to say whether or not it could be used as  
7 a summer camp for kids overnight.

8           MS. PLATT: So I just want to clarify. The bungalows  
9 that the Applicant has applied for permits for to correct the  
10 violations on, until a permit is issued and closed out with a  
11 Certificate of Occupancy the children shouldn't be occupying  
12 those because there's no CO. They're working on getting  
13 those into compliance. But any preexisting nonconforming  
14 structures that they haven't done any work to that are still  
15 considered safe, those go along with the preexisting use of  
16 the camp. So the violations that the Applicant is looking to  
17 remedy, until permits are issued for those and Certificates  
18 of Occupancy are issued for those, those wouldn't be  
19 something the children should be sleeping in.

20           MS. Y. CAPLANDIES: Okay.

21           MS. PLATT: I feel like that's what you were trying to  
22 ask.

23           MS. Y. CAPLANDIES: I think so. I think not  
24 specifically them, but just camps in general.

25           MS. PLATT: In general, yes.

1                   - RE: SKI RUN REALTY LLC -

2           MS. Y. CAPLANDIES: Whether they -- just because they're  
3 there, they could be used, you know, because they were there  
4 before the zoning rule.

5           MS. PLATT: If it's a preexisting nonconforming  
6 structure that's got no violations on it or anything, they  
7 would continue that preexisting nonconforming use. If  
8 there's any question of its safety, if the Town is made aware  
9 of it, if the Health Department is made aware of it, it would  
10 be addressed at that time.

11          MS. Y. CAPLANDIES: Okay. So basically, in like a  
12 violations area.

13          MS. PLATT: It would be some sort of code review would  
14 be done on it.

15          MS. Y. CAPLANDIES: Okay. Thank you.

16          MS. PLATT: Again, no one reached out on Zoom.

17          MR. C. LESER: To clarify one point, the gravel bank,  
18 according to this, the camp does not own. It's just a  
19 document on there that the present owner, as of January, this  
20 year, I just thought I'd try not to have much more conflict  
21 here or something. The camp does not own this gravel bank.

22          CHAIRMAN GREEN: Okay.

23          MR. C. LESER: Amy Thomas did own it.

24          CHAIRMAN GREEN: Okay. Anything else?

25          MR. C. LESER: Would you like me to read this or would

1                   - RE: SKI RUN REALTY LLC -

2 you like to look at it or ...

3           MR. CAPPELLO: You can read it into the record if you'd  
4 like to.

5           MR. C. LESER: So the attorney got all the information,  
6 I guess, he needed.

7           MS. PLATT: I'll take it if you'd like, Chris.

8           MR. C. LESER: Do you want a copy of it?

9           MS. PLATT. I can get a copy.

10          MR. C. LESER: All right.

11          MS. PLATT: Thank you.

12          CHAIRMAN GREEN: Okay. So we're going to leave the  
13 public hearing open?

14          MR. CAPPELLO: Yes. Adjourn it to the June whatever ...

15          CHAIRMAN GREEN: June 8?

16          MR. CAPPELLO: June 8th.

17          MS. PLATT: June 13th.

18          MR. CAPPELLO: Thirteenth.

19          So anyone who's here who's interested in this, you're  
20 not going to get another notice. The hearing will be  
21 adjourned 'til June 13th. You could come and you could hear  
22 whatever answers the Applicant has provided or new material.  
23 You can check with Kyra if there's been any new submissions  
24 that you want to review before that meeting, but this will be  
25 the notice you are getting that the meeting is adjourned to

1                                   - RE: SKI RUN REALTY LLC -

2 13th of June.

3           CHAIRMAN GREEN: Okay?

4           MR. LAPUT: Thank you.

5                                   (Time noted: 8:08 p.m.)

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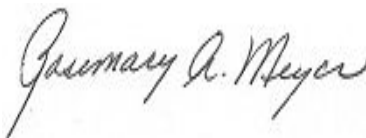
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REPORTER'S CERTIFICATION

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: June 10, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
PLANNING BOARD

----- X  
Rajendra (Roger) Mangar  
Proposed Relocation of Proposed House  
Tax Map Section 18; Block 1; Lot 4.14  
Mountain Greenbelt Zone  
----- X

Town Hall  
Town of Mamakating  
May 9, 2023  
8:08 P.M.

PLANNING BOARD MEMBERS:

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

Also Present: Scott Buccholz,  
On Behalf of Applicant

JERIC CORPORATION  
Court Reporting Services  
Post Office Box 385  
Narrowsburg, New York 12764  
(845) 252-3515

Reported By: Rosemary A. Meyer

1                   - RE: RAJENDRA (ROGER) MANGAR -

2           CHAIRMAN GREEN: Next on the agenda, Fusco Engineering  
3 on behalf of Rejendra Roger Mangar, proposed relocation of  
4 proposed house from a previously approved subdivision, Pine  
5 Lake Subdivision signed in 2009 as per Building Inspector's  
6 determination. The property is located on Pine Lake Drive,  
7 Tax Map Section 18; Block 1; Lot 4.14. It is approximately  
8 4.32 acres and lies within the Mountain Greenbelt Zone.

9           MR. BUCCHOLZ: Hello. It's been a long time since I've  
10 been in front of this board. I used to be a past member of  
11 the Board. I was also chairman of the ZBA. My name is Scott  
12 Buccholz. I live in this community.

13           So I'm here to represent Mr. Mangar. He bought a  
14 waterfront piece of property several years ago, and he would  
15 like to move his house so that he has a view of the water, so  
16 that's why we're here.

17           We did have a review from Mr. Paggi. I do have a  
18 response to that review. If the Board's willing, I would  
19 hand that response out.

20           CHAIRMAN GREEN: Yes. That's why we like to get the  
21 comments out a week ahead of time. These become interactive.

22                   (Mr. Buccholz distributed responses to the  
23 Zoning Board members.)

24           MS. PLATT: Just so everyone is aware, the property  
25 owner is on via Zoom.



1                   - RE: RAJENDRA (ROGER) MANGAR -

2           CHAIRMAN GREEN: Okay.

3           MR. BUCCHOLZ: So like I said, it's been years. I was  
4 always under the impression that if I was under an acre of  
5 disturbance I didn't have to, you know, submit a SWPPP or  
6 water quality, you know, treatment, for the site. But I  
7 guess that because I'm moving the home that I'm subject to  
8 that, which is unfortunate because it is a lengthy process.  
9 It's very costly to do that.

10           So, you know, other than that, I view this as a simple  
11 procedure, really. The house has shifted further to the  
12 lake. I did extensive soils testing on the site, I believe  
13 maybe eight, nine deep soils tests, and I feel after 30 years  
14 of designing septic systems that I have it in the best spot  
15 on the lot. So --

16           BOARD MEMBER STAROBIN: A question.

17           MR. BUCCHOLZ: -- with that being said --

18           BOARD MEMBER STAROBIN: Yes. When did you do the perc  
19 test?

20           MR. BUCCHOLZ: I did the perc test, I believe it was  
21 last fall, around November, that we did the soils testing.  
22 It was sometime in, I think late October, early November that  
23 we did the testing. And the testing was very, very well. It  
24 went very good, I believe. And it is in my response and it  
25 is on the map. The tests that we had achieved out there.

1                   - RE: RAJENDRA (ROGER) MANGAR -

2 They were three tests within the septic disposal area. The  
3 longest test was, I believe 34 minutes. So -- and then I  
4 designed for the next higher design rate just in case, you  
5 know, there was another test that came in higher. I didn't  
6 want to go back in and redesign the whole septic system to  
7 accommodate it.

8           MR. CAPPELLO: Do you have a copy or did you submit a  
9 copy of the notes from the prior approved subdivision,  
10 subdivision map, just so we can check to make sure there was  
11 nothing on those maps that apply to this?

12           MR. BUCCHOLZ: I don't have those maps. I will pull  
13 those maps and the next time that I make a submission I will  
14 submit those maps there.

15           BOARD MEMBER STAROBIN: Chris, I have a question for  
16 you.

17           MR. PAGGI: Shoot.

18           BOARD MEMBER STAROBIN: You mentioned that there's a  
19 diversion swale and that was for the septic field?

20           MR. PAGGI: That's what it looks like. They're showing  
21 a swale on the uphill side of the septic system to divert  
22 runoff from Pine Lake Drive, I imagine around the system,  
23 which is good practice.

24           When we brought that up, we were just requesting that  
25 you demonstrate that you have the required setback from your

1                   - RE: RAJENDRA (ROGER) MANGAR -

2 toe of slope.

3           MR. BUCCHOLZ: Okay.

4           MR. PAGGI: All of the comments were nuts and bolts.

5           Running through the first few comments, as you  
6 mentioned, the SWPPP was really the biggest one. That's  
7 something that's been required. We had a couple of these  
8 projects come before the Board, or at least through the  
9 Building Department, where the lots from the Pine Lake  
10 subdivision, that approved SWPPP covered, at least the  
11 stormwater aspect, covered the new roads and grading  
12 associated with development of that subdivision but did not  
13 include the individual homes and driveways themselves. The  
14 reason for that typically is because the home sites and  
15 driveway at that point, at the point of a subdivision  
16 approval, are typically considered theoretical. You show  
17 them on a plan to demonstrate that they can accommodate a  
18 house within the zoning requirements. It did include a well  
19 and septic location that was designed. They are proposing to  
20 move the well and septic so that's the reason for the new  
21 design.

22           The way that this has worked on past projects, and this  
23 was confirmed with the DEC a couple of times, is that when  
24 these lots are submitting for a building permit they need to  
25 include a SWPPP that addresses their own driveway and house

1                   - RE: RAJENDRA (ROGER) MANGAR -

2 development. For this SWPPP it requires that they address  
3 the water quality volume. They don't necessarily need to  
4 address water quantity because that was already worked into  
5 the overall development and I guess the pond or Pine Lake,  
6 actually, I think might have been modified so that it could  
7 act as a water quantity practice. Each one of the building  
8 lots is required to demonstrate that they are addressing a  
9 water quality volume that is created from the new driveway  
10 and house location. And again, they didn't do that in the  
11 original subdivision because the driveway and house  
12 locations, the size, are really theoretical. So for  
13 instance, this driveway is probably three times, at least,  
14 longer than what was shown on the approved subdivision. Not  
15 that they can't do that from a zoning perspective, but they  
16 were showing this property owner as wanting to locate their  
17 house somewhere else on their site. So there's going to be  
18 additional impervious associated with that driveway. The  
19 house and landing could be larger. The mentality behind that  
20 was that each individual lot will offset its own impervious.  
21 They need to submit a stormwater design that demonstrates  
22 that.

23           They'll also need to submit an NOI to the DEC to obtain  
24 coverage under the New York State SPDES permit for  
25 construction activities. There'll have to be an MS4

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2 acceptance form that the Town SMO signs. It is pretty  
3 extensive for a small lot, but that's how the original  
4 subdivision was approved and that's how we've handled these  
5 types of lots in the past.

6                   That was Comment 1.

7                   Comment 2, which was the other significant comment, was  
8 wetlands. The original subdivision plan shows a good amount  
9 of wetlands in this area. Extending uphill from Pine Lake,  
10 there's a drainage easement that's indicated on this plan.  
11 On the subdivision map that entire drainage easement is  
12 indicated to be wetland and it looks like the wetlands extend  
13 as least halfway into the property. It looks like your  
14 proposed house location and driveway are within that wetland  
15 area. The filed map that I was looking at wasn't a great  
16 quality so I don't know if those are federal wetlands or  
17 state wetlands. Those are just going to need to be shown and  
18 any permitting associated with the disturbance is going to  
19 need to be addressed.

20                  As far as the septic system design, the Elgin system  
21 that they're proposing is an alternative type of system.  
22 They're great systems, we find. We design them for sites  
23 that usually have constraints, either bad soils, they're  
24 smaller sites. They could be a little bit more expensive to  
25 install, but they're good systems and they allow for a

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2 smaller footprint.

3           One question I had was that you said you have two feet  
4 to usable material. So you're proposing two feet of fill?

5           MR. BUCCHOLZ: Yes.

6           MR. PAGGI: Okay. So just to clarify that on the plan.  
7 I mean I understand that you had good perc tests, but two  
8 feet of usable soil I wouldn't call ideal.

9           MR. BUCCHOLZ: It's ideal in the State of New York. New  
10 York conventional system is a shallow trench system. I have  
11 to have two feet of usable fill; I do.

12           MR. PAGGI: And you have to have two foot separation  
13 from the bottom of that system to your impervious layer.

14           MR. BUCCHOLZ: The design is providing that.

15           MR. PAGGI: Right. I'm not questioning the design.

16           The manual also recommends that where possible, you  
17 provide 100 percent replacement area --

18           MR. BUCCHOLZ: No problem. We have plenty of room.

19           MR. PAGGI: That's what I figured, so that's not an  
20 issue at all. That's all we were recommending as far as the  
21 design.

22           The rest of the comments, again, were really nuts and  
23 bolts and just clarifications. So if the Board or if you,  
24 Scott, have any questions on any of these comments, I was  
25 trying to breeze through your responses to see if you had

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2 specific questions, but if you have questions, I'm happy to  
3 talk about those.

4           CHAIRMAN GREEN: Only just about the wetlands, that's  
5 all.

6           MR. BUCCHOLZ: We will be pulling the original  
7 subdivision plan. When I walked the lot it was in the fall  
8 so there was some frost that had occurred prior to that, so I  
9 will definitely revisit it. And if there are any wetlands  
10 that I'm near, I will definitely pull the house up and  
11 accommodate those wetlands. We definitely do not want to  
12 disturb them and I don't need to go through a federal  
13 wetlands disturbance permit.

14           CHAIRMAN GREEN: Alex?

15           BOARD MEMBER GOODMAN: No.

16           MR. BUCCHOLZ: All right. So basically, we'll address  
17 Mr. Paggi's comments and hope to be back in front of the  
18 Board probably next month because I think the drop dead date  
19 is the 23rd and we have some issues to address.

20           Thank you for the Board's time. Everybody have a good  
21 night. Okay?

22           MR. CAPPELLO: Just for the Board's reference, while it  
23 is an approval required, it's a single-family, there's no  
24 SEQRA and no public hearing is required so if these items are  
25 addressed, once the Board has the information you could grant

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2 the approval to them.

3       CHAIRMAN GREEN: Okay.

4       MR. BUCCHOLZ: Thank you very much.

5       CHAIRMAN GREEN: You're welcome.

6       So do I have a motion to adjourn?

7       BOARD MEMBER DUNN: I'll make the motion to adjourn.

8       ALTERNATE BOARD MEMBER JENSEN: I second it.

9       CHAIRMAN GREEN: All in favor?

10      BOARD MEMBER GOODMAN: Aye.

11      BOARD MEMBER STAROBIN: Aye.

12      BOARD MEMBER LACEY: Aye.

13      BOARD MEMBER DUNN: Aye.

14      BOARD MEMBER STANTON: Aye.

15      ALTERNATE BOARD MEMBER JENSEN: Aye.

16      CHAIRMAN GREEN: Aye.

17                   (The motion was approved and carried.)

18                   (Time noted: 8:22 p.m.)

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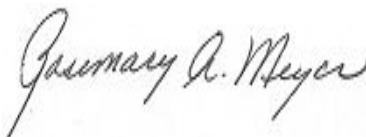
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REPORTER'S CERTIFICATION

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 Rejendra (Roger) Mangar, 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: June 10, 2023

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