

TOWN OF MAMAKATING
PLANNING BOARD MINUTES

July 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 DUNN, Board Member

DOUGLAS STANTON, Board Member

KYRA PLATT, Building Department

JOHN CAPPELLO, ESQ., Attorney

CHRISTIAN PAGGI, P.E., Engineer

MAXIMILIAN STACH, AICP, Planner

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

Reported By: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Olga & Elizabeth Horvath
Extension of 9-lot Subdivision
Tax Map Section 27; Block 2; Lot 22
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
July 11, 2023
7:00 P.M.

PLANNING BOARD MEMBERS:

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

1 - RE: OLGA & ELIZABETH HORVATH -

2 CHAIRMAN GREEN: Welcome to the July 11th, 2023 meeting
3 of the Town of Mamakating Planning Board.

4 Do I have a motion to open the meeting, please?

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

6 CHAIRMAN GREEN: Alex.

7 Second?

8 BOARD MEMBER DUNN: Second.

9 CHAIRMAN GREEN: Rich.

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 CHAIRMAN GREEN: Aye.

17 (The motion was approved and carried.)

18 CHAIRMAN GREEN: Please join me in the Pledge of
19 Allegiance.

20 (The Pledge of Allegiance was recited.)

21 CHAIRMAN GREEN: Before starting, I just want to say we
22 have two public hearings tonight so if you're interested in
23 speaking, we have a sign-up list over there. Please make
24 sure you sign up.

25 We received the May and June minutes. Does anybody have

1 - RE: OLGA & ELIZABETH HORVATH -

2 any comments on them?

3 (No verbal response.)

4 CHAIRMAN GREEN: Okay. Do I have a motion to approve
5 them?

6 BOARD MEMBER STAROBIN: I'll make that motion.

7 CHAIRMAN GREEN: Mort.

8 Second?

9 BOARD MEMBER STANTON: I'll second.

10 CHAIRMAN GREEN: Doug.

11 All in favor?

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER STAROBIN: Aye.

14 BOARD MEMBER LACEY: Aye.

15 BOARD MEMBER DUNN: Aye.

16 BOARD MEMBER STANTON: Aye.

17 CHAIRMAN GREEN: Aye.

18 (The motion was carried and approved.)

19 CHAIRMAN GREEN: So I believe that they've just resolved
20 all their problems, right, Horvath?

21 MR. CAPPELLO: Yes. They had a conditional approval so
22 I don't think they really need to come back to this board. I
23 have their dedication documents. I just need to coordinate
24 with Max and Christian --

25 CHAIRMAN GREEN: Please talk into the microphone.

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- RE: OLGA & ELIZABETH HORVATH -

MR. CAPPELLO: I just need to coordinate with Max and Christian, and make sure everything's in order and then you can sign the maps.

CHAIRMAN GREEN: Okay. Good.

(Time noted: 7:07 p.m.)

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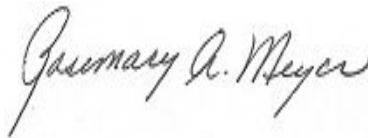
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REPORTER'S CERTIFICATION

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 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: August 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Ski Run Realty LLC (Camp Nitra)
Continuation of Public Hearing
Proposed Amendment and Reapproval of
Children's Summer Camp
Tax Map 12.-1-7, Burlingham Residential Zone
Tax Map 12.-1-9.1, Hamlet Center Zone
----- X

Town Hall
Town of Mamakating
July 11, 2023
7:07 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
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAXIMILIAN STACH, AICP, Planner

Also Present: Steven Barshov, Esq.
On Behalf of Applicant

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

Reported By: Rosemary A. Meyer

1 - RE: SKI RUN REALTY LLC -

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

10 MR. BARSHOV: Good evening, everybody. Steven Barshov,
11 Sive, Paget and Riesel, counsel for the Applicant.

12 So I think this is going to be a little bit of a
13 transitional meeting because materials were just sent to the
14 town yesterday. I think to cut to the chase, in once sense,
15 I think we're going to need to hold the public hearing open,
16 but I'm going to give you all an update as to what has
17 happened since the we last met.

18 There was an informal meeting in which a variety of
19 issues were discussed and I can report back to the Planning
20 Board on a number of matters. Documentation will be coming
21 in on some of these tomorrow. Part of the delay, this is on
22 me. Unfortunately, I took ill. I had COVID. I was
23 misdiagnosed. I didn't know that you could, a little gross,
24 I'm sorry, but this is what happened, I did not know that you
25 could get COVID where your first symptoms were serious

1 - RE: SKI RUN REALTY LLC -

2 diarrhea.

3 CHAIRMAN GREEN: I second that.

4 MR. BARSHOV: Yeah, okay.

5 CHAIRMAN GREEN: I'm glad this'll all be in the record.

6 MR. BARSHOV: Yeah. So in any event, that's what
7 happened, and I was laid up for a while but I'm must better
8 now. So here's what has occurred.

9 Regarding the trailers, one trailer was removed. The
10 other is being removed tomorrow. It would have been removed
11 already but rains kept getting in the way so it was really
12 more of a matter of that. That matter, I'm going to
13 communicate these things to Mary in writing so she has all
14 that, but just to give you the information.

15 We did have the architect go out there and physically
16 inspect and has confirmed that there are no health and safety
17 issues in terms of the camp right now. That letter and
18 documentation will also be coming to Mary by tomorrow.

19 We also spoke with and was in contact with the Health
20 Department and this, I have to speak with Mary about
21 directly. They do not, according to them, have any role to
22 play in advance of issuance of building permits and so we're
23 in a little bit of a Catch-22 because she felt that something
24 was needed from them. We spoke with them. They have nothing
25 to say, comment or do. At least I can report back that there

1 - RE: SKI RUN REALTY LLC -

2 isn't anything that the Health Department is going to be
3 saying or doing to be a step prior to issuance of the
4 building permits that we have had applications before her for
5 sometime now. I hopefully will be able to remove that log
6 jam. But the key point is this was one of our main points
7 when we met, was to make sure that there were no safety
8 issues. There were no health concerns, fire safety issues or
9 any problems like that in any of the buildings that are being
10 utilized for staff, for campers or anybody else. And that, I
11 can report to you, is according to the architect, that is the
12 case based on his inspection.

13 So I have also been looking into Shannon Road and I have
14 confirmed that there is a grant of an easement to the
15 property owner for an access. They don't refer to it as
16 Shannon Road. I haven't gotten completely to the bottom of
17 that yet, meaning I want to go and trace the title all the
18 way back and make sure that the grants are for this property
19 and that they are unqualified. What I've seen so far does
20 seem to be that, but I can't tell you that I've gotten to the
21 bottom of it yet. I just wanted to let you know that that's
22 what I have been able to ascertain so far. There appear to
23 have been grants that go back quite a few years in that
24 regard and that's why I want to look at the title. This
25 isn't a land use matter, it isn't a zoning matter as we have

1 - RE: SKI RUN REALTY LLC -

2 said. But in the interest of it was raised by members of the
3 public, I don't want to make it seem like I'm, you know,
4 shoving it under the rug or something like that. So for
5 informational purposes, I'm just letting you know where I
6 stand with that. So that, I think, covers the, sort of the
7 immediate matters that we were focusing on.

8 And then we had a whole variety of issues that came up
9 in terms of amending the plan submissions, properly labeling
10 the buildings, showing what's what on the site and amending
11 the plans that we had submitted. Amador can describe that in
12 greater detail. That was the stuff that was submitted
13 yesterday so obviously, there hasn't been any time for staff
14 to review it, but we at least can bring you up to speed as to
15 what was submitted.

16 If there are any questions of me on the matters I just
17 gave you a briefing on I'm happy to answer them now, however
18 you'd like to handle it.

19 BOARD MEMBER STANTON: Lorry, wasn't there a status on
20 the road?

21 CHAIRMAN GREEN: Yes.

22 BOARD MEMBER STANTON: The status of Shannon Lane, I
23 thought there was some determination that they weren't going
24 to use it.

25 MR. BARSHOV: Yes. What was said was it would not be

1 - RE: SKI RUN REALTY LLC -

2 used and it will not be used for transportation of campers.
3 So buses, none of those transportations will occur and that's
4 never changed. The question that arose is whether or not it
5 can be used by staff. You know, it's not something that they
6 would use regularly because they park elsewhere, but we
7 wanted to be sure that if it was necessary or for some reason
8 they wanted to drop off groceries or whatever, the staff that
9 are in the units that are near Shannon Road, that was the
10 only issue that was going to, that was before us because
11 that's the only use that is contemplated.

12 CHAIRMAN GREEN: Okay.

13 MR. BARSHOV: Okay. I'll turn it over to Amador if
14 there are no other questions.

15 MR. LAPUT: Amador Laput, Fellenzer Engineering.

16 So I updated the drawing to have better descriptions.
17 There is one building here that was not colored. We've
18 labeled it 13. There was one label that was not colored.
19 It's now colored green and it is No. 13. It's in front of
20 Building 5.

21 So the green buildings are the ones that David is
22 working with Mary on. All the buildings have been here in
23 place since 1947 except for the orange building which was
24 constructed without a permit.

25 The buildings designated for staff were previously for

1 - RE: SKI RUN REALTY LLC -

2 campers so those buildings would have as many as 20 campers
3 in it and David is proposing to just have staff. The staff
4 families would typically not exceed 20 so there will be less
5 loading for the camp.

6 All right. So I didn't -- I sent this out yesterday so
7 I don't know if you have any comments yet but we'll agree to
8 hold the hearing open so you have time to comment on it.

9 CHAIRMAN GREEN: So it's the green ones? I thought the
10 green ones, I will confess I don't have my glasses, the green
11 ones I thought were the ones that didn't need any work. It
12 was the blue ones that --

13 MR. LAPUT: Oh, sorry. Yes.

14 CHAIRMAN GREEN: Okay.

15 MR. LAPUT: So I'm mixing this up. The blue are the
16 buildings that David is working with Mary on and the green is
17 the existing that there's no existing work to be done. Okay?

18 BOARD MEMBER STANTON: So by switching these buildings
19 around from staff to campers and visa versa, you're now
20 proposing less campers there? Is that what's going to
21 happen?

22 MR. LAPUT: Right. As of now, they'd be designated just
23 for staff. If he decides to change that and have campers in
24 it, he'll let the Town know and then get approval to do that.

25 MR. BARSHOV: I'll add one thing to that. Those are the

1 - RE: SKI RUN REALTY LLC -

2 units that Mary had identified as work had been done. The
3 work that had been done, I physically saw this so what I'm
4 saying to you I've seen with my own two eyes. The buildings
5 were reconfigured to be set up for staff so they don't have
6 like common bunk areas and things like that. If they were to
7 be utilized for campers, they'd have to be pretty much gutted
8 and the entire thing repurposed. So it's been set up for
9 staff members and their families to occupy.

10 BOARD MEMBER STANTON: So the camp's open right now; is
11 that --

12 MR. BARSHOV: The camp is open right now, yes, it is.

13 BOARD MEMBER STANTON: And who's occupying those
14 buildings now?

15 MR. BARSHOV: Those buildings, meaning the ones that we
16 were just discussing?

17 BOARD MEMBER STANTON: Yes.

18 MR. BARSHOV: Those are staff occupied.

19 BOARD MEMBER STANTON: Okay.

20 CHAIRMAN GREEN: Any other comments?

21 MR. CAPPELLO: I just think the Board, I mean it was a
22 good summary and Mary is now handling her aspect. This board
23 is really looking at the future now.

24 CHAIRMAN GREEN: Right.

25 MR. CAPPELLO: So what we're aiming towards is to work

1 - RE: SKI RUN REALTY LLC -

2 with Max and Christian, look at this application and come up
3 with a special permit that would just be clear; what
4 buildings are used for what, where traffic will go. I mean I
5 think it is important to work on some language on Shannon
6 Lane that everyone will be clear who can go there. Then we
7 can set forth the conditions. And then, as the Board has
8 done with other camps, you could request they come back, from
9 whenever we grant it, come back the first year of operation
10 to see how things were going. If everything was going good
11 and all conditions are met, then maybe it would be two years,
12 but to come up with some kind of mechanism not just for this
13 camp, but for all camps so every June we're not going through
14 a --

15 CHAIRMAN GREEN: Right.

16 MR. CAPPELLO: -- craze. But prior to children coming
17 in and you don't want to stop the buses and tell them to go
18 home. So that's where we're aiming, though. I think we have
19 a little more time to get a little deeper look.

20 MR. BARSHOV: And John, I agree with that. And by the
21 way, I have told a couple of my clients, not only in
22 Mamakating but elsewhere, that the time to put your
23 applications in is in the fall.

24 MR. CAPPELLO: Yes.

25 MR. BARSHOV: That's what you should be doing. You put

1 - RE: SKI RUN REALTY LLC -

2 in your application in in the fall so that by the time you're
3 getting through the rest of the calendar year into the spring
4 everything is done.

5 CHAIRMAN GREEN: Max.

6 MR. STACH: To that end, I think we talked about
7 improving the map to show things like the width of
8 travelways, construction, gravel, what condition they are in.
9 Is that work going to be done during the summer?

10 MR. BARSHOV: I'm not sure I'm following. When you're
11 saying improving them, you are talking about -- I thought we
12 were talking about that stuff regarding the special permit
13 and for the future. I don't think that there was any plan to
14 be changing that stuff immediately. If that's something that
15 you feel needs to be done or is important, we should talk
16 about that. Certainly, as far as the future is concerned in
17 terms of the special permit, I had assumed that there would
18 be a whole variety of site matters that the Board would
19 consider, that being one possibility.

20 MR. STACH: Well, I guess that's my question and maybe I
21 misunderstand what the process is, but is the request for the
22 Planning Board to issue a special permit on a temporary basis
23 or is it going to operate under the Building Department's
24 review, as built condition, and we're going to go right into
25 the special permit so that you can have an actual permitted

1 - RE: SKI RUN REALTY LLC -

2 use next summer?

3 MR. BARSHOV: I think it's the second is my
4 understanding. I'll say what I think you're saying. I just
5 want to be sure we're clear.

6 The position that I've articulated, I think since the
7 beginning, is they're coming in to continue a prior lawful
8 nonconforming use. They're going to do that. We obviously
9 had these code related issues that we're navigating and
10 working through. The idea is definitely to not be a
11 nonconforming use in perpetuity, but to have it specially
12 permitted for a variety of reasons, not the least of which is
13 to change the historical relationship between this property
14 and the town which was apparently never a good one. Things
15 started and then they top and an application goes a quarter
16 of the way and it's abandoned. We don't want to do that. We
17 want to go all the way through so that everybody is in
18 agreement about what's what.

19 That will also be -- because I want to be always
20 transparent about this, right now the camp is being utilized
21 at a fraction of the number of campers that were there
22 previously. I don't know what the plans may be for the
23 future. There are certainly buildings that are not being
24 utilized. But the idea is to come up with a framework and a
25 basis for what's being done now and what is proposed to be

1 - RE: SKI RUN REALTY LLC -

2 done. And then on that basis, once that's all in place, then
3 if there's a thought or a desire that the camp can increase
4 its numbers, well, it will have the ability to do so because
5 it won't be locked into being a prior nonconforming use.
6 It'll be able to say: Hey, we've had a special permit.
7 Hopefully, we've lived up to their obligations. Hopefully,
8 the neighbors are not unhappy and everybody can come together
9 and say: Okay, here's our baseline. Now we can hear an
10 application. If there is a contemplated change in the level
11 of intensity in the future, now it can be proposed and
12 lawfully done.

13 MR. STACH: So what I hear, and John, correct me if I'm
14 wrong, is that this public hearing will probably end at some
15 point, no approval is being sought by this Planning Board at
16 this time, and then it'll be picked up with an application
17 with a more developed plan in September?

18 MR. BARSHOV: No. I think where we are is with the
19 application now that you're saying is in September, if it is
20 not developed to the degree to which the staff or the Board
21 feels is necessary in terms of, as you said, let's just use
22 your simple example of road widths, road improvements --

23 MR. STACH: You want to know that now.

24 MR. BARSHOV: Want to do that now.

25 MR. STACH: Okay.

1 - RE: SKI RUN REALTY LLC -

2 MR. BARSHOV: And I think this goes back to what John
3 was saying, that there would be conditions on approval.
4 Reasonable conditions, of course. But those conditions could
5 relate to certain work that's required to be done on the
6 site.

7 So my sense is that we've got this application before
8 you now. It may need to be refined, supplemented, put in
9 greater detail, whatever needs to be done. That will happen.
10 When that happens to the satisfaction of staff and the Board,
11 then the public hearing can be closed. I don't think that
12 the public hearing can be closed or even contemplated being
13 closed until the application submission is deemed complete by
14 the Board. So if the materials that have been just submitted
15 by Amador are not sufficient to get to that place then we
16 need to work those things through, make sure we know what's
17 what, what needs to be submitted, and we submit those
18 materials.

19 MR. CAPPELLO: I agree. I think what we would tend to
20 do now is, Christian and Max, with additional information
21 they want to see on the map. What I might even suggest is
22 that if we can do that and then maybe adjourn this hearing
23 'til September to give the month of August to get that
24 information in and maybe the Applicant can appear in August
25 but it wouldn't be a public hearing, it would just be

1 - RE: SKI RUN REALTY LLC -

2 straightened out. And then when we have the information we
3 think, our consultants think is necessary, then resume the
4 public hearing, take the last set of comments, respond, and
5 then we would come up with the special permit and conditions.

6 MR. BARSHOV: I think that makes a lot of sense. I
7 think that makes complete sense because I don't want the
8 public to have to be coming down unnecessarily, especially if
9 we're still in the process of working things through on the
10 application level.

11 So we can certainly be back in August. We'll be
12 communicating directly with staff now that you've got the
13 submission to make sure that whatever is missing or whatever
14 additional detail you want, we have that together.
15 Hopefully, we'll have those communications relatively soon so
16 that we can make a submission date for August 'cause there's
17 not that much time between now and then. We'll see if we can
18 work that out. But I think for sure, having the public
19 hearing adjourned until September makes complete sense.

20 CHAIRMAN GREEN: So the public hearing would be for the
21 final version.

22 MR. CAPPELLO: Just to set a date certain because this
23 way, we won't have to renotice. So if we tell the public
24 here it may be on in August but it's not going to be on for
25 public hearing until September.

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: Okay.

3 MR. CAPPELLO: So at the very least, there will be no
4 decision until the September meeting and the public will get
5 an opportunity to comment on whatever plans are submitted
6 with whatever additional information our consultants want.
7 It might be a little smoother than just to go every month.

8 CHAIRMAN GREEN: We'll just keep the public hearing
9 open.

10 MR. CAPPELLO: Adjourn it until the September meeting.

11 CHAIRMAN GREEN: Okay.

12 Anybody have any comments?

13 BOARD MEMBER GOODMAN: No.

14 CHAIRMAN GREEN: Is anybody here from the public tonight
15 that wants to speak on this?

16 Mr. Leser.

17 MR. C. LESER: I am Chris Leser.

18 And here it says proposed amendment. What is the
19 proposed amendment?

20 CHAIRMAN GREEN: Okay. I think we're sort of into
21 semantics at this point because I do not believe that the
22 camp ever had a permit, something, an approved permit to be a
23 camp, but it was grandfathered. What we're working on now is
24 getting it up to the point we can say: Well, here is your
25 special use permit. So correct me if I'm wrong. I don't

1 - RE: SKI RUN REALTY LLC -

2 think that there ever was --

3 MR. C. LESER: I don't know if you're right or wrong.

4 I'm just asking because it doesn't tell me.

5 MR. CAPPELLO: I think it referred, Chris, to there were
6 some changes in the buildings, there's some designations from
7 student or camper housing versus staff housing so it was
8 slightly amended. None of the buildings physically are being
9 relocated. There's no additional buildings, but I think some
10 of the use of the buildings is being modified a little bit.
11 I think Mary and Kyra probably just said amendment and that
12 it has carried on on the agenda. So it really will be --

13 MR. C. LESER: Kind of like --

14 MR. CAPPELLO: There will be a special permit and it
15 will then designate buildings X through X are staff,
16 buildings such and such are campers.

17 MR. C. LESER: I get you. The overall clarifying things
18 a little bit --

19 MR. CAPPELLO: Yes.

20 MR. C. LESER: -- more precisely.

21 CHAIRMAN GREEN: Right, right. And again, this camp has
22 been there before there was a code so we're just trying to
23 set a base.

24 MR. C. LESER: Secondly, this issue with this back gate,
25 if you will, on Shannon Lane, in my opinion, that's going to

1 - RE: SKI RUN REALTY LLC -

2 have to be definitely defined because you just have common
3 sense to know that people, campers, whatever, are going to
4 use that back gate two o'clock in the morning, seven in the
5 morning, whatever and whenever. And right here, someone will
6 say they're not going to use it. Okay, they're not going to
7 use it, but that remains. But just to bring that up, I
8 firmly believe legally, there's got to be some clarification
9 set to say that is not just basically whatever. Not public,
10 not camping, not buses, not nothing, zero, unless perhaps
11 it's an emergency with the fire company or the ambulance
12 corps. Otherwise ...

13 CHAIRMAN GREEN: So that's what we're trying to get
14 information on now, which is exactly what is that easement
15 for.

16 MR. C. LESER: I know that Mr. Steve, that Mister, the
17 attorney, just was seeking --

18 CHAIRMAN GREEN: Right.

19 MR. C. LESER: -- more in-depth clarification.

20 Thank you.

21 CHAIRMAN GREEN: You're welcome.

22 Anyone else?

23 (No verbal response.)

24 CHAIRMAN GREEN: Max.

25 MR. STACH: I hope this isn't going to belabor things,

1 - RE: SKI RUN REALTY LLC -

2 Christian reminded me. You already have two memos, one from
3 his office, one from my office, because when we reviewed this
4 last month we reviewed it as it was a full application.

5 CHAIRMAN GREEN: Yes.

6 MR. STACH: So you already have stuff you can start
7 working on.

8 MR. BARSHOV: Yeah.

9 MR. STACH: Probably nothing's going to come off that we
10 asked for already; right?

11 The other thing that we discussed that I think you have
12 to decide if you're going to say this is your application is
13 we're going to assume that this is your application, that it
14 includes both of these parcels, and you had mentioned that
15 you might want to somehow change.

16 MR. BARSHOV: I had thought, correct me if my memory is
17 wrong, I had thought that Mary said that she preferred that
18 it be all together in one. That's my recollection.

19 MR. STACH: Okay.

20 MR. BARSHOV: John, do you have a different
21 recollection?

22 MR. CAPPELLO: Yes. I mean I think there are some
23 buildings that are clearly part of the camp on the other lot.

24 MR. STACH: Right.

25 MR. CAPPELLO: So I think we should look at them and

1 - RE: SKI RUN REALTY LLC -

2 probably just come up with some language on the plan that
3 both lots have to be used as unified.

4 MR. BARSHOV: Yes. I mean we had talked and, you know,
5 this is something I think that the Board can consider in the
6 future, whether any of those facilities that are on that lot,
7 which are the tennis courts, I believe, and the hockey rink,
8 the Town wants to be able to utilize because it's not
9 something that my client is going to want to utilize. If
10 that's the case and the other buildings that are there, which
11 are really homes, they're not necessarily for the camp, it
12 may be at that point that the uses can be severed and so the
13 lot could be split. But I think at this point right now,
14 it's all got to be viewed as one.

15 And by the way, and I'm saying this in front of Amador,
16 he is going to go through your list because he's the
17 technical person, his staff. They're going to go through the
18 list and make sure that the items that you had articulated on
19 in your comment letters are addressed. Okay?

20 CHAIRMAN GREEN: Christian, do you have anything?

21 MR. PAGGI: Max pretty much covered it. Thank you.

22 CHAIRMAN GREEN: Okay.

23 MR. BARSHOV: So we would request that you adjourn the
24 public hearing to September. We'll be back to see you in
25 August based on submissions.

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: Okay. Do I have a motion to adjourn
3 the public hearing until September?

4 BOARD MEMBER GOODMAN: Motion.

5 CHAIRMAN GREEN: Alex.

6 MR. CAPPELLO: To the regular September meeting which --

7 BOARD MEMBER DUNN: Second.

8 CHAIRMAN GREEN: Rich.

9 MR. CAPPELLO: -- which I have no idea.

10 CHAIRMAN GREEN: 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 STANTON: Aye.

16 CHAIRMAN GREEN: Aye.

17 (The motion was carried and approved.)

18 MR. BARSHOV: Right.

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

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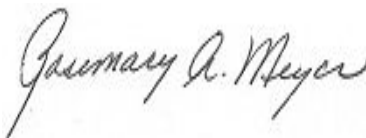
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REPORTER'S CERTIFICATION

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 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: August 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Back River Hope Campground Inc.
Proposed Approval and Amendment of Site Plan
For Vacation Campground
Tax Map Section 14; Block 1; Lot 22.2
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
July 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 DUNN, Board Member
- DOUGLAS STANTON, Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAXIMILIAN STACH, AICP, Planner

Also Present: Ross Winglovitz, 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: BACK RIVER HOPE CAMPGROUND INC. -

2 CHAIRMAN GREEN: Okay. The next applicant, a public
3 hearing, Ledwin Oviedo for Back River Hope Campground Inc.,
4 proposed approval and amended site plan for a vacation
5 campground. The property is located at 811 Mount Vernon
6 Road, Tax Map Section 14; Block 1; Lot 22.2. The property
7 lies in the Mountain Greenbelt Zone and is approximately 45
8 acres.

9 MR. WINGLOVITZ: Good evening. For the record, Ross
10 Winglovitz, Engineering and Surveying Properties here with
11 James Martinez, the project engineer, and Ledwin Oviedo, the
12 Applicant.

13 We're here before you tonight regarding a public hearing
14 for a 43 acre property on Mount Vernon Road known as Back
15 River Hope Campground. This was a campground that has been,
16 I think a thorn in the side of the town for many years, fell
17 into disrepair. The Applicant has purchased the property and
18 done a lot of work, hundreds of thousands of dollars of work
19 in cleaning up the property, removing a lot of the old
20 buildings, trailers, decks, so forth, that were there. It's
21 before you tonight, proposing what we think is a vast
22 improvement to the previous campground. It is a very upscale
23 RV resort with also some dome camping, as the market demands
24 now so much, for the glampgrounds that people like to call
25 them.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 There'll be a main clubhouse built in with the
3 restaurant. There is a pool, recreational facilities, fire
4 pits, so it'll be a top notch facility. We've hired entire
5 top notch designers to prepare the concept and the building
6 plans that we had provided to the Board.

7 The entire site is 43 acres or just thereover. There's
8 a wetland area in the back in the southwest corner of the
9 property. Throughout the site there'll be 190 sites for
10 either RV or for domes. The breakdown is 33 dome sites
11 currently and 157 RV sites.

12 The facility has existing water and sewer service
13 throughout the property. That's going to be abandoned.
14 Ledwin's committed to providing all new water and sewer
15 throughout the property. What was there was not really
16 salvageable, in his opinion.

17 There is an existing sewer treatment plant at the rear
18 of the property. That will be renovated and expanded, as
19 necessary. There'll be a new permit. It's under a current
20 permit now, but there'll be a new permit required as part of
21 this operation.

22 Water for the site is being provided by two wells,
23 currently. We are proposing that those two wells be reused
24 for this facility. We're waiting to hear back on the
25 location of those wells and their viability to the Department

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 of Health. That'll be a permit pump test and so forth that
3 we'll have to pursue with that office.

4 Stormwater and slope of the site, the slope generally
5 runs north to south, away from Mount Vernon Road. There's a
6 small area that comes forward by what is going to be the main
7 clubhouse area. The breadth of it runs to the south, back
8 towards the wetlands. There'll be several stormwater
9 infrastructure improvements that are required under current
10 code that aren't there today as part of the existing
11 campground. Ponds will be at the front and at the rear of
12 the site in order to attenuate stormwater flows and treat the
13 stormwater for stormwater quality as required by the New York
14 State DEC regulations.

15 I think that's the general scope. We did get comments.
16 I'll leave it up to you how you want to proceed.

17 CHAIRMAN GREEN: Max.

18 MR. STACH: Yes. I have to thank you for your patience
19 on getting this yesterday. Our staff planner that helps me
20 with Mamakating decided he was going to move back to Virginia
21 so this was me scrambling to get it out.

22 I will tell you that over the iteration we've gotten a
23 lot of information. What I tried to do on my last memo is
24 the stuff that had already been dealt with, just get it out
25 of there so that it doesn't take up so much room.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 The first thing I noticed, you had this plan before you,
3 now, for a couple months, so you know it, but I think it's
4 worth saying because the zoning table specifics that we're
5 going go to 38 feet between campgrounds. That was based on
6 sort of that early meeting where we said do we measure them
7 side to side or middle to middle. We said: Okay, we'll
8 measure it side to side and call it 38 feet. But I think we
9 might have to change that at least on the cover sheet because
10 your domes are, in some places, 20 feet, I think, on center.
11 Back to back, some of these RVs are like 14, 15 feet.

12 MR. WINGLOVITZ: Correct.

13 MR. STACH: So I think we just have to make sure that if
14 the Planning Board likes this, that it's recorded somewhere
15 and we don't say it's 38 feet because it's going to cause
16 confusion.

17 MR. WINGLOVITZ: Yep.

18 MR. STACH: The next issue that I think is worth
19 discussing is I have some new comments sort of based on this
20 plan getting to a state of preparation that I think brings
21 some of these questions up, especially with the signage plan.
22 One is really the circulation pattern and how we're getting
23 vehicles in and out of the site. I think the idea here is
24 that for the RV section of this map it's desired that you're
25 going to have two-way traffic. You're not going to formally

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 say this is one way in this direction, you have to travel
3 this way.

4 MR. WINGLOVITZ: Correct.

5 MR. STACH: But I think it looks to me like you're sort
6 of designing it so that naturally, most people are to going
7 to want to come in on the, I'll call it the west side, the
8 bottom of the map, find the road they're going to and turn
9 right and go up to their campsite, back in or head in,
10 depending on how it lines. And then when they go out, they
11 go out in the same direction, not go back the way they came;
12 right? So they go down that middle spine road and then come
13 out. I think that it makes sense to think about, at least
14 consider. While you don't want to get rid of the two way
15 traffic, maybe you just want to get people to naturally want
16 to move on certain roads by making them wider, and
17 particularly, the road you come in on, the road closest to
18 the clubhouse area, and then central spine road. So if you
19 make those, if you're going to do 20 feet, you make those 24
20 feet or 22 feet, maybe those become preferable for people to
21 travel on and they seek those out and then they don't sort of
22 cut down somebody else's RV road. That's more of a minor
23 issue. And you can also do that with the signage, direct
24 people around the place with the signage.

25 But the dome roads I think I have more concern with

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 because at some places those roads, I think I measured that
3 they got down to like --

4 MR. WINGLOVITZ: Fourteen feet.

5 MR. STACH: -- 14 feet.

6 MR. WINGLOVITZ: So those are the existing roads to the
7 extent that they've been established. That was part of the
8 original permit with the Department of Environmental
9 Conservation, is to maintain them as close as possible to
10 what the original --

11 MR. STACH: Fourteen feet?

12 MR. WINGLOVITZ: -- width was.

13 MR. STACH: Okay.

14 MR. WINGLOVITZ: So your comment is well taken regarding
15 specifically in that location and making that one loop
16 through there one way and potentially angling the parking --

17 MR. STACH: Yes.

18 MR. WINGLOVITZ: -- I think would be an improvement with
19 the traffic flow in that location.

20 MR. STACH: The cul-de-sac road, 14 feet with a
21 cul-de-sac road when you have people sort of backing in,
22 backing out, especially for that little length where it comes
23 from the main road to that, you have it a different hatch in
24 that area so I don't know if it's a different surface. But I
25 know that rural road standards, Cornell Rural Road Standards

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 I believe are 16 feet. I don't know if DEC is going to let
3 you do that, but ...

4 MR. WINGLOVITZ: A lot of that is outside except for
5 that last section that's inside the buffer. We can look at
6 that configuration right there. That would be the shortcut
7 up to the clubhouse --

8 MR. STACH: Yes.

9 MR. WINGLOVITZ: -- coming back.

10 MR. STACH: And obviously, my control is chiefly for
11 fire access. So I mean some of this is just about -- I don't
12 know if we've gotten any comment backs from the fire
13 department.

14 MR. WINGLOVITZ: Fire department has provided a letter
15 indicating they're satisfied with the plan.

16 MR. STACH: They are satisfied?

17 MR. WINGLOVITZ: Yes.

18 MR. STACH: Okay. And the other thing that sort of came
19 up with is how are we providing water with firefighting
20 pressure on the site? One hundred sixty some RVs, gasoline
21 tanks around campfires, 190 campfires. A lot of things seem
22 to be flammable. I didn't see any hydrants. Is it --

23 MR. WINGLOVITZ: Yeah, I mean this wouldn't have a fire
24 protection system. You'd need a whole tank, fire pumps. Not
25 part of our plan, not required by code. And again, the fire

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 department has reviewed it and is satisfied with the plan and
3 the layout.

4 MR. STACH: You have four inch?

5 MR. WINGLOVITZ: Yeah. It'll probably be something like
6 that size. It's just totally domestic water supply so it'll
7 be two or three inch PVC water main throughout the camp.

8 MR. STACH: So you're going to have any storage in the
9 tank?

10 MR. WINGLOVITZ: There'll be storage, domestic storage,
11 inside the pump house.

12 MR. STACH: Okay.

13 MR. WINGLOVITZ: Probably buried adjacent to the pump
14 house. But that would be in the order of 15,000 gallons, not
15 firefighting flow. That'll be available.

16 There also is the canal that's there. They would be
17 able to drop a hose in and draw from there if they needed to.

18 MR. STACH: Okay. So that's what they do, is they just
19 lay hose down from the canal --

20 MR. WINGLOVITZ: Yep.

21 MR. STACH: -- whoever they're fighting. All right.

22 There were some more minor issues we had with some
23 signage and stuff that seem to be missing from certain areas.

24 Then really what we've done is we're sort of -- we
25 commented on it last month. We still don't know where a lot

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 of trees are going to be able to be retained, which I think
3 is going to be relevant to understanding what this thing is
4 going to look like, at least from the public roads and/or I
5 don't even know if it's visible like across the valley,
6 looking across, if you're going to take down a lot of trees.
7 But nevertheless, because I know you want to move this along,
8 I put in a draft Part 2 here.

9 MR. WINGLOVITZ: Yep, it was helpful.

10 MR. STACH: Where I didn't have information I just
11 assumed the worse. So if you, as the Planning Board, I don't
12 know if the Lead Agency NOI went out yet, but if it hasn't,
13 at least you get this Part 2 in advance so you can see what
14 we're thinking about. Impact on land, that's pretty
15 standard. Things like erosion control, dewatering, impact on
16 surface. Water is really about erosion from the stormwater
17 ponds. Impact on groundwater is really about the proposed
18 wells. Impact on plants and animals, that goes without
19 saying. Northern long-eared bat was the one species of
20 particular concern. Impact on aesthetic resources I think is
21 going to go to how many trees you're removing and whether or
22 not you're supplementing them.

23 MR. WINGLOVITZ: Is there a viewshed that anybody is
24 aware of where you can actually see this thing? Because my
25 experience driving by the site, it's down the hill in the

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 back. You don't see it from anywhere. Is there anything on
3 the other side? No; right?

4 BOARD MEMBER STAROBIN: No.

5 MR. WINGLOVITZ: Other than when you're up in a plane.

6 MR. STACH: Well --

7 MR. WINGLOVITZ: We're going to provide a tree clearing.

8 We are going to be over the acre. A tree clearing plan

9 and --

10 MR. STACH: You can look maybe like the USGS to see, if
11 you're going to be clearing a lot.

12 MR. WINGLOVITZ: I think it's in here. We'll reply to
13 it.

14 MR. STACH: Okay.

15 MR. WINGLOVITZ: That's absolutely valid.

16 MR. STACH: Noise, odor and light. You put in your
17 lighting plan. I think reasonable lighting levels and warm
18 colors.

19 The odors and the health impacts that I added have to do
20 with the campfires. This came up with another facility that
21 we were looking at in another community, is I don't know how
22 -- it's not regulated by DEC, but there are a couple homes
23 around this site and so the question, to me, becomes what is
24 it like today and is it going to get a whole lot more with
25 regards to the fires, the wood fires.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 MR. WINGLOVITZ: Yes. To the extent that there was 203,
3 I think, campsites here previously that we just got done
4 cleaning up, I think that the impact would be potentially
5 less than what was there before.

6 MR. STACH: And they all had --

7 MR. WINGLOVITZ: They all had the ability to, yes, which
8 is what these will have.

9 MR. STACH: Okay. In practice, what was it like?

10 MR. WINGLOVITZ: It was set down before I was there,
11 before Ledwin was involved, so I don't know the answer to
12 that.

13 MR. STACH: But this is a concern that we identified.
14 If the Planning Board agrees, that might be something you
15 want to address.

16 That's really our comments.

17 CHAIRMAN GREEN: I have a question about the domes. Are
18 people going to be parking next to them or are they going to
19 be in the parking lot and walk over to them?

20 MR. WINGLOVITZ: No. There's two spots in front of each
21 dome.

22 CHAIRMAN GREEN: Okay.

23 MR. WINGLOVITZ: It's a little rectangle in front of the
24 domes. You'll be able to pull up, walk onto your platform.
25 So we did these platforms. Actually, we ended up with less

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 disturbance in the buffer by doing this arrangement. So they
3 are platforms on deck footings which basically just sit on
4 the ground. Then there'll be a temporary tent on that.

5 BOARD MEMBER STAROBIN: I have a question. What
6 percentage of the trailers are there for the season and --

7 MS. PLATT: Into the microphone, please.

8 MR. WINGLOVITZ: He's on approach.

9 BOARD MEMBER STAROBIN: Yes. The question is how many
10 of the trailers are there for the season versus transient
11 trailers?

12 MR. WINGLOVITZ: So they're all seasonal. They're all
13 seasonal trailers. I mean there's nothing here year-round.
14 Some of them may rent by the month or --

15 BOARD MEMBER STAROBIN: Well, that's my question.

16 MR. WINGLOVITZ: -- or multiple months.

17 Do you have a ratio, any idea, or it's going to be based
18 on demand?

19 MR. L. OVIEDO: Most, seasonal rental.

20 MR. WINGLOVITZ: Yes, he's expecting, based on demand in
21 the area, that most of the people will be there for seasonal
22 rental.

23 BOARD MEMBER STAROBIN: Thank you.

24 CHAIRMAN GREEN: Christian

25 BOARD MEMBER LACEY: I have a question. When you refer

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 to seasonal, are you referring to May 1st to October?

3 MR. L. OVIEDO: Yes.

4 BOARD MEMBER LACEY: Okay. Thank you.

5 MR. WINGLOVITZ: There are specific guidelines in your
6 code on that and we would be complying with that.

7 MR. PAGGI: So we did not prepare a comment memo. The
8 information that was submitted really mostly had to do with
9 signage and lighting and I believe a phasing plan was
10 submitted.

11 They did not submit responses to our previous comment
12 letter so all of those still remain valid.

13 They did submit a phasing plan for erosion sediment
14 control which we took a brief look at it. It looked
15 reasonable so if we have comments on it we can provide those
16 in the next letter.

17 You guys also indicated that you had done some soil
18 testing, were revising the stormwater plan. Do you have
19 concerns with it?

20 MR. WINGLOVITZ: No. We were hoping to get more
21 infiltration. That wasn't in the cards, and it's not for the
22 mountain. We're going to need to look at potentially doing
23 bioretention and extended detention instead of --

24 MR. PAGGI: Nothing that you see impacting the site plan
25 or anything like that? The only reason why I'm bringing it

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 up is I wasn't aware that we were going to be considering the
3 Part 2 tonight and I know that the SWPPP and stormwater
4 management is a big part of the SEQRA review.

5 MR. WINGLOVITZ: So the updated SWPPP will be part of
6 the response to his comments in the Part 2.

7 MR. PAGGI: Okay.

8 CHAIRMAN GREEN: So I guess can we have a motion to open
9 the public hearing?

10 BOARD MEMBER DUNN: Motion.

11 CHAIRMAN GREEN: Rich.

12 STENOGRAPHER: Mr. Chairman, do you have to check the
13 mailings?

14 MR. CAPPELLO: Ask the eye in the sky.

15 Kyra, do you have the mailings in order?

16 CHAIRMAN GREEN: I believe they sent us copies of them.

17 MS. PLATT: Yes. The newspaper was notified and they
18 did submit the return receipts that they were sent out.

19 MR. CAPPELLO: Okay. Just we'll enter those into the
20 record when you get a chance.

21 MS. PLATT: I do have them.

22 MR. CAPPELLO: Okay.

23 CHAIRMAN GREEN: Good.

24 BOARD MEMBER GOODMAN: I make a motion to open the
25 public hearing.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 CHAIRMAN GREEN: Rick already made the motion.

3 BOARD MEMBER GOODMAN: Oh, he did. Second, I'll second.

4 CHAIRMAN GREEN: Okay, Alex, second.

5 All in favor?

6 BOARD MEMBER GOODMAN: Aye.

7 BOARD MEMBER STAROBIN: Aye.

8 BOARD MEMBER LACEY: Aye.

9 BOARD MEMBER DUNN: Aye.

10 BOARD MEMBER STANTON: Aye.

11 CHAIRMAN GREEN: Aye.

12 (The motion was approved and carried.)

13 CHAIRMAN GREEN: Okay. So whoever signed up for the
14 public hearing, you have the floor.

15 Please state your name when you come up so that our
16 stenographer can get it.

17 MR. R. SEITEL: Good evening. My name is Robert Seitel,
18 S-E-I-T-E-L.

19 I live right next door to 811 Mount Vernon Road. I live
20 at 779 Mount Vernon Road. I was here last time there was a
21 proposal to put campgrounds there a few years back and they
22 said definitely that was just going to be for the summer, not
23 mostly for the summer, but everybody's got to be out by the
24 end of the summer.

25 My property runs right --

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 (Mr. Seitel approached the site plan.)

3 MS. PLATT: We can't hear him on Zoom if he's not on
4 the microphone. I'm sorry.

5 CHAIRMAN GREEN: He was just pointing to it.

6 MR. R. SEITEL: Okay. My property is right to the left
7 side, all the way up. There is another house towards the
8 back. There's other property exactly on the other side and
9 there's property across the street. There's a new house that
10 was just built and there's another group of homes a little
11 further down the road.

12 The gentleman, he lived in the Catskill Adventure
13 Campground, he's the one who proposed it last time, and he
14 swore up and down it was only for summer use. I'm not
15 hearing that here. I'm hearing mostly summer. I'm not
16 hearing that there won't be anybody left over.

17 Prior to it, when it was Timberline Camps, it was noisy
18 all the time. There's garbage strewn a quarter mile in each
19 direction from it. These people don't have any investment in
20 this property. They don't care. Okay?

21 The new owner, who's a very nice gentleman, I think he's
22 sitting there, he came to speak to me last summer. I told
23 him that when they plowed up the old stuff they plowed up 10
24 to 20 feet of my property all the way up, so we're talking
25 about a few acres. They're proposing to build on a few acres

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 of my property.

3 So I guess a question I have would be is this going to
4 be just for summer use? Are they going to put the trees back
5 where they plowed up my property? And if it should be
6 granted, I would request a full fence between their property
7 and my property with Do Not Enter signs or posted area signs
8 so all of these people won't just be taking walks into my
9 back yard.

10 And as was mentioned, this is the Mountain Greenbelt.
11 That's why I moved here. It's beautiful. I feel that humans
12 are the stewards of nature. We should keep the trees, we
13 should be respectful of the animals and, of course, each
14 other.

15 I guess that's basically it. We can get into it a
16 little bit more, but should this be proposed and they do not
17 put up some kind of fence or they don't put back the trees
18 that they plowed from my property, there'd be some kind of
19 penalties that they would be subject to or could their whole
20 proposal be dismissed because of that.

21 That's about it for now. Thank you for listening to me.

22 CHAIRMAN GREEN: All right. Let me just ask. So you're
23 saying that the previous owners were actually just plowing up
24 your property?

25 MR. R. SEITEL: The previous owner, the guy who got the

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 approval, no. About a year or two went by, and recently, my
3 property got plowed. I believe it's from the new people who
4 did it. So somebody did it, somebody with an interest in the
5 property. It wasn't there before. But it's -- so several --
6 they have 43 acres, I have 42 acres. I think that maybe
7 those roads that they need to make wider, that's all being
8 helped by using my property so you can't have that.

9 CHAIRMAN GREEN: This is the first we're hearing of
10 that. Do you have any comment?

11 MR. L. OVIEDO: Yes. The first time I'm hearing this.
12 I'm one of the owners. This is the first time I'm hearing
13 this.

14 MR. R. SEITEL: Did I speak to you? It was a gentleman
15 from the Bronx.

16 MR. L. OVIEDO: It's the first time I'm hearing this

17 MR. R. SEITEL: Well, somebody from the Bronx came and
18 spoke to me.

19 MS. PLATT: If they are having a conversation we can
20 only hear one part of it on Zoom.

21 CHAIRMAN GREEN: Okay.

22 MR. R. SEITEL: Okay.

23 MR. WINGLOVITZ: Have him finish and then we can ask
24 him.

25 CHAIRMAN GREEN: Okay.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 MR. R. SEITEL: Okay. I'm good. Thank you.

3 CHAIRMAN GREEN: Do we have anyone else that wishes to
4 speak?

5 Chris.

6 MR. C. LESER: Chris Leser.

7 I know the gentleman said that the fire company did
8 their review and didn't find any problem, I guess, but I
9 thought Max brought up a pretty darn good point. For
10 example, where is all this potential fire water for the fire,
11 the water for the fire company coming from? Was mentioned
12 that: Well, we'll just throw a hose in the water. Well,
13 that doesn't work because anybody with any realistic
14 knowledge, it's going to suck up whatever debris happens to
15 be in that area. But right now, there's a heck of a lot of
16 water someplace due to all of our rain. Say the water is
17 over there. Come a typical summer, the water might be way
18 over there. So how much more of this hose are you just going
19 to flop in someplace? I think a simple solution could be
20 what they call is a dry hydrant. And I think this sounds
21 like something that the fire company should take a look at
22 before they get there and put them behind the eight ball
23 because maybe someone hadn't mentioned. I'm just curious
24 about the safety of something and the water issue.

25 Thank you.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 CHAIRMAN GREEN: Do we have anyone else?

3 (No verbal response.)

4 CHAIRMAN GREEN: Kyra, is there anybody on Zoom?

5 MS. PLATT: I've asked twice. Nobody has reached out.

6 CHAIRMAN GREEN: Okay. Thank you.

7 MR. WINGLOVITZ: All right. So we are unaware of any
8 damage that's been caused to the neighboring property,
9 whether by us or somebody else. We'll go take a look at the
10 area that the gentleman's identified to see if maybe it had
11 something to do with cleaning of the site or something, we
12 don't know, or there's confusion as to exactly where the
13 property line is. We'll be glad to check that out.

14 The issue of fencing along his property, there's a
15 couple things going on there. One, we have a stormwater pond
16 which will be fenced so, in fact, there is going to be a
17 fence along the vast majority of that line. We can look at
18 where that may end and we may need to fill that in. Then
19 beyond that is the wetland so it's kind of difficult to get
20 in beyond where the pond is to that property. We'll take a
21 look at both of those issues and report back to the Board.

22 Water for fire protection, like I said, there is a
23 canal. It's kind of what we call it there. Water is only a
24 couple feet from the edge of the road at that location.
25 Ledwin will revisit the issue with the fire department and if

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 they think they need a dry hydrant or something like that, we
3 can provide it. It's pretty easy at this location to get a
4 suction line directly into the canal there, but we'll be glad
5 to listen to them. Fire protection is obviously important.

6 MR. R. SEITEL: Could you show us where the canal is on
7 the map?

8 MR. WINGLOVITZ: Show the what, sir?

9 MR. R. SEITEL: Could you show us where this canal is on
10 the map?

11 MR. WINGLOVITZ: So the canal is this area here.

12 Being that's there's no public comment, we know we have
13 stuff to address, we would be willing to waive the 62 days
14 for any decision and request that the Board consider closing
15 the hearing at this point.

16 MR. CAPPELLO: It's the Board's decision. But given
17 Max's Part 2 and the question regarding the plowing I think
18 we might want to keep the hearing open. You can close, do
19 SEQRA the same evening if you want, but I think getting a
20 written response to the questions that were raised would be
21 helpful and then the public can look at the response and make
22 any comments.

23 I'd also suggest that maybe the board members might want
24 to take a walk to see what was disturbed or what might need
25 to be done to rectify if it's, indeed, off the property.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 And maybe another report from the fire department as to
3 whether they think the canal is okay because of campfires.
4 We've witnessed. The whole northeast has been a campfire
5 resort.

6 BOARD MEMBER GOODMAN: The campground that's right down
7 the road, do we know if there's a provision there?

8 MR. CAPPELLO: I don't know how many are there and how
9 many -- I mean it may not be an issue, I just don't know.
10 But I'd like to have something in the record.

11 BOARD MEMBER GOODMAN: Just I mean the fact that we've
12 asked the fire department. I don't know what further info
13 we're going to ask them if it's something that they haven't
14 brought up already. I mean Rich here is in the fire
15 department. I don't know if you have any comment about it.

16 BOARD MEMBER DUNN: Well, I don't want to comment for
17 Summitville. I think it would be improper.

18 BOARD MEMBER GOODMAN: Oh, that's Summitville.

19 BOARD MEMBER DUNN: But normally, campers, they're not a
20 mobile home, they're not cars. We just use the ambulette,
21 what we go up with. And Summitville does usually use that
22 pond on Mount Vernon Road. There's been fires in the past,
23 campground, in there years ago. Anything's possible anymore.
24 You can have it spread from one to two or three trailers.
25 It's possible. But you rely on mutual aid and tankers,

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 usually. And I know they draft out of that pond on Mount
3 Vernon Road, but I think it would be up to Summitville to
4 answer the question, the fire company.

5 CHAIRMAN GREEN: Thank you.

6 Come up so we can hear you on Zoom.

7 MR. R. SEITEL: This is information. There was a
8 statement made that it would be used the summer months
9 mostly, something like that. Is this strictly just for June,
10 July and August and nothing in September? That's what I need
11 to know.

12 CHAIRMAN GREEN: Town code, I believe, is April 1st to
13 October 31st.

14 BOARD MEMBER GOODMAN: May 1st to October --

15 CHAIRMAN GREEN: May 1st to October 31st.

16 MR. R. SEITEL: Really?

17 CHAIRMAN GREEN: Yes.

18 MR. R. SEITEL: Thank you.

19 MR. STACH: Can I ask?

20 Sir, you had mentioned, you pointed to the south end of
21 the map. You said you had a 40 acre parcel. Are you sure
22 you're not at the bottom of that? Because the house behind
23 it is on a 10 acre lot.

24 MR. R. SEITEL: Okay. Where's Mount Vernon Road?

25 CHAIRMAN GREEN: He's on the map, Max.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 MR. STACH: Okay.

3 CHAIRMAN GREEN: He's on the map, yes.

4 MR. R. SEITEL: Okay, this is Mount Vernon Road.

5 MR. STACH: Okay. Are you Seitel, Robert?

6 CHAIRMAN GREEN: One at a time.

7 MR. R. SEITEL: This is me, over here, the whole ...

8 CHAIRMAN GREEN: It's on the map.

9 MR. R. SEITEL: Okay. Figure 10, 20 feet off of each
10 spot. Add that up. How many acres is that?

11 BOARD MEMBER STAROBIN: John, I have a question.

12 UNIDENTIFIED SPEAKER: Hello.

13 BOARD MEMBER STAROBIN: Is this a special use permit?

14 CHAIRMAN GREEN: Mort, hang on a second. Hang on.

15 MR. CAPPELLO: Yes.

16 BOARD MEMBER STAROBIN: Maybe you can explain what that
17 means.

18 MR. CAPPELLO: It means the code has specific
19 conditions, one of them being, I believe, the time limits. I
20 apologize. I usually bring the code, I don't have it this
21 meeting. But there are specific conditions that need to be
22 met for individual uses in the special permit. Plus, there's
23 general special permit criteria the Board has to review;
24 whether there's adequate access, whether it's in keeping with
25 the neighborhood. And then there's specific ones to the

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -
2 campground. I believe months of operation. A few of them we
3 had to waive regarding 50 feet, whether it's between or in
4 the middle. This site exists but it doesn't front a state
5 highway or county road which is now a requirement. If you
6 were a new campground you would have to be on a state or a
7 county road. They've asked us to waive that requirement in
8 recognition. So there are specifics. Before we make a
9 determination we're going to have to go through those
10 specific requirements, determine if they're met. And then as
11 we were speaking with the prior camp, we would then impose
12 certain conditions related to the plan, retention of buffer
13 areas and upkeep which would be ongoing conditions. And we
14 could require the Applicant to come in on some kind of basis
15 afterwards to make sure the conditions were in compliance,
16 that they were complying with the conditions of the approval.
17 But a special permit is once you meet the conditions of the
18 special permit it's deemed a permitted use.

19 MR. L. OVIEDO: Ledwin Oviedo. I'm one of the owners.

20 In regards to the new houses in the area, there are
21 houses in the area. I mean they know that this camp has been
22 there since 1971 so whoever came there first, they knew that
23 a campground was there.

24 In terms of removing the trees, nobody can go to your
25 property and remove trees. That wasn't us. So someone

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 removed it, that wasn't us.

3 In regards to putting up fence there, the whole
4 situation with the fence is the animals. But if you want a
5 fence, let's put a fence together. We don't want a fence.
6 We don't want to put a fence there. If you want to put a
7 fence, we're willing to share the cost. We can do it half
8 and half and we can do it together.

9 MR. R. SEITEL: I didn't plow up the property.

10 MR. L. OVIEDO: Excuse me.

11 MR. CAPPELLO: You approach the Board. You had
12 comments. Put it in writing.

13 MR. L. OVIEDO: I'm responding to the concerns.

14 MR. CAPPELLO: Yes. But let's have it in writing and
15 the Board will consider whether the Board wants to impose a
16 condition.

17 MR. R. SEITEL: May I?

18 MR. CAPPELLO: If you want to have a conversation
19 between yourselves outside and come to an agreement, God
20 bless you.

21 MR. R. SEITEL: I didn't plow up the property. There
22 would be no need for anything had that not been done.

23 However, that statement about all those houses that are
24 there, the house most closely directly across the street to
25 the entrance was just completed. The people haven't even

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 moved in yet. They just finished paving the driveway. It's
3 a brand new house. It has not been there for years and years
4 and years. They're just moving in now.

5 CHAIRMAN GREEN: I think that was his point, that people
6 have moved in after the camp. They knew there was a camp
7 there.

8 MR. R. SEITEL: Only one, just that one. Everybody --
9 I've been there for 20 years. The guy on the other side has
10 been there for several generations. I've been there for 20
11 years. The people on the other side have been there at least
12 two generations. Everything was existing. Just one brand
13 new house across the street.

14 MR. CAPPELLO: With all due respect, none of that is
15 relevant.

16 CHAIRMAN GREEN: Right, right.

17 MR. CAPPELLO: It's a special permitted use. You're
18 looking at a site plan.

19 So I think if the Board wants to adjourn the public
20 hearing, then, to the next meeting.

21 MR. WINGLOVITZ: Yes, that's where I left it off. I had
22 requested the Board consider closing the hearing. We would
23 waive the 62 days for a decision so that we can get together
24 the information and response to your engineer's comments and
25 your planner's comments, as well as investigate these other

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 issues.

3 CHAIRMAN GREEN: I'd like to leave it open. Anybody
4 have any other comments about that?

5 BOARD MEMBER STAROBIN: Yes.

6 CHAIRMAN GREEN: Okay.

7 MR. WINGLOVITZ: So you'd like to leave it open, you're
8 saying? I'm sorry.

9 CHAIRMAN GREEN: Yes.

10 MR. WINGLOVITZ: If we could, we then would like it to
11 be adjourned to the September meeting because I don't think
12 that within the next seven days we'll have substantive
13 responses to the public comment, the concern about grading,
14 stormwater, so forth.

15 CHAIRMAN GREEN: Okay, works for me.

16 BOARD MEMBER GOODMAN: Motion to adjourn the public
17 hearing 'til the September meeting.

18 CHAIRMAN GREEN: Second?

19 BOARD MEMBER LACEY: Second.

20 BOARD MEMBER STAROBIN: Second.

21 CHAIRMAN GREEN: John.

22 All in favor?

23 BOARD MEMBER GOODMAN: Aye.

24 BOARD MEMBER STAROBIN: Aye.

25 BOARD MEMBER LACEY: Aye.

1 - RE: BACK RIVER HOPE CAMPGROUND INC. -

2 BOARD MEMBER DUNN: Aye.

3 BOARD MEMBER STANTON: Aye.

4 CHAIRMAN GREEN: Aye.

5 (The motion was approved and carried.)

6 MR. WINGLOVITZ: I'm not guaranteeing that we won't come
7 back next month just to get you some more information, but I
8 think in order to serve the public properly it's important
9 that we get all the information to you.

10 MR. CAPPELLO: To those who have appeared tonight, the
11 public, you won't be getting another notice so this is your
12 notice that the public hearing is going to be resumed at the
13 September meeting, which is the second Tuesday in September.

14 MR. WINGLOVITZ: Thank you.

15 MR. STACH: September 12th.

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

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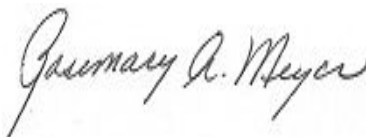
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REPORTER'S CERTIFICATION

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: August 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

Chris Giraudin
Proposed Amended Site Plan
Of Previously Approved Subdivision
Tax Map Section 10; Block 1; Lot 45.6
Burlingham Residential Zone

----- X

Town Hall
Town of Mamakating
July 11, 2023
8:13 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
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAXIMILIAN STACH, AICP, Planner

Also Present: Ryan Simthem, EIT,
On Behalf of Applicant

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

Reported By: Rosemary A. Meyer

1 - RE: CHRIS GIRAUDIN -

2 CHAIRMAN GREEN: All right. Next on the agenda, Chris
3 Guarudin, proposed amended site plan of previously approved
4 subdivision to relocate dwelling location. The property is
5 located on Roosa Gap Road, Tax Map Section 10; Block 1; Lot
6 45.6. The property lies within the Burlingham Residential
7 Zone and is approximately 10 acres.

8 MR. SMITHEM: Good evening, everyone. Ryan Smithem,
9 engineer for the Applicant, with Mercurio, Norton, Tarolli
10 and Marshall. I'll give a brief overview of the project.

11 The project site is located on the southeasterly side of
12 Roosa Gap Road, north of the intersection of Ski Run Road and
13 Roosa Gap Road. The project site is served by an existing
14 driveway from the westerly portion of the lot. The driveway
15 was reviewed and approved by the previous highway
16 superintendent, I believe two years ago.

17 The proposed dwelling has been located towards the rear
18 of the lot in the originally approved location which was
19 approximately halfway back of the existing driveway. The
20 proposed dwelling is intended to be served by a private well
21 and sewage disposal system. Soil testing had been completed
22 previously for the sewage disposal system. We are here
23 tonight seeking approval for the relocation of the proposed
24 dwelling.

25 We did receive a comment letter from Mr. Paggi's office.

1 - RE: CHRIS GIRAUDIN -

2 None of their comments seem like they would be difficult for
3 us to resolve. We'd just like the Board's input.

4 CHAIRMAN GREEN: Christian.

5 MR. PAGGI: I missed the first part. You said something
6 about the driveway, I think, and the highway super?

7 MR. SMITHEM: Yes.

8 MR. PAGGI: What was that?

9 MR. SMITHEM: My understanding is that it was previously
10 reviewed and approved, the accepted location for the
11 driveway.

12 MR. PAGGI: The curb cut itself?

13 MR. SMITHEM: Correct.

14 MR. PAGGI: So yes. Our main comment, other than I'm
15 not sure if this even requires site plan approval, but it is
16 really relative to the driveway. It's existing; right? It
17 wasn't really clear. It looks like it's existing.

18 MR. SMITHEM: Correct, it's existing.

19 MR. PAGGI: So all the way back?

20 MR. SMITHEM: Yes. It's been there for a few years, at
21 least. I know when I did the soil testing that was already
22 in place.

23 MR. PAGGI: Okay.

24 MR. SMITHEM: And I think that was completed in 2020.

25 MR. GUARUDIN: 2019.

1 - RE: CHRIS GIRAUDIN -

2 MR. SMITHEM: 2019.

3 MR. PAGGI: Okay. Just to provide additional
4 information on the plan to demonstrate that it meets town
5 code for driveways. So dimensionally, slopes, if you need to
6 provide a driveway profile to demonstrate that you meet. I'm
7 not saying that that's necessary. I'll leave that up to you
8 guys. But just take a look at the town driveway specs and
9 make sure that it complies.

10 We might want to get confirmation from the highway super
11 that they're okay with the location.

12 MR. SMITHEM: I believe a letter was already submitted.

13 MR. PAGGI: Okay. Perfect.

14 That was really it. We had some just other minor
15 technical comments that I think, like you said, would be
16 pretty straightforward to address.

17 MR. CAPPELLO: We'll coordinate with Mary as to why
18 these are being sent to the Planning Board for a house
19 relocation.

20 But one thing I think would be helpful to have in the
21 record is the original subdivision map just so we can look to
22 make sure that there's nothing on that prior approval that
23 said: Whatever you do, don't put this in this area. If
24 there was a specific reason, if there were wetlands
25 delineated or something on that plan that shows why it was

1 - RE: CHRIS GIRAUDIN -

2 located where it is.

3 And I think the Board can just designate the consultants
4 to take a look at it if you don't want to see this again.

5 CHAIRMAN GREEN: Right.

6 MR. CAPPELLO: You could conditionally approve it. It's
7 a Type II action, it's a single-family home. I think the
8 Board can declare it's a Type II action and grant conditional
9 approval subject to the driveway being confirmed by the
10 engineering consultant and the Applicant submitting the prior
11 subdivision map to show that's there's nothing that would
12 preclude the relocation.

13 BOARD MEMBER GOODMAN: We had the prior subdivision map
14 in our packet.

15 MR. PAGGI: Yes, they did provide that. I couldn't find
16 anything, John. I was looking for those exact things --

17 MR. CAPPELLO: Okay.

18 MR. PAGGI: -- to see if there was something on there
19 that triggered Mary to send this to us. I didn't see
20 anything.

21 MR. CAPPELLO: It just says proposed. Is this the one
22 with the --

23 MR. PAGGI: It's existing Lot 3.

24 MR. CAPPELLO: Okay. So that's not the one with the
25 site.

1 - RE: CHRIS GIRAUDIN -

2 MR. PAGGI: Yes.

3 MR. CAPPELLO: So I mean there's nothing on the map that
4 would preclude this, then. I think subject to just
5 addressing the engineer's comments.

6 MR. SMITHEM: And to that point, we've had a couple of
7 these recently. With mortgage rates and everything right
8 now, any delays in getting these approvals is really
9 affecting everyone financially. If there's any way that we
10 could streamline this process so that we didn't have to come
11 here and he doesn't have to submit application fees, which
12 are nonrefundable, for an approval that he doesn't actually
13 need, it would be greatly helpful.

14 MR. CAPPELLO: I think, going forward, what the Planning
15 Board should do when you look at these is just look at areas
16 on newer developed lots, like if it's a heavily wooded area
17 or a wetlands area, and designate area that it shouldn't go
18 and then give a general location that said anywhere else it's
19 okay, subject for designing a septic system.

20 CHAIRMAN GREEN: Is this something that Mary could do
21 through the office?

22 MR. CAPPELLO: Well, we have to look at the language of
23 the code.

24 CHAIRMAN GREEN: Okay.

25 MR. CAPPELLO: I think Mary just read the code and said,

1 - RE: CHRIS GIRAUDIN -

2 in her reading --

3 CHAIRMAN GREEN: Okay.

4 MR. CAPPELLO: -- it's required.

5 CHAIRMAN GREEN: Okay.

6 MR. CAPPELLO: Maybe we need to tweak a local law at
7 some point.

8 MR. SMITHEM: Generally, in our experience, as well, if
9 this was not part of a subdivision we would not have needed
10 to come to the Board whatsoever. If it was a single lot and
11 we had submitted --

12 MR. CAPPELLO: Right.

13 MR. SMITHEM: -- to the Building Department, the
14 Building Department would have conducted their own review, as
15 the consultants have done on this, and a building permit
16 would have been issued, in our experience. So if that can be
17 done without this process that would be very helpful to our
18 clients.

19 CHAIRMAN GREEN: All right. We're always open to
20 suggestions.

21 MR. SMITHEM: Great. Thank you very much.

22 CHAIRMAN GREEN: So do I have a motion to grant a
23 conditional -- Max, I didn't mean to cut you off, but I knew
24 you didn't have --

25 MR. STACH: Oh, no, I didn't even get to it.

1 - RE: CHRIS GIRAUDIN -

2 CHAIRMAN GREEN: Do I have a motion for a conditional
3 approval subject to meeting the concerns of the engineer?

4 BOARD MEMBER DUNN: I'll make the motion.

5 CHAIRMAN GREEN: Okay.

6 BOARD MEMBER STANTON: I'll second.

7 CHAIRMAN GREEN: Doug seconds.

8 All in favor?

9 BOARD MEMBER GOODMAN: Aye.

10 BOARD MEMBER STAROBIN: Aye.

11 BOARD MEMBER LACEY: Aye.

12 BOARD MEMBER DUNN: Aye.

13 BOARD MEMBER STANTON: Aye.

14 CHAIRMAN GREEN: Aye.

15 (The motion was approved and carried.)

16 MR. SMITHEM: Thank you very much.

17 CHAIRMAN GREEN: You're welcome

18 (Time noted: 8:21 p.m.)

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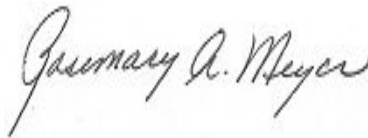
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REPORTER'S CERTIFICATION

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 Chris Guarudin, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: August 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Unified Buddhist Church Inc.
Proposed Amended Site Plan
For Demolition of Existing 12 Unit
Two-story Motel and Rebuilding, Etc.
Tax Map Section 5; Block 1; Lot 4.10
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
July 11, 2023
8:21 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
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- CHRISTIAN PAGGI, P.E., Engineer
- MAXIMILIAN STACH, AICP, Planner

Also Present: Ryan Simthem, EIT,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
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Reported By: Rosemary A. Meyer

1 - RE: UNIFIED BUDDHIST CHURCH INC. -

2 CHAIRMAN GREEN: The next applicant, Unified Buddhist
3 Church Incorporated, proposed amended site plan for the
4 demolition of existing 12 unit two-story motel and rebuilding
5 of a 12 unit three-story residential building. The property
6 is located on 231 to 237 Pleasant Valley Road, Tax Map
7 Section 5; Block 1; Lot 4.10. It is approximately 61.56
8 acres and lies within the Burlingham Residential Zone.

9 MR. SMITHEM: Good evening. For the record, Ryan
10 Smithem, Mercurio, Norton, Tarolli and Marshall, engineers
11 for the Applicant. I'm also here with the Applicant's
12 architect and the applicants themselves.

13 Just to expand on the summary that was just given, the
14 project site is located on the westerly side of Pleasant
15 Valley Road. It is accessed by four individual driveways,
16 two of which are gravel. They are all interconnected.

17 The project proposes to replace Building No. 7 which is
18 currently in disrepair. Building No. 7 is a dormitory
19 building and will be replaced as such, basically in almost
20 the same footprint and orientation and generally the same
21 size footprint. Access will continue to be provided via the
22 gravel driveway.

23 Some, let's say improvements to the sewage disposal
24 system are being proposed just to accommodate the plumbing in
25 the proposed building, but the sewage disposal system itself

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2 will remain the same.

3 The occupancy of the building is intended to remain the
4 same, as well.

5 Water will continue to be provided via the same well.

6 I think that's pretty much a general summary of the
7 proposed project.

8 CHAIRMAN GREEN: Christian.

9 MR. PAGGI: So I'll go first.

10 We did provide a comment memo to this. I'll just run
11 through it quickly.

12 We were asking just to provide DEC and DOH existing
13 approvals for the water, public water supply and sewage
14 disposal systems, a copy of the SPDES permit, and also to
15 provide written confirmation from those agencies that these
16 improvements and current use of the project is still a valid
17 use pertaining to those existing services.

18 No. 2: Just providing some dimensions indicating
19 construction material, existing driveways and roads.

20 That kind of dovetails into three relative to the
21 dimension of the existing driveway access. It looks like
22 state fire code requires 20 foot emergency access for this
23 type of use. We're just asking that you review that and make
24 sure that you're compliant with the state code relative to
25 dimension and the construction, ensuring that it can have the

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2 capacity to withstand the weight of a fully loaded pumper
3 truck during all weather conditions.

4 You indicated, in the narrative, that there will be a
5 new fire storage tank for fire suppression but you're not
6 showing that on the plan.

7 MR. SMITHEM: That's actually been revised and the
8 storage tank is intended to be stored in the building now.

9 MR. PAGGI: It's going to be in the building?

10 MR. SMITHEM: In the building.

11 MR. PAGGI: Okay. If there's anything else that's not
12 shown on the plan, even if it's a utility, anything that
13 impacts the site plan, if it's above ground, it just needs to
14 be indicated on the plan.

15 Providing greater detail for the grading around the
16 building. You're proposing a few parking spaces. There's
17 steps on either side of the building and handicap ramps.
18 There's no real detail as far as grading and elevation to
19 demonstrate that they'll be compliant with ADA if they need
20 to be.

21 And just generally, for drainage, it looks like you just
22 need some greater detail on the grading around the building.

23 Similar to that, the steps on the front and back side of
24 the building doesn't look like they lead to anywhere. If
25 there's sidewalks proposed around the building to existing

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2 parking areas or proposed parking areas or anywhere else, to
3 please show those.

4 Showing building and roof drainage on the plan.

5 Also, showing size, location, material of all of the
6 existing utilities, not on the entire project site, but
7 within the vicinity of the project area.

8 And also providing a erosion sediment control plan and
9 details for any site improvements.

10 MR. SMITHEM: We have no problem with any of those
11 comments. We will respond and revise the plan as such.

12 The detailed site plan has not been fully flushed out
13 yet. These comments were just received. We didn't want to
14 get ahead of ourselves before receiving those.

15 If there's any comments on the look of the building, as
16 I said, the architect is present and I'll take any other
17 questions.

18 MR. STACH: So we also provided a memo. I don't think
19 it's in your packets tonight. It wasn't in mine, but we can
20 go through it.

21 In the beginning we basically list all the site plan
22 requirements we couldn't find. Some of them may not be
23 relevant to this partial plan. Just indicate whatever you're
24 asking a waiver for so that we know that we have everything,
25 that the application is complete.

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2 MR. SMITHEM: Absolutely.

3 MR. STACH: So the first relevant item or item that I
4 wanted to bring up is where you're proposing dumpsters. Are
5 there going to be dumpsters for this building? Is it going
6 to be an existing location? Just show that.

7 We also had a similar comment with Christian. Existing
8 and proposed driveways should be clarified. What are the
9 widths, what are they made of?

10 And then we noted that on the architectural drawings it
11 looked like there was going to be a greater exposure of the
12 basement space versus what's shown on the site plan. So the
13 site plan, it looks like existing conditions are maintained,
14 but when you actually look at the elevations it looks like
15 there's more exposure. Obviously, that's going to have
16 height implications. So if you expose more of the basement
17 you might be moving the grade plane down which means you
18 might be increasing your height about the grade plane. I
19 think that is a potential variance you might need to go for.

20 MR. SMITHEM: So we're working with the architect to
21 modify the grades on the detailed site plan to make sure that
22 we are below that threshold of the maximum height.

23 MR. STACH: Okay.

24 We read this as being qualified under 199-51(B) which is
25 the requirements applicable to a preexisting nonconforming

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2 residential use. It states that any residential use that is
3 made conforming by the law may be continued as a use
4 permitted by rights such that it shall comply with the bulk
5 and lot area regulations of the most restrictive district in
6 the zoning tables in which the use would be conforming as to
7 bulk on the date that the zoning was adopted. A building
8 containing a nonconforming residential use may be altered in
9 any way to improve interior livability. However, no
10 structure alterations shall be made that would increase the
11 number of bedrooms or dwelling units.

12 I think that, in general, this conforms. We're not
13 increasing the number of bedrooms or dwelling units. You are
14 allowed to improve it as long as you don't exceed the zoning,
15 the most restrictive that it conforms, to which I think is
16 essentially neighborhood places of worship in the Village
17 Adjacent Area because that is sort of the one that allows for
18 this type of structure and would allow for the existing
19 height of the building. Generally, two and a half stories,
20 30 feet; right? So I think that's what you need to be
21 working toward, is two and a half stories, 30 feet.

22 MR. SMITHEM: Okay.

23 MR. STACH: I think on your zoning table you had one
24 story, 15 feet, which certainly, this never was one story and
25 15 feet; right?

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2 MR. SMITHEM: Right.

3 MR. STACH: I think that we had the same comment with
4 regard to the fire apparatus road. I think it makes sense to
5 get the fire department to opine on whether or not this needs
6 to be improved or whether as it exists it's sufficient.

7 And then John, at the workshop, brought up, and I think
8 I agree with him now, that I think this qualifies as a Type
9 II action. I looked at the SEQRA handbook for some guidance
10 as to what in kind replacement meant and it said it wasn't
11 exact replacement, but it really is function, size and
12 footprint. If we kook at the function, size and footprint
13 we're really very close here. I'm recommending that this is
14 qualifying as a Type II action under SEQRA.

15 Those are my comments.

16 CHAIRMAN GREEN: Thank you.

17 Any comments?

18 MR. CAPPELLO: I really have none. I just point out to
19 the Board I agree with Max's analysis. This is a permitted
20 use so it's a site plan approval only, not a special permit,
21 therefore, a public hearing is optional. You're looking at a
22 site plan, you're not granting a special permit so I think a
23 public hearing is optional.

24 And it's a Type II action under SEQRA so the Board can,
25 with clarification on the height issue and addressing any --

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2 you may have concerns that I don't know. Or if you deem a
3 public hearing is necessary, you could always ask for a
4 public hearing.

5 CHAIRMAN GREEN: I believe most of the neighbors, when I
6 looked, are members of the organization; right?

7 MR. SMITHEM: This is a fairly large facility and
8 there's not much close to this building other than what they
9 use it for. I don't think it's much -- given that it's not
10 much different, it's exactly the same use and generally the
11 same size, I don't think it's much impact.

12 BOARD MEMBER GOODMAN: I agree.

13 CHAIRMAN GREEN: I agree, too.

14 Does anybody think we need a public hearing?

15 BOARD MEMBER GOODMAN: No.

16 CHAIRMAN GREEN: All right. So what would our next step
17 be now, then?

18 MR. CAPPELLO: Really, have the Applicant respond to
19 Max's and Christian's technical comments --

20 CHAIRMAN GREEN: Okay.

21 MR. CAPPELLO: -- fire access, height.

22 CHAIRMAN GREEN: So is this something where they have to
23 come back again?

24 MR. CAPPELLO: I mean I think the access issue is
25 something you might want to look at.

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2 MR. STACH: If they find that they need a variance
3 they're going to want you to refer them so I would think it
4 comes back.

5 CHAIRMAN GREEN: Okay.

6 MR. STACH: You don't have to adjourn it to a date
7 certain. If they're ready next month, they'll be on the
8 agenda. If they're not, they'll be on in September.

9 CHAIRMAN GREEN: Okay.

10 MR. SMITHEM: Okay. We will do our best to get it back
11 in as quickly as possible and get some answers from the fire
12 department and actually the Building Department, depending on
13 who has jurisdiction over the fire apparatus road.

14 Do you happen to have a copy of your comments? I still
15 haven't received them yet.

16 MR. STACH: Actually, I don't.

17 MR. STACH: Kyra may.

18 MS. PLATT: I do have them. I don't know why I didn't
19 print them and didn't send them. I apologize for that. But
20 I do have the e-mail Max sent so I'll send those out.

21 MR. SMITHEM: That's perfectly okay. I couldn't have
22 responded to them today, anyway.

23 CHAIRMAN GREEN: I just wanted to clarify. That's what
24 I was looking at on my phone. I wasn't text messaging you.

25 Okay.

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2 MR. SMITHEM: Well, thank you all very much. Have a
3 great night.

4 CHAIRMAN GREEN: You, too.

5 Do I have a motion to close the meeting?

6 BOARD MEMBER STANTON: I'll make that motion.

7 CHAIRMAN GREEN: Doug.

8 Second?

9 BOARD MEMBER DUNN: Second.

10 CHAIRMAN GREEN: Rich.

11 All in favor?

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER STAROBIN: Aye.

14 BOARD MEMBER LACEY: Aye.

15 BOARD MEMBER DUNN: Aye.

16 BOARD MEMBER STANTON: Aye.

17 CHAIRMAN GREEN: Aye.

18 (The motion was approved and carried.)

19 (Time noted: 8:36 p.m.)

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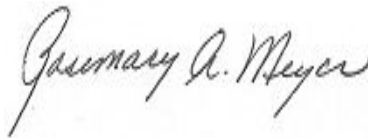
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REPORTER'S CERTIFICATION

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 Unified Buddhist Church, 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: August 3, 2023

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