

TOWN OF MAMAKATING
PLANNING BOARD MINUTES

June 13, 2023

TOWN HALL

WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS:

LORRENCE GREEN, Chairman

ALEX GOODMAN, Board Member

JOHN LACEY, Board Member

RICHARD GLISSON, 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

MAXIMILIAN STACH, AICP, Planner

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

Reported By: Rosemary A. Meyer

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A G E N D A I N D E X

	Pages
Call Meeting to Order	4
Pledge of Allegiance	4
Acceptance of Minutes, January and February 2023 ..	5
Delaware River Solar LLC, Extension	3 - 54
Ski Run Realty LLC (Camp Nitra), Continuation of Public Hearing Proposed Amendment and Reapproval of Children's Summer Camp	55 - 87
Alexis Suquilanda, Proposed Amended Site Plan Ernesto Suquilanda, Proposed Amended Site Plan ...	88 - 94
Back River Hope Campground, Inc. Proposed Re-Approval and Amendment of Site Plan for Vacation Campground	95 - 106
Close Meeting	54

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Delaware River Solar LLC on Behalf of
NFM Enterprises LLC and Wurtsboro Airport
Foundation LLC
Proposed Large Scale Solar Farm
Tax Map Section 26; Block 1; Lot 4.2
Tax Map Section 26; Block 1; Lot 4.3
Airport Development Zone and Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
June 13, 2023
7:05 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, 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
- 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: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: Welcome to the June 13, 2023 meeting of
3 the Town of Mamakating Planning Board.

4 Do I have a motion to open the meeting?

5 BOARD MEMBER GOODMAN: Motion.

6 CHAIRMAN GREEN: Alex.

7 Second?

8 ALTERNATIVE BOARD MEMBER JENSEN: Second.

9 CHAIRMAN GREEN: Adrienne.

10 All in favor?

11 BOARD MEMBER GOODMAN: Aye.

12 BOARD MEMBER LACEY: Aye.

13 BOARD MEMBER GLISSON: Aye.

14 BOARD MEMBER DUNN: Aye.

15 BOARD MEMBER STANTON: Aye.

16 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

17 CHAIRMAN GREEN: Aye.

18 (The motion was approved and carried.)

19 CHAIRMAN GREEN: Okay. Adrienne will be voting as a
20 full member tonight.

21 Please join me in the Pledge of Allegiance.

22 (The Pledge of Allegiance was recited.)

23 CHAIRMAN GREEN: Thank you.

24 We, earlier, all received the April minutes. I only
25 just received the May ones this afternoon so we're not going

1 - RE: DELAWARE RIVER SOLAR LLC -

2 to vote on that one. But we did receive the April minutes a
3 few weeks ago. Anybody have any comments on them?

4 (No verbal response.)

5 CHAIRMAN GREEN: Can I have a motion to accept the April
6 minutes, please.

7 BOARD MEMBER DUNN: Motion.

8 CHAIRMAN GREEN: Rich.

9 BOARD MEMBER LACEY: I'll second.

10 CHAIRMAN GREEN: Okay. John second.

11 All in favor?

12 BOARD MEMBER GOODMAN: Aye.

13 BOARD MEMBER LACEY: Aye.

14 BOARD MEMBER GLISSON: Aye.

15 BOARD MEMBER DUNN: Aye.

16 BOARD MEMBER STANTON: Aye.

17 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

18 CHAIRMAN GREEN: Aye.

19 (The motion was approved and carried.)

20 CHAIRMAN GREEN: Okay. Good.

21 The first applicant tonight, extension, Delaware River
22 Solar LLC, on behalf of NFM Enterprises LLC and Wurtsboro
23 Foundation LLC, proposed large-scale solar farm on an
24 existing airport with a single-family dwelling. The
25 properties are located on Barone Road and 50-57 Barone Road.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 The tax maps are Section 26; Block 1; Lot 4.2, approximately
3 119.14 acres; and Section 26; Block 1; Lot 4.3 is
4 approximately 176.6 acres. Both properties lie within the
5 Airport Development Zone and Mountain Greenbelt Zone.

6 You have the floor.

7 MR. WINGLOVITZ: Good evening. For the record, Ross
8 Winglovitz, Engineering and Surveying Properties here this
9 evening with Walter Garigliano, it's a name like Winglovitz,
10 on behalf of Delaware River Solar.

11 This project is one that's been around for a little
12 while. What we're looking for tonight is an extension of the
13 approval, but not only an extension, to confirm that the
14 modifications that had been made to the site are not
15 significant and that the site plan, as it exists, can proceed
16 to permit. Delaware River Solar is ready to proceed with the
17 construction. They've been fine-tuning the array.

18 The differences, the footprint is slightly smaller.
19 We've gone from 18 acres to 16 and a half acres,
20 approximately. We're using tracking arrays as opposed to a
21 fixed array, and also looking to modify the fence from a
22 chain link fence to what would be traditionally called a deer
23 fence around the array. I think that's the primary changes.

24 The footprint has changed a little bit. It shrunk.
25 It's all within the existing footprint that was approved by

1 - RE: DELAWARE RIVER SOLAR LLC -

2 this board. It hasn't gone outside of that. So we're
3 looking for your input and confirmation, hopefully, that this
4 project can proceed as proposed.

5 CHAIRMAN GREEN: Okay.

6 Christian, do you want to start off?

7 MR. PAGGI: Sure. We only had a few comments. As Ross
8 had said --

9 MS. PLATT: Into the microphone, please.

10 CHAIRMAN GREEN: Yes. Please, everybody speak directly
11 into the microphone so the people on Zoom can hear.

12 MR. PAGGI: Yes. Sorry, Kyra.

13 As Ross had mentioned, they're reducing the size of the
14 array from 18 acres to 16 and a half so it appears just to be
15 a reduction in the intensity.

16 Their proposed change from the chain link fence to the
17 woven wire deer fence, the only comment, if any, on that is
18 that I know that part of these solar projects is developing
19 and O and M plan and decommissioning plan, so incorporating
20 any maintenance for monitoring of that fence being that it's
21 slightly less of a substantial structure than a chain link
22 fence. So if it's overturned or rotted over the years, just
23 making sure that there is some measures in the O and M plan
24 that was approved to cover that.

25 And similarly, for the changes to the solar panels, the

1 - RE: DELAWARE RIVER SOLAR LLC -

2 previously proposed panels, there was information submitted
3 for the Board's records, for the Town's records and part of
4 the decommissioning plan, an O and M plan, just updating
5 those documents with the new information. That was really
6 it.

7 MR. WINGLOVITZ: We don't have a problem with updating
8 those to reflect the proposed improvements.

9 CHAIRMAN GREEN: Max.

10 MR. STACH: So we also prepared a memorandum.

11 We had a question with regard to the map. It shows the
12 fenced area as 18.26 acres. I think there's a label on the
13 map where the narrative says that the area is being reduced
14 to 16.56 acres.

15 MR. WINGLOVITZ: So it may be the total array area which
16 was defined under the code. There's this big discussion
17 because we were at maximum of 20. So the new smaller array
18 area, which includes, which is where your code defines it, is
19 everything we're disturbing or to build the array. It was
20 at, like, 19.9 acres. So with the slight reduction in the
21 physical array, that total number is down to the 18 point.

22 MR. STACH: Okay. So the area within the fence is 18.

23 MR. WINGLOVITZ: Is 16.5 now.

24 MR. STACH: So does your map say 16 on the area within
25 the fence or 18?

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. WINGLOVITZ: The language it uses is the proposed
3 solar energy system site. That's the way it's defined.

4 MR. STACH: Okay. Not the array, the site.

5 MR. WINGLOVITZ: So that happens to be there, but that
6 includes everything. We had 20. We were just below 20.

7 MR. STACH: Okay. Understood.

8 My second concern was with regard to the glare, this
9 being an airport. I did see the correspondence from the FAA
10 that was submitted. I understand that it meets the
11 obstructions policies of the airport by not being over 10
12 feet. I don't think that's what I was concerned about. I
13 was concerned about as aircraft are coming in and out of the
14 airport are they going to be blinded on a sunny day because
15 these arrays are now tracking. I wondered if, you know, my
16 concerns would certainly be addressed.

17 There is a policy technical report from the National
18 Renewable Energy Laboratory about siting arrays at airports.
19 One of the recommendations is that the solar panels either
20 incorporate a coating, a non-reflective coating, which they
21 cite as not impacting their energy output, or a certain type
22 of solar panel which is identified as -- give me one second,
23 please.

24 (Mr. Stach examining documents.)

25 MR. STACH: An anti-reflection coating or a panel that

1 - RE: DELAWARE RIVER SOLAR LLC -

2 has surface texturing. And what that is, a design that the
3 actual cells that reflect light are shaped such that the sun
4 isn't always bouncing off at the same angle. It has like a
5 depth to it. Those are recommended mitigations for glare at
6 airports by this document. My concerns would be satisfied by
7 that, but I am not sure in terms of from a practical
8 perspective if the response you got from the FAA really
9 addressed sun glare. It seemed to be addressing obstructions
10 and whatever policies the FAA maintains regarding solar
11 arrays at airports or adjacent to airports. So ...

12 BOARD MEMBER GOODMAN: Wouldn't that be dependent on the
13 siting of the array and the direction of the sun and the
14 direction of the travel of the use of the --

15 MR. STACH: Yes.

16 BOARD MEMBER GOODMAN: -- of the runway?

17 MR. STACH: And so the study that I'm referring to, the
18 policy report, that's National Renewable Energy Laboratories,
19 the Department of Energy. And this report suggested that one
20 way to deal with this is to require a study that says exactly
21 what you're saying: Where the airplanes are coming in, where
22 the tower is, where are the arrays reflecting at different
23 times of day as they track. But I think more importantly,
24 the conclusions of the study is that the mitigation is to
25 either find panels that have this surface texture or to use

1 - RE: DELAWARE RIVER SOLAR LLC -

2 these non-reflective coatings over the panels which
3 essentially mitigate the glare, or minimize the glare in a
4 way that it's not dangerous to aviators. So that's going to
5 be my recommendation. I would imagine it's probably
6 something that you'd find out very quickly, whether or not it
7 is feasible and affordable and within your budget and just
8 choose that equipment that meets those standards.

9 MR. GARIGILANO: Well, the supply chain for receiving
10 panels is nine to 12 months long so changing the inbound
11 panels that are spec'd for this site has already happened.
12 They couldn't get the panels that were on the original site
13 plan because of all of the supply chain disruptions and all
14 of the factory closures in Southeast Asia.

15 What I do have that I can give you from another planning
16 board is a very extensive glare study done by a laboratory
17 that the executive summary and the conclusion of the glare
18 study is that solar panels wouldn't work if they reflected
19 light. They're designed to absorb light. They have nearly
20 zero glare. There's three different kinds of glare: Orange
21 glare, yellow glare and white glare. I have a study from a
22 planning board requirement in Delaware County that I could
23 supply. It was a, from our standpoint, a gigantic waste of
24 expense and time because we knew the conclusion from other
25 glare studies. But this one was done in the last two months

1 - RE: DELAWARE RIVER SOLAR LLC -

2 and it involves the same type of panels that are proposed for
3 this site.

4 One of the things that they mention in the glare study
5 is that the amount of glare reflecting from an average window
6 in a house is many times greater than the amount of glare
7 that could ever come off of a solar panel.

8 MR. STACH: I don't mean to interrupt, but to me, I'm
9 getting a lot of arguments about why not to answer the
10 question.

11 MR. GARIGLIANO: Well, I can't --

12 MR. STACH: I am suggesting that you have airplanes
13 landing approximately 50 feet from these panels and if the
14 sun and this angle is at the right pitch you might be
15 blinding the pilots coming in. Now --

16 MR. GARIGLIANO: If we get you a glare study that says
17 that that can't happen, would that satisfy you?

18 MR. STACH: Absolutely.

19 MR. GARIGLIANO: Okay.

20 MR. STACH: Absolutely. But I just thought it might be
21 easier to get to the mitigation. You know, like when people
22 do bat studies when you can just not clear from April to
23 November --

24 MR. GARIGLIANO: Well --

25 MR. STACH: -- kind of thing.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. GARIGLIANO: You --

3 MR. STACH: But if that's --

4 MR. GARIGLIANO: The study is possible.

5 MR. STACH: Okay.

6 MR. GARIGLIANO: Changing the panels out to other panels
7 when they're halfway here on a ship from Southeast Asia --

8 MR. STACH: Understood.

9 MR. GARIGLIANO: -- is not possible.

10 MR. STACH: Understood.

11 MR. GARIGLIANO: And these panels are designed to absorb
12 light, not reflect light, and that's what the study is
13 certainly going to show. So --

14 MR. STACH: I --

15 MR. GARIGLIANO: -- we'll be --

16 MR. STACH: -- have been by solar arrays and have
17 experienced sun glare. Maybe these were older units.

18 MR. GARIGLIANO: Older technology --

19 MR. STACH: Yes.

20 MR. GARIGLIANO: -- when they were other than just pure
21 silicone which they're manufactured with today, glare was an
22 issue.

23 MR. STACH: Okay.

24 MR. GARIGLIANO: The panels that are being installed
25 today -- I'll send, you know, tomorrow, the glare study from

1 - RE: DELAWARE RIVER SOLAR LLC -
2 another project. But if that's not satisfactory then
3 whatever your requirements are, we're willing to do. But we
4 can't -- my point is we can do a study, we can't change the
5 inbound panels that are already on the way here.

6 MR. CAPPELLO: Do we know if the inbound panels may not
7 already incorporate the non-reflective?

8 MR. GARIGLIANO: I don't believe that there are panels
9 manufactured today that are not incorporating the latest
10 technology.

11 MR. CAPPELLO: I mean I think that would, that study
12 plus just confirmation that it does have the non-reflective
13 should --

14 MS. PLATT: Into the microphone, please.

15 MR. CAPPELLO: Where is she now?

16 But that seems, to me, that would suffice. If we just
17 get confirmation that they're designed, you know, what the
18 design is, and that incorporates it and then it corresponds
19 to the study, then we can --

20 MR. GARIGLIANO: What we would ask on behalf of the
21 Applicant is if we satisfy your consultant that has a concern
22 as a condition of some action, would that be acceptable.

23 MR. CAPPELLO: Well, let's get all the issues and then
24 the Board can ...

25 CHAIRMAN GREEN: Can I just ask? Didn't we look at this

1 - RE: DELAWARE RIVER SOLAR LLC -

2 beforehand? Is it just the difference that they'll be
3 tracking?

4 MR. CAPPELLO: It's just tracking.

5 CHAIRMAN GREEN: Right. Okay.

6 MR. CAPPELLO: Which I mean it might be the same specs,
7 just a different, tracking instead of the fixed.

8 CHAIRMAN GREEN: I have the plan in front -- but was
9 there like a row of brush or something between the solar
10 panels and the runway?

11 MR. GARIGLIANO: I think the question that's being
12 asked, will they blind a pilot while he's --

13 CHAIRMAN GREEN: Right, right.

14 MR. GARIGLIANO: -- up in an airplane.

15 CHAIRMAN GREEN: Right.

16 MR. GARIGLIANO: There's no change in the proposed on
17 the ground screening.

18 CHAIRMAN GREEN: Right. Okay.

19 MR. STACH: My concern, I'm not sure that I was as
20 involved with the review --

21 CHAIRMAN GREEN: Right.

22 MR. STACH: -- of this originally, is that if you look
23 at where south is, right, if these are fixed tilt solar and
24 they're pointing south --

25 CHAIRMAN GREEN: Right.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. STACH: -- you know, when you're on approach to this
3 runway you are either coming from the northeast or you're
4 coming from the southwest onto the runway. You're not coming
5 from the south. I don't know if there were glare studies
6 done. But when you have the panels tracking now --

7 CHAIRMAN GREEN: Right.

8 MR. STACH: -- it changes the potential direction. If
9 the sun is in the east and these panels are pointed to the
10 east and I'm coming from the southwest and I'm looking across
11 these panels that are sort of pointed toward the sun, am I
12 getting the reflected light, basically. Am I getting the
13 glare? Or at noon, you know. Because they're moving, it's
14 complicating that geometry. That's where my concern arose.
15 I don't know if it was a concern originally.

16 CHAIRMAN GREEN: I don't know. I think a lot of this
17 has to do with the refractive index of the glass. And also, as
18 you say, these things are built to absorb as much light as
19 possible, so ...

20 BOARD MEMBER DUNN: There's an airport just miles down
21 the road in Ellenville. They have a solar array right there
22 across from Walmart. It is right in line with the airport.
23 Maybe somebody could contact them and see if that affects the
24 pilots whatsoever. I have a friend who's a pilot. I'm
25 texting him right now, see if he ...

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. WINGLOVITZ: We have done others next to airports,
3 as well.

4 CHAIRMAN GREEN: Okay.

5 MR. STACH: The other comment that I had was that we
6 have a Negative Declaration that was adopted prior to the
7 prior approval. You would need to amend that Negative
8 Declaration based on the new information, the new plans
9 submitted, and determine that based on that, you do not
10 believe there will be any impacts that were not anticipated
11 for the original plan that was the subject of the original
12 Negative Declaration.

13 I will defer to John on whether you can do that without
14 having received a revised Part 1 EAF, but that's typically
15 something that we require prior to a Neg Dec, or amending
16 Neg Dec.

17 CHAIRMAN GREEN: I've just gotten a text from Mort who
18 is a pilot who lands at the airport and he just wrote: I'm
19 listening to the meeting. Panels are no problem. They're
20 offset from the runway.

21 Is that accurate?

22 MR. GARIGLIANO: It also might be worth just noting for
23 the record that the FAA allows building panels on airports in
24 addition to them building panels near an airport where the
25 only FAA review relates to height. But FAA allows modern

1 - RE: DELAWARE RIVER SOLAR LLC -
2 solar panels to be installed within airports right by
3 runways.

4 MR. STACH: They do, but their policy is a little bit
5 different. When they do that, they do require at least the
6 glare study for the ATC towers, usually.

7 MR. GARIGLIANO: Well, this is an unmanned airport;
8 right?

9 MR. STACH: Right.

10 MR. GARIGLIANO: Okay.

11 MR. STACH: I think it's they require the applicant,
12 meaning the airport that's looking to install the solar
13 facilities, to attest by an engineer that it's not going to
14 have a glare impact on planes. And then they also require an
15 actual study to be submitted showing the ACT controllers
16 aren't going to get impacted.

17 MR. GARIGLIANO: This is not an airport that has a
18 control. It's an unmanned airport. So your concern, I'm
19 sure, then, is just limited to aircraft coming or going;
20 right?

21 MR. STACH: Yes.

22 MR. GARIGLIANO: Okay.

23 CHAIRMAN GREEN: Kyra, can you unmute Mort, please?

24 MS. PLATT: Sure.

25 CHAIRMAN GREEN: Thanks.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 So for those who do not know, Mort is a member of the
3 Planning Board and he's also a pilot. I think he's in
4 Alaska.

5 MS. PLATT: I've clicked ask to unmute. Just waiting
6 for him to unmute himself.

7 CHAIRMAN GREEN: Okay. As the world waits.

8 MS. PLATT: He should be unmuted now.

9 CHAIRMAN GREEN: Okay.

10 BOARD MEMBER STAROBIN: How about now? Can you hear me?

11 CHAIRMAN GREEN: Yes.

12 BOARD MEMBER STAROBIN: Great. Okay. I'm here in
13 Skagway, Alaska and I was able to get a connection to the
14 meeting. And fortunately, I heard the information about the
15 panels. You know, the panels are offset from the landing
16 pattern and they're offset from the runway. The angle of the
17 panels are such that I can't see them being, the light
18 reflectivity being a problem for the pilots at any time.

19 CHAIRMAN GREEN: Is that going to apply if they are also
20 tracking panels as opposed to just the fixed panels?

21 BOARD MEMBER STAROBIN: I'm just thinking about the
22 angle. It's called the angle of the path of the plan when
23 it's landing and the angle of the panels themselves, the
24 tracking.

25 All of them are going to be tracking panels?

1 - RE: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: You have to repeat that.

3 ALTERNATE BOARD MEMBER JENSEN: Are they all tracking
4 panels.

5 CHAIRMAN GREEN: Yes, they're all tracking, yes.

6 BOARD MEMBER STAROBIN: I just -- you know, I can't see
7 that really being a problem. You know, you're taking off at
8 one point. It doesn't matter which direction you're taking
9 off so that's not a problem. When you're landing, you're
10 either coming into the western side of 209 on your pattern,
11 and as you're turning towards the south side and coming in, I
12 just don't see it. I just don't see it.

13 CHAIRMAN GREEN: Okay.

14 BOARD MEMBER STAROBIN: And on the eastern side you're
15 flying over the ridge and coming in from the north side. And
16 where the panels are located, it's just -- I just don't see
17 it happening.

18 CHAIRMAN GREEN: Okay.

19 MR. STACH: May I ask a question?

20 CHAIRMAN GREEN: Sure.

21 MR. STACH: Mort, can you hear me?

22 CHAIRMAN GREEN: You've got to speak into the microphone
23 a little bit.

24 MR. STACH: Mort, can you hear me?

25 BOARD MEMBER STAROBIN: Yes, I can.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. STACH: When you're landing do you typically come
3 from the north or from the south?

4 BOARD MEMBER STAROBIN: It totally depends on the wind.
5 Predominantly, we land in a southerly direction.

6 MR. STACH: Well, yes, you land into the wind. But
7 prevailing winds are usually from the northwest; right?

8 BOARD MEMBER STAROBIN: Yeah. But we land coming in
9 towards Wurtsboro. That, I'd say, is --

10 MR. STACH: Okay.

11 BOARD MEMBER STAROBIN: -- probably 95 percent of the
12 time.

13 MR. STACH: From the north, okay.

14 BOARD MEMBER STAROBIN: That's right, we're coming in
15 from the north.

16 MR. STACH: My concern is really related to the south
17 approach, not the north approach.

18 MR. GARIGLIANO: Well, the fixed tilt panels that were
19 approved for the site would have been somewhat steeply sloped
20 toward the south and maintain a south orientation at all
21 times. The panels that are now being proposed to be
22 installed are much flatter in terms of how they are angled
23 and they rotate from the east in the morning to the west at
24 night. But they're not facing south like the fixed tilt
25 panels, they're much flatter in terms of their orientation to

1 - RE: DELAWARE RIVER SOLAR LLC -

2 the ground.

3 The ideal scenario would be a perfectly flat site, as
4 flat as your tabletop, with perfectly flat panels because
5 then no panel would ever shade any other panel.

6 MR. STACH: Right.

7 MR. GARIGLIANO: The more you raise one side of the
8 panel or the other, the more opportunity there is for shading
9 from panel to panel. You can't stop shading from the
10 Wurtsboro ridge, but you can design it so that they aren't
11 shading each other and that's why the orientation of panels
12 on the new site plan is exactly 90 degrees change from the
13 site plan that was approved where the panels were facing
14 south. And now the panels are almost flat and rotating east
15 and west.

16 MR. STACH: Gotcha.

17 BOARD MEMBER DUNN: They do have a grass runway there.
18 It goes toward the mountain. I don't think it shows on the
19 plan. I don't know if the airport uses it anymore. They
20 used to use it. They would come down on the grass runway
21 once in a while, too. I thought it kind of went this way,
22 the other way.

23 MR. GARIGLIANO: The survey shows the grass runway.

24 BOARD MEMBER DUNN: Yeah.

25 CHAIRMAN GREEN: I think they --

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. GARIGLIANO: Correct.

3 BOARD MEMBER DUNN: Right. Do they use that or will it
4 affect that at all, do you know?

5 MR. WINGLOVITZ: That would be a good question for Mort.

6 BOARD MEMBER DUNN: Yeah. Is he still on?

7 BOARD MEMBER STAROBIN: In the six years I've been
8 flying I've never used those other runways. They're mostly
9 for emergency situations --

10 CHAIRMAN GREEN: Any comments?

11 BOARD MEMBER STAROBIN: -- the grass runways coming in
12 from the Shawangunk off the airport.

13 CHAIRMAN GREEN: I think one of them is going to be lost
14 because of the panels. I think there's only one left.

15 Any other comments?

16 BOARD MEMBER STAROBIN: You know, if we want, if you
17 want, we can fly over the Ellenville Airport and just test it
18 out and see if we notice anything. I'm sure Dan at the
19 airport would do it for us or we could do it and just check
20 out on our own on a very sunny day and see what's happening.

21 CHAIRMAN GREEN: It sounds good to me. When are you
22 coming back?

23 BOARD MEMBER STAROBIN: I'll be back next week.

24 CHAIRMAN GREEN: Okay.

25 Alex, are you busy?

1 - RE: DELAWARE RIVER SOLAR LLC -

2 BOARD MEMBER STAROBIN: But as a pilot, I would be very
3 concerned about this and in all honestly, I'm really not.

4 CHAIRMAN GREEN: Okay. Thank you.

5 And thanks, Max, for bringing that up. I'm glad that we
6 had a pretty full discussion here.

7 BOARD MEMBER STAROBIN: A good question, a good
8 question.

9 CHAIRMAN GREEN: So what's next?

10 MR. CAPPELLO: Well, the Board can consider, what I
11 would suggest is confirming the Negative Declaration and
12 amending it, as necessary, based upon the new information,
13 the minor amendments relating to the tilting of the panels,
14 the reduction of the size, and I guess you're okay with the
15 deer fencing, does not increase or change any of the findings
16 that you made in the original Negative Declaration.
17 Therefore, you're adopting a Negative Declaration for the
18 revisions subject to the Applicant amending the Part 1 and
19 submitting it to reflect the appropriate changes. So that
20 would be the first motion in support.

21 CHAIRMAN GREEN: Do I have a motion that states what
22 John has just said?

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

24 CHAIRMAN GREEN: Alex.

25 Second?

1 - RE: DELAWARE RIVER SOLAR LLC -

2 BOARD MEMBER DUNN: Repeat that motion.

3 CHAIRMAN GREEN: What John said.

4 MR. CAPPELLO: You're affirming the Neg Dec.

5 CHAIRMAN GREEN: Right. We're affirming that when the
6 project was before us, beforehand, we had a Negative
7 Declaration which just means that we've determined that there
8 is not an impact on the environment. And what we're saying
9 here is just that the changes in the application haven't
10 really affected that.

11 BOARD MEMBER DUNN: I'll second that.

12 CHAIRMAN GREEN: Rich seconds.

13 All in favor?

14 BOARD MEMBER GOODMAN: Aye.

15 BOARD MEMBER LACEY: Aye.

16 BOARD MEMBER GLISSON: Aye.

17 BOARD MEMBER DUNN: Aye.

18 BOARD MEMBER STANTON: Aye.

19 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

20 CHAIRMAN GREEN: Aye.

21 (The motion was approved and carried.)

22 CHAIRMAN GREEN: Thank you.

23 MR. CAPPELLO: Then the next one would be to grant the
24 amended site plan approval, as amended, to change from the
25 fixed to the tilt; to slightly reduce the area of disturbance

1 - RE: DELAWARE RIVER SOLAR LLC -

2 for the array; and replace the prior fencing with deer
3 fencing.

4 This one would be subject to payment of all fees and
5 also subject to the Applicant submitting the study referred
6 to, demonstrating that the solar panels would not cause any
7 issue with glare and confirming that the model of the solar
8 panels is the same or similar to that examined in the study.

9 CHAIRMAN GREEN: Okay. I wrote that all down.

10 So what we're doing here is we are issuing a conditional
11 approval, that we're moving from the fixed to the movable
12 panels; that we're reducing the area; we're replacing the
13 fencing with deer fencing; get the study that'll show us that
14 the glare won't be a problem; and that the model of solar
15 panels is similar to what we've got, or close.

16 MR. CAPPELLO: Just to amend, to add one more, that the
17 operation and maintenance manual be amended to reflect the
18 deer fencing and any changes as it relates to the maintenance
19 of the fence.

20 CHAIRMAN GREEN: Okay. So operation and maintenance
21 procedures won't be affected by this.

22 And also, I didn't put in that all the fees and
23 everything will be paid.

24 So do I have a motion for that?

25 ALTERNATE BOARD MEMBER JENSEN: I make that motion.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: Adrienne.

3 Somebody second?

4 BOARD MEMBER STANTON: I'll second.

5 CHAIRMAN GREEN: All in favor?

6 BOARD MEMBER GOODMAN: Aye.

7 BOARD MEMBER LACEY: Aye.

8 BOARD MEMBER GLISSON: Aye.

9 BOARD MEMBER DUNN: Aye.

10 BOARD MEMBER STANTON: Aye.

11 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

12 CHAIRMAN GREEN: Aye.

13 (The motion was approved and carried.)

14 MR. WINGLOVITZ: Thank you very much for your time.

15 (Time noted: 7:38 p.m.)

16 * * * * *

17 (The record was reopened at 8:10 p.m.)

18 MR. D. DEPEW: I'm going to be extremely out of line. I
19 apologize. I'll give you my name. Dan Depew, D-E-P-E-W.

20 I'm not here to talk on this issue, the owner of the
21 Wurtsboro Airport is in New York City, was trying to get
22 through public comment over the computer but couldn't so
23 called me and asked me to come here to bring some things to
24 your attention on that issue.

25 Now, I understand that although I didn't receive a

1 - RE: DELAWARE RIVER SOLAR LLC -

2 ticket because I didn't speed, I missed the closing of you
3 public hearing, but I would ask the members of the Board to
4 at least --

5 CHAIRMAN GREEN: There was no public hearing for that.

6 MR. D. DEPEW: All right. Then --

7 CHAIRMAN GREEN: It would just be interaction.

8 MR. D. DEPEW: Then I would just -- then I would just
9 offer the Board, when you're done with your business to be
10 open-minded to some of the comments and clients, owner's
11 issues with the airport.

12 Thank you.

13 CHAIRMAN GREEN: All right. I think a lot of those were
14 actually raised when we had the public comment when the
15 project came at first, so ...

16 (Time noted: 8:10 p.m.)

17 * * * * *

18 (The record was reopened at 8:38 p.m.)

19 CHAIRMAN GREEN: Well, I believe that brings us to the
20 close of the agenda.

21 Max, I just wanted to, again, thank you for the point
22 about the solar glare. I know you were getting a little
23 heavy up in there, but it's something none of us would have
24 ever thought of, so thank you.

25 MR. STACH: You're welcome.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MS. PLATT: Question.

3 CHAIRMAN GREEN: Yes.

4 MS. PLATT: Did you want to hear from the property owner
5 of the airport? He's on Zoom at the moment.

6 CHAIRMAN GREEN: Sure, yes. Yes, yes.

7 MS. PLATT: Okay. I'm going to unmute him again. This
8 is for the airport.

9 CHAIRMAN GREEN: Okay. Is that Dan?

10 MS. PLATT: Yes.

11 CHAIRMAN GREEN: Okay. Sure.

12 MR. D. ZELEK: Hello.

13 CHAIRMAN GREEN: Yes.

14 MR. D. ZELEK: Yeah. Hello, everybody. So apparently
15 it's happened that I just noticed that the Board is on and
16 the thing is going on about the changes for the solar panel
17 field, so I would like to check. Actually, this is the first
18 time when I learn about these solar panels. And I have Dan
19 over there, which I ask him to go over there because I could
20 hear you guys but I could not hear all the details and I
21 could not speak about it.

22 CHAIRMAN GREEN: Okay.

23 MR. D. ZELEK: So we going to look into the glare on the
24 panels and we'll get back to the solar people to see what is
25 and we'll make our comments as a pilot and as the safety

1 - RE: DELAWARE RIVER SOLAR LLC -
2 operator of the airport.

3 CHAIRMAN GREEN: I think from the discussions here, I
4 think it's something that we're glad was raised, but I don't
5 think anybody thinks it's an issue.

6 MR. D. ZELEK: I fully understand that. I will discuss
7 this thing with our safety people in the airport. I think
8 that it's not an issue, but like I said, we will look into
9 it.

10 CHAIRMAN GREEN: Okay. Thank you.

11 MR. D. ZELEK: So when we can go back and comment to you
12 guys on this?

13 CHAIRMAN GREEN: I don't know. Do we need a specific
14 date?

15 MR. CAPPELLO: What?

16 CHAIRMAN GREEN: He wants to know when we would want the
17 comments about the glare.

18 MR. CAPPELLO: I mean we voted to approve it.

19 MR. D. ZELEK: And about the glare.

20 CHAIRMAN GREEN: Right, we've already voted. Right, we
21 already voted for it.

22 MR. STACH: The comments would be ancillary at this
23 point.

24 CHAIRMAN GREEN: Right, right. We've already given the
25 project the conditional approval. I believe that was one of

1 - RE: DELAWARE RIVER SOLAR LLC -

2 the conditions.

3 MR. D. DEPEW: Thank you, Mr. Chairman.

4 CHAIRMAN GREEN: You're welcome.

5 MR. D. DEPEW: The Board, since it's voted, has not
6 taken any type of recess or stopped the meeting, have they?

7 Dan Depew again. Sorry. D-E-P-E-W. I apologize,
8 ma'am.

9 They haven't taken any recess. You've had a contiguous
10 board --

11 CHAIRMAN GREEN: Right.

12 MR. D. DEPEW: -- since you made your decision.

13 CHAIRMAN GREEN: Yes.

14 MR. D. DEPEW: And you're all still here at the same
15 date and time. So I just think that there's a couple points
16 that need to be articulated and I want to say this. Danny's
17 at a disadvantage, in New York, driving --

18 CHAIRMAN GREEN: Yes, yes.

19 MR. D. DEPEW: -- so I appreciate this opportunity.

20 One is no one from the town, no one from the New York
21 State DOT, any airport division, no one from the FSDO out of
22 Albany, the Flight Standard District Office --

23 CHAIRMAN GREEN: Right.

24 MR. D. DEPEW: -- and no one from the FAA has actually
25 looked at the glare issue to give any opinion on safety

1 - RE: DELAWARE RIVER SOLAR LLC -
2 whatsoever. And we have glider pilots that are flying into
3 the airport from areas all over. We have general aviation
4 pilots that are flying in from all over. The tilting of the
5 panels may not be an issue whatsoever, but I don't -- I think
6 what Dan Zelek and I and others feel on this issue is no one
7 of an expert authority has looked at this. And if you were
8 going to have, let's say some potential glare distraction
9 right along, you know, 209 --

10 CHAIRMAN GREEN: Right.

11 MR. D. DEPEW: -- you'd be looking for direct written
12 correspondence with the DOT that that's not going to cause an
13 accident and kill a bunch of people and we're just looking
14 for the same consideration in that regard. We're talking
15 about life, safety, transportation and I just don't think it
16 should be handled whimsically. And I also don't believe that
17 the Applicant has really taken serious consideration to this
18 issue. I'm just telling you that.

19 By the way, love the Applicant's attorney. I think he's
20 great. Love the Applicant. Have no problem with Rich Winter
21 in Delaware Solar. Work with them; good guys. Actually love
22 their engineer. I think he's still here. Ross Winglovitz,
23 great guy. No issues with any of that. We're looking at the
24 specific matter of safety, that's all.

25 CHAIRMAN GREEN: Right.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. D. DEPEW: And as far as the fence, no one consulted
3 with the airport to say: We're going to go back to the
4 Planning Board and change the fence type around that, no one.

5 New York State DOT, roughly 10 years ago, gave a grant
6 to the airport to put a protective fence around the outside
7 perimeter of the airport. They installed chain link, steel
8 pipe, galvanized fence and they did that because that has, at
9 minimum, a 20 year PPU. PPU is planned purposeful
10 usefulness, period. That's what PPU is.

11 The fact that the Applicant came back to the Board to
12 request a view, to change what was originally on the plan for
13 the fence type is for cost savings only. And the type of
14 posts that they're going to use are not of the same longevity
15 and standard and usefulness of the steel pipe. So we have a
16 problem with that from a safety standpoint because we don't
17 know, 18 and a half years from now, what we're going to want
18 to do on the back of the airport there. And for us, making
19 sure that that solar field is safe 18 years from now is
20 important to us, as well.

21 CHAIRMAN GREEN: Okay.

22 MR. D. DEPEW: Again, not against the solar field, just
23 against this change without any discussion with the owner.
24 And that, I can certify, and if Mr. Zelek wants to certify
25 that, that that is the case.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 And if there's any questions of the Board I'd be glad to
3 answer them.

4 BOARD MEMBER GLISSON: What is your interest in this
5 again? I'm sorry. Who do you represent?

6 MR. D. DEPEW: So I ran -- the owner, he just said that
7 he sent Dan --

8 BOARD MEMBER GLISSON: Okay, that's you

9 MR. D. DEPEW: -- to come to the meeting. Yes, I'm Dan.

10 BOARD MEMBER GLISSON: Okay.

11 MR. D. DEPEW: Yep.

12 I also was the airport manager for six years and helped
13 restore the airport and take care of it. And when the
14 airport was up for sale and there was a question as where
15 this is going to go, I helped Dan through the process of
16 buying the airport to ensure that it would still be an
17 airport in your town.

18 BOARD MEMBER GLISSON: Got it.

19 MR. D. DEPEW: That's my position.

20 BOARD MEMBER GLISSON: Gotcha.

21 CHAIRMAN GREEN: So I guess -- go ahead.

22 BOARD MEMBER GOODMAN: I was going to say I thought one
23 of the things we stipulated was that there would be ongoing
24 maintenance --

25 CHAIRMAN GREEN: Right.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 BOARD MEMBER GOODMAN: -- to make sure that that fence
3 stayed in good --

4 MR. D. DEPEW: Right. But the Planning Board doesn't
5 have the authority unless you're going to take out a bond.
6 And I'm not your attorney. You have a good attorney. Unless
7 you're going to order that a bond be taken out as a
8 maintenance bond to ensure that it's done, we're just hoping
9 that it's done.

10 And quite frankly, we had a proposed plan that said that
11 you would have a black -- the reason why you have black vinyl
12 is because black disappears at sight from far distances. It
13 does. So that's why the black was posed as the vinyl. And
14 the reason why it was steel fence was because of the
15 guaranteed longevity of what those fences do. And that is
16 not from me, that's from New York State DOT and FAA. They
17 don't put up deer fences around airports.

18 CHAIRMAN GREEN: I guess I'm confused and maybe I'm not
19 the only one who is. So you're representing Dan, the owner,
20 or the pilots?

21 MR. D. DEPEW: Dan Zelek --

22 CHAIRMAN GREEN: Right.

23 MR. D. DEPEW: -- who's the owner of the airport --

24 CHAIRMAN GREEN: Right.

25 MR. D. DEPEW: -- I am here to represent.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 BOARD MEMBER GOODMAN: So they weren't made aware that
3 this change in the fencing or these other changes were being
4 made and now there is concern about the fence.

5 CHAIRMAN GREEN: Right. But wasn't it in their
6 application?

7 MR. D. DEPEW: Not -- the airport -- the airport is not
8 the applicant. There is a lease to a third -- I'm sorry,
9 Mr. Chairman, I thought that that was made clear.

10 BOARD MEMBER GLISSON: Not at all. Not at all.

11 CHAIRMAN GREEN: Not at all. That's why he was
12 asking --

13 MR. D. DEPEW: Thank you, guys. No, you can understand
14 why we're upset, too. We have the airport. We're
15 responsible for the safety at the airport. We have no
16 problem with the solar field. But these changes make a
17 significant impact to the consideration of what would have
18 been approved by the Board and what input may have been given
19 by pilots, even outside of us. And again, we support the
20 solar field.

21 CHAIRMAN GREEN: Yes.

22 MR. CAPPELLO: But the question is, and it's raised, you
23 didn't get a notice because you're technically the applicant
24 and you authorized --

25 CHAIRMAN GREEN: Right.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. CAPPELLO: -- the Applicant to come in here before
3 the Board and make a --

4 MR. D. DEPEW: But there's no -- so --

5 MR. CAPPELLO: So your issues --

6 BOARD MEMBER DUNN: Is with them.

7 MR. CAPPELLO: -- are with them and your lease.

8 MR. D. DEPEW: So there would not be, because this --
9 the Chairman said there was no public hearing on the matter;
10 right?

11 CHAIRMAN GREEN: There was a public hearing --

12 MR. D. DEPEW: Right, there was a public hearing --

13 CHAIRMAN GREEN: Yes, yes.

14 MR. D. DEPEW: -- a year ago where they talked about the
15 solar panels remaining in a fixed position and a public
16 hearing a year ago where they talked about the protection of
17 the solar field coming from a black vinyl coated chain link
18 fence. We are now changing for safety. And safety -- you
19 know, you could look at, okay, this is not a big deal, we
20 have the ability, without a public hearing, to take on this
21 consideration, unless you think that safety at an airport is
22 something that is worthy of input and consideration. That is
23 a -- safety is a significant change.

24 CHAIRMAN GREEN: I understand what the confusion is
25 then. All we know is we had applications. We assume that

1 - RE: DELAWARE RIVER SOLAR LLC -

2 this was Dan's application. We've worked with him. We've
3 worked with him. We did the original one.

4 MR. D. DEPEW: Yes.

5 CHAIRMAN GREEN: So what you're telling us is it's the
6 solar company that's leasing it --

7 MR. D. DEPEW: Correct.

8 CHAIRMAN GREEN: -- that's making changes. All right.

9 BOARD MEMBER DUNN: That's on their part.

10 MR. D. DEPEW: And authorization to appear before the
11 Board was for the already approved site plan.

12 CHAIRMAN GREEN: Right.

13 MR. D. DEPEW: It is not a authorization to appear
14 tonight. There's been no documents signed by Wurtsboro
15 Airport or its affiliate organizations authorizing an
16 appearance tonight.

17 CHAIRMAN GREEN: Because, right, the applicant, I guess,
18 is the solar company --

19 MR. D. DEPEW: Yes.

20 CHAIRMAN GREEN: -- and it's between you and them.

21 MR. D. DEPEW: Delaware Solar. Scott Newhart, Delaware
22 Solar.

23 But the question is, Mr. Chairman, so if we say, Well,
24 it's just an issue between you and the Applicant, then that
25 means that the Planning Board has waived the full thought and

1 - RE: DELAWARE RIVER SOLAR LLC -

2 decision on the fence and changing one to the other and they
3 have waived the full thought and impact of tilting panels on
4 209 and on a airport with four runways.

5 BOARD MEMBER GLISSON: I'd be a little uncomfortable
6 with that because saying full thought --

7 CHAIRMAN GREEN: Right.

8 BOARD MEMBER GLISSON: -- none of the information that
9 was presented here suggested that we did any of that, nor am
10 I an expert in safety, nor you an expert on safety, nor any
11 of us necessarily experts on safety. What we did do was the
12 person that you lease that business to --

13 CHAIRMAN GREEN: Right.

14 BOARD MEMBER GLISSON: -- whatever you perceive that to
15 be, presented these facts here.

16 CHAIRMAN GREEN: Right.

17 BOARD MEMBER GLISSON: Now, an issue we could argue, is
18 a deer fence less safe for whatever purpose you have a deer
19 fence for than a 20 year steel fence. I guess that's at
20 issue. And if that's what you mean did we think about that,
21 the full thought, John, I'm not comfortable with even
22 responding to that, what I fully thought. What I fully
23 thought is the person that you hired to lease your land to
24 come in here and be your spokesperson --

25 MR. D. DEPEW: We didn't hire them.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 BOARD MEMBER GLISSON: -- came in here to do this.

3 MR. CAPPELLO: It's an application from the airport. If
4 you believe they weren't authorized to come in for that
5 application you should put it in writing to the Board --

6 CHAIRMAN GREEN: Yes, and we'll open it up again.

7 MR. CAPPELLO: -- and we'll have to look at it. But --

8 MR. D. DEPEW: All right.

9 MR. CAPPELLO: -- we have an application. The applicant
10 is Wurtsboro --

11 MR. D. DEPEW: So I guess the question would be --

12 MR. CAPPELLO: -- Airport. So when someone's authorized
13 to come with the application, until it's built, that
14 application is pending. So yes, we did approve, and yes,
15 they did amend it. They did amend it based upon a letter
16 based upon an authorization. We don't ask for
17 reauthorization any time someone comes in before it's built
18 to change the plan. You submit it at the beginning. So what
19 I'm saying is if you're rescinding it or you have an issue
20 with them, submit it to us in writing.

21 The deer fence, I mean the Board was looking at it as to
22 keeping people out from the solar field. Were we looking at
23 it as to the protection of the airport, that was the issue
24 and we required maintenance.

25 The issue of glare, the FAA did give a no obstruction

1 - RE: DELAWARE RIVER SOLAR LLC -

2 letter. They didn't address the issue of glare, our planner
3 raised the issue of glare. We required a study be submitted
4 to show that the design of that tracking corresponded with
5 the study that was done to show that there's no glare for an
6 airport. That's coming in. You're welcome to look at it.
7 But if you believe it, I'm not belittling your concerns. But
8 I think the Board made its decision. But the Board could
9 always relook at it and if that plan wasn't authorized and
10 they weren't authorized to come here before the Board or your
11 lease says something, I would bring it up to the Applicant
12 and bring it up to the Board.

13 CHAIRMAN GREEN: Right, we had no idea. Right, right.

14 BOARD MEMBER DUNN: Usually the engineer comes and
15 presents this case in front of us.

16 CHAIRMAN GREEN: Just from reading from the agenda here,
17 it said: Extension, Delaware River Solar LLC on behalf of
18 NFM Enterprises LLC and Wurtsboro Airport Foundation. It
19 says airport. How are we supposed to know that is --

20 MR. D. DEPEW: I understand the nuance and I respect the
21 impact to the judgment of the Board. I get that. Even if
22 you set aside the ownership issue and the authorization,
23 let's assume that the old authorization still stands, they
24 didn't even have to get us approval to come here, let's just
25 say that's the case.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: Right.

3 MR. D. DEPEW: Let's shift to the other two issues, the
4 first being safety in regards to determining whether or not
5 the glare could have an impact and if that impact is
6 negative, would that nullify the Board's approval. I don't
7 know. Did we just say, We're okay with it, but get a study
8 on it? I don't know. Could someone expand to me on what the
9 approval was in regards to the solar panel and glare
10 situation? If they give a report back to, let's say the town
11 attorney and the planner and the engineer and you guys are
12 cool with it, does anyone on the Board even know? That's
13 what I'm trying to find out.

14 MR. CAPPELLO: The Board will have it, the consultants
15 will review it, the Board will review it and if it's
16 consistent and if the panels that were examined --

17 MS. PLATT: More into the microphone, please.

18 MR. CAPPELLO: If the plan and the study that was
19 referred to that studied the specific type of solar panels
20 that are installed here show that they do not have any glare
21 impact, then if that confirms that and there are maps during
22 the presentation or a study that says based upon FAA or based
23 upon research of airports that if you have the non-reflective
24 material on the solar panels, that we can confirm that, that
25 they're non-reflective, then that's what this was conditioned

1 - RE: DELAWARE RIVER SOLAR LLC -

2 upon.

3 MR. D. DEPEW: And if the report comes back and says --

4 MR. CAPPELLO: And the study will be available and if
5 you review the study and there's something that's wrong with
6 that study or something in the airport, you can let the Board
7 know. The Board could revisit it. But based upon the
8 information and testimony we had and the consultation, and
9 one of Planning Board members who actually flies into the
10 airport confirmed that he didn't believe that there would be
11 an issue. That was the glare.

12 The fence issue, I agree with the Board. I don't think
13 anybody had anything other than we looked at it to see if
14 this going to keep people out.

15 MR. PAGGI: Is there another fence that goes around
16 the --

17 MR. CAPPELLO: -- from the solar.

18 MR. D. DEPEW: Yeah. The fence that was proposed on the
19 original plan, it was part of the original building permit,
20 is the fence that is spec'd normally for around airports.
21 That's what was. The reason why they're coming back in is
22 because --

23 MR. PAGGI: Right.

24 MR. D. DEPEW: -- wooden posts and the --

25 MR. PAGGI: Understood. Yes, they want a cheaper fence.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. D. DEPEW: That's right.

3 MR. PAGGI: But from the Planning Board's perspective,
4 it was still -- the concern was will that fence last for 20
5 years. That's why we had --

6 MR. D. DEPEW: Yeah, it's a --

7 MR. PAGGI: So let me finish.

8 So does the airport have a fence around it, or no?

9 MR. PAGGI: In addition to the solar field.

10 MR. D. DEPEW: So the airport received a grant from the
11 New York State Department of Transportation for safety and
12 security and that grant was used to build the fence that you
13 can see from 209. When you're coming in from Ellenville you
14 see the fence along that side. There's also gated access to
15 that.

16 The reason why there was no fence put on the back of the
17 airport and it wasn't contemplated at that time was because
18 there was nothing back there other than the canal. But now
19 you're going to have maintenance workers back there, people
20 back there. And because the solar lease is a 20 year lease,
21 part of the negotiation with Delaware Solar was to ensure
22 that that fence would be a strong, well maintained normalized
23 fence for this type of use and it would be there to protect
24 anything coming in from that side because again, 18 or 20
25 years from now we don't know.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 MR. PAGGI: But the fence is around the solar field.

3 MR. D. DEPEW: That's right. But it is contiguous to
4 the airport operations and the back of the airport is
5 completely owned. That property, it's almost like an island
6 within inside the airport, and that property is owned by the
7 airport. So the goal was have the same type of fence for
8 longevity purposes and maintenance purposes and safety and
9 security purposes. That's why it was proposed. That's why
10 the color black was called out on the vinyl. A lot was taken
11 into the thought of that and now it's just kind of like, Ah,
12 it doesn't matter, we can save a couple bucks. No one was
13 talked to about that. That's the thing.

14 And as to the glare, I appreciate what you said and I
15 take to heart and I appreciate that. We are fine. If there
16 is an actual report that studies the solar panels moving and
17 that that's not going to affect anything, Wurtsboro Airport
18 doesn't care. We certainly don't want to have it not looked
19 at, pilots die and then we're sitting there going, We had an
20 opportunity to say something and we didn't. That's all.

21 BOARD MEMBER DUNN: Yes, we happen to have some very
22 good information 10 miles down the road. In Napanoch by the
23 prison there happens to be a solar farm probably two or three
24 times the size of this right on 209. You couldn't get any
25 closer to 209 if you tried. This one's way off on the other

1 - RE: DELAWARE RIVER SOLAR LLC -
2 side, more towards the mountain.

3 I spoke to a pilot instructor, a friend of mine. He
4 learned at the Wurtsboro Airport. Now he works for Resnick
5 Airport in Ellenville. He said glare is actually no concern.
6 He bought up a good point. It was a concern, but it doesn't
7 affect the ability. The thermals off the fields, the
8 thermals, he said you can feel the bumps as you fly over
9 them. And also --

10 MR. D. DEPEW: Same as over blacktop.

11 BOARD MEMBER DUNN: Okay.

12 Also, they put the solar field in Ellenville in their
13 safety zone if they needed more space to land or more space
14 to take off. They took that up with the solar panels. But
15 the glare was actually no issue on 209 or to the pilots at
16 the Resnick Airport.

17 MR. D. DEPEW: And just to respond to that, Rich, I'm
18 not debating that there's a solar field there. I don't know
19 what the type of panels are. I don't know whether the panels
20 move with the sun. I don't know if there was any analysis
21 that was put into --

22 BOARD MEMBER DUNN: I don't know that.

23 MR. D. DEPEW: I don't know. And I know you and I'm
24 taking your word at what you're telling me, but I'm not an
25 expert.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 And I know a lot of pilots at Resnick Airport and I know
3 a lot of pilots that used to fly from Wurtsboro and Resnick
4 Airport and they're good people, but none of them are an
5 expert on this regard.

6 CHAIRMAN GREEN: Okay. Well, first, I just want to
7 point out that I think this is one of the great strengths of
8 this planning board, is we do the best we can do. People
9 come up and tell us things; we'll look into it.

10 You don't know my background. I'm a PhD scientist. And
11 as the people who presented this originally, when we had the
12 environmental groups presenting us the scientific papers, I
13 read them. I know what they mean. We'll get this study;
14 I'll take a look at it. It's not going to be, Oh, here's one
15 study. I will take a look and see did they really do what
16 they claim they did because that's the basis of scientists.
17 It's something none of us knew about beforehand, but now that
18 we know we'll look into it.

19 MR. D. DEPEW: I have so much regard for this board.
20 For those of you who know me, I served 20 years in public
21 office in various capacities. So I have so much respect for
22 what you do and the professionals who have to sit here and
23 deal with it. They might make a little more than you do, but
24 they still have to deal with it. So I do appreciate that.
25 It's not common that a board would let someone like me speak

1 - RE: DELAWARE RIVER SOLAR LLC -
2 outside of turn so I appreciate that, as well.

3 And I just want to close with we're not against the
4 solar field, we're for it. We just want to make sure that
5 these things are dealt with properly. And thank you so much.

6 CHAIRMAN GREEN: So we heard it. We didn't know.

7 MR. D. DEPEW: Thank you.

8 BOARD MEMBER GOODMAN: Does it mean we'll be revisiting
9 anything about the fence?

10 MR. PAGGI: Yes. They need to come back for approval.
11 They're just a lease holder.

12 MR. CAPPELLO: I don't know what their lease says. I
13 mean Dan and the owner can write a letter explaining to us
14 why it wasn't authorized and we're bound to have to look at
15 it. I don't know. Once again, though, we're looking at the
16 fence issue as it relates to the protection of the solar
17 field. I mean at it's a public hearing, we took it there,
18 but the protection of the airport itself as to how they want
19 it to look next to and how they want to protect the airport
20 we can look at.

21 But with respect, who's the attorney who negotiated --

22 MS. PLATT: I'm only getting bits and pieces of this.

23 MR. CAPPELLO: Who is the attorney who negotiated the
24 lease that would not say that I'm next to an airport and I
25 have to demonstrate. You may have to look at your lease.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 Your lease may have a private right to tell them, You don't
3 have the right to interfere with the operation of the
4 airport.

5 MR. D. DEPEW: So there are clearly two issues that
6 you're discussing. One is the lease and one is the Planning
7 Board's authority to approve a change of the fence. Two
8 issues.

9 MR. CAPPELLO: Yes.

10 MR. D. DEPEW: And all I'm saying is when the original
11 public hearing was held regarding the solar field there was
12 time taken and input given into what type of fence should be
13 there. This was established clearly in the selection of the
14 color of the fence and type of materials for the fence and
15 all parties will be able to weigh in at that time. Now we came
16 back and changed something and I'm just saying it's not just
17 a visual thing or, Hey, they think resin instead of plastic.
18 I'm telling you there are impacts to it, longevity issues to
19 it and security. And that is not a lease issue, that's the
20 Planning Board's prerogative.

21 CHAIRMAN GREEN: Again --

22 MR. PAGGI: So we can appreciate that.

23 CHAIRMAN GREEN: Right.

24 MR. PAGGI: Again, I think what we're asking for is for
25 you to appreciate that we thought this change came from you.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: Right.

3 MR. PAGGI: So my question was because we did review it
4 relative to protection of the solar field, what John was just
5 saying, if, privately, you are able to come to an agreement
6 with Delaware Solar and they agree to go back and put the
7 original fencing, do they need to come back for site plan? I
8 can't --

9 MR. CAPPELLO: We could call it a field change.

10 MR. PAGGI: Right.

11 MR. CAPPELLO: But Dan's right on that issue. That's
12 not our issue. The issue I was saying is if you provide us
13 evidence that they weren't authorized by you to come and
14 pursue that application for the amendment, we'll look at it.

15 CHAIRMAN GREEN: Yes.

16 MR. CAPPELLO: And if it turns out it's not, we would
17 tell them, Hey, you need to come back or that amendment is
18 not approved. But I need to see it because we have an
19 application. The evidence before us is that they were
20 authorized to appear on behalf of the property owner.

21 MR. D. DEPEW: I'm not debating what they submitted.
22 And I'm not saying, nor would I accuse anybody, of doing
23 anything disingenuous or anything like that. I'm not saying
24 that's the case. I'm simply saying that the lease for the
25 solar field is a 20 year lease. The fence that they're

1 - RE: DELAWARE RIVER SOLAR LLC -
2 proposing, it's not a 20 year fence. And most of the times
3 where that fence is used is in an agricultural circumstance
4 where the perimeter is poled daily to make sure that
5 livestock aren't coming in and out. It's a totally different
6 situation.

7 MR. PAGGI: Part of their approval is an O and M plan.
8 One of the specific things we said with the change of the
9 fence was to include O and M for that because it's not going
10 to last as long as a chain link fence. I know there's no
11 bond, but that's now part of their approval. So if it's not
12 maintained then they're in violation of their site plan.

13 MR. D. DEPEW: Right. And I'm just telling you by the
14 time they're in violation of their site plan and by the time
15 you send notice to the Building Department, although Mary
16 Grass is great, and by the time somebody -- we're talking
17 about an airport. We're talking about seconds, minutes,
18 we're talking about safety. We're talking -- there's a --
19 there's just -- I don't think that the issue has to do with
20 whether or not they were authorized to be here or not. Let's
21 assume that they were. We're talking about changes that the
22 owner is telling you we have issues with, that's all.

23 CHAIRMAN GREEN: And again, up until this happened, we
24 had no clue.

25 MR. D. DEPEW: I clearly understand.

1 - RE: DELAWARE RIVER SOLAR LLC -

2 CHAIRMAN GREEN: What I suggest is, because we'll
3 probably be doing this all night and I'm starting to get
4 these looks from everybody, write us a letter. Write it all
5 down. We'll take a look at it.

6 BOARD MEMBER GOODMAN: You guys being on site, won't you
7 be able to monitor that? It may not be perfect --

8 MR. D. DEPEW: Our lease agreement with Delaware Solar
9 does not require us to maintain security for their property.

10 CHAIRMAN GREEN: Send it to us; we will read it.

11 Do I have a motion to adjourn the meeting?

12 MR. C. LESER: Thank you.

13 ALTERNATE BOARD MEMBER JENSEN: I make a motion to
14 adjourn the meeting.

15 CHAIRMAN GREEN: Who made the motion? Adrienne.

16 BOARD MEMBER STANTON: Second.

17 CHAIRMAN GREEN: Doug seconded.

18 All in favor?

19 BOARD MEMBER GOODMAN: Aye.

20 BOARD MEMBER LACEY: Aye.

21 BOARD MEMBER GLISSON: Aye.

22 BOARD MEMBER DUNN: Aye.

23 BOARD MEMBER STANTON: Aye.

24 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

25 CHAIRMAN GREEN: Aye.

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- RE: DELAWARE RIVER SOLAR LLC -
(The motion was approved and carried.)
(Time noted: 9:04 p.m.)
* * * * *

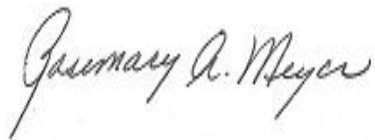
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Delaware River Solar LLC on behalf of NFM Enterprises LLC and Wurtsboro Airport Foundation 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: July 1, 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
June 13, 2023
7:40 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, 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
- MAXIMILIAN STACH, AICP, Planner

Also Present: Amador Laput
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: Next on the agenda is going to be the
3 continuation of a public hearing, David Moskowitz on behalf
4 of Ski Run Realty LLC, Camp Nitra.

5 If anybody wants to make a public comment, please come
6 on up here and sign the form.

7 MS. PLATT: I just muted Mort.

8 Let me know if you'd like to be unmuted to speak again,
9 just because of the background noise.

10 MR. LAPUT: Good evening. Amador Laput, Fellenzer
11 Engineering here with Steven Barshov and David Moskowitz.

12 So we submitted a color-coded plan showing the different
13 colors of buildings, the green being the buildings that have
14 been in place since 1974, and I did enclose a photo. Blue
15 are the building that will be used by campers this summer and
16 were used by campers last summer and used as is, with no
17 changes. Red are the trailer bodies to be removed and yellow
18 are the tennis courts and hockey rink that are not proposed
19 to be used.

20 So I enclosed the photos to show that there is no
21 significant changes to the buildings. The aerial photo and
22 the 1994 survey shows there are no significant changes to the
23 buildings.

24 And the fence that burned down is arranged to be
25 replaced and it will be in kind, to match the previous fence.

1 - RE: SKI RUN REALTY LLC -

2 And the Department of Health has been out and they did a
3 report on May 15th of this year by Steven Prazer which states
4 that no public health hazards exist. The report did list a
5 few non-health related minor violations that David is in the
6 process of repairing.

7 So for the tennis courts and hockey rink, those
8 amenities will not be accessible by campers and those gates
9 will be locked during the camping season.

10 And the issue of flooding came up with another
11 applicant. So if the 10-inch culvert is undersized or
12 collapsed or damaged, then we would repair or replace that
13 culvert, as needed, that had been flooding neighboring lots.

14 I'll take any questions now.

15 CHAIRMAN GREEN: All right. Max.

16 MR. CAPPELLO: Can I just, before we get -- do we have a
17 copy of the Health Department letter?

18 MS. PLATT: Into the microphone, please.

19 MR. CAPPELLO: Do we have a copy of the Health
20 Department letter?

21 MR. LAPUT: We do not. I had neglected to submit that
22 so that will be submitted to the Town.

23 MR. STACH: So yes, we provided a memo of review.

24 We did note that there are still items required by site
25 plan submission requirements that were not in the package.

1 - RE: SKI RUN REALTY LLC -

2 As with all applications, we recommend that anything the
3 applicant finds unnecessary, believes is unnecessary, that
4 they ask for a waiver from that requirement.

5 Additionally, we thought it would be helpful to have a
6 narrative description of the operations to occur at the camp,
7 including the hours of operation, any proposed quiet hours,
8 the number of campers, number of staff, et cetera.

9 And additionally, we felt that the map should be
10 annotated with the proposed use and occupancy of each
11 building on the site. We saw sort of which buildings had
12 violations so we couldn't tell what each building was going
13 to be used for, if it was going to be used for beds or
14 bunkrooms, whether or not there were a certain number of kids
15 or children or staff that were assigned to that bunker.

16 We did note that the code requires any violations to be
17 remedied prior to a site plan approval. If that's not met,
18 that would seem to require a variance.

19 Also, we noted that the requirement for summer and day
20 camps include that buildings be located 200 feet from a lot
21 line and 30 feet from each other. These buildings exist. To
22 what extent they were built without a permit is still up in
23 the air, but the zoning requirements say they need to be 30
24 feet from each other and 200 feet from a lot line. So when
25 the Board considers whether or not to approve something that

1 - RE: SKI RUN REALTY LLC -

2 wasn't previously approved, I would think that they would
3 need a variance if those standards aren't met.

4 All outdoor lighting should be arranged to eliminate
5 glare of lights toward nearby residential lots. It's likely
6 that's met. There are some buildings that are close to the
7 lot line, and no details of lighting have been provided to
8 determine whether that's complied with.

9 Same thing with PA system details. If there are any PA
10 systems on the site the details of that should be provided.

11 And it says: Sanitary facilities should be approved by
12 the New York State Department of Health. I didn't see
13 anything in the package that talked about whether or not the
14 Department of Health had approved the sanitary facilities
15 apart from the fact that there were no health or safety
16 violations, as claimed by the Applicant.

17 This appears to be a Type I action to the extent that
18 this project had previously not been approved as a
19 campground. If there is a previous approval from the
20 Department of Health, that would no longer be the case. But
21 if it doesn't have a Health Department approval that would
22 make it a Type I action under SEQRA.

23 The Applicant did submit a Short EAF. If this is a Type
24 I action under the Department of Health code, because they
25 have their own Type I list that includes the initial approval

1 - RE: SKI RUN REALTY LLC -
2 of a campground, then a Full EAF Part 1 would need to be
3 submitted as a basis for the Board's ongoing SEQRA
4 determination.

5 The EAF Part 1, we did notice a few minor corrections.
6 One is the description should be revised to reflect a special
7 use permit is being sought for a summer and day camp use,
8 listing the Department of Health as an agency which the
9 proposed action requires approval from.

10 And also, the DEC mapper lists the northern long-eared
11 bat as a protected species. We didn't see that on the EAF.
12 Usually, northern long-eared bats, in most cases, at least
13 require clearing restriction. But being that we are so close
14 to potential wintering habitats, I think it would make sense
15 to, if there's any clearing activities being proposed, which
16 I'm not sure there are --

17 MR. LAPUT: There is not.

18 MR. STACH: There's not, so it's probably not relevant,
19 then. But were there, you would probably need to reach out
20 to the DEC.

21 And those are my comments.

22 CHAIRMAN GREEN: John, did you get Mary's note this
23 afternoon?

24 MR. CAPPELLO: Yes.

25 CHAIRMAN GREEN: Okay.

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: The map.

3 CHAIRMAN GREEN: Right.

4 MR. CAPPELLO: And you should all have that map. I have
5 the map. I must have her ...

6 BOARD MEMBER STANTON: Lorry, is this the map you're
7 referring to?

8 CHAIRMAN GREEN: Yes, yes.

9 BOARD MEMBER STANTON: And that came from Mary?

10 CHAIRMAN GREEN: Yes. So this was just sent out this
11 afternoon.

12 MR. CAPPELLO: I don't know --

13 MS. PLATT: Lorry, you do have two of them there, just
14 in case if they want to see it.

15 CHAIRMAN GREEN: Okay.

16 MR. CAPPELLO: Yes. No, I have the map. I don't have
17 her letter. Is there a letter or just the map?

18 CHAIRMAN GREEN: Kyra, did we get the letter, as well as
19 the map?

20 MR. STACH: Yes, I got one in my packet.

21 MS. PLATT: I only saw the map attachment.

22 MR. CAPPELLO: Okay, okay. Yes, I have that.

23 CHAIRMAN GREEN: It was sent out late this afternoon.

24 MR. STACH: We have them in our packet.

25 CHAIRMAN GREEN: Yes.

1 - RE: SKI RUN REALTY LLC -

2 MR. STACH: You have them, too?

3 CHAIRMAN GREEN: Yes.

4 MR. STACH: Okay.

5 CHAIRMAN GREEN: Does everybody have one?

6 BOARD MEMBER GOODMAN: Yes.

7 ALTERNATE BOARD MEMBER JENSEN: Yes.

8 CHAIRMAN GREEN: Okay.

9 John, do you have one?

10 BOARD MEMBER DUNN: Yes.

11 John, did she give you, on the agenda, below that?

12 BOARD MEMBER LACEY: No.

13 BOARD MEMBER DUNN: Yes, I have that.

14 MR. LAPUT: So was this e-mailed out this afternoon?

15 CHAIRMAN GREEN: Yes, I believe so.

16 MR. LAPUT: Could we get a copy of the e-mail?

17 MR. CAPPELLO: You have a copy of the map right there.

18 CHAIRMAN GREEN: Yes.

19 MR. LAPUT: Oh. So could the e-mail be sent to us to

20 evaluate that, as well?

21 CHAIRMAN GREEN: Yes. Let me just look.

22 MS. PLATT: Yes. I'll forward that now.

23 MR. LAPUT: Okay. Thank you, Kyra.

24 CHAIRMAN GREEN: Yes, I will confess, I just got it

25 myself.

1 - RE: SKI RUN REALTY LLC -

2 MR. LAPUT: It's okay.

3 CHAIRMAN GREEN: It went out late this afternoon. I
4 just was aware of it.

5 John.

6 MR. CAPPELLO: Well, let's go through that and Christian
7 can give his comments. But in essence, what we had asked the
8 Applicant to do is to designate the buildings that have
9 preexisted that have not changed and that are ready to be
10 approved by the Health Department approval. That would be
11 those buildings that would not need site plan approval from
12 this board and can be occupied as part of the preexisting
13 nonconforming continuing use of the camp. Those are the
14 buildings on the Applicant's plan that they identified in
15 green.

16 The items they identified, as they said, in blue, those
17 are the buildings that have, in the Applicant's view, been
18 built after the adoption of the code but without additional
19 approvals, so those are subject to site plan approval from
20 the Board.

21 The yellow buildings are not, according to the
22 Applicant, I mean I don't know why they wouldn't want to use
23 the tennis courts, but those are not going to be used. And
24 the Applicant has confirmed that Shannon Lane will not be an
25 access road.

Reported By: Rosemary A. Meyer

1 - RE: SKI RUN REALTY LLC -

2 So we asked Mary, and we've been going back and forth
3 trying to. The response that Mary did provide us, her
4 comments on that, that is the map that you have. So Mary
5 says for the green units, 17 through 21, the small units, her
6 note is that those buildings should be highlighted in blue
7 because they do need site plan approval because they were
8 rebuilt recently without an approval.

9 She identified some septic work that is being done near
10 proposed Building 14 that should be shown on the plan for
11 approval by the Board.

12 She notes that building number, a little bit hard to --
13 14 or 12?

14 MR. STACH: Twelve.

15 MR. CAPPELLO: Twelve. Building No. 12 was a storage
16 building, is being --

17 Oh, 16.

18 MR. STACH: This blue one.

19 MR. CAPPELLO: Oh, 14. Okay.

20 Yes, 14, which is shown as a building that needs site
21 plan approval, that is being converted to a mikvah from
22 storage so that is a correct designation because it does show
23 blue, that it needs approval.

24 Building No. 32, which is on the other side of that
25 lake, she said it's a new house which then I guess would be

1 - RE: SKI RUN REALTY LLC -

2 part of the blue and need approval.

3 There are, to the right or just above Building No. 33,
4 there are some sheds that were not permitted, some storage
5 buildings that don't have any color.

6 There is a structure around the pool that has no permit.

7 And Building 34, which is shown as green, she lists as
8 not having permits.

9 She does confirm that the shipping containers identified
10 in red are identified and that they are to be removed.

11 So that's her review of what we're looking at. So we
12 would, therefore, have to include, as part of the review for
13 site plan and for Max's comments and everything, those
14 buildings pursuant to this map and ask the Applicant to
15 address it.

16 Now, those are Mary's determinations. She's the
17 building inspector so we don't have the ability to waive it.
18 If the Applicant does not agree the Applicant can provide
19 evidence to Mary, ask her to change her position or appeal it
20 to Zoning Board of Appeals.

21 CHAIRMAN GREEN: Okay.

22 MR. BARSHOV: So if I can make a suggestion. I think it
23 would be helpful if we had a more efficient process or
24 information going back and forth. To get all of this
25 material today, including just getting it, some of it right

1 - RE: SKI RUN REALTY LLC -

2 now, makes it very difficult for any response to be given.
3 We got all the comments just within a few hours before this
4 meeting.

5 There's also, I can tell you that some of this we're
6 talking past each other because a number of the things that
7 Mary is talking about have nothing to do with the operation
8 of the camp, at all. They're just homes that are there, that
9 are there, preexisting on the property.

10 So my suggestion is, and I think, John, you may have
11 said this last time, is that we schedule a work session where
12 we can go through some of these details and sit around a
13 table and make sure that we're all talking in the same
14 language about the same stuff and deal with some of these
15 issues, which are technical, and make sure that we have Mary
16 there and we can talk through these things. That's my
17 suggestion as to how we best move this forward.

18 MR. CAPPELLO: I have no problem with that suggestion,
19 but, you know, you got this today because I made four phone
20 calls. I'll be honest with you, you guys should have been
21 making those four phone calls to get this information. So
22 we're trying to do the best that we can to work here.

23 MR. BARSHOV: We didn't know what to ask for, John. We
24 didn't know there's stuff coming so how am I supposed to call
25 if I don't know what's coming? All I know is is that we

1 - RE: SKI RUN REALTY LLC -

2 submitted materials timely, they were put in. We gave you
3 everything that we thought that you needed. So I'm not sure
4 what I should have been calling to ask for.

5 MR. CAPPELLO: Well, I mean to get a confirmation
6 because it's not this board's determination. You did submit
7 what we asked for.

8 MR. BARSHOV: Right.

9 MR. CAPPELLO: And but we needed to review --

10 MR. BARSHOV: I'm not criticizing anybody.

11 MR. CAPPELLO: We need a review, but --

12 MR. BARSHOV: I'm just saying let's sit --

13 MR. CAPPELLO: Yes, yes.

14 MR. BARSHOV: -- across the table and work it out.

15 That's all I'm saying, is work through the technical issues,
16 whatever they may be. I mean we're hearing stuff about
17 Type I today for the first time. We're hearing a variety of
18 things. These are all technical things. If we sit down at a
19 work session we can work through them and let's make sure
20 we're all talking with the same set of facts. That's all I'm
21 saying.

22 MR. CAPPELLO: That's a great idea.

23 CHAIRMAN GREEN: Yes, I agree.

24 MR. BARSHOV: Yeah.

25 CHAIRMAN GREEN: A better approach probably would have

1 - RE: SKI RUN REALTY LLC -

2 been we have work sessions. We had them today, to just
3 comment on that.

4 MR. BARSHOV: Right.

5 CHAIRMAN GREEN: And again, I do apologize. I tell
6 people spend an hour in that office and see what goes on.
7 They are incredibly overworked.

8 MR. BARSHOV: Mr. Chairman, I'm not criticizing anybody.

9 CHAIRMAN GREEN: Yes.

10 MR. BARSHOV: I'm just simply positively suggesting how
11 we can move forward, that's all

12 CHAIRMAN GREEN: Yes.

13 MR. BARSHOV: I think you've got folks that are here for
14 the public hearing that may want to make some comments.

15 CHAIRMAN GREEN: But first --

16 MR. STACH: Before Chris goes through his stuff, there's
17 just one other thing. I ended up taking it off of my memo
18 because I realized that it seems like when this application
19 was first made it included the entire land holdings for this
20 property and that it's shrunken to just this particular tax
21 lot.

22 MR. BARSHOV: Right, that's right.

23 MR. STACH: I would just think it would just make sense
24 to go back and resubmit any previously submitted materials
25 that referenced the other parcel so that it's clear that this

1 - RE: SKI RUN REALTY LLC -

2 special permit will only apply to this parcel and not the
3 other one.

4 MR. BARSHOV: And you and I are speaking from the exact
5 same place because I want to be sure that what is included, a
6 special permit for a camp operation is actually for the camp.
7 So the things, for example, like the shipping containers,
8 they have nothing to do with the camp. They're by the homes
9 that were built there. I assume those homes had building
10 permits when they were built. I don't even know myself
11 exactly what's on one tax lot versus another, but the intent
12 was to get the camp operation together.

13 And you're right, the whole property was submitted and
14 so I think there is some legitimate question or confusion as
15 to what's one, what's the other. And it's even complicated
16 more by the fact that the prior owner threw the hockey rink
17 and the tennis courts beyond, on the other side of the homes.
18 So you sit there and you go: Well, wait a minute. That's
19 what? One's the other. So we try to simplify it by those
20 things aren't being operated at all, they're not part of the
21 camp operation, and the camp operation is far more discrete,
22 doesn't involve that stuff.

23 And there are other things that I'd like to also, you
24 know. We can talk about around the table because, for
25 example, one possibility is is that the Town, I mean this has

1 - RE: SKI RUN REALTY LLC -

2 nothing to do with the camp operation, the Town may be
3 looking for recreational use there for a tennis court or
4 hockey rink. Might be something that somebody in the town
5 could utilize. So there's a variety of things that we should
6 talk about and talk through at a work session.

7 CHAIRMAN GREEN: Christian.

8 MR. PAGGI: Most of our comments really tend to be with
9 clarifying --

10 CHAIRMAN GREEN: You have to get close the microphone.

11 MR. PAGGI: Sorry, Kyra.

12 Most of our comments just had to deal with clarifying
13 the plan, basically everything that you were just talking
14 about. Clarifying what exactly are the bounds of the
15 property that this application is subject to, what are
16 adjacent parcels. There's some discrepancies on the plan,
17 the site plan versus some of the attached surveys as far as
18 what the property boundaries are. So clarifying those and
19 just making sure that things correlated correctly.

20 The cover letter that you had submitted referencing the
21 fence that had burned down and that it's going to be
22 replaced, where is that on the plan? And if there's any
23 other fencing on the site, that should be shown, also, as
24 part of your existing conditions.

25 Providing that DOH inspection report that you had

1 - RE: SKI RUN REALTY LLC -
2 referenced.

3 And also, clarifying the flooding that you're talking
4 about on the neighbors. It wasn't clear what exactly is
5 happening, what the concern was relative to flooding, or how
6 replacing a 10-inch culvert will fix that, so just providing
7 information relative to that. Where is the culvert, what's
8 happening and why do you think that that's going to mitigate
9 that concern.

10 BOARD MEMBER GOODMAN: I believe isn't that related to
11 the fire department parcel across the street that we had a
12 month or so ago?

13 MR. LAPUT: Yes, that's where I heard it from.

14 MR. PAGGI: So what was the concern?

15 BOARD MEMBER GOODMAN: Well, it was that flooding. We
16 were talking about regrading the property, the fire
17 department substation and they had a runoff that went across
18 the street --

19 MR. PAGGI: Right.

20 BOARD MEMBER GOODMAN: -- under a fence and they had
21 concerns about the flooding. It's on their property.

22 MR. PAGGI: So that's relative to the Bloomingburg Fire
23 Department.

24 BOARD MEMBER GOODMAN: Yes.

25 MR. PAGGI: Okay.

1 - RE: SKI RUN REALTY LLC -

2 UNIDENTIFIED SPEAKER: On the property?

3 MR. PAGGI: How does that --

4 CHAIRMAN GREEN: We've got one at a time.

5 BOARD MEMBER GOODMAN: Comes across the street, comes
6 across from the firehouse to --

7 MR. PAGGI: To this property.

8 BOARD MEMBER GOODMAN: -- this property. That was where
9 it discharges, into that lake. That was the lake they were
10 talking about.

11 MR. PAGGI: Okay.

12 CHAIRMAN GREEN: Oh, okay.

13 MR. PAGGI: So you're proposing to fix that?

14 MR. LAPUT: Well, first, find out which culvert they're
15 talking about.

16 MR. PAGGI: Okay.

17 MR. LAPUT: And if it's on our property then yes, we'll
18 fix it.

19 MR. PAGGI: Yes, because that put those two and two
20 together. Okay. So yes, obviously, we've got to figure out
21 what exactly you're proposing.

22 Showing any existing easements or covenants that are
23 encumbering the property.

24 And then the last comment we had right now, you
25 submitted the aerials, recent aerials. It wasn't dated, but

1 - RE: SKI RUN REALTY LLC -

2 there was a significant amount of what looked like
3 disturbance on that aerial from some type of work that was
4 happening in various portions of the site. So just clarify
5 what exactly, what work was being done, is it still ongoing.

6 MR. LAPUT: So this one is titled 1974 aerial photo.

7 MR. PAGGI: Yes. There's a more recent one.

8 MR. LAPUT: Oh, okay. I don't think I have the more
9 recent one with me, but I believe that was 2002.

10 MR. PAGGI: Okay.

11 MR. LAPUT: So I will identify that.

12 MR. PAGGI: And this wasn't one of our comments, but it
13 was just raised, that there was work on a septic system being
14 done. We didn't bring this up because no improvements had
15 been proposed, but some sort of response relative to the
16 sewage disposal.

17 Does the site have a SPDES permit, I would imagine, for
18 an onsite sewage disposal system?

19 MR. LAPUT: Do you know if the site has a SPDES permit?

20 MR. MOSKOWITZ: (Inaudible.)

21 MR. LAPUT: Okay.

22 MR. PAGGI: And it's active and valid and the system is
23 in good condition?

24 MR. LAPUT: Yeah, it's active.

25 MR. PAGGI: Okay.

1 - RE: SKI RUN REALTY LLC -

2 MR. LAPUT: So we'll present the SPDES permit.

3 MR. PAGGI: Yes, a copy of the permit showing that it's
4 active.

5 And that should be it.

6 I mean the Health Department, does the letter that the
7 Health Department issued discuss the public water supply at
8 all or ...

9 MR.. LAPUT: I don't believe so.

10 MR. PAGGI: Okay.

11 MR. LAPUT: I'll look at the permit that was issued last
12 year and maybe it was mentioned in last year's permit.

13 MR. PAGGI: So yes, if you could, just for the Town to
14 have for their file, a copy of the active SPDES permit and
15 Health Department approval for the public water supply.

16 MR. LAPUT: All right.

17 MR. PAGGI: That was it.

18 CHAIRMAN GREEN: Okay.

19 So i believe we have public comment open.

20 Chris, did you sign up?

21 (The stenographer presented the sign-up sheet
22 to Chairman Green.)

23 CHAIRMAN GREEN: Okay. Please. Thank you.

24 Shall I wait for Alex? Wait a minute for Alex to come
25 back.

1 - RE: SKI RUN REALTY LLC -

2 Okay, you have the floor.

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

4 My God, I hate to agree with the attorney. At the last
5 meeting the Board, Mr. Barshov was supposed to meet, have a
6 workshop. Apparently, that didn't happen. I don't know why.
7 Lack of communication, I don't know why. I think that would
8 be a great idea. It sounds like it's been fruitful for many
9 applicants.

10 I mentioned numerous things at the last meeting. I
11 don't know if anybody even cares or wrote down any notes or
12 can answer my questions. One: Does there need to be a fire
13 code inspection?

14 How much parking is needed, and also for designated
15 handicapped parking?

16 Someone just mentioned about the water. I questioned
17 that. Where does the water for the camp come from and where
18 does the sewer there, the septic tanks, issues, where does
19 that go?

20 Who will be, we'll call him the camp supervisor, 24/7,
21 that should be on that campgrounds if something happens?

22 And if something happens, the gates are locked. How
23 does the ambulance or the fire company get in there? Crash
24 the gates down? The gates are all locked.

25 Well, there's a couple things, but I'll let some of that

1 - RE: SKI RUN REALTY LLC -

2 go.

3 We also have this issue that doesn't seem to be
4 resolved, about the Shannon Road issue. That needs to be
5 resolved, you know, so that the camp had never actually, in
6 my time, ever was able to use that for any reason. There is
7 no reason there for them to use that. That's my opinion and
8 I think it's just too bad that some of the neighbors aren't
9 here to support that position when they live there.

10 I'll let somebody go, the rest. And I see there's a
11 whole lot of public input here, neighbors excluded.

12 Thank you.

13 CHAIRMAN GREEN: You're welcome.

14 Part of this is because the neighbors have actually been
15 here.

16 MR. C. LESER: I know. But still, I'm a neighbor and
17 I'm here again. Things happen and they're not informed or
18 they don't, and I don't know all the stuff that they know.

19 CHAIRMAN GREEN: So the thing with Shannon Road, I think
20 we're very well aware of that. I personally, it's
21 Mr. Roder's private property.

22 MR. C. LESER: Well, I mean I think that that should be
23 addressed because --

24 CHAIRMAN GREEN: Right.

25 MR. C. LESER: -- the camp has been using that back

1 - RE: SKI RUN REALTY LLC -

2 thing there going through --

3 CHAIRMAN GREEN: Yes, yes.

4 MR. C. LESER: -- and just knocking down Ralph's
5 property and some of his stuff. That's one of the neighbors
6 that's right there.

7 Anyway, all right.

8 CHAIRMAN GREEN: It's an issue we're aware of.

9 Does anybody want to address the other issues that Chris
10 had brought up about the camp supervisor or the parking or
11 anything like that?

12 (Time noted: 8:10 p.m.)

13 (Mr. D. Depew addressed the Planning Board in
14 reference to Delaware River Solar LLC.)

15 * * * * *

16 (The record was reopened at 8:10 p.m.)

17 CHAIRMAN GREEN: Okay. We have no one else listed here
18 wanting to speak on this.

19 Kyra, do we have anybody on Zoom?

20 MS. PLATT: No one has responded back to me on Zoom, so
21 I do not believe so.

22 CHAIRMAN GREEN: Okay. What's next? We close the
23 public hearing?

24 MR. CAPPELLO: If the Board deems so necessary. Or if
25 there's any new information, if you --

1 - RE: SKI RUN REALTY LLC -

2 MS. PLATT: Microphone.

3 MR. CAPPELLO: I would suggest we, unfortunately, keep
4 it open one more meeting so we could have the work session
5 and consider SEQRA during the public portion for the
6 building.

7 And I would ask the Applicant, while Chris is here and
8 the Applicant's attorney, please contact me with a couple
9 dates. You have my e-mail, you have Lorry's e-mail, you have
10 Mary's e-mail, you have Kyra's eye in the sky's e-mail. Give
11 us a couple dates in the next week or two when you're
12 available to meet --

13 MR. BARSHOV: Sure.

14 MR. CAPPELLO: -- and we'll schedule it.

15 MR. BARSHOV: Okay, that's great. Is there a particular
16 day of the week that you typically have them? Do you
17 typically have them before your regular meeting?

18 CHAIRMAN GREEN: Right. So we usually have them before
19 the meeting, so had you contacted us we could have done it
20 this afternoon.

21 MR. BARSHOV: No, that's fine.

22 CHAIRMAN GREEN: Right.

23 MR. BARSHOV: Listen, again, happy to do it. Why don't
24 we just look to set it up now, if you don't mind, for your
25 next, subject to somebody saying --

1 - RE: SKI RUN REALTY LLC -

2 MR. CAPPELLO: I don't know if Mary can come to that and
3 I don't know what your schedule is. That's why I was trying
4 to put it --

5 MR. BARSHOV: I'll make it happen in two weeks.

6 MR. CAPPELLO: No. But I mean if we waited 'til the
7 next meeting, which is July whatever --

8 MS. PLATT: If I may.

9 CHAIRMAN GREEN: Yes.

10 MS. PLATT: July 11th is the next meeting day. Mary
11 will not be available.

12 MR. CAPPELLO: Okay. All right.

13 STENOGRAPHER: Mr. Chairman, at the last meeting you
14 suggested, apart from the workshop, that all you guys get
15 together.

16 CHAIRMAN GREEN: Yes.

17 STENOGRAPHER: And John said two board members. So it
18 doesn't necessarily have to be on a meeting day.

19 MS. PLATT: That was it. That was my comment.

20 CHAIRMAN GREEN: I agree. I agree. And we've done this
21 in the past

22 MR. CAPPELLO: I mean the question is I don't know when
23 children are going to start coming here. And at least for
24 Mary's part of the buildings that exist that will be used, I
25 would like to have that --

1 - RE: SKI RUN REALTY LLC -

2 MR. BARSHOV: Then let's get this together as quickly as
3 we can.

4 MR. CAPPELLO: Since Mary's not here, if you folks can
5 e-mail. Do you have Kyra's e-mail?

6 MR. BARSHOV: I have Kyra's e-mail.

7 MR. CAPPELLO: E-mail Kyra a couple dates that work for
8 the two of you and whoever else you want there, then Kyra
9 will forward it to us and we'll try to coordinate with
10 everyone --

11 MR. BARSHOV: Okay.

12 MR. CAPPELLO: -- and get a date.

13 MR. BARSHOV: We'll get those e-mails out.

14 CHAIRMAN GREEN: Yes.

15 MR. BARSHOV: Okay. Fair enough. Thank you.

16 CHAIRMAN GREEN: Easily done.

17 All right. I think -- go ahead.

18 BOARD MEMBER LACEY: Pertaining to your letter a couple
19 months ago, there seems to be a communication gap here. You
20 sent us a letter that you're going to work together with the
21 Board and our legal team. I agree with Les, that if you're
22 going to solve these issues that Mary, our building
23 inspector, has, and there's numerous issues here that have
24 not been resolved, and now we're going to try and reschedule
25 a second work session when a month ago we already tried to do

1 - RE: SKI RUN REALTY LLC -

2 that and the lack of communication, like Les said, we're
3 going to try and do it the second time, we definitely appear
4 to have a communication problem.

5 I have an issue with our Building Department with all of
6 these notations and issues that we have not solved in the
7 past three months.

8 The other issue is are you open for business and when is
9 your opening day?

10 MR. BARSHOV: So let me answer the first question first
11 and then I'll answer the second question.

12 The reason that I suggested the workshop is because some
13 of the information that is on the map that you've been given
14 I don't believe is correct. So I was out to the site. I
15 looked at the buildings that Mary said were rebuilt. They
16 were not rebuilt. They're on the same footprint. They had
17 the interiors altered. Now, maybe, in her mind, that is a
18 rebuild, but it certainly did not affect the actual footprint
19 of those buildings, at all. We compared them with the old
20 maps. Now, these are the kinds of details that I'd like to
21 discuss with you. But just because they are there on her map
22 labeled that way that I'm seeing now for the first time does
23 not mean that they are correct. So I just want to let you
24 know that that's the kind of thing I want to talk through
25 with you.

1 - RE: SKI RUN REALTY LLC -

2 As far as the other issue is concerned, we've made it
3 clear, from the beginning, that there's a nonconforming use.
4 That nonconforming use occurred last year. It will continue
5 this year. DOH has already been out to inspect. This is to
6 legalize the camp operation and change it from the
7 nonconforming use to a specially permitted use. We want to
8 do that for a variety of reasons. One, as a nonconforming
9 use it can't be changed, altered or expanded, and there will
10 be some proposals at some point in time in the future for
11 different parts of this property to be used and developed in
12 different ways. It's a very, very large site.

13 As far as my understanding is as to when the campers
14 will arrive, I believe that they will be arriving sometime
15 within the next 10 days for this summer's operations.

16 BOARD MEMBER LACEY: During the last two months can you
17 give me a date or time frame when you tried to contact the
18 Building Department since you have issues with her
19 violations?

20 MR. BARSHOV: I just saw it.

21 BOARD MEMBER LACEY: Yes.

22 MR. BARSHOV: How can I contact her? I literally -- you
23 just handed it to me. How could I have contacted her? I had
24 no idea what she said.

25 BOARD MEMBER LACEY: You just got this.

1 - RE: SKI RUN REALTY LLC -

2 MR. BARSHOV: Yes, sir. You got it and we got it at the
3 same time. We just got it.

4 BOARD MEMBER LACEY: Okay. Thank you.

5 MR. BARSHOV: Okay. I'd like to talk to her about those
6 things. That's why I suggested the work session, so that we
7 work through all of this stuff.

8 BOARD MEMBER LACEY: I'm just trying to get that down.

9 MR. BARSHOV: I'm ready. I'll schedule that as quickly
10 as we can.

11 BOARD MEMBER STANTON: So I think to pick up
12 Mr. Lacey's comment, I believe --

13 CHAIRMAN GREEN: Into the microphone.

14 BOARD MEMBER STANTON: I believe the chairman, last
15 time, suggested that you guys attend a workshop or set up a
16 workshop, and obviously, that didn't happen.

17 MR. BARSHOV: Listen, I didn't -- if it's me, I'll take
18 the responsibility for it. I don't recall somebody saying to
19 me: Mr. Barshov, would you please send an e-mail and
20 coordinate a work session? I thought the work session was
21 going to be coordinated by you guys 'cause that's what you
22 do. If I misunderstood that, I apologize. Believe me,
23 it was innocent. I'd prefer to have a work session. I'm not
24 trying to --

25 MS. PLATT: If I may.

1 - RE: SKI RUN REALTY LLC -

2 MR. BARSHOV: Yeah.

3 MS. PLATT: I had told Mr. Barshov that I would get a
4 couple dates together and that I would send an e-mail with
5 that, that way we could have a preliminary discussion of
6 sorts, and I failed to send that e-mail out. So the
7 Applicant wasn't advised to reach out to us. I was supposed
8 to get some dates together and send those out, so I just want
9 to make that clear.

10 MR. BARSHOV: Kyra has always been straightforward.

11 CHAIRMAN GREEN: So one other thing I want to also
12 clarify. You're using the word "workshop" and that's not
13 really what we're discussing here. The workshops are the
14 monthly scheduled things we do. People want to come in.
15 What we're going to do here, that's why I don't want people
16 to get confused, is we have had where we have issues like
17 this.

18 MR. BARSHOV: Yes.

19 CHAIRMAN GREEN: Rather than coming before the Board,
20 the applicant sits down with the consultants. That's what
21 we're going to be doing.

22 MR. BARSHOV: Exactly. And if I used the wrong word, I
23 have to say --

24 CHAIRMAN GREEN: I want to clarify it for everybody.

25 MR. BARSHOV: -- the same word --

1 - RE: SKI RUN REALTY LLC -

2 CHAIRMAN GREEN: Good.

3 MR. BARSHOV: -- same process.

4 MR. CAPPELLO: Tomorrow morning --

5 MR. BARSHOV: Tomorrow morning I will send the e-mail.

6 MR. CAPPELLO: -- the dates. And I want that Health
7 Department letter sent to all our ...

8 MR. BARSHOV: Yes, we will get that for you both
9 tomorrow, as well; absolutely. And we'll try to get dates
10 together on our end as quickly as we can. I'm just letting
11 you know I'm going to be out of the country for a few days,
12 not for very long. I'll be back the middle of next week so
13 we'll try to get this scheduled sometime toward the end of
14 next week. All right?

15 MR. CAPPELLO: Well, hopefully, it's a nice place and
16 you enjoy it.

17 MR. BARSHOV: I hope so, too. We'll find out.
18 Thank you very much.

19 CHAIRMAN GREEN: You're welcome.

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

21 * * * * *

22 (The record was reopened at 8:20 p.m.)

23 MS. PLATT: Sorry. Are we leaving the public hearing
24 open?

25 CHAIRMAN GREEN: Yes, yes. John suggested we leave the

1 - RE: SKI RUN REALTY LLC -
2 public hearing open.

3 MS. PLATT: Thank you.

4 CHAIRMAN GREEN: You're welcome.

5 Where was I? Okay.

6 The proposed --

7 MR. CAPPELLO: Just, I'm sorry. For anyone in the
8 public who's here on that application, if you were here, the
9 hearing is adjourned to July, was in the 12th?

10 CHAIRMAN GREEN: Eleventh.

11 MR. CAPPELLO: Eleven, July 11. So you won't get
12 another notice, but the hearing will be July 11th. If you
13 have any additional or new comments you can come at that
14 time.

15 (Time noted: 8:20 p.m.)

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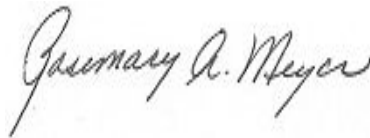
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REPORTER'S CERTIFICATION

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 (Camp Nitra), 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: July 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

- - - - - X

Alexis Suquilanda
Proposed Amended Site Plan
Tax Map Section 29; Block 2; Lot 18.4
Mountain Greenbelt Zone

- - - - - X

Ernesto Suquilanda
Proposed Amended Site Plan
Tax Map Section 29; Block 2; Lot 18.2
Mountain Greenbelt Zone

- - - - - X

Town Hall
Town of Mamakating
June 13, 2023
8:19 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, 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
- MAXIMILIAN STACH, AICP, Planner

Also Present: Ryan Smithem, E.I.T.,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services

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

1 - RE: A. SQUILANDA, E. SQUILANDA -

2 CHAIRMAN GREEN: Okay. Next, MNTN on behalf of Alexis
3 Suquilanda, proposed amended site plan --

4 MS. PLATT: Sorry. Are we leaving the public hearing
5 open?

6 CHAIRMAN GREEN: Yes, yes. John suggested we leave the
7 public hearing open.

8 MS. PLATT: Thank you.

9 CHAIRMAN GREEN: You're welcome.

10 Where was I? Okay.

11 The proposed --

12 MR. CAPPELLO: Just, I'm sorry. For anyone in the
13 public who's here on that application, if you were here, the
14 hearing is adjourned to July, was in the 12th?

15 CHAIRMAN GREEN: Eleventh.

16 MR. CAPPELLO: Eleven, July 11. So you won't get
17 another notice, but the hearing will be July 11th. If you
18 have any additional or new comments you can come at that
19 time.

20 CHAIRMAN GREEN: Okay.

21 All right. The property is located on Wurtsboro
22 Mountain Road, Tax Map Section 29; Block 2; Lot 18.4. The
23 property lies within the Mountain Greenbelt Zone and is
24 approximately 15.75 acres.

25 So you're going to be discussing both of them or just

1 - RE: A. SQUILANDA, E. SQUILANDA -

2 the one?

3 MR. SMITHEM: I'm actually going to be discussing both.

4 CHAIRMAN GREEN: Good.

5 MR. SMITHEM: So if we can do them as one, if you'd
6 prefer.

7 CHAIRMAN GREEN: Works for me. So it'll be MNTM on
8 behalf of Alexis Suquilanda and Ernesto Suquilanda, because I
9 believe the issues are the same for both.

10 MR. SMITHEM: Yes.

11 And for the record, Ryan Smithem with Mercurio Norton
12 Tarolli and Marshall, engineer for the Applicant.

13 So I think that you gave a very good overview of the
14 projects. We discussed it at a previous meeting which was
15 only held on Zoom. It's simply a relocation of the proposed
16 dwelling and sewage disposal system on the originally
17 approved plans.

18 I think that we had addressed the majority of
19 Christian's comments previously. He did issue another
20 comment letter with some minor comments on it, but feel free
21 to ask questions, and I'm here to answer them.

22 CHAIRMAN GREEN: Okay.

23 Were there any comments on this one? I didn't have any.

24 MR. PAGGI: My only comment was just to clarify, there's
25 an existing gravel road and, like, parking area up against

1 - RE: A. SQUILANDA, E. SQUILANDA -
2 the road, just to clarify what the intention was with that.
3 I assume it's going to be restored.

4 MR. SMITHEM: I will confirm that, but that is my
5 understanding, as well. But I will confirm that.

6 MR. PAGGI: That's really it.

7 CHAIRMAN GREEN: All right. Anybody have any comments?

8 MR. CAPPELLO: The only one, if you could, just for the
9 record, and it could be a condition of the approval, but the
10 map you provided refers back, that the subject parcel is Lot
11 3, then it gives a name and says: This is subject to all
12 notes and details on that filed map. So if you could, just
13 so maybe Christian could have a copy of --

14 MR. SMITHEM: Of the original filed map?

15 MR. CAPPELLO: -- so we could see the notes, see if
16 there's anything there would --

17 MR. SMITHEM: Absolutely.

18 MR. CAPPELLO: And that could be a condition of an
19 approval.

20 CHAIRMAN GREEN: All right.

21 Any comments?

22 BOARD MEMBER GOODMAN: No. I think we've figured it
23 out.

24 CHAIRMAN GREEN: All right. So we do conditional
25 approval?

1 - RE: A. SQUILANDA, E. SQUILANDA -

2 MR. CAPPELLO: Yes. I would say the Board -- this is a
3 single-family home so there's no SEQRA. The Board grant site
4 plan approval for whatever the names of each of them. You
5 can consider to relocate the house subject to paying any
6 necessary fees and confirmation from the engineering
7 consultant upon review of the prior subdivision map that none
8 of the notes and condition would impact this approval.

9 Two motions, but --

10 CHAIRMAN GREEN: Okay, two motions. Okay.

11 MR. CAPPELLO: One is Alexis Suquilanda.

12 MR. SMITHEM: Suquilanda.

13 MR. CAPPELLO: Suquilanda. And the other one is --

14 CHAIRMAN GREEN: Ernesto.

15 MR. CAPPELLO: Ernesto.

16 CHAIRMAN GREEN: Okay. So do I have a motion for the
17 conditional approval for Alexis Suquilanda as per John's
18 description of them?

19 BOARD MEMBER STANTON: I'll make the motion.

20 BOARD MEMBER DUNN: I'll second.

21 CHAIRMAN GREEN: Doug and Rich.

22 All in favor?

23 BOARD MEMBER GOODMAN: Aye.

24 BOARD MEMBER LACEY: Aye.

25 BOARD MEMBER GLISSON: Aye.

1 - RE: A. SQUILANDA, E. SQUILANDA -

2 BOARD MEMBER DUNN: Aye.

3 BOARD MEMBER STANTON: Aye.

4 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

5 CHAIRMAN GREEN: Aye.

6 (The motion was approved and carried.)

7 CHAIRMAN GREEN: Okay. Do I have a motion for
8 conditional approval for Ernesto Suquilanda, again, subject
9 to John's conditions?

10 BOARD MEMBER STANTON: I make the motion.

11 CHAIRMAN GREEN: Doug.

12 ALTERNATE BOARD MEMBER JENSEN: Second.

13 CHAIRMAN GREEN: Adrienne.

14 All in favor?

15 BOARD MEMBER GOODMAN: Aye.

16 BOARD MEMBER LACEY: Aye.

17 BOARD MEMBER GLISSON: Aye.

18 BOARD MEMBER DUNN: Aye.

19 BOARD MEMBER STANTON: Aye.

20 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

21 CHAIRMAN GREEN: Aye.

22 (The motion was approved and carried.)favor?

23 MR. SMITHEM: Thank you very much.

24 (Time noted: 8:25 p.m.)

25 * * * * *

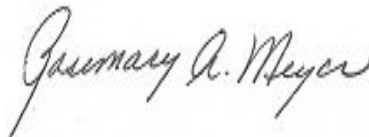
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REPORTER'S CERTIFICATION

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 Alexis Suquilanda/ Ernesto Suquilanda, 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: July 3, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

Back River Hope Campground Inc.
Proposed Reapproval 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
June 13, 2023
8:25 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- ALEX GOODMAN, Board Member
- JOHN LACEY, Board Member
- RICHARD GLISSON, 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
- 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: All right. Next on the agenda, Ledwin
3 Oviedo for Back River Hope Campground Incorporated, proposed
4 reapproval and amendment of 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. I'm here
11 with James Martinez, the project engineer. And Ledwin Oviedo
12 is also here, the Applicant.

13 We were before you two months ago regarding this
14 application. At that point, the Board circulated for Lead
15 Agency, and the concept plan, I think, was kind of solidified
16 at that point. We proceeded on with full design plans,
17 grading for the new driveways and the pad sites, water, sewer
18 design. Most importantly, the biggest effort was the
19 stormwater design for the reconfigured project. Those
20 documents were submitted for this meeting. We did receive
21 comments. We'd be glad to discuss them with you as the Board
22 feels is necessary.

23 CHAIRMAN GREEN: Okay. Max, you can go first.

24 MR. STACH: The first comment is we're still waiting for
25 a lighting plan.

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -

2 MR. WINGLOVITZ: Lighting plan was included with the
3 submission.

4 MR. STACH: The lighting plan was in the submission?

5 MR. WINGLOVITZ: Yep.

6 MR. STACH: I apologize. I didn't see a lighting plan.
7 I hope you're not going to tell me --

8 MR. WINGLOVITZ: Landscaping.

9 MR. STACH: What?

10 MR. WINGLOVITZ: Landscaping we didn't have.

11 MR. STACH: Yes, landscaping. I was hoping you wouldn't
12 tell me I'm not completely crazy.

13 MR. WINGLOVITZ: That's what your comment says.

14 MR. STACH: Yes.

15 MR. WINGLOVITZ: It's getting late already.

16 MR. STACH: The next one is have you renewed your permit
17 from the wetland --

18 MR. WINGLOVITZ: No. We need to complete the SEQRA
19 process so we can go back. It'll be an entirely new permit
20 because the previous permit expired.

21 MR. STACH: Okay.

22 Sign plan is still deferred.

23 Campfires.

24 MR. WINGLOVITZ: Correct.

25 MR. STACH: I didn't see any new information on

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -
2 campfires. I did see there's some fire pits proposed in the
3 common areas at the front of the site, but I didn't see
4 details to whether there are going to be individual campfires
5 throughout.

6 MR. WINGLOVITZ: Yep. So there is the two typical site
7 layouts at the bottom left. So each campsite or yurt site
8 would have a campfire pit --

9 MR. STACH: Okay.

10 MR. WINGLOVITZ: -- a typical campfire pit you would see
11 in any campground.

12 MR. STACH: So we could have a hundred campfires going.

13 MR. WINGLOVITZ: Ninety-seven? One fifty-seven, yeah.

14 MR. STACH: Is that the current disposition of the site,
15 that you can have all of the approved sites --

16 MR. WINGLOVITZ: Previously, there was no restrictions
17 on campfires.

18 MR. STACH: Okay.

19 MR. WINGLOVITZ: Yeah.

20 MR. STACH: The next outstanding is, for the Applicant,
21 is really with regard to the Part 2 EAF because I feel we're
22 at a point where we should be adopting a Part 2. The one
23 piece that I'm having trouble envisioning is what this is
24 going to do to the trees; right? I mean this looks like it's
25 a very encompassing plan, but I think at a previous meeting

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -
2 you had mentioned that a lot of this is going to conform with
3 the terrain, a lot of the trees are going to be able to be
4 maintained.

5 MR. WINGLOVITZ: That is our goal, absolutely. Since
6 it's a campground, obviously, we want to maintain the
7 vegetation as much as possible, so James has done a lot of
8 work making sure that the road grades and the driveway grades
9 are as close as possible to existing grades. We're fortunate
10 with this site, actually, that it lays out very nicely. In
11 this case, north is to the right. So east to west where it
12 grades to a high point on the east side to a lower point on
13 the west side where the wetlands are, so we're able to
14 maintain the grades.

15 Ledwin does have the architects for the campground, the
16 specific campground architect, working on a landscape plan.

17 MR. STACH: Okay. And I think the landscape plan, in
18 terms of decorative plantings for a Part 2, is less concern
19 to me than getting a handle on how much tree removal we, in
20 fact, at talking about. Your point being taken that you
21 don't want a campground that looks like an RV park; right?

22 MR. WINGLOVITZ: Yes.

23 MR. STACH: You want a campground that looks like a
24 campground.

25 I'm not sure. A landscape plan might detail trees and

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -
2 tree removals. I think with the Board's approval, it almost
3 would be more useful to understand where cuts and fills are
4 proposed, or where cuts are proposed and where fills of,
5 let's say more than a foot are proposed because those are
6 areas that you're not going to be able to maintain trees.
7 And obviously, you're not going to maintain them in the
8 roads. But to the extent, I don't know that we need to go
9 out and do a tree survey of every single living tree --

10 MR. WINGLOVITZ: I hope not.

11 MR. STACH: -- as much as we want to get an idea of
12 where are you going to have to clear a large area, basically.

13 MR. WINGLOVITZ: What I envision is a landscape plan
14 that shows where we can preserve existing vegetation and then
15 supplement it with proposed vegetation I think would give a
16 good picture of what it's going to look like at the end of
17 the day.

18 MR. STACH: Okay. Using that information on your
19 grading and your disturbance?

20 MR. WINGLOVITZ: Yes, on one of those plans.

21 MR. STACH: So, yeah. I mean so I think at this point
22 what I would do is I'd like to wait until we have those
23 landscape plans before we take the step of adopting the Part
24 2 and potentially moving to SEQRA.

25 CHAIRMAN GREEN: Okay.

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -

2 MR. PAGGI: So for time sake and sanity sake I'm going
3 to not go through all of our comments because the majority of
4 them are technical, related to stormwater, grading, all those
5 fun things.

6 They've submitted a bunch of new information. They
7 still have to provide the final details of the design,
8 stormwater design, grading, erosion control, but what they
9 submitted is basically a proof of concept. They really
10 submitted a bunch of good information to get this thing
11 moving.

12 We've had some correspondence with their office. They
13 have soils testing lined up for later this week to confirm
14 all of their stormwater design information that they've
15 submitted.

16 I'll just run through a couple of the comments.

17 They did submit information from the fire department to
18 verify that the emergency access and vehicle circulation to
19 the site is adequate, so that's good.

20 Where do you guys stand with DOH and DEC? I know you
21 mentioned the wetlands, you're still waiting on that.

22 MR. WINGLOVITZ: Yes, wetlands, the SPDES permit, both
23 of those, including the Department of Health for the water,
24 were originally conditions of the approval and we would ask
25 that they continue to be conditions of any new approval that

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -

2 would be issued for this.

3 MR. PAGGI: I don't think there's any issue with that.

4 Has there been any correspondence with them, just to get
5 some idea of the magnitude of any improvements that are going
6 to be needed?

7 MR. WINGLOVITZ: Well, we did meet, or I guess we had a
8 Zoom call with the DEC regarding the wetlands in our proposed
9 plan. They didn't have any issues with it. We wanted to
10 make sure, before we went too far, that we were not going to
11 be back here with a redesign in that area.

12 MR. PAGGI: Yes. So from the Planning Board's
13 perspective, as long as they have enough information to
14 demonstrate that and that they're confident that any changes
15 to water, sewer or wetlands won't impact the site plan,
16 there's no problem with that being a condition of approval.
17 The risk really is on the Applicant's side because if they do
18 trigger significant changes then they'll have to come back
19 for amended site plan.

20 MR. WINGLOVITZ: Understood.

21 MR. PAGGI: Are you anticipating improvements to the
22 water supply and sewer and other --

23 MR. WINGLOVITZ: There's two wells on site and we
24 propose to reuse those two existing wells. They're on the
25 north side of the property, in that general location.

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -

2 MR. PAGGI: And the sewage disposal system, it looks
3 like an old lagoon system; right?

4 MR. WINGLOVITZ: So there's sand filter beds in the
5 treatment system. Those would be reused.

6 MR. PAGGI: Okay. Got you.

7 That was really it.

8 You'll need a stormwater maintenance agreement. That's
9 standard and that can be a condition of approval.

10 MR. WINGLOVITZ: Is Mamakating an MS4?

11 MR. PAGGI: Yes.

12 MR. WINGLOVITZ: I think you have more than a few.

13 MR. PAGGI: So yes, we'll need the MS4 form and all of
14 that.

15 And if you guys have questions on any of the other
16 comments that we had with the SWPPP, feel free to call. We
17 can go through any of this stuff.

18 MR. WINGLOVITZ: Yes, no. Everything is pretty
19 straightforward. I think we're in good shape.

20 First, as far as next steps, if I don't ask now -- you
21 never get what you don't ask for; right? What we're looking
22 to do is get to a public hearing. I mean if the Board feels
23 it's informed enough to at least open the hearing and hold
24 the hearing, we'd like to do that in July.

25 MR. CAPPELLO: Max and I were having a little

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -
2 conversation. You know, I don't recall if there was anybody
3 here at the last. You know, we did have a hearing on this.
4 But I mean if the Board -- it is a special use permit. It
5 was granted a special use permit. This is an amendment to
6 it. But to be on the safe side, I would say call it. I
7 think you want some comments before you do your SEQRA.

8 Can you get the landscape plan in, like, two weeks
9 before the July meeting, you think?

10 MR. WINGLOVITZ: We've got a week. We get a landscape
11 plan out of the Nnadi Group in a week, I don't know.

12 MR. CAPPELLO: All right. I mean you could set it. I
13 mean if you have the landscaping plans in then people could
14 comment on it, the more that's in.

15 CHAIRMAN GREEN: We can do what we just did with Camp
16 Nitra, just keep it open.

17 All right. So do I have a motion to schedule a public
18 hearing for this project for the July meeting?

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

20 CHAIRMAN GREEN: Alex.

21 BOARD MEMBER STANTON: Second.

22 CHAIRMAN GREEN: Who was that, Doug?

23 BOARD MEMBER STANTON: Yes.

24 CHAIRMAN GREEN: Doug seconds.

25 All in favor?

1 - RE: BACK RIVER HOPE CAMPGROUND, INC. -

2 BOARD MEMBER GOODMAN: Aye.

3 BOARD MEMBER LACEY: Aye.

4 BOARD MEMBER GLISSON: Aye.

5 BOARD MEMBER DUNN: Aye.

6 BOARD MEMBER STANTON: Aye.

7 ALTERNATIVE BOARD MEMBER JENSEN: Aye.

8 CHAIRMAN GREEN: Aye.

9 (The motion was approved and carried.)

10 MR. WINGLOVITZ: Thank you very much. we'll see you in
11 July.

12 CHAIRMAN GREEN: Okay. Thank you.

13 (Time noted: 8:38 p.m.)

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REPORTER'S CERTIFICATION

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

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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.

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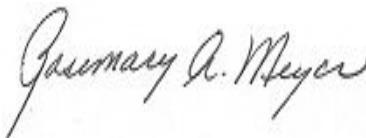
I further certify that I am in no way related to
any of the parties to this action and that I have no
personal interest whatsoever in the outcome thereof.

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ROSEMARY A. MEYER

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Date Transcribed: July 3, 2023

<p>A</p>	<p>Additionally (2) 58:5,9</p>	<p>62:11;96:2</p>	<p>81:17;82:9</p>	<p>appear (4) 38:10,13;50:20; 81:3</p>
<p>ability (3) 37:20;46:7;65:17</p>	<p>address (3) 41:2;65:15;77:9</p>	<p>ago (8) 5:3;33:5;37:14,16; 71:12;80:19,25; 96:13</p>	<p>ALTERNATE (5) 20:3;26:25;52:13; 62:7;93:12</p>	<p>appearance (1) 38:16</p>
<p>able (8) 19:13;49:15;50:5; 52:7;76:6;99:3,13; 100:6</p>	<p>addressed (5) 9:16;10:9;76:23; 77:13;90:18</p>	<p>agree (8) 43:12;50:6;65:18; 67:23;75:4;79:20,20; 80:21</p>	<p>ALTERNATIVE (9) 4:8,16;5:17;25:19; 27:11;52:24;93:4,20; 105:7</p>	<p>appears (2) 7:14;59:17</p>
<p>above (1) 65:3</p>	<p>addressing (1) 10:9</p>	<p>agreement (3) 50:5;52:8;103:8</p>	<p>although (2) 27:25;51:15</p>	<p>applicant (31) 5:21;14:21;18:11; 24:18;26:5;32:17,20; 33:11;36:8,23;37:2; 38:17,24;40:9;41:11; 57:11;58:3;59:16,23; 63:8,22,24;65:14,18, 18;78:7;84:7,20; 90:12;96:12;98:20</p>
<p>absolutely (5) 12:18,20;85:9; 91:17;99:5</p>	<p>adequate (1) 101:19</p>	<p>agricultural (1) 51:3</p>	<p>always (3) 10:4;41:9;84:10</p>	<p>applicants (1) 75:9</p>
<p>absorb (3) 11:19;13:11;16:18</p>	<p>adjacent (2) 10:11;70:16</p>	<p>Ah (1) 45:11</p>	<p>Amador (1) 56:10</p>	<p>Applicant's (5) 32:19;63:14,17; 78:8;102:17</p>
<p>accept (1) 5:5</p>	<p>adjourn (2) 52:11,14</p>	<p>ahead (2) 34:21;80:17</p>	<p>ambulance (1) 75:23</p>	<p>application (15) 25:9;36:6;38:2; 40:3,5,9,13,14;50:14, 19;68:18;70:15;86:8; 89:13;96:14</p>
<p>acceptable (1) 14:22</p>	<p>adjourned (2) 86:9;89:14</p>	<p>air (1) 58:23</p>	<p>amend (4) 17:7;26:16;40:15, 15</p>	<p>applications (2) 37:25;58:2</p>
<p>access (3) 44:14;63:25; 101:18</p>	<p>adopted (1) 17:6</p>	<p>aircraft (2) 9:13;18:19</p>	<p>amended (5) 25:24,24;26:17; 89:3;102:19</p>	<p>apply (2) 19:19;69:2</p>
<p>accessible (1) 57:8</p>	<p>adopting (3) 24:17;98:22; 100:23</p>	<p>airplane (1) 15:14</p>	<p>amending (3) 17:15;24:12,18</p>	<p>appreciate (7) 31:19;45:14,15; 47:24;48:2;49:22,25</p>
<p>accident (1) 32:13</p>	<p>adoption (1) 63:18</p>	<p>airplanes (2) 10:21;12:12</p>	<p>amendment (4) 50:14,17;96:4; 104:5</p>	<p>approach (4) 16:2;21:17,17; 67:25</p>
<p>according (1) 63:21</p>	<p>Adrienne (5) 4:9,19;27:2;52:15; 93:13</p>	<p>airport (68) 5:24;6:5;9:9,11,14; 16:20,22;17:18,24; 18:7,12,17,18;22:19; 23:12,17,19;27:21; 28:11;29:5,8;30:2,7; 31:21;32:3;33:3,6,7, 18;34:12,13,14,16, 17;35:23;36:7,7,14, 15;37:21;38:15;39:4; 40:3,12,23;41:6,18, 19;43:6,10;44:8,10, 17;45:4,4,6,7,17; 46:4,5,16;47:2,4; 48:18,19,24;49:4; 51:17</p>	<p>amendments (1) 24:13</p>	<p>appropriate (1) 24:19</p>
<p>accurate (1) 17:21</p>	<p>advised (1) 84:7</p>	<p>airports (10) 9:18;10:6,11,11; 17:2,23;18:2;35:17; 42:23;43:20</p>	<p>amenities (1) 57:8</p>	<p>approval (38) 6:13;17:7;25:24; 26:11;30:25;41:24; 42:6,9;48:10;51:7, 11;58:17;59:19,21, 25;60:9;63:10,11,19; 64:7,8,11,21,23;65:2; 74:15;91:9,19,25; 92:4,8,17;93:8; 100:2;101:24,25; 102:16;103:9</p>
<p>accuse (1) 50:22</p>	<p>aerial (3) 56:21;73:3,6</p>	<p>Alaska (2) 19:4,13</p>	<p>amount (3) 12:5,6;73:2</p>	<p>approve (4) 30:18;40:14;49:7; 58:25</p>
<p>acres (10) 6:3,4,19,19;7:14; 8:12,14,20;89:24; 96:8</p>	<p>aerials (2) 72:25,25</p>	<p>Albany (1) 31:22</p>	<p>analysis (1) 46:20</p>	<p>approved (22) 4:18;5:19;6:25; 7:24;21:19;22:13; 25:21;27:13;36:18; 38:11;50:18;53:2; 59:2,11,14,18;63:10; 90:17;93:6,22;98:15; 105:9</p>
<p>across (7) 16:10,22;67:14; 71:11,17;72:5,6</p>	<p>affect (4) 23:4;45:17;46:7; 81:18</p>	<p>Alex (6) 4:6;23:25;24:24; 74:24,24;104:20</p>	<p>ancillary (1) 30:22</p>	<p>approximately (6)</p>
<p>ACT (1) 18:15</p>	<p>affected (2) 25:10;26:21</p>	<p>Alexis (4) 89:2;90:8;92:11,17</p>	<p>angle (6) 10:4;12:14;19:16, 22,22,23</p>	
<p>action (5) 14:22;59:17,22,24; 60:9</p>	<p>affects (1) 16:23</p>	<p>Allegiance (2) 4:21,22</p>	<p>angled (1) 21:22</p>	
<p>active (4) 73:22,24;74:4,14</p>	<p>affiliate (1) 38:15</p>	<p>allows (2) 17:23,25</p>	<p>annotated (1) 58:10</p>	
<p>activities (1) 60:15</p>	<p>affirming (2) 25:4,5</p>	<p>almost (3) 22:14;45:5;100:2</p>	<p>anticipated (1) 17:10</p>	
<p>actual (4) 10:3;18:15;45:16; 81:18</p>	<p>affordable (1) 11:7</p>	<p>along (2) 32:9;44:14</p>	<p>anti-reflection (1) 9:25</p>	
<p>actually (12) 28:14;29:17;31:24; 32:21;43:9;46:5,15; 69:6;76:5,14;90:3; 99:10</p>	<p>afternoon (7) 4:25;60:23;61:11, 23;62:14;63:3;78:20</p>	<p>altered (2)</p>	<p>anymore (1) 22:19</p>	
<p>add (1) 26:16</p>	<p>again (17) 28:21;29:7;31:7; 33:22;34:5;36:19; 40:6;44:24;48:15; 49:21,24;51:23;56:8; 68:5;76:17;78:23; 93:8</p>		<p>apologize (5) 27:19;31:7;68:5; 83:22;97:6</p>	
<p>addition (2) 17:24;44:9</p>	<p>against (4) 33:22,23;48:3; 90:25</p>		<p>apparently (2) 29:14;75:6</p>	
<p>additional (3) 63:18;86:13;89:18</p>	<p>agency (2) 60:8;96:15</p>		<p>appeal (1) 65:19</p>	
	<p>agenda (5) 28:20;41:16;56:2;</p>		<p>Appeals (1) 65:20</p>	

6:2,4,20;12:13; 89:24;96:7 April (4) 4:24;5:2,5;12:22 architect (1) 99:16 architects (1) 99:15 area (11) 8:12,13,15,18,22, 24;25:25;26:12; 90:25;100:12;102:11 areas (3) 32:3;98:3;100:6 argue (1) 39:17 arguments (1) 12:9 arose (1) 16:14 around (12) 6:11,23;33:4,6; 35:17;43:15,20;44:8; 45:2;65:6;66:12; 69:24 arranged (2) 56:24;59:4 array (12) 6:17,21,23;7:14; 8:15,17,19,21;9:4; 10:13;16:21;26:2 arrays (6) 6:20;9:15,18; 10:11,22;13:16 arrive (1) 82:14 arriving (1) 82:14 articulated (1) 31:16 Asia (2) 11:14;13:7 aside (1) 41:22 assigned (1) 58:15 assume (5) 37:25;41:23;51:21; 69:9;91:3 ATC (1) 18:6 attached (1) 70:17 attachment (1) 61:21 attend (1) 83:15 attention (1) 27:24 attest (1) 18:13 attorney (8) 32:19;35:6,6;	42:11;48:21,23;75:4; 78:8 authority (3) 32:7;35:5;49:7 authorization (5) 38:10,13;40:16; 41:22,23 authorized (9) 36:24;40:4,12; 41:9,10;48:14;50:13, 20;51:20 authorizing (1) 38:15 available (3) 43:4;78:12;79:11 average (1) 12:5 aviation (1) 32:3 aviators (1) 11:4 aware (4) 36:2;63:4;76:20; 77:8 Aye (56) 4:11,12,13,14,15, 16,17;5:12,13,14,15, 16,17,18;25:14,15, 16,17,18,19,20;27:6, 7,8,9,10,11,12;52:19, 20,21,22,23,24,25; 92:23,24,25;93:2,3,4, 5,15,16,17,18,19,20, 21;105:2,3,4,5,6,7,8	5,9,17,19;84:2,3,10, 18,22,25;85:3,5,8,17 based (8) 17:8,9;24:12; 40:15,16;42:22,22; 43:7 basically (4) 16:12;70:13; 100:12;101:9 basis (2) 47:16;60:3 bat (2) 12:22;60:11 bats (1) 60:12 beds (2) 58:13;103:4 beforehand (3) 15:2;25:6;47:17 beginning (2) 40:18;82:3 behalf (8) 5:22;6:10;14:20; 41:17;50:20;56:3; 89:2;90:8 believes (1) 58:3 belittling (1) 41:7 below (2) 9:6;62:11 best (3) 47:8;66:17,22 better (1) 67:25 beyond (1) 69:17 big (2) 8:16;37:19 biggest (1) 96:18 bit (4) 6:24;18:4;20:23; 64:12 bits (1) 48:22 black (6) 35:11,11,12,13; 37:17;45:10 blacktop (1) 46:10 blind (1) 15:12 blinded (1) 9:14 blinding (1) 12:15 Block (4) 6:2,3;89:22;96:6 Bloomington (1) 71:22 Blue (6) 56:14;63:16;64:6,	18,23;65:2 Board (188) 4:3,5,8,11,12,13, 14,15,16;5:7,9,12,13, 14,15,16,17;7:2; 10:12,16;11:16,22; 14:24;16:20;19:3,10, 12,21;20:3,6,14,25; 21:4,8,11,14;22:17, 24;23:3,6,7,11,16,23; 24:2,7,10,23;25:2,11, 14,15,16,17,18,19; 26:25;27:4,6,7,8,9, 10,11;28:3,9;29:15; 31:5,10;33:4,11;34:2, 4,8,10,18,20,22;35:2, 4;36:2,10,18;37:3,6; 38:9,11,25;39:5,8,14, 17;40:2,5,21;41:8,8, 10,12,14,21;42:12, 14,15;43:6,7,9,12; 45:21;46:11,22;47:8, 19,25;48:8;52:6,13, 16,19,20,21,22,23,24; 58:25;61:6,9;62:6,7, 10,12,13;63:12,20; 64:11;65:20;71:10, 15,20,24;72:5,8;75:5; 77:13,24;79:17; 80:18,21;82:16,21, 25;83:4,8,11,14; 84:19;91:22;92:2,3, 19,20,23,24,25;93:2, 3,4,10,12,15,16,17, 18,19,20;96:14,21; 103:22;104:4,19,21, 23;105:2,3,4,5,6,7 Board's (9) 8:3;42:6;44:3;49:7, 20;60:3;67:6;100:2; 102:12 bodies (1) 56:17 bond (4) 35:5,7,8;51:11 Both (6) 6:4;85:8;89:25; 90:3,9;101:22 bottom (1) 98:7 bought (1) 46:6 bouncing (1) 10:4 bound (1) 48:14 boundaries (1) 70:18 bounds (1) 70:14 bring (4) 27:23;41:11,12; 73:14	bringing (1) 24:5 brings (1) 28:19 brought (1) 77:10 brush (1) 15:9 bucks (1) 45:12 budget (1) 11:7 build (2) 8:19;44:12 building (21) 17:23,24;43:19; 51:15;56:15;58:11, 12;64:10,12,15,16, 20,24;65:3,7,17;69:9; 78:6;80:22;81:5; 82:18 buildings (19) 56:13,13,21,23; 58:11,20,21;59:6; 63:8,11,14,17,21; 64:6;65:5,14;79:24; 81:15,19 built (7) 16:18;40:13,17; 58:22;63:18;69:9,10 bumps (1) 46:8 bunch (3) 32:13;101:6,10 bunker (1) 58:15 bunkrooms (1) 58:14 burned (2) 56:24;70:21 business (3) 28:9;39:12;81:8 busy (1) 23:25 buying (1) 34:16
	B			
	back (42) 23:22,23;29:24; 30:11;33:3,11,18; 42:10;43:3,21;44:16, 18,19,20;45:4;48:10; 49:16;50:6,7,17; 64:2;65:24;68:24; 74:25;76:25;77:20; 85:12;91:10;96:1,3; 97:1,19;98:1;99:1; 100:1;101:1;102:1, 11,18;103:1;104:1; 105:1 background (2) 47:10;56:9 bad (1) 76:8 Barone (2) 5:25,25 Barshov (43) 56:11;65:22;66:23; 67:8,10,12,14,24; 68:4,8,10,13,22;69:4; 75:5;78:13,15,21,23; 79:5;80:2,6,11,13,15; 81:10;82:20,22;83:2,			
			C	
			call (6) 50:9;66:24;75:20; 102:8;103:16;104:6 called (4) 6:22;19:22;27:23; 45:10 calling (1) 67:4 calls (2) 66:20,21 came (7) 28:15;33:11;40:2; 49:15,25;57:10;61:9 Camp (19)	

<p>56:4;58:6;60:7; 63:13;66:8;69:6,6,8, 12,21,21;70:2;75:17, 20;76:5,25;77:10; 82:6;104:15 campers (5) 56:15,16;57:8; 58:8;82:13 campfire (2) 98:8,10 Campfires (5) 97:23;98:2,4,12,17 campground (21) 59:19;60:2;96:1,3, 5;97:1;98:1,11;99:1, 6,15,16,21,23,24; 100:1;101:1;102:1; 103:1;104:1;105:1 campgrounds (1) 75:21 camping (1) 57:9 campus (1) 58:20 campsite (1) 98:7 Can (63) 5:5;6:15;7:4,11; 11:15;12:22;14:4,19, 24,25;17:13;18:23; 19:10;20:21,24,25; 22:10;23:17;24:10; 30:11;33:24;36:13; 42:24;43:6;44:13; 45:12;46:8;47:8; 48:13,20;49:22; 57:16;63:7,12;65:18, 22;66:5,12,16,22; 67:19;68:11;69:24; 75:12;79:2;80:3,4; 82:16,22;83:10; 85:10;86:13;89:18; 90:5;92:5;96:23; 97:19;98:15;100:14; 103:9,17;104:8,15 canal (1) 44:18 capacities (1) 47:21 CAPPELLO (74) 14:6,11,15,23;15:4, 6;24:10;25:4,23; 26:16;30:15,18; 36:22;37:2,5,7;40:3, 7,9,12;42:14,18;43:4, 17;48:12,23;49:9; 50:9,11,16;57:16,19; 60:24;61:2,4,12,16, 22;62:17;63:6;64:15, 19;66:18;67:5,9,11, 13,22;77:24;78:3,14; 79:2,6,12,22;80:4,7, 12;85:4,6,15;86:7,11;</p>	<p>89:12,16;91:8,15,18; 92:2,11,13,15; 103:25;104:12 care (2) 34:13;45:18 cares (1) 75:11 carried (7) 4:18;5:19;25:21; 27:13;53:2;93:6; 105:9 carriedfavor (1) 93:22 case (7) 33:25;41:15,25; 50:24;59:20;61:14; 99:11 cases (1) 60:12 cause (3) 26:6;32:12;83:21 cells (1) 10:3 certain (2) 9:21;58:14 certainly (4) 9:16;13:13;45:18; 81:18 certify (2) 33:24,24 cetera (1) 58:8 chain (8) 6:22;7:16,21;11:9, 13;33:7;37:17;51:10 CHAIRMAN (209) 4:2,6,9,17,19,23; 5:5,8,10,18,20;7:5, 10;8:9;14:25;15:5,8, 13,15,18,21,25;16:7, 16;17:4,17;18:23,25; 19:7,9,11,19;20:2,5, 13,18,20,22;22:25; 23:10,13,21,24;24:4, 9,21,24;25:3,5,12,20, 22;26:9,20;27:2,5,12; 28:5,7,13,19;29:3,6, 9,11,13,22;30:3,10, 13,16,20,24;31:3,4, 11,13,18,23;32:10, 25;33:21;34:21,25; 35:18,22,24;36:5,9, 11,21,25;37:9,11,13, 24;38:5,8,12,17,20, 23;39:7,13,16;40:6; 41:13,16;42:2;47:6; 48:6;49:21,23;50:2, 15;51:23;52:2,10,15, 17,25;56:2;57:15; 60:22,25;61:3,8,10, 15,18,23,25;62:3,5,8, 15,18,21,24;63:3; 65:21;67:23,25;68:5,</p>	<p>8,9,12,15;70:7,10; 72:4,12;74:18,22,23; 76:13,19,24;77:3,8, 17,22;78:18,22;79:9, 13,16,20;80:14,16; 83:13,14;84:11,19, 24;85:2,19,25;86:4, 10;89:2,6,9,15,20; 90:4,7,22;91:7,20,24; 92:10,14,16,21;93:5, 7,11,13,21;96:2,23; 100:25;104:15,20,22, 24;105:8,12 change (18) 7:16;14:4;15:16; 22:12;24:15;25:24; 33:4,12,23;36:3; 37:23;40:18;49:7,25; 50:9;51:8;65:19;82:6 changed (4) 6:24;49:16;63:9; 82:9 changes (16) 6:23;7:25;16:8; 24:19;25:9;26:18; 29:16;36:3,16;38:8; 51:21;56:17,21,22; 102:14,18 changing (4) 11:10;13:6;37:18; 39:2 cheaper (1) 43:25 check (2) 23:19;29:17 children (2) 58:15;79:23 choose (1) 11:8 Chris (5) 68:16;74:20;75:3; 77:9;78:7 Christian (4) 7:6;63:6;70:7; 91:13 Christian's (1) 90:19 circulated (1) 96:14 circulation (1) 101:18 circumstance (1) 51:3 cite (1) 9:21 City (1) 27:21 claim (1) 47:16 claimed (1) 59:16 clarify (5) 73:4;84:12,24;</p>	<p>90:24;91:2 clarifying (5) 70:9,12,14,18;71:3 clear (7) 12:22;36:9;68:25; 71:4;82:3;84:9; 100:12 clearing (2) 60:13,15 clearly (3) 49:5,13;51:25 clicked (1) 19:5 clients (1) 28:10 close (8) 26:15;28:20;48:3; 59:6;60:13;70:10; 77:22;99:9 closer (1) 45:25 closing (1) 28:2 closures (1) 11:14 clue (1) 51:24 coated (1) 37:17 coating (3) 9:20,20,25 coatings (1) 11:2 code (6) 8:16,18;58:16; 59:24;63:18;75:13 collapsed (1) 57:12 color (3) 45:10;49:14;65:5 color-coded (1) 56:12 colors (1) 56:13 comfortable (1) 39:21 coming (25) 9:13;10:21;12:15; 16:3,4,4,10;18:19; 20:10,11,15;21:8,14; 23:11,22;37:17;41:6; 43:21;44:13,24;51:5; 66:24,25;79:23; 84:19 comment (16) 7:17;17:5;27:22; 28:14;30:11;56:5; 68:3;72:24;74:19; 79:19;83:12;90:20, 24;96:24;97:13; 104:14 comments (29) 5:3;7:7;23:10,15;</p>	<p>28:10;29:25;30:17, 22;60:21;63:7;64:4; 65:13;66:3;68:14; 70:8,12;73:12;86:13; 89:18;90:19,20,23; 91:7,21;96:21;101:3, 16;103:16;104:7 common (2) 47:25;98:3 communication (4) 75:7;80:19;81:2,4 company (3) 38:6,18;75:23 compared (1) 81:19 complete (1) 97:18 completely (2) 45:5;97:12 complicated (1) 69:15 complicating (1) 16:14 complied (1) 59:8 computer (1) 27:22 concept (2) 96:15;101:9 concern (15) 9:8;14:21;15:19; 16:14,15;18:18; 21:16;36:4;44:4; 46:5,6;71:5,9,14; 99:18 concerned (4) 9:12,13;24:3;82:2 concerns (4) 9:16;10:6;41:7; 71:21 conclusion (2) 11:17,24 conclusions (1) 10:24 condition (7) 14:22;73:23;91:9, 18;92:8;102:16; 103:9 conditional (5) 26:10;30:25;91:24; 92:17;93:8 conditioned (1) 42:25 conditions (5) 31:2;70:24;93:9; 101:24,25 confess (1) 62:24 confident (1) 102:14 confirm (6) 6:13;42:24;65:9; 91:4,5;101:13</p>
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confirmation (5) 7:3;14:12,17;67:5; 92:6	coordinate (2) 80:9;83:20	dangerous (1) 11:4	16;7:1;8:1;9:1;10:1; 11:1,22;12:1;13:1; 14:1;15:1;16:1;17:1; 18:1;19:1;20:1;21:1; 22:1;23:1;24:1;25:1; 26:1;27:1;28:1;29:1; 30:1;31:1;32:1,21; 33:1;34:1;35:1;36:1; 37:1;38:1,21,21; 39:1;40:1;41:1,17; 42:1;43:1;44:1,21; 45:1;46:1;47:1;48:1; 49:1;50:1,6;51:1; 52:1,8;53:1;77:14	29:20;59:7,9,10; 66:12;81:20;91:12; 98:4;101:7
confirmed (2) 43:10;63:24	coordinated (1) 83:21	Danny's (1) 31:16	demonstrate (2) 48:25;102:14	determination (2) 60:4;67:6
confirming (2) 24:11;26:7	copy (7) 57:17,19;62:16,17; 74:3,14;91:13	Dan's (2) 38:2;50:11	demonstrating (1) 26:6	determinations (1) 65:16
confirms (1) 42:21	corrections (1) 60:5	date (4) 30:14;31:15;80:12; 82:17	Department (24) 10:19;44:11;51:15; 57:2,17,20;59:12,14, 20,21,24;60:8;63:10; 71:11,17,23;74:6,7, 15;81:5;82:18;85:7; 101:17,23	determine (2) 17:9;59:8
conform (1) 99:2	correctly (1) 70:19	dated (1) 72:25	DEPEW (58) 27:18,19;28:6,8; 31:3,5,7,12,14,19,24; 32:11;33:2,22;34:6,9, 11,19;35:4,21,23,25; 36:7,13;37:4,8,12,14; 38:4,7,10,13,19,21; 39:25;40:8,11;41:20; 42:3;43:3,18,24;44:2, 6,10;45:3;46:10,17, 23;47:19;48:7;49:5, 10;50:21;51:13,25; 52:8;77:13	determined (1) 25:7
confused (2) 35:18;84:16	correlated (1) 70:19	dates (7) 78:9,11;80:7;84:4, 8;85:6,9	depth (1) 10:5	determining (1) 42:4
confusion (2) 37:24;69:14	corresponded (1) 41:4	David (3) 56:3,11;57:5	description (3) 58:6;60:6;92:18	developed (1) 82:11
connection (1) 19:13	correspondence (4) 9:9;32:12;101:12; 102:4	day (10) 9:14;10:23;23:20; 58:19;60:7;78:16; 79:10,18;81:9; 100:17	design (10) 10:2;14:18;22:10; 41:4;96:16,18,19; 101:7,8,14	developing (1) 7:18
consider (3) 24:10;78:5;92:5	corresponds (1) 14:18	days (2) 82:15;85:11	dependent (1) 10:12	Development (1) 6:5
consideration (5) 32:14,17;36:17; 37:21,22	cost (1) 33:13	deal (6) 10:20;37:19;47:23, 24;66:14;70:12	depends (1) 21:4	die (1) 45:19
considers (1) 58:25	country (1) 85:11	dealt (1) 48:5	DEPEW (58) 27:18,19;28:6,8; 31:3,5,7,12,14,19,24; 32:11;33:2,22;34:6,9, 11,19;35:4,21,23,25; 36:7,13;37:4,8,12,14; 38:4,7,10,13,19,21; 39:25;40:8,11;41:20; 42:3;43:3,18,24;44:2, 6,10;45:3;46:10,17, 23;47:19;48:7;49:5, 10;50:21;51:13,25; 52:8;77:13	difference (1) 15:2
consistent (1) 42:16	County (1) 11:22	debating (2) 46:18;50:21	D-E-P-E-W (2) 27:19;31:7	differences (1) 6:18
construction (1) 6:17	couple (9) 31:15;45:12;75:25; 78:8,11;80:7,18; 84:4;101:16	Dec (7) 17:15,16;25:4; 60:10,20;101:20; 102:8	depth (1) 10:5	different (8) 10:22;11:20;15:7; 18:5;51:5;56:12; 82:11,12
consultant (2) 14:21;92:7	court (1) 70:3	decision (3) 31:12;39:2;41:8	direct (1) 32:11	difficult (1) 66:2
consultants (2) 42:14;84:20	courts (4) 56:18;57:7;63:23; 69:17	Declaration (7) 17:6,8,12;24:11,16, 17;25:7	direction (5) 10:13,14;16:8; 20:8;21:5	difficult (1) 66:2
consultation (1) 43:8	covenants (1) 72:22	decommissioning (2) 7:19;8:4	directly (1) 7:10	disadvantage (1) 31:17
consulted (1) 33:2	cover (2) 7:24;70:20	decorative (1) 99:18	disadvantage (1) 31:17	disappears (1) 35:12
contact (4) 16:23;78:8;82:17, 22	Crash (1) 75:23	deems (1) 77:24	discharges (1) 72:9	discrepancies (1) 70:16
contacted (2) 78:19;82:23	crazy (1) 97:12	deer (10) 6:22;7:17;24:15; 26:2,13,18;35:17; 39:18,18;40:21	discrete (1) 69:21	discuss (4) 30:6;74:7;81:21; 96:21
containers (2) 65:9;69:7	criticizing (2) 67:10;68:8	defer (1) 17:13	discussed (1) 90:14	discussing (4) 49:6;84:13;89:25; 90:3
contemplated (1) 44:17	culvert (5) 57:11,13;71:6,7; 72:14	deferred (1) 97:22	designated (1) 75:14	discussion (4) 8:16;24:6;33:23; 84:5
contiguous (2) 31:9;45:3	current (1) 98:14	defined (2) 8:16;9:3	designation (1) 64:22	discussions (1) 30:3
continuation (1) 56:3	cuts (2) 100:3,4	defines (1) 8:18	designed (3) 11:19;13:11;14:17	disingenuous (1) 50:23
continue (2) 82:4;101:25		definitely (1) 81:3	detail (1) 99:25	
continuing (1) 63:13	D	degrees (1) 22:12	details (9)	
control (2) 18:18;101:8	daily (1) 51:4	DELAWARE (62) 4:1,5:1,21;6:1,10,		
controllers (1) 18:15	damaged (1) 57:12			
conversation (1) 104:2	Dan (12) 23:18;27:19;29:9, 18;31:7;32:6;34:7,9, 15;35:19,21;48:13			
converted (1) 64:21				
cool (1) 42:12				

<p>disposal (4) 73:16,18;90:16; 103:2</p> <p>disposition (1) 98:14</p> <p>disruptions (1) 11:13</p> <p>distances (1) 35:12</p> <p>distraction (1) 32:8</p> <p>District (1) 31:22</p> <p>disturbance (3) 25:25;73:3;100:19</p> <p>disturbing (1) 8:19</p> <p>division (1) 31:21</p> <p>document (1) 10:6</p> <p>documents (4) 8:5;9:24;38:14; 96:20</p> <p>DOH (3) 70:25;82:5;101:20</p> <p>done (15) 11:16,25;16:6; 17:2;28:9;35:8,9; 41:5;64:9;73:5,14; 78:19;79:20;80:16; 99:7</p> <p>DOT (4) 31:21;32:12;33:5; 35:16</p> <p>Doug (5) 52:17;92:21;93:11; 104:22,24</p> <p>down (14) 8:21;16:20;22:20; 26:9;45:22;52:5; 56:24;67:18;70:21; 75:11,24;77:4;83:8; 84:20</p> <p>driveway (1) 99:8</p> <p>driveways (1) 96:17</p> <p>driving (1) 31:17</p> <p>DUNN (25) 4:14;5:7,15;16:20; 22:17,24;23:3,6;25:2, 11,17;27:9;37:6; 38:9;41:14;45:21; 46:11,22;52:22; 62:10,13;92:20;93:2, 18;105:5</p> <p>during (4) 42:21;57:9;78:5; 82:16</p> <p>dwelling (2) 5:24;90:16</p>	<p style="text-align: center;">E</p> <p>EAF (6) 17:14;59:23;60:2, 5,11;98:21</p> <p>earlier (1) 4:24</p> <p>easements (1) 72:22</p> <p>easier (1) 12:21</p> <p>Easily (1) 80:16</p> <p>east (6) 16:9,10;21:23; 22:14;99:11,12</p> <p>eastern (1) 20:14</p> <p>efficient (1) 65:23</p> <p>effort (1) 96:18</p> <p>either (4) 9:19;10:25;16:3; 20:10</p> <p>Eleven (2) 86:11;89:16</p> <p>Eleventh (2) 86:10;89:15</p> <p>eliminate (1) 59:4</p> <p>Ellenville (1) 46:12</p> <p>Ellenville (4) 16:21;23:17;44:13; 46:5</p> <p>else (2) 77:17;80:8</p> <p>e-mail (14) 62:16,19;78:9,9,10, 10;80:5,5,6,7;83:19; 84:4,6;85:5</p> <p>e-mailed (1) 62:14</p> <p>e-mails (1) 80:13</p> <p>emergency (2) 23:9;101:18</p> <p>enclose (1) 56:14</p> <p>enclosed (1) 56:20</p> <p>encompassing (1) 98:25</p> <p>encumbering (1) 72:23</p> <p>end (3) 85:10,13;100:16</p> <p>ended (1) 68:17</p> <p>energy (5) 9:3,18,21;10:18,19</p>	<p>engineer (6) 18:13;32:22;41:14; 42:11;90:12;96:11</p> <p>Engineering (4) 6:8;56:11;92:6; 96:10</p> <p>enjoy (1) 85:16</p> <p>enough (3) 80:15;102:13; 103:23</p> <p>ensure (3) 34:16;35:8;44:21</p> <p>Enterprises (2) 5:22;41:18</p> <p>entire (1) 68:19</p> <p>entirely (1) 97:19</p> <p>environment (1) 25:8</p> <p>environmental (1) 47:12</p> <p>envision (1) 100:13</p> <p>envisioning (1) 98:23</p> <p>equipment (1) 11:8</p> <p>Ernesto (4) 90:8;92:14,15;93:8</p> <p>erosion (1) 101:8</p> <p>essence (1) 63:7</p> <p>essentially (1) 11:3</p> <p>established (1) 49:13</p> <p>et (1) 58:8</p> <p>evaluate (1) 62:20</p> <p>even (8) 36:19;39:21;41:21, 24;42:12;69:10,15; 75:11</p> <p>evening (4) 6:7,9;56:10;96:9</p> <p>everybody (5) 7:10;29:14;52:4; 62:5;84:24</p> <p>everyone (1) 80:10</p> <p>evidence (3) 50:13,19;65:19</p> <p>exact (1) 69:4</p> <p>exactly (8) 10:20;22:12;69:11; 70:14;71:4;72:21; 73:5;84:22</p> <p>examined (2)</p>	<p>26:8;42:16</p> <p>examining (1) 9:24</p> <p>example (2) 69:7,25</p> <p>excluded (1) 76:11</p> <p>executive (1) 11:17</p> <p>exist (3) 57:4;58:21;79:24</p> <p>existing (8) 5:24;6:25;70:24; 72:22;90:25;99:9; 100:14;102:24</p> <p>exists (1) 6:15</p> <p>expand (1) 42:8</p> <p>expanded (1) 82:9</p> <p>expense (1) 11:24</p> <p>experienced (1) 13:17</p> <p>expert (5) 32:7;39:10,10; 46:25;47:5</p> <p>experts (1) 39:11</p> <p>expired (1) 97:20</p> <p>explaining (1) 48:13</p> <p>extension (4) 5:21;6:12,13;41:17</p> <p>extensive (1) 11:16</p> <p>extent (3) 58:22;59:17;100:8</p> <p>extremely (1) 27:18</p> <p>eye (1) 78:10</p>	<p>84:6</p> <p>Fair (1) 80:15</p> <p>far (8) 33:2;35:12;69:21; 70:17;82:2,13; 102:10;103:20</p> <p>farm (2) 5:23;45:23</p> <p>favor (8) 4:10;5:11;25:13; 27:5;52:18;92:22; 93:14;104:25</p> <p>feasible (1) 11:7</p> <p>feel (5) 32:6;46:8;90:20; 98:21;103:16</p> <p>feels (2) 96:22;103:22</p> <p>fees (3) 26:4,22;92:6</p> <p>feet (6) 9:12;12:13;58:20, 21,24,24</p> <p>Fellenzer (1) 56:10</p> <p>felt (1) 58:9</p> <p>fence (53) 6:21,22,23;7:16,17, 20,22;8:22,25;26:19; 33:2,4,6,8,13;35:2, 14;36:4;37:18;39:2, 18,19,19;40:21; 43:12,15,18,20,25; 44:4,8,12,14,16,22, 23;45:2,7;48:9,16; 49:7,12,14,14;50:25; 51:2,3,9,10;56:24,25; 70:21;71:20</p> <p>fenced (1) 8:12</p> <p>fences (2) 35:15,17</p> <p>fencing (9) 24:15;26:2,3,13,13, 18;36:3;50:7;70:23</p> <p>few (7) 5:3;7:7;57:5;60:5; 66:3;85:11;103:12</p> <p>field (17) 29:17;33:19,22; 36:16,20;37:17; 40:22;44:9;45:2; 46:12,18;48:4,17; 49:11;50:4,9,25</p> <p>fields (1) 46:7</p> <p>fifty-seven (1) 98:13</p> <p>figure (1) 72:20</p>
			<p style="text-align: center;">F</p> <p>FAA (10) 9:9;10:8,10;17:23, 25,25;31:24;35:16; 40:25;42:22</p> <p>facilities (3) 18:13;59:11,14</p> <p>facing (2) 21:24;22:13</p> <p>fact (4) 33:11;59:15;69:16; 99:20</p> <p>factory (1) 11:14</p> <p>facts (2) 39:15;67:20</p> <p>failed (1)</p>	

<p>figured (1) 91:22</p> <p>file (1) 74:14</p> <p>filed (2) 91:12,14</p> <p>fills (2) 100:3,4</p> <p>filter (1) 103:4</p> <p>final (1) 101:7</p> <p>find (5) 10:25;11:6;42:13; 72:14;85:17</p> <p>findings (1) 24:15</p> <p>finds (1) 58:3</p> <p>fine (2) 45:15;78:21</p> <p>fine-tuning (1) 6:17</p> <p>finish (1) 44:7</p> <p>fire (7) 71:11,16,22;75:12, 23;98:2;101:17</p> <p>firehouse (1) 72:6</p> <p>first (16) 5:21;24:20;28:15; 29:17;42:4;47:6; 67:17;68:15,19; 72:14;81:10,10,22; 96:23,24;103:20</p> <p>fix (3) 71:6;72:13,18</p> <p>fixed (9) 6:21;15:7,23; 19:20;21:18,24; 25:25;26:11;37:15</p> <p>flat (4) 22:3,4,4,14</p> <p>flatter (2) 21:22,25</p> <p>flies (1) 43:9</p> <p>Flight (1) 31:22</p> <p>flooding (6) 57:10,13;71:3,5,15, 21</p> <p>floor (2) 6:6;75:2</p> <p>fly (3) 23:17;46:8;47:3</p> <p>flying (4) 20:15;23:8;32:2,4</p> <p>folks (2) 68:13;80:4</p> <p>foot (1) 100:5</p>	<p>footprint (5) 6:18,24,25;81:16, 18</p> <p>form (2) 56:6;103:13</p> <p>forth (2) 64:2;65:24</p> <p>fortunate (1) 99:9</p> <p>fortunately (1) 19:14</p> <p>forward (4) 62:22;66:17;68:11; 80:9</p> <p>Foundation (2) 5:23;41:18</p> <p>four (3) 39:4;66:19,21</p> <p>frame (1) 82:17</p> <p>frankly (1) 35:10</p> <p>free (2) 90:20;103:16</p> <p>friend (2) 16:24;46:3</p> <p>front (3) 15:8;41:15;98:3</p> <p>fruitful (1) 75:8</p> <p>FSDO (1) 31:21</p> <p>full (8) 4:20;24:6;38:25; 39:3,6,21;60:2;96:16</p> <p>fully (3) 30:6;39:22,22</p> <p>fun (1) 101:5</p> <p>future (1) 82:10</p>	<p>general (2) 32:3;102:25</p> <p>geometry (1) 16:14</p> <p>gigantic (1) 11:23</p> <p>given (5) 30:24;36:18;49:12; 66:2;81:13</p> <p>gives (1) 91:11</p> <p>glad (4) 24:5;30:4;34:2; 96:21</p> <p>glare (44) 9:8;10:5,9;11:3,3, 16,17,20,20,21,21,21, 25;12:4,5,6,16;13:17, 21,25;16:5,13;18:6, 14;26:7,14;28:22; 29:23;30:17,19; 31:25;32:8;40:25; 41:2,3,5;42:5,9,20; 43:11;45:14;46:5,15; 59:5</p> <p>glass (1) 16:17</p> <p>glider (1) 32:2</p> <p>GLISSON (19) 4:13;5:14;25:16; 27:8;34:4,8,10,18,20; 36:10;39:5,8,14,17; 40:2;52:21;92:25; 93:17;105:4</p> <p>goal (2) 45:7;99:5</p> <p>God (1) 75:4</p> <p>goes (4) 22:18;43:15;68:6, 16</p> <p>Good (22) 5:20;6:7;23:5,21; 24:7,7;32:21;35:3,6; 45:22;46:6;47:4; 56:10;73:23;85:2; 90:4,13;96:9;100:16; 101:10,19;103:19</p> <p>GOODMAN (26) 4:5,11;5:12;10:12, 16;24:23;25:14;27:6; 34:22;35:2;36:2; 48:8;52:6,19;62:6; 71:10,15,20,24;72:5, 8;91:22;92:23;93:15; 104:19;105:2</p> <p>Gotcha (2) 22:16;34:20</p> <p>grades (5) 99:8,8,9,12,14</p> <p>grading (4) 96:17;100:19;</p>	<p>101:4,8</p> <p>grant (5) 25:23;33:5;44:10, 12;92:3</p> <p>granted (1) 104:5</p> <p>grass (5) 22:17,20,23;23:11; 51:16</p> <p>gravel (1) 90:25</p> <p>Great (8) 19:12;32:20,23; 47:7;51:16;67:22; 75:8;78:15</p> <p>greater (1) 12:6</p> <p>GREEN (206) 4:2,6,9,17,19,23; 5:5,8,10,18,20;7:5, 10;8:9;14:25;15:5,8, 13,15,18,21,25;16:7, 16;17:4,17;18:23,25; 19:7,9,11,19;20:2,5, 13,18,20,22;22:25; 23:10,13,21,24;24:4, 9,21,24;25:3,5,12,20, 22;26:9,20;27:2,5,12; 28:5,7,13,19;29:3,6, 9,11,13,22;30:3,10, 13,16,20,24;31:4,11, 13,18,23;32:10,25; 33:21;34:21,25; 35:18,22,24;36:5,11, 21,25;37:11,13,24; 38:5,8,12,17,20;39:7, 13,16;40:6;41:13,16; 42:2;47:6;48:6; 49:21,23;50:2,15; 51:23;52:2,10,15,17, 25;56:2,13;57:15; 60:22,25;61:3,8,10, 15,18,23,25;62:3,5,8, 15,18,21,24;63:3,15; 64:5;65:7,21;67:23, 25;68:5,9,12,15;70:7, 10;72:4,12;74:18,22, 23;76:13,19,24;77:3, 8,17,22;78:18,22; 79:9,16,20;80:14,16; 83:13;84:11,19,24; 85:2,19,25;86:4,10; 89:2,6,9,15,20;90:4, 7,22;91:7,20,24; 92:10,14,16,21;93:5, 7,11,13,21;96:2,23; 100:25;104:15,20,22, 24;105:8,12</p> <p>Greenbelt (3) 6:5;89:23;96:7</p> <p>ground (2) 15:17;22:2</p> <p>Group (1)</p>	<p>104:11</p> <p>groups (1) 47:12</p> <p>guaranteed (1) 35:15</p> <p>guess (8) 24:14;34:21;35:18; 38:17;39:19;40:11; 64:25;102:7</p> <p>guy (1) 32:23</p> <p>guys (12) 29:20;30:12;32:21; 36:13;42:11;52:6; 66:20;79:14;83:15, 21;101:20;103:15</p>
H				
				<p>habitats (1) 60:14</p> <p>half (3) 6:19;7:14;33:17</p> <p>halfway (1) 13:7</p> <p>handed (1) 82:23</p> <p>handicapped (1) 75:15</p> <p>handle (1) 99:19</p> <p>handled (1) 32:16</p> <p>happen (6) 12:17;45:21;75:6; 76:17;79:5;83:16</p> <p>happened (3) 11:11;29:15;51:23</p> <p>happening (5) 20:17;23:20;71:5, 8;73:4</p> <p>happens (4) 9:5;45:23;75:21,22</p> <p>happy (1) 78:23</p> <p>hard (1) 64:12</p> <p>hate (1) 75:4</p> <p>hazards (1) 57:4</p> <p>Health (17) 57:2,4,17,19;59:12, 14,15,20,21,24;60:8; 63:10;74:6,7,15; 85:6;101:23</p> <p>hear (7) 7:11;19:10;20:21, 24;29:4,20,20</p> <p>heard (3) 19:14;48:6;71:13</p> <p>hearing (27) 28:3,5;37:9,11,12,</p>

16,20;48:17;49:11; 56:3;67:16,17;68:14; 77:23;85:23;86:2,9, 12;89:4,7,14,17; 103:22,23,24;104:3, 18	58:7,7;66:3 house (3) 12:6;64:25;92:5 hundred (1) 98:12	incredibly (1) 68:7 index (1) 16:17 individual (1) 98:4 information (20) 8:2,5;17:8;19:14; 24:12;39:8;43:8; 45:22;65:24;66:21; 71:7;77:25;81:13; 97:25;100:18;101:6, 10,14,17;102:13 informed (2) 76:17;103:23 initial (1) 59:25 innocent (1) 83:23 input (5) 7:3;36:18;37:22; 49:12;76:11 inside (1) 45:6 inspect (1) 82:5 inspection (2) 70:25;75:13 inspector (2) 65:17;80:23 install (1) 18:12 installed (5) 13:24;18:2;21:22; 33:7;42:20 instead (2) 15:7;49:17 instructor (1) 46:3 intensity (1) 7:15 intent (1) 69:11 intention (1) 91:2 interaction (1) 28:7 interest (1) 34:4 interfere (1) 49:3 interiors (1) 81:17 interrupt (1) 12:8 Into (19) 7:9,11;14:14; 20:10,22;21:6;29:23; 30:8;32:2;42:17; 43:9;45:11;46:21; 47:9,18;49:12;57:18; 72:9;83:13 involve (1)	69:22 involved (1) 15:20 involves (1) 12:2 island (1) 45:5 issue (37) 13:22;26:7;27:20, 24;30:5,8;31:25; 32:5,6,18;38:24; 39:17,20;40:19,23, 25;41:2,3,22;43:11, 12;46:15;48:16; 49:19;50:11,12,12; 51:19;57:10;76:3,4; 77:8;81:5,8;82:2; 90:19;102:3 issued (3) 74:7,11;102:2 issues (20) 14:23;28:11;32:23; 37:5;42:3;49:5,8,18; 51:22;66:15;67:15; 75:18;77:9;80:22,23; 81:6;82:18;84:16; 90:9;102:9 issuing (1) 26:10 items (2) 57:24;63:16	keep (3) 43:14;78:3;104:16 keeping (1) 40:22 kids (1) 58:14 kill (1) 32:13 kind (6) 12:25;22:21;45:11; 56:25;81:24;96:15 kinds (2) 11:20;81:20 knew (2) 11:24;47:17 knocking (1) 77:4 Kyra (9) 7:12;18:23;61:18; 62:23;70:11;77:19; 80:7,8;84:10 Kyra's (3) 78:10;80:5,6
heart (1) 45:15 heavy (1) 28:23 height (1) 17:25 held (2) 49:11;90:15 Hello (2) 29:12,14 helped (2) 34:12,15 helpful (2) 58:5;65:23 here's (1) 47:14 Hey (2) 49:17;50:17 high (1) 99:12 highlighted (1) 64:6 himself (1) 19:6 hire (1) 39:25 hired (1) 39:23 hockey (4) 56:18;57:7;69:16; 70:4 hold (1) 103:23 holder (1) 48:11 holdings (1) 68:19 home (1) 92:3 homes (4) 66:8;69:8,9,17 honest (1) 66:20 honestly (1) 24:3 hope (14) 85:17;96:1,3;97:1, 7;98:1;99:1;100:1, 10;101:1;102:1; 103:1;104:1;105:1 hopefully (2) 7:3;85:15 hoping (2) 35:8;97:11 hour (1) 68:6 hours (3)	I idea (6) 41:13;67:22;75:8; 82:24;100:11;102:5 ideal (1) 22:3 identified (6) 9:22;63:14,16; 64:9;65:9,10 identify (1) 73:11 imagine (2) 11:5;73:17 impact (10) 18:14;25:8;36:17; 39:3;41:21;42:5,5, 21;92:8;102:15 impacted (1) 18:16 impacting (1) 9:21 impacts (2) 17:10;49:18 important (1) 33:20 importantly (2) 10:23;96:18 improvements (4) 8:8;73:14;102:5,21 Inaudible (1) 73:20 inbound (3) 11:10;14:5,6 INC (10) 96:1;97:1;98:1; 99:1;100:1;101:1; 102:1;103:1;104:1; 105:1 include (3) 51:9;58:20;65:12 included (3) 68:19;69:5;97:2 includes (3) 8:18;9:6;59:25 including (3) 58:7;65:25;101:23 incorporate (2) 9:20;14:7 Incorporated (1) 96:3 incorporates (1) 14:18 incorporating (2) 7:19;14:9 increase (1) 24:15	J James (2) 96:11;99:7 JENSEN (14) 4:8,16;5:17;20:3; 25:19;26:25;27:11; 52:13,24;62:7;93:4, 12,20;105:7 John (15) 5:10;17:13;24:22; 25:3;39:21;50:4; 60:22;62:9,11;63:5; 66:10,23;79:17; 85:25;89:6 John's (2) 92:17;93:9 join (1) 4:21 judgment (1) 41:21 July (12) 79:7,10;86:9,11, 12;89:14,16,17; 103:24;104:9,18; 105:11 June (1) 4:2	L label (1) 8:12 labeled (1) 81:22 Laboratories (1) 10:18 Laboratory (2) 9:18;11:16 LACEY (16) 4:12;5:9,13;25:15; 27:7;52:20;62:12; 80:18;82:16,21,25; 83:4,8;92:24;93:16; 105:3 Lacey's (1) 83:12 Lack (2) 75:7;81:2 lagoon (1) 103:3 lake (3) 64:25;72:9,9 land (6) 21:5,6,8;39:23; 46:13;68:19 landing (5) 12:13;19:15,23; 20:9;21:2 lands (1) 17:18 landscape (7) 99:16,17,25; 100:13,23;104:8,10 Landscaping (4) 97:8,10,11;104:13 Lane (1) 63:24	

<p>language (2) 9:2;66:14</p> <p>Laput (22) 56:10,10;57:21; 60:17;62:14,16,19, 23;63:2;71:13;72:14, 17;73:6,8,11,19,21, 24;74:2,9,11,16</p> <p>large (2) 82:12;100:12</p> <p>large-scale (1) 5:23</p> <p>last (15) 11:25;44:4;51:10; 56:16;66:11;72:24; 74:11,12;75:4,10; 79:13;82:4,16;83:14; 104:3</p> <p>late (3) 61:23;63:3;97:15</p> <p>later (1) 101:13</p> <p>latest (1) 14:9</p> <p>layouts (1) 98:7</p> <p>lays (1) 99:10</p> <p>Lead (1) 96:14</p> <p>learn (1) 29:18</p> <p>learned (1) 46:4</p> <p>lease (17) 36:8;37:7;39:12, 23;41:11;44:20,20; 48:11,12,24,25;49:2, 6,19;50:24,25;52:8</p> <p>leasing (1) 38:6</p> <p>least (5) 18:5;28:4;60:12; 79:23;103:23</p> <p>leave (2) 85:25;89:6</p> <p>leaving (2) 85:23;89:4</p> <p>Ledwin (3) 96:2,11,99:15</p> <p>left (2) 23:14;98:7</p> <p>legal (1) 80:21</p> <p>legalize (1) 82:6</p> <p>legitimate (1) 69:14</p> <p>Les (2) 80:21;81:2</p> <p>LESER (7) 52:12;75:3,3; 76:16,22,25;77:4</p>	<p>less (3) 7:21;39:18;99:18</p> <p>letter (15) 40:15;41:2;48:13; 52:4;57:17,20;61:17, 17,18;70:20;74:6; 80:18,20;85:7;90:20</p> <p>letting (1) 85:10</p> <p>lie (1) 6:4</p> <p>lies (2) 89:23;96:7</p> <p>life (1) 32:15</p> <p>light (8) 10:3;11:19,19; 13:12,12;16:12,18; 19:17</p> <p>lighting (6) 59:4,7;96:25;97:2, 4,6</p> <p>lights (1) 59:5</p> <p>likely (1) 59:5</p> <p>limited (1) 18:19</p> <p>line (5) 16:22;27:18;58:21, 24;59:7</p> <p>lined (1) 101:13</p> <p>link (6) 6:22;7:16,21;33:7; 37:17;51:10</p> <p>list (2) 57:4;59:25</p> <p>listed (1) 77:17</p> <p>Listen (2) 78:23;83:17</p> <p>listening (1) 17:19</p> <p>listing (1) 60:8</p> <p>lists (2) 60:10;65:7</p> <p>literally (1) 82:22</p> <p>little (9) 6:11,24;18:4; 20:23;28:22;39:5; 47:23;64:12;103:25</p> <p>live (1) 76:9</p> <p>livestock (1) 51:5</p> <p>living (1) 100:9</p> <p>LLC (88) 4:1;5:1,22,22,23; 6:1;7:1;8:1,9;10:1;</p>	<p>11:1;12:1;13:1;14:1; 15:1;16:1;17:1;18:1; 19:1;20:1;21:1;22:1; 23:1;24:1;25:1;26:1; 27:1;28:1;29:1;30:1; 31:1;32:1;33:1;34:1; 35:1;36:1;37:1;38:1; 39:1;40:1;41:1,17, 18;42:1;43:1;44:1; 45:1;46:1;47:1;48:1; 49:1;50:1;51:1;52:1; 53:1;56:1,4;57:1; 58:1;59:1;60:1;61:1; 62:1;63:1;64:1;65:1; 66:1;67:1;68:1;69:1; 70:1;71:1;72:1;73:1; 74:1;75:1;76:1;77:1, 14;78:1;79:1;80:1; 81:1;82:1;83:1;84:1; 85:1;86:1</p> <p>located (5) 5:25;20:16;58:20; 89:21;96:5</p> <p>location (1) 102:25</p> <p>locked (3) 57:9;75:22,24</p> <p>long (4) 11:10;51:10;85:12; 102:13</p> <p>long-eared (2) 60:10,12</p> <p>longer (1) 59:20</p> <p>longevity (4) 33:14;35:15;45:8; 49:18</p> <p>look (21) 14:25;15:22;29:23; 30:8;37:19;40:7; 41:6;47:9,14,15,18; 48:14,19,20,25; 50:14;52:5;62:21; 74:11;78:24;100:16</p> <p>looked (6) 31:25;32:7;43:13; 45:18;73:2;81:15</p> <p>looking (14) 6:12,21;7:3;16:10; 18:12;32:11,13,23; 40:21,22;48:15; 65:11;70:3;103:21</p> <p>looks (5) 52:4;98:24;99:21, 23;103:2</p> <p>Lorry (2) 61:6,13</p> <p>Lorry's (1) 78:9</p> <p>lost (1) 23:13</p> <p>Lot (20) 6:2,3;12:9;16:16;</p>	<p>28:13;45:10;47:2,3; 58:20,24;59:7;68:21; 69:11;76:11;89:22; 91:10;96:6;99:2,3,7</p> <p>lots (2) 57:13;59:5</p> <p>love (3) 32:19,20,21</p> <p>lower (1) 99:12</p>	<p>79:2,10;80:22;81:15</p> <p>Mary's (5) 60:22;65:16;78:10; 79:24;80:4</p> <p>match (1) 56:25</p> <p>material (2) 42:24;65:25</p> <p>materials (3) 49:14;67:2;68:24</p> <p>matter (4) 20:8;32:24;37:9; 45:12</p> <p>Max (6) 8:9;24:5;28:21; 57:15;96:23;103:25</p> <p>maximum (1) 8:17</p> <p>Max's (1) 65:13</p> <p>May (16) 4:25;8:15;14:6; 20:19;32:5;36:18; 48:25;49:2;52:7; 57:3;66:10;67:16; 68:14;70:2;79:8; 83:25</p> <p>Maybe (6) 13:17;16:23;35:18; 74:12;81:17;91:13</p> <p>mean (25) 12:8;14:11;15:6; 30:18;39:20;40:21; 47:13;48:8,13,17; 63:22;67:5,16;69:25; 74:6;76:22;79:6,22; 81:23;98:24;100:21; 103:22;104:4,12,13</p> <p>meaning (1) 18:12</p> <p>means (2) 25:7;38:25</p> <p>measures (1) 7:23</p> <p>meet (3) 75:5;78:12;102:7</p> <p>meeting (23) 4:2,4;17:19;19:14; 31:6;34:9;52:11,14; 66:4;75:5,10;78:4,17, 19;79:7,10,13,18; 90:14;96:20;98:25; 104:9,18</p> <p>meets (2) 9:10;11:8</p> <p>MEMBER (136) 4:5,8,11,12,13,14, 15,16,20;5:7,9,12,13, 14,15,16,17;10:12, 16;16:20;19:2,10,12, 21;20:3,6,14,25;21:4, 8,11,14;22:17,24; 23:3,6,7,11,16,23;</p>
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24:2,7,23;25:2,11,14, 15,16,17,18,19; 26:25;27:4,6,7,8,9, 10,11;34:4,8,10,18, 20,22;35:2;36:2,10; 37:6;38:9;39:5,8,14, 17;40:2;41:14;45:21; 46:11,22;48:8;52:6, 13,16,19,20,21,22,23, 24;61:6,9;62:6,7,10, 12,13;71:10,15,20, 24;72:5,8;80:18; 82:16,21,25;83:4,8, 11,14;91:22;92:19, 20,23,24,25;93:2,3,4, 10,12,15,16,17,18,19, 20;104:19,21,23; 105:2,3,4,5,6,7 members (3) 28:3;43:9;79:17 memo (2) 57:23;68:17 memorandum (1) 8:10 mention (1) 12:4 mentioned (6) 7:13;74:12;75:10, 16;99:2;101:21 Mercurio (1) 90:11 met (3) 58:17;59:3,6 microphone (9) 7:9,11;14:14; 20:22;42:17;57:18; 70:10;78:2;83:13 middle (1) 85:12 might (7) 12:14,20;15:6; 17:22;47:23;70:4; 99:25 mikvah (1) 64:21 miles (2) 16:20;45:22 mind (2) 78:24;81:17 mine (1) 46:3 minimize (1) 11:3 minimum (1) 33:9 minor (4) 24:13;57:5;60:5; 90:20 minute (2) 69:18;74:24 minutes (4) 4:24;5:2,6;51:17 missed (1)	28:2 misunderstood (1) 83:22 mitigate (2) 11:3;71:8 mitigation (2) 10:24;12:21 mitigations (1) 10:5 MNTM (1) 90:7 MNTN (1) 89:2 model (2) 26:7,14 modern (1) 17:25 modifications (1) 6:14 modify (1) 6:21 moment (1) 29:5 monitor (1) 52:7 monitoring (1) 7:20 month (2) 71:12;80:25 monthly (1) 84:14 months (6) 11:10,25;80:19; 81:7;82:16;96:13 more (19) 10:23;22:7,8; 26:16;42:17;46:2,13, 13;47:23;65:23; 69:16,21;73:7,8; 78:4;100:3,5;103:12; 104:14 morning (3) 21:23;85:4,5 Mort (7) 17:17;18:23;19:2; 20:21,24;23:5;56:7 Moskowitz (3) 56:3,11;73:20 most (5) 51:2;60:12;70:8, 12;96:18 mostly (1) 23:8 motion (27) 4:4,5,18;5:5,7,19; 24:20,21,23;25:2,21; 26:24,25;27:13; 52:11,13,15;53:2; 92:16,19;93:6,7,10, 22;104:17,19;105:9 motions (2) 92:9,10 Mount (1)	96:5 Mountain (6) 6:5;22:18;46:2; 89:22,23;96:7 movable (1) 26:11 move (3) 46:20;66:17;68:11 moving (5) 16:13;26:11;45:16; 100:24;101:11 MS4 (2) 103:10,13 much (14) 16:18;21:22,25; 27:14;47:19,21;48:5; 75:14;85:18;93:23; 99:7,19;100:11; 105:10 must (1) 61:5 muted (1) 56:7 myself (2) 62:25;69:10	Negative (8) 17:6,7,12;24:11,16, 17;25:6;42:6 neglected (1) 57:21 negotiated (2) 48:21,23 negotiation (1) 44:21 neighbor (1) 76:16 neighboring (1) 57:13 neighbors (5) 71:4;76:8,11,14; 77:5 new (22) 8:5,17;17:8,8; 22:12;24:12;27:21; 31:17,20;33:5;35:16; 44:11;59:12;64:25; 77:25;86:13;89:18; 96:17;97:19,25; 101:6,25 Newhart (1) 38:21 next (20) 17:2;23:23;24:9; 25:23;48:19,24;56:2; 77:22;78:11,25;79:7; 10;82:15;85:12,14; 89:2;96:2,97:16; 98:20;103:20 NFM (2) 5:22;41:18 nice (1) 85:15 nicely (1) 99:10 night (2) 21:24;52:3 nine (1) 11:10 Ninety-seven (1) 98:13 Nitra (2) 56:4;104:16 Nnadi (1) 104:11 noise (1) 56:9 nonconforming (5) 63:13;82:3,4,7,8 none (5) 28:23;39:8;47:4, 17;92:7 non-health (1) 57:5 non-reflective (6) 9:20;11:2;14:7,12; 42:23,25 noon (1) 16:13	nor (4) 39:9,10,10;50:22 normalized (1) 44:22 normally (1) 43:20 north (7) 20:15;21:3,13,15, 17;99:11;102:25 northeast (1) 16:3 northern (2) 60:10,12 northwest (1) 21:7 Norton (1) 90:11 notations (1) 81:6 note (4) 57:24;58:16;60:22; 64:6 noted (9) 27:15;28:16;53:3; 58:19;77:12;85:20; 86:15;93:24;105:13 notes (5) 64:12;75:11;91:12, 15;92:8 notice (6) 23:18;36:23;51:15; 60:5;86:12;89:17 noticed (1) 29:15 noting (1) 17:22 November (1) 12:23 nuance (1) 41:20 nullify (1) 42:6 number (6) 8:21;58:8,8,14; 64:12;66:6 numerous (2) 75:10;80:23			
N							
<table border="1"> <tr> <td>name (3) 6:9;27:19;91:11 names (1) 92:4 Napanoch (1) 45:22 narrative (2) 8:13;58:6 National (2) 9:17;10:18 near (2) 17:24;64:9 nearby (1) 59:5 nearly (1) 11:19 necessarily (2) 39:11;79:18 necessary (4) 24:12;77:24;92:6; 96:22 need (20) 17:7;30:13;31:16; 48:10;50:7,17,18; 58:23;59:3;60:2,19; 63:11;64:7;65:2; 67:11;75:12;97:18; 100:8;103:8,13 needed (6) 46:13;57:13;67:3, 9;75:14;102:6 needs (3) 64:20,23;76:4 Neg (3) 17:15,16;25:4</td> <td colspan="3"></td> </tr> </table>				name (3) 6:9;27:19;91:11 names (1) 92:4 Napanoch (1) 45:22 narrative (2) 8:13;58:6 National (2) 9:17;10:18 near (2) 17:24;64:9 nearby (1) 59:5 nearly (1) 11:19 necessarily (2) 39:11;79:18 necessary (4) 24:12;77:24;92:6; 96:22 need (20) 17:7;30:13;31:16; 48:10;50:7,17,18; 58:23;59:3;60:2,19; 63:11;64:7;65:2; 67:11;75:12;97:18; 100:8;103:8,13 needed (6) 46:13;57:13;67:3, 9;75:14;102:6 needs (3) 64:20,23;76:4 Neg (3) 17:15,16;25:4			
name (3) 6:9;27:19;91:11 names (1) 92:4 Napanoch (1) 45:22 narrative (2) 8:13;58:6 National (2) 9:17;10:18 near (2) 17:24;64:9 nearby (1) 59:5 nearly (1) 11:19 necessarily (2) 39:11;79:18 necessary (4) 24:12;77:24;92:6; 96:22 need (20) 17:7;30:13;31:16; 48:10;50:7,17,18; 58:23;59:3;60:2,19; 63:11;64:7;65:2; 67:11;75:12;97:18; 100:8;103:8,13 needed (6) 46:13;57:13;67:3, 9;75:14;102:6 needs (3) 64:20,23;76:4 Neg (3) 17:15,16;25:4							
O							
<table border="1"> <tr> <td>obstruction (1) 40:25 obstructions (2) 9:11;10:9 obviously (4) 72:20;83:16;99:6; 100:7 occupancy (1) 58:10 occupied (1) 63:12 occur (1) 58:6</td> <td colspan="3"></td> </tr> </table>				obstruction (1) 40:25 obstructions (2) 9:11;10:9 obviously (4) 72:20;83:16;99:6; 100:7 occupancy (1) 58:10 occupied (1) 63:12 occur (1) 58:6			
obstruction (1) 40:25 obstructions (2) 9:11;10:9 obviously (4) 72:20;83:16;99:6; 100:7 occupancy (1) 58:10 occupied (1) 63:12 occur (1) 58:6							

<p>occurred (1) 82:4</p> <p>off (10) 7:6;10:4;12:7;20:7, 9;23:12;45:25;46:7, 14;68:17</p> <p>offer (1) 28:9</p> <p>Office (4) 31:22;47:21;68:6; 101:12</p> <p>offset (3) 17:20;19:15,16</p> <p>old (3) 41:23;81:19;103:3</p> <p>older (2) 13:17,18</p> <p>once (2) 22:21;48:15</p> <p>one (66) 5:2;6:11;9:19,22; 10:19;11:25;12:4; 20:8;22:7;23:13,14; 25:23;26:4,16;30:25; 31:20,20,20,21,24; 32:6;33:2,4;34:22; 35:19;38:3;39:2; 43:9;45:12;47:7,14; 49:6,6;51:8;60:6; 61:20;62:5,9;64:18; 68:17;69:3,11,15,25; 72:4;73:6,7,9,12; 75:12;77:5,17,20; 78:4;82:8;84:11; 90:2,5,23;91:8;92:11, 13;97:16;98:13,22; 100:20</p> <p>ones (1) 4:25</p> <p>one's (2) 45:25;69:19</p> <p>ongoing (3) 34:23;60:3;73:5</p> <p>only (14) 4:24;6:13;7:7,17; 17:25;23:14;33:13; 35:19;48:22;61:21; 69:2;90:15,24;91:8</p> <p>onsite (1) 73:18</p> <p>onto (1) 16:4</p> <p>open (11) 4:4;40:6;74:19; 78:4;81:8;85:24; 86:2;89:5,7;103:23; 104:16</p> <p>opening (1) 81:9</p> <p>open-minded (1) 28:10</p> <p>operated (1) 69:20</p>	<p>operation (11) 26:17,20;49:3; 58:7;66:7;69:6,12,21, 21;70:2;82:6</p> <p>operations (3) 45:4;58:6;82:15</p> <p>operator (1) 30:2</p> <p>opinion (2) 31:25;76:7</p> <p>opportunity (3) 22:8;31:19;45:20</p> <p>opposed (2) 6:20;19:20</p> <p>Orange (1) 11:20</p> <p>order (1) 35:7</p> <p>organizations (1) 38:15</p> <p>orientation (3) 21:20,25;22:11</p> <p>original (10) 11:12;17:11,11; 24:16;38:3;43:19,19; 49:10;50:7;91:14</p> <p>originally (6) 15:22;16:15;33:12; 47:11;90:16;101:24</p> <p>others (2) 17:2;32:6</p> <p>out (37) 9:13;11:6;13:6; 23:18,20;27:18; 31:21;35:5,7;40:22; 42:13;43:14;45:10; 47:7;50:16;51:5; 57:2;60:19;61:10,23; 62:14;63:3;67:14; 72:14,20;80:13; 81:14;82:5;84:6,7,8; 85:11,17;91:23; 99:10;100:9;104:11</p> <p>outdoor (1) 59:4</p> <p>output (1) 9:21</p> <p>outside (4) 7:2;33:6;36:19; 48:2</p> <p>outstanding (1) 98:20</p> <p>over (12) 7:22;9:11;11:2; 20:15;23:17;27:22; 29:19,19;32:3,4;46:8, 10</p> <p>overturned (1) 7:22</p> <p>overview (1) 90:13</p> <p>overworked (1) 68:7</p>	<p>Oviedo (2) 96:3,11</p> <p>own (2) 23:20;59:25</p> <p>owned (2) 45:5,6</p> <p>owner (10) 27:20;29:4;33:23; 34:6;35:19,23;48:13; 50:20;51:22;69:16</p> <p>owner's (1) 28:10</p> <p>ownership (1) 41:22</p>	<p>99:21</p> <p>parking (4) 75:14,15;77:10; 90:25</p> <p>part (22) 7:18;8:3;17:14; 24:18;38:9;43:19; 44:21;51:7,11;60:2, 5;63:12;65:2,12; 69:20;70:24;76:14; 79:24;98:21,22; 99:18;100:23</p> <p>particular (2) 68:20;78:15</p> <p>parties (1) 49:15</p> <p>parts (1) 82:11</p> <p>past (3) 66:6;79:21;81:7</p> <p>path (1) 19:22</p> <p>pattern (2) 19:16;20:10</p> <p>paying (1) 92:5</p> <p>payment (1) 26:4</p> <p>pending (1) 40:14</p> <p>people (15) 7:11;12:21;29:24; 30:7;32:13;40:22; 43:14;44:19;47:4,8, 11;68:6;84:14,15; 104:13</p> <p>per (1) 92:17</p> <p>perceive (1) 39:14</p> <p>percent (1) 21:11</p> <p>perfect (1) 52:7</p> <p>perfectly (2) 22:3,4</p> <p>perimeter (2) 33:7;51:4</p> <p>period (1) 33:10</p> <p>permit (20) 6:16;43:19;58:22; 60:7;65:6;69:2,6; 73:17,19;74:2,3,11, 12,14;97:16,19,20; 101:22;104:4,5</p> <p>permits (2) 65:8;69:10</p> <p>permitted (2) 65:4;82:7</p> <p>person (2) 39:12,23</p> <p>personally (1)</p>	<p>76:20</p> <p>perspective (3) 10:8;44:3;102:13</p> <p>Pertaining (1) 80:18</p> <p>PhD (1) 47:10</p> <p>phone (2) 66:19,21</p> <p>photo (3) 56:14,21;73:6</p> <p>photos (1) 56:20</p> <p>physical (1) 8:21</p> <p>pick (1) 83:11</p> <p>picture (1) 100:16</p> <p>piece (1) 98:23</p> <p>pieces (1) 48:22</p> <p>pilot (7) 15:12;16:24;17:18; 19:3;24:2;29:25;46:3</p> <p>pilots (11) 12:15;16:24;19:18; 32:2,4;35:20;36:19; 45:19;46:15;47:2,3</p> <p>pipe (2) 33:8,15</p> <p>pit (2) 98:8,10</p> <p>pitch (1) 12:14</p> <p>pits (1) 98:2</p> <p>place (3) 56:14;69:5;85:15</p> <p>plan (58) 6:15;7:19,19,23; 8:4,4;11:13;15:8; 17:11;19:22;22:12, 13,19;25:24;33:12; 35:10;38:11;40:18; 41:9;42:18;43:19; 50:7;51:7,12,14; 56:12;57:25;58:17; 63:11,14,19;64:7,10, 21;65:13;70:13,16, 17,22;89:3;92:4; 96:4,15,25;97:2,4,6, 22;98:25;99:16,17, 25;100:13;102:9,15, 19;104:8,11</p> <p>planes (1) 18:14</p> <p>planned (1) 33:9</p> <p>planner (2) 41:2;42:11</p> <p>Planning (14)</p>
		P		
		<p>PA (2) 59:9,9</p> <p>package (2) 57:25;59:13</p> <p>packet (2) 61:20,24</p> <p>pad (1) 96:17</p> <p>PAGGI (46) 7:7,12;43:15,23, 25;44:3,7,9;45:2; 48:10;49:22,24;50:3, 10;51:7;70:8,11; 71:14,19,22,25;72:3, 7,11,13,16,19;73:7, 10,12,22,25;74:3,10, 13,17;90:24;91:6; 101:2;102:3,12,21; 103:2,6,11,13</p> <p>paid (1) 26:23</p> <p>panel (10) 9:22,25;12:7;22:5, 5,8,9,9;29:16;42:9</p> <p>panels (60) 7:25;8:2;9:19; 10:25;11:2,10,11,12, 18;12:2,13;13:6,6,11, 24;14:5,6,8;15:10; 16:6,9,11;17:19,23, 24;18:2;19:15,15,17, 20,20,23,25;20:4,16; 21:18,21,25;22:4,11, 13,14;23:14;24:13; 26:6,8,12,15;29:18, 24;32:5;37:15;39:3; 42:16,19,24;45:16; 46:14,19,19</p> <p>papers (1) 47:12</p> <p>parcel (4) 68:25;69:2;71:11; 91:10</p> <p>parcels (1) 70:16</p> <p>park (1)</p>		

<p>4:3;11:15;22;19:3; 33:4;35:4;38:25; 43:9;44:3;47:8;49:6, 20;77:13;102:12</p> <p>plans (6) 17:8;90:17;96:16; 100:20,23;104:13</p> <p>plantings (1) 99:18</p> <p>plastic (1) 49:17</p> <p>PLATT (27) 7:9;14:14;18:24; 19:5,8;29:2,4,7,10; 42:17;48:22;56:7; 57:18;61:13,21; 62:22;77:20;78:2; 79:8,10,19;83:25; 84:3;85:23;86:3; 89:4,8</p> <p>Please (13) 4:21;5:6;7:9,10; 9:23;14:14;18:23; 42:17;56:5;57:18; 74:23;78:8;83:19</p> <p>Pledge (2) 4:21,22</p> <p>plus (1) 14:12</p> <p>pm (12) 27:15,17;28:16,18; 53:3;77:12,16;85:20, 22;86:15;93:24; 105:13</p> <p>point (15) 8:21;14:4;20:8; 28:21;30:23;46:6; 47:7;82:10;96:14,16; 98:22;99:12,12,20; 100:21</p> <p>pointed (2) 16:9,11</p> <p>pointing (1) 15:24</p> <p>points (1) 31:15</p> <p>poled (1) 51:4</p> <p>policies (2) 9:11;10:10</p> <p>policy (3) 9:17;10:18;18:4</p> <p>pool (1) 65:6</p> <p>portion (1) 78:5</p> <p>portions (1) 73:4</p> <p>posed (1) 35:13</p> <p>position (4) 34:19;37:15;65:19; 76:9</p>	<p>positively (1) 68:10</p> <p>possibility (1) 69:25</p> <p>possible (5) 13:4,9;16:19;99:7, 9</p> <p>posts (2) 33:14;43:24</p> <p>potential (3) 16:8;32:8;60:14</p> <p>potentially (1) 100:24</p> <p>PPU (3) 33:9,9,10</p> <p>practical (1) 10:7</p> <p>Prazer (1) 57:3</p> <p>Predominantly (1) 21:5</p> <p>preexisted (1) 63:9</p> <p>preexisting (2) 63:12;66:9</p> <p>prefer (2) 83:23;90:6</p> <p>preliminary (1) 84:5</p> <p>prepared (1) 8:10</p> <p>prerogative (1) 49:20</p> <p>present (1) 74:2</p> <p>presentation (1) 42:22</p> <p>presented (4) 39:9,15;47:11; 74:21</p> <p>presenting (1) 47:12</p> <p>presents (1) 41:15</p> <p>preserve (1) 100:14</p> <p>pretty (2) 24:6;103:18</p> <p>prevailing (1) 21:7</p> <p>previous (5) 56:25;59:19;90:14; 97:20;98:25</p> <p>previously (6) 8:2;59:2,18;68:24; 90:19;98:16</p> <p>primary (1) 6:23</p> <p>prior (7) 17:6,7,15;26:2; 58:17;69:16;92:7</p> <p>prison (1) 45:23</p>	<p>private (2) 49:2;76:21</p> <p>privately (1) 50:5</p> <p>probably (7) 11:5;21:11;45:23; 52:3;60:18,19;67:25</p> <p>problem (12) 8:7;17:19;19:18; 20:7,9;26:14;32:20; 33:16;36:16;66:18; 81:4;102:16</p> <p>procedures (1) 26:21</p> <p>proceed (3) 6:15,16;7:4</p> <p>proceeded (1) 96:16</p> <p>process (5) 34:15;57:6;65:23; 85:3;97:19</p> <p>professionals (1) 47:22</p> <p>project (10) 6:11;7:4;14:2; 25:6;28:15;30:25; 59:18;96:11,19; 104:18</p> <p>projects (2) 7:18;90:14</p> <p>proof (1) 101:9</p> <p>properly (1) 48:5</p> <p>properties (4) 5:25;6:4,8;96:10</p> <p>property (25) 29:4;45:5,6;50:20; 52:9;66:9;68:20; 69:13;70:15,18; 71:16,21;72:2,7,8,17, 23;76:21;77:5;82:11; 89:21,23;96:5,6; 102:25</p> <p>proposals (1) 82:10</p> <p>propose (1) 102:24</p> <p>proposed (30) 5:23;7:4,16;8:2,8; 9:2;12:2;15:16; 21:21;35:10;43:18; 45:9;56:18;58:7,10; 60:9,15;64:10;73:15; 86:6;89:3,11;90:15; 96:3;98:2;100:4,4,5, 15;102:8</p> <p>proposing (3) 51:2;72:13,21</p> <p>protect (2) 44:23;48:19</p> <p>protected (1) 60:11</p>	<p>protection (5) 37:16;40:23;48:16, 18;50:4</p> <p>protective (1) 33:6</p> <p>provide (4) 50:12;64:3;65:18; 101:7</p> <p>provided (4) 57:23;59:7,10; 91:10</p> <p>Providing (2) 70:25;71:6</p> <p>public (30) 27:22;28:3,5,14; 37:9,11,12,15,20; 47:20;48:17;49:11; 56:3,5;57:4;68:14; 74:7,15,19;76:11; 77:23;78:5;85:23; 86:2,8;89:4,7,13; 103:22;104:17</p> <p>pure (1) 13:20</p> <p>purpose (1) 39:18</p> <p>purposeful (1) 33:9</p> <p>purposes (3) 45:8,8,9</p> <p>pursuant (1) 65:14</p> <p>pursue (1) 50:14</p> <p>put (11) 26:22;33:6;35:17; 40:5;44:16;46:12,21; 50:6;67:2;72:19;79:4</p>	<p>4:1;5:1;6:1;7:1; 8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1;53:1;56:1;57:1; 58:1;59:1;60:1;61:1; 62:1;63:1;64:1;65:1; 66:1;67:1;68:1;69:1; 70:1;71:1;72:1;73:1; 74:1;75:1;76:1;77:1; 78:1;79:1;80:1;81:1; 82:1;83:1;84:1;85:1; 86:1;89:1;90:1;91:1; 92:1;93:1;96:1;97:1; 98:1;99:1;100:1; 101:1;102:1;103:1; 104:1;105:1</p> <p>reach (2) 60:19;84:7</p> <p>read (2) 47:13;52:10</p> <p>reading (1) 41:16</p> <p>ready (3) 6:16;63:9;83:9</p> <p>realized (1) 68:18</p> <p>really (15) 8:5;10:8;20:7; 21:16;24:3;25:10; 32:17;47:15;70:8; 84:13;91:6;98:21; 101:9;102:17;103:7</p> <p>REALTY (32) 56:1,4;57:1;58:1; 59:1;60:1;61:1;62:1; 63:1;64:1;65:1;66:1; 67:1;68:1;69:1;70:1; 71:1;72:1;73:1;74:1; 75:1;76:1;77:1;78:1; 79:1;80:1;81:1;82:1; 83:1;84:1;85:1;86:1</p> <p>reapproval (1) 96:4</p> <p>reason (7) 35:11,14;43:21; 44:16;76:6,7;81:12</p> <p>reasons (1) 82:8</p> <p>reauthorization (1) 40:17</p> <p>rebuild (1) 81:18</p> <p>rebuilt (3) 64:8;81:15,16</p>
Q				
<p>quickly (4) 11:6;80:2;83:9; 85:10</p> <p>quiet (1) 58:7</p> <p>quite (1) 35:10</p>				
R				
<p>raise (1) 22:7</p> <p>raised (5) 28:14;30:4;36:22; 41:3;73:13</p> <p>Ralph's (1) 77:4</p> <p>ran (1) 34:6</p> <p>Rather (1) 84:19</p> <p>RE (96)</p>				

<p>recall (2) 83:18;104:2</p> <p>receive (3) 5:2;27:25;96:20</p> <p>received (4) 4:24,25;17:14; 44:10</p> <p>receiving (1) 11:9</p> <p>recent (3) 72:25;73:7,9</p> <p>recently (1) 64:8</p> <p>recess (2) 31:6,9</p> <p>recited (1) 4:22</p> <p>recommend (1) 58:2</p> <p>recommendation (1) 11:5</p> <p>recommendations (1) 9:19</p> <p>recommended (1) 10:5</p> <p>reconfigured (1) 96:19</p> <p>record (9) 6:7;17:23;27:17; 28:18;77:16;85:22; 90:11;91:9;96:9</p> <p>records (2) 8:3,3</p> <p>recreational (1) 70:3</p> <p>Red (2) 56:17;65:10</p> <p>redesign (1) 102:11</p> <p>reduce (1) 25:25</p> <p>reduced (1) 8:13</p> <p>reducing (2) 7:13;26:12</p> <p>reduction (3) 7:15;8:20;24:14</p> <p>reference (1) 77:14</p> <p>referenced (2) 68:25;71:2</p> <p>referencing (1) 70:20</p> <p>referred (2) 26:5;42:19</p> <p>referring (2) 10:17;61:7</p> <p>refers (1) 91:10</p> <p>reflect (6) 8:8;10:3;13:12; 24:19;26:17;60:6</p> <p>reflected (2)</p>	<p>11:18;16:12</p> <p>reflecting (2) 10:22;12:5</p> <p>reflectivity (1) 19:18</p> <p>refractive (1) 16:17</p> <p>regard (6) 8:11;9:8;32:14; 47:5,19;98:21</p> <p>regarding (4) 10:10;49:11;96:13; 102:8</p> <p>regards (2) 42:4,9</p> <p>regrading (1) 71:16</p> <p>regular (1) 78:17</p> <p>related (4) 21:16;57:5;71:10; 101:4</p> <p>relates (3) 17:25;26:18;48:16</p> <p>relating (1) 24:13</p> <p>relative (5) 50:4;71:5,7,22; 73:15</p> <p>relevant (1) 60:18</p> <p>relocate (1) 92:5</p> <p>relocation (1) 90:15</p> <p>relook (1) 41:9</p> <p>remaining (1) 37:15</p> <p>remedied (1) 58:17</p> <p>removal (1) 99:19</p> <p>removals (1) 100:2</p> <p>removed (2) 56:17;65:10</p> <p>Renewable (2) 9:18;10:18</p> <p>renewed (1) 97:16</p> <p>reopened (4) 27:17;28:18;77:16; 85:22</p> <p>repair (1) 57:12</p> <p>repairing (1) 57:6</p> <p>repeat (2) 20:2;25:2</p> <p>replace (2) 26:2;57:12</p> <p>replaced (2)</p>	<p>56:25;70:22</p> <p>replacing (2) 26:12;71:6</p> <p>report (9) 9:17;10:18,19; 42:10;43:3;45:16; 57:3,4;70:25</p> <p>represent (2) 34:5;35:25</p> <p>representing (1) 35:19</p> <p>request (1) 33:12</p> <p>require (8) 10:20;17:15;18:5, 11,14;52:9;58:18; 60:13</p> <p>required (3) 40:24;41:3;57:24</p> <p>requirement (3) 11:22;58:4,19</p> <p>requirements (3) 14:3;57:25;58:23</p> <p>requires (2) 58:16;60:9</p> <p>reschedule (1) 80:24</p> <p>rescinding (1) 40:19</p> <p>research (1) 42:23</p> <p>residential (1) 59:5</p> <p>resin (1) 49:17</p> <p>Resnick (4) 46:4,16;47:2,3</p> <p>resolved (3) 76:4,5;80:24</p> <p>respect (3) 41:20;47:21;48:21</p> <p>respond (1) 46:17</p> <p>responded (1) 77:20</p> <p>responding (1) 39:22</p> <p>response (5) 5:4;10:8;64:3; 66:2;73:15</p> <p>responsibility (1) 83:18</p> <p>responsible (1) 36:15</p> <p>rest (1) 76:10</p> <p>restore (1) 34:13</p> <p>restored (1) 91:3</p> <p>restriction (1) 60:13</p> <p>restrictions (1)</p>	<p>98:16</p> <p>resubmit (1) 68:24</p> <p>reuse (1) 102:24</p> <p>reused (1) 103:5</p> <p>review (12) 15:20;17:25;42:15, 15;43:5;50:3;57:23; 65:11,12;67:9,11; 92:7</p> <p>revised (2) 17:14;60:6</p> <p>revisions (1) 24:18</p> <p>revisit (1) 43:7</p> <p>revisiting (1) 48:8</p> <p>Rich (5) 5:8;25:12;32:20; 46:17;92:21</p> <p>ridge (2) 20:15;22:10</p> <p>right (96) 12:14;15:5,13,13, 15,18,21,23,25;16:7, 21,22,25;18:2,8,9,20; 21:7,14;22:6;23:3; 25:5;28:6,13;30:20, 20,24,24;31:11,23; 32:9,10,25;34:25; 35:4,22,24;36:5,25; 37:10,12;38:8,12,17; 39:7,13,16;40:8; 41:13,13,13;42:2; 43:23;44:2;45:3,24; 49:2,3,23;50:2,10,11; 51:13;57:15;61:3; 62:17;65:3,25;67:8; 68:4,22,22;69:13; 71:19;72:24;74:16; 76:24;77:6,7;78:18, 22;79:12;80:17; 85:14;89:21;91:7,20, 24;96:2;98:24;99:11, 21;103:3,21;104:12, 17</p> <p>rink (4) 56:18;57:7;69:16; 70:4</p> <p>risk (1) 102:17</p> <p>RIVER (66) 4:1;5:1,21;6:1,10, 16;7:1;8:1;9:1,10:1; 11:1;12:1;13:1;14:1; 15:1;16:1;17:1;18:1; 19:1;20:1;21:1;22:1; 23:1;24:1;25:1;26:1; 27:1;28:1;29:1;30:1; 31:1;32:1;33:1;34:1;</p>	<p>35:1;36:1;37:1;38:1; 39:1;40:1;41:1,17; 42:1;43:1;44:1;45:1; 46:1;47:1;48:1;49:1; 50:1;51:1;52:1;53:1; 77:14;96:1,3;97:1; 98:1;99:1;100:1; 101:1;102:1;103:1; 104:1;105:1</p> <p>Road (12) 5:25,25;16:21; 45:22;63:25;76:4,19; 89:22;90:25;91:2; 96:6;99:8</p> <p>roads (1) 100:8</p> <p>Roder's (1) 76:21</p> <p>Ross (5) 6:7;7:7,13;32:22; 96:9</p> <p>rotate (1) 21:23</p> <p>rotating (1) 22:14</p> <p>rotted (1) 7:22</p> <p>roughly (1) 33:5</p> <p>row (1) 15:9</p> <p>RUN (33) 56:1,4;57:1;58:1; 59:1;60:1;61:1;62:1; 63:1;64:1;65:1;66:1; 67:1;68:1;69:1;70:1; 71:1;72:1;73:1;74:1; 75:1;76:1;77:1;78:1; 79:1;80:1;81:1;82:1; 83:1;84:1;85:1;86:1; 101:16</p> <p>runoff (1) 71:17</p> <p>runway (9) 10:16;15:10;16:3, 4;17:20;19:16;22:17, 20,23</p> <p>runways (4) 18:3;23:8,11;39:4</p> <p>RV (1) 99:21</p> <p>Ryan (1) 90:11</p>
				S
				<p>safe (3) 33:19;39:18;104:6</p> <p>safety (20) 29:25;30:7;31:25; 32:15,24;33:16; 36:15;37:18,18,21, 23;39:10,10,11;42:4;</p>

44:11;45:8;46:13; 51:18;59:15 sake (2) 101:2,2 sale (1) 34:14 same (19) 10:4;12:2;15:6; 26:8;31:14;32:14; 33:14;45:7;46:10; 59:9;66:13,14;67:20; 69:5;81:16;83:3; 84:25;85:3;90:9 sand (1) 103:4 Sanitary (2) 59:11,14 sanity (1) 101:2 satisfactory (1) 14:2 satisfied (1) 10:6 satisfy (2) 12:17;14:21 save (1) 45:12 savings (1) 33:13 saw (3) 58:11;61:21;82:20 saying (16) 10:21;25:8;39:6; 40:19;49:10,16;50:5, 12,22,23,24;67:12, 15,21;78:25;83:18 scenario (1) 22:3 schedule (5) 66:11;78:14;79:3; 83:9;104:17 scheduled (2) 84:14;85:13 scientific (1) 47:12 scientist (1) 47:10 scientists (1) 47:16 Scott (1) 38:21 screening (1) 15:17 season (1) 57:9 Second (17) 4:7,8;5:9,10;9:8, 22:24;25:25;11:27,3, 4;52:16;80:25;81:3, 11;92:20;93:12; 104:21 seconded (1) 52:17	seconds (3) 25:12;51:17; 104:24 Section (4) 6:2,3;89:22;96:6 security (4) 44:12;45:9;49:19; 52:9 seeing (1) 81:22 seem (2) 58:18;76:3 seeded (1) 10:9 seems (3) 14:16;68:18;80:19 selection (1) 49:13 send (8) 13:25;51:15;52:10; 83:19;84:4,6,8;85:5 sense (2) 60:14;68:23 sent (6) 34:7;61:10,23; 62:19;80:20;85:7 septic (3) 64:9;73:13;75:18 SEQRA (7) 59:22;60:3;78:5; 92:3;97:18;100:24; 104:7 serious (1) 32:17 served (1) 47:20 session (9) 66:11;67:19;70:6; 78:4;80:25;83:6,20, 20,23 sessions (1) 68:2 set (5) 41:22;67:20;78:24; 83:15;104:12 sewage (4) 73:16,18;90:16; 103:2 sewer (4) 75:18;96:17; 102:15,22 shade (1) 22:5 shading (3) 22:8,9,11 Shall (1) 74:24 Shannon (3) 63:24;76:4,19 shape (1) 103:19 shaped (1) 10:3	Shawangunk (1) 23:12 sheds (1) 65:4 sheet (1) 74:21 shift (1) 42:3 ship (1) 13:7 shipping (2) 65:9;69:7 Short (1) 59:23 show (7) 13:13;26:13;41:4, 5;42:20;56:20;64:22 showing (4) 18:15;56:12;72:22; 74:3 shown (4) 64:10,20;65:7; 70:23 shows (5) 8:11;22:18,23; 56:22;100:14 shrunk (1) 6:24 shrunk (1) 68:20 side (15) 20:10,11,14,15; 22:7;44:14,24;46:2; 64:24;69:17;99:12, 13;102:17,25;104:6 sight (1) 35:12 sign (3) 56:6;74:20;97:22 signed (1) 38:14 significant (7) 6:15;36:17;37:23; 56:21,22;73:2; 102:18 sign-up (1) 74:21 silicone (1) 13:21 similar (2) 26:8,15 similarly (1) 7:25 simplify (1) 69:19 simply (3) 50:24;68:10;90:15 single (1) 100:9 single-family (2) 5:24;92:3 sit (5) 47:22;66:12;67:12,	18;69:18 site (45) 6:14,15;9:3,4; 11:11,12;12:3;21:19; 22:3,12,13;25:24; 38:11;50:7;51:12,14; 52:6;57:24;58:11,17; 59:10;63:11,19;64:7, 20;65:13;70:17,23; 73:4,17,19;81:14; 82:12;89:3;92:3; 96:4;98:3,6,7,14; 99:10;101:19; 102:15,19,23 sites (2) 96:17;98:15 siting (2) 9:18;10:13 sits (1) 84:20 sitting (1) 45:19 situation (2) 42:10;51:6 situations (1) 23:9 six (2) 23:7;34:12 size (3) 7:13;24:14;45:24 Skagway (1) 19:13 SKI (32) 56:1,4;57:1;58:1; 59:1;60:1;61:1;62:1; 63:1;64:1;65:1;66:1; 67:1;68:1;69:1;70:1; 71:1;72:1;73:1;74:1; 75:1;76:1;77:1;78:1; 79:1;80:1;81:1;82:1; 83:1;84:1;85:1;86:1 sky's (1) 78:10 slight (1) 8:20 slightly (3) 6:18;7:21;25:25 sloped (1) 21:19 small (1) 64:5 smaller (2) 6:18;8:17 SMITHEM (9) 90:3,5,10,11;91:4, 14,17;92:12;93:23 soils (1) 101:13 SOLAR (109) 4:1;5:1,22,23;6:1, 10,16;7:1,18,25;8:1; 9:1,3,19,22;10:1,10; 11:1,18;12:1,7;13:1,	16;14:1;15:1,9,23; 16:1,21;17:1;18:1,2, 12;19:1;20:1;21:1; 22:1;23:1;24:1;25:1; 26:1,6,7,14;27:1; 28:1,22;29:1,16,18, 24;30:1;31:1;32:1, 21;33:1,19,22;34:1; 35:1;36:1,16,20;37:1, 15,17;38:1,6,18,21, 22;39:1;40:1,22; 41:1,17;42:1,9,19,24; 43:1,17;44:1,9,20,21; 45:1,2,16,23;46:1,12, 14,18;47:1;48:1,4,16; 49:1,11;50:1,4,6,25; 51:1;52:1,8;53:1; 77:14 solidified (1) 96:15 solve (1) 80:22 solved (1) 81:6 somebody (7) 16:23;27:3;51:16; 70:4;76:10;78:25; 83:18 someone (4) 40:17;42:8;47:25; 75:16 someone's (1) 40:12 sometime (2) 82:14;85:13 somewhat (1) 21:19 Sorry (9) 7:12;31:7;34:5; 36:8;70:11;85:23; 86:7;89:4,12 sort (3) 16:11;58:11;73:15 sorts (1) 84:6 sought (1) 60:7 sounds (2) 23:21;75:8 south (10) 15:23,24;16:5; 20:11;21:3,16,20,20, 24;22:14 Southeast (2) 11:14;13:7 southerly (1) 21:5 southwest (2) 16:4,10 space (2) 46:13,13 SPDES (5) 73:17,19;74:2,14;
--	---	--	---	---

101:22 speak (6) 7:10;20:22;29:21; 47:25;56:8;77:18 SPEAKER (1) 72:2 speaking (1) 69:4 spec'd (2) 11:11;43:20 special (5) 60:6;69:2,6;104:4, 5 especially (1) 82:7 species (1) 60:11 specific (5) 30:13;32:24;42:19; 51:8;99:16 specs (1) 15:6 speed (1) 28:2 spend (1) 68:6 spoke (1) 46:3 spokesperson (1) 39:24 SQUILANDA (10) 89:1,1;90:1,1;91:1, 1;92:1,1;93:1,1 STACH (72) 8:10,22,24;9:4,7, 24,25;10:15,17;12:8, 12,18,20,25;13:3,5,8, 10,14,16,19,23; 15:19,22;16:2,8; 17:5;18:4,9,11,21; 20:19,21,24;21:2,6, 10,13,16;22:6,16; 28:25;30:22;57:23; 60:18;61:20,24;62:2, 4;64:14,18;68:16,23; 96:24;97:4,6,9,11,14, 16,21,25;98:9,12,14, 18,20;99:17,23; 100:11,18,21 staff (2) 58:8,15 STANTON (18) 4:15;5:16;25:18; 27:4,10;52:16,23; 61:6,9;83:11,14; 92:19;93:3,10,19; 104:21,23;105:6 stand (1) 101:20 Standard (3) 31:22;33:15;103:9 standards (2) 11:8;59:3	standpoint (2) 11:23;33:16 stands (1) 41:23 STAROBIN (16) 19:10,12,21;20:6, 14,25;21:4,8,11,14; 23:7,11,16,23;24:2,7 start (2) 7:6;79:23 starting (1) 52:3 State (5) 31:21;33:5;35:16; 44:11;59:12 states (2) 24:21;57:3 stayed (1) 35:3 steel (4) 33:7,15;35:14; 39:19 steeply (1) 21:19 stenographer (3) 74:21;79:13,17 step (1) 100:23 steps (1) 103:20 Steven (2) 56:11;57:3 still (15) 23:6;31:14;32:22; 34:16;41:23;44:4; 47:24;57:24;58:22; 73:5;76:16;96:24; 97:22;101:7,21 stipulated (1) 34:23 stop (1) 22:9 stopped (1) 31:6 storage (3) 64:15,22;65:4 stormwater (5) 96:19;101:4,8,14; 103:8 straightforward (2) 84:10;103:19 street (3) 71:11,18;72:5 strengths (1) 47:7 strong (1) 44:22 structure (2) 7:21;65:6 studied (1) 42:19 studies (4) 11:25;12:22;16:5;	45:16 study (29) 10:17,20,24;11:16, 18,21;12:4,16;13:4, 12,25;14:4,11,19; 18:6,15;26:5,8,13; 41:3,5;42:7,18,22; 43:4,5,6;47:13,15 stuff (9) 66:14,24;67:16; 68:16;69:22;76:18; 77:5;83:7;103:17 subdivision (1) 92:7 subject (11) 17:11;24:18;26:4, 5;63:19;70:15;78:25; 91:10,11;92:5;93:8 submission (3) 57:25;97:3,4 submit (6) 40:18,20;57:21; 59:23;67:6;101:17 submitted (19) 8:2;9:10;17:9; 18:15;41:3;50:21; 56:12;57:22;60:3; 67:2;68:24;69:13; 70:20;72:25;96:20; 101:6,9,10,15 submitting (2) 24:19;26:5 substantial (1) 7:21 substation (1) 71:17 suffice (1) 14:16 suggest (3) 24:11;52:2;78:3 suggested (8) 10:19;39:9;79:14; 81:12;83:6,15;85:25; 89:6 suggesting (2) 12:12;68:10 suggestion (4) 65:22;66:10,17,18 summary (1) 11:17 summer (4) 56:15,16;58:19; 60:7 summer's (1) 82:15 sun (8) 10:3,9,13;12:14; 13:17;16:9,11;46:20 sunny (2) 9:14;23:20 supervisor (2) 75:20;77:10 supplement (1)	100:15 supply (6) 11:9,13,23;74:7, 15;102:22 support (3) 24:20;36:19;76:9 supposed (4) 41:19;66:24;75:5; 84:7 Suquilanda (8) 89:3;90:8,8;92:11, 12,13,17;93:8 Sure (25) 7:7,23;10:7;15:19; 18:19,24;20:20; 23:18;29:6,11;33:19; 35:2;48:4;51:4; 60:16;66:13,15;67:3, 19;69:5;70:19;78:13; 99:8,25;102:10 surface (2) 10:2,25 survey (3) 22:23;56:22;100:9 Surveying (2) 6:8;96:10 surveys (1) 70:17 SWPPP (1) 103:16 system (9) 9:3;59:9;73:13,18, 22;90:16;103:2,3,5 systems (1) 59:10	9:17;66:15;67:15, 18;101:4 technically (1) 36:23 technology (2) 13:18;14:10 telling (6) 32:18;38:5;46:24; 49:18;51:13,22 tend (1) 70:8 tennis (5) 56:18;57:7;63:23; 69:17;70:3 terms (4) 10:7;21:22,25; 99:18 terrain (1) 99:3 test (1) 23:17 testimony (1) 43:8 testing (1) 101:13 texting (1) 16:25 texture (1) 10:25 texturing (1) 10:2 Thanks (2) 18:25;24:5 that'll (1) 26:13 Therefore (2) 24:17;65:12 thermals (2) 46:7,8 thinking (1) 19:21 third (1) 36:8 though (1) 48:15 thought (16) 12:20;22:21;28:24; 34:22;36:9;38:25; 39:3,6,21,22,23; 45:11;49:25;58:5; 67:3;83:20 three (3) 11:20;45:23;81:7 threw (1) 69:16 throughout (1) 98:5 ticket (1) 28:2 til (1) 79:6 tilt (4) 15:23;21:18,24;
T				
		table (3) 66:13;67:14;69:24 tabletop (1) 22:4 talk (7) 27:20;66:16;69:24; 70:6,6;81:24;83:5 talked (4) 37:14,16;45:13; 59:13 talking (16) 32:14;51:16,17,18, 18,21;66:6,7,13; 67:20;70:13;71:3,16; 72:10,15;99:20 tanks (1) 75:18 Tarolli (1) 90:12 tax (5) 6:2;68:20;69:11; 89:22;96:6 team (1) 80:21 technical (5)		

25:25 tilting (3) 24:13;32:4;39:3 timely (1) 67:2 times (5) 10:23;12:6;21:21; 45:24;51:2 titled (1) 73:6 today (7) 13:21;25:14;9; 65:25;66:19;67:17; 68:2 together (8) 69:12;72:20;79:15; 80:2,20;84:4,8;85:10 told (1) 84:3 tomorrow (4) 13:25;85:4,5,9 tonight (5) 4:20;5:21;6:12; 38:14,16 took (2) 46:14;48:17 total (2) 8:15,21 totally (2) 21:4;51:5 toward (5) 16:11;21:20;22:18; 59:5;85:13 towards (3) 20:11;21:9;46:2 tower (1) 10:22 towers (1) 18:6 Town (9) 4:3;31:20;34:17; 42:10;57:22;69:25; 70:2,4;74:13 Town's (1) 8:3 track (1) 10:23 tracking (12) 6:20;9:15;15:3,4,7; 16:6;19:20,24,25; 20:3,5;41:4 traditionally (1) 6:22 trailer (1) 56:17 transportation (2) 32:15;44:11 travel (1) 10:14 treatment (1) 103:5 tree (4) 99:19;100:2,9,9	trees (4) 98:24;99:3,25; 100:6 tried (3) 45:25;80:25;82:17 trigger (1) 102:18 trouble (1) 98:23 try (6) 69:19;80:9,24; 81:3;85:9,13 trying (7) 27:21;42:13;64:3; 66:22;79:3;83:8,24 turn (1) 48:2 turning (1) 20:11 turns (1) 50:16 Twelve (2) 64:14,15 two (20) 11:25;42:3;45:23; 49:5,7;61:13;72:19, 19;78:11;79:5,17; 80:8;82:16;92:9,10; 96:13;98:6;102:23, 24;104:8 type (18) 9:21;12:2;31:6; 33:4,13,13;42:19; 44:23;45:7;46:19; 49:12,14;59:17,22, 23,25;67:17;73:3 typical (2) 98:6,10 typically (4) 17:14;21:2;78:16, 17	18:7,18 unmute (4) 18:23;19:5,6;29:7 unmuted (2) 19:8;56:8 unnecessary (2) 58:3,3 up (24) 15:14;24:5;28:23; 34:14;35:17;40:6; 41:11,12;46:6,14; 47:9;51:23;56:6; 57:10;58:22;68:17; 73:14;74:20;77:10; 78:24;83:11,15; 90:25;101:13 updating (2) 8:4,7 upon (8) 24:12;40:15,16; 42:22,23;43:2,7,9;2:7 upset (1) 36:14 use (21) 10:14,25;22:20; 23:3;33:14;44:23; 58:10;60:7,7;63:13, 22;70:3;76:6,7;82:3, 4,7,7,9;104:4,5 used (15) 22:20;23:8;44:12; 47:3;51:3;56:15,16, 16,19;58:13,13; 63:23;79:24;82:11; 84:22 useful (1) 100:3 usefulness (2) 33:10,15 uses (2) 9:2;22:19 using (4) 6:20;76:25;84:12; 100:18 usually (5) 18:6;21:7;41:14; 60:12;78:18 utilize (1) 70:5	99:7;100:14,15 vehicle (1) 101:18 verbal (1) 5:4 verify (1) 101:18 Vernon (1) 96:5 versus (2) 69:11;70:17 view (2) 33:12;63:17 vinyl (4) 35:11,13;37:17; 45:10 violation (2) 51:12,14 violations (5) 57:5;58:12,16; 59:16;82:19 visual (1) 49:17 vote (1) 5:2 voted (4) 30:18,20,21;31:5 voting (1) 4:19	ways (1) 82:12 week (8) 23:23;78:11,16; 85:12,14;101:13; 104:10,11 weeks (3) 5:3;79:5;104:8 weigh (1) 49:15 Welcome (8) 4:2;28:25;31:4; 41:6;76:13;85:19; 86:4;89:9 wells (2) 102:23,24 weren't (4) 36:2;40:4;41:10; 50:13 west (4) 21:23;22:15;99:11, 13 western (1) 20:10 wetland (1) 97:17 wetlands (5) 99:13;101:21,22; 102:8,15 what's (8) 23:20;24:9;66:25; 69:11,15,15;71:7; 77:22 whatsoever (3) 16:24;32:2,5 whimsically (1) 32:16 white (1) 11:21 whole (2) 69:13;76:11 who's (5) 16:24;35:23;48:21; 86:8;89:13 willing (1) 14:3 wind (2) 21:4,6 window (1) 12:5 winds (1) 21:7 WINGLOVITZ (41) 6:7,8,9;8:7,15,23; 9:2,5;17:2;23:5; 27:14;32:22;96:9,10; 97:2,5,10,13,15,18, 24;98:6,10,13,16,19; 99:5,22;100:10,13, 20;101:22;102:7,20, 23;103:4,10,12,18; 104:10;105:10 WINGOLVITZ (1)	
	U		W		
	uncomfortable (1) 39:5 under (4) 8:16;59:22,24; 71:20 undersized (1) 57:11 Understood (5) 9:7;13:8,10;43:25; 102:20 unfortunately (1) 78:3 UNIDENTIFIED (1) 72:2 units (3) 13:17;64:5,5 unless (3) 35:5,6;37:21 unmanned (2)	vacation (1) 96:4 valid (1) 73:22 variance (2) 58:18;59:3 variety (3) 67:17;70:5;82:8 various (2) 47:21;73:4 vegetation (3)	wait (4) 69:18;74:24,24; 100:22 waited (1) 79:6 waiting (3) 19:5;96:24;101:21 waits (1) 19:7 waive (1) 65:17 waived (2) 38:25;39:3 waiver (1) 58:4 Walmart (1) 16:22 Walter (1) 6:9 wants (3) 30:16;33:24;56:5 waste (1) 11:23 water (8) 74:7,15;75:16,17; 96:17;101:23; 102:15,22 way (10) 9:3;10:20;11:4; 14:5;22:21,22;32:19; 45:25;81:22;84:5		

97:8		4:2	
Winter (1) 32:20	Y	14 (5) 64:10,13,19,20;	3
wintering (1) 60:14	year (11) 33:9;37:14,16;	96:6	3 (1) 91:11
wire (1) 7:17	39:19;44:20;50:25;	15.75 (1) 89:24	30 (2) 58:21,23
within (10) 6:4,25;8:22,24;	51:2;57:3;74:12;	15th (1) 57:3	32 (1) 64:24
11:7;18:2;45:6;66:3;	82:4,5	16 (4) 6:19;7:14;8:24;	33 (1) 65:3
82:15;89:23	years (9) 7:22;23:7;33:5,17,	64:17	34 (1) 65:7
without (6) 17:13;33:23;37:20;	19;34:12;44:5,25;	16.5 (1) 8:23	
58:22;63:18;64:8	47:20	16.56 (1) 8:14	4
wondered (1) 9:15	year's (1) 74:12	17 (1) 64:5	4.2 (1) 6:2
wooden (1) 43:24	yellow (3) 11:21;56:17;63:21	176.6 (1) 6:4	4.3 (1) 6:3
word (4) 46:24;84:12,22,25	Yep (3) 34:11;97:5;98:6	18 (8) 6:19;7:14;8:21,22,	45 (1) 96:7
work (24) 11:18;32:21;64:9;	York (7) 27:21;31:17,20;	25;33:17,19;44:24	
66:11,22;67:14,15,	33:5;35:16;44:11;	18.26 (1) 8:12	5
19,19;68:2;70:6;	59:12	18.4 (1) 89:22	50 (1) 12:13
73:3,5,13;78:4;80:7,	yurt (1) 98:7	19.9 (1) 8:20	50-57 (1) 5:25
20,25;83:6,7,20,20,	Z	1974 (2) 56:14;73:6	
23;99:8	ZELEK (9) 29:12,14,23;30:6,	1994 (1) 56:22	7
worked (2) 38:2,3	11,19;32:6;33:24;	2	7:38 (1) 27:15
workers (1) 44:19	35:21	2 (5) 89:22;98:21,22;	8
working (1) 99:16	zero (1) 11:20	99:18;100:24	8:10 (4) 27:17;28:16;77:12,
works (2) 46:4;90:7	Zone (5) 6:5,5;46:13;89:23;	20 (11) 8:17;9:6,6;33:9;	16
workshop (6) 75:6;79:14;81:12;	96:7	39:19;44:4,20,24;	8:19 (1) 85:20
83:15,16;84:12	zoning (2) 58:23;65:20	47:20;50:25;51:2	8:20 (2) 85:22;86:15
workshops (1) 84:13	Zoom (6) 7:11;29:5;77:19,	200 (2) 58:20,24	8:25 (1) 93:24
world (1) 19:7	20;90:15;102:8	2023 (1) 4:2	8:38 (2) 28:18;105:13
worth (1) 17:22	1	209 (7) 20:10;32:9;39:4;	811 (1) 96:5
worthy (1) 37:22	1 (7) 6:2,3;17:14;24:18;	44:13;45:24,25;	9
woven (1) 7:17	60:2,5;96:6	46:15	9:04 (1) 53:3
write (3) 48:13;52:4,4	10 (4) 9:11;33:5;45:22;	21 (1) 64:5	90 (1) 22:12
writing (2) 40:5,20	82:15	22.2 (1) 96:6	95 (1) 21:11
written (1) 32:11	10-inch (2) 57:11;71:6	24/7 (1) 75:20	
wrong (2) 43:5;84:22	11 (2) 86:11;89:16	26 (2) 6:2,3	
wrote (3) 17:18;26:9;75:11	119.14 (1) 6:3	29 (1) 89:22	
Wurtsboro (11) 5:22;21:9;22:10;	11th (3) 79:10;86:12;89:17		
27:21;38:14;40:10;	12 (3) 11:10;64:13,15		
41:18;45:17;46:4;	12th (2) 86:9;89:14		
47:3;89:21	13 (1)		