

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
September 8, 2020
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

LORRENCE GREEN, Chairman
MORT STAROBIN, Board Member, via Zoom
ALEX GOODMAN, Board Member
FRANK GIRALDI, Board Member, via Zoom
RANDAL ROCHE, Alternate Board Member
DOUG STANTON, Alternate Board Member
KYRA PLATT, Building Department
JOHN CAPPELLO, ESQ., Attorney
LAWRENCE PAGGI, P.E., Engineer
ADRIANA BELTRANI, Planner

JERIC CORPORATION
Court Reporting Services
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Narrowsburg, New York 12764
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Reported By: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

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Marc D. Labuda
Proposed Site Plan and Special Use
Tax Map Section 29; Block 2; Lot `6.2
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
September 8, 2020
7:02 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- FRANK GIRALDI, Board Member, via Zoom.
- RANDAL ROCHE, Alternate Board Member
- DOUG STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Marc D. Labuda, Applicant

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1 - RE: MARC LABUDA -

2 CHAIRMAN GREEN: Welcome to the September 8, 2020
3 meeting of the Town of Mamakating Planning Board.

4 Please join me in the Pledge of Allegiance.

5 (The Pledge of Allegiance was recited.)

6 CHAIRMAN GREEN: Okay. So who do we have? We have
7 Doug and we have Randy out there that will be full voting
8 members tonight.

9 Do I have a motion to open the meeting?

10 BOARD MEMBER STANTON: Motion.

11 CHAIRMAN GREEN: Doug.

12 Second?

13 BOARD MEMBER GOODMAN: Second.

14 CHAIRMAN GREEN: Alex.

15 All in favor?

16 BOARD MEMBER STAROBIN: Aye.

17 BOARD MEMBER GOODMAN: Aye.

18 BOARD MEMBER GIRALDI: Aye.

19 ALTERNATE BOARD MEMBER STANTON: Aye.

20 ALTERNATE BOARD MEMBER ROCHE: Aye.

21 CHAIRMAN GREEN: Aye.

22 (The motion was approved and carried.)

23 CHAIRMAN GREEN: So everybody is in favor. Okay,
24 good.

25 We should have all received the minutes. Do I have

1 - RE: MARC LABUDA -

2 any comments on the minutes?

3 (No verbal response.)

4 CHAIRMAN GREEN: Do I have a motion to accept the
5 minutes?

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

7 CHAIRMAN GREEN: Doug.

8 Second?

9 BOARD MEMBER GOODMAN: Second.

10 CHAIRMAN GREEN: Alex.

11 All in favor?

12 BOARD MEMBER STAROBIN: Aye.

13 BOARD MEMBER GOODMAN: Aye.

14 BOARD MEMBER GIRALDI: Aye.

15 ALTERNATE BOARD MEMBER STANTON: Aye.

16 ALTERNATE BOARD MEMBER ROCHE: Aye.

17 CHAIRMAN GREEN: Aye.

18 (The motion was approved and carried.)

19 CHAIRMAN GREEN: Okay, good.

20 The first applicant up is Marc D. Labuda, proposed
21 site plan and special use for a pole barn, nursery for
22 wholesale and cultivation of decorative shrubs and trees.
23 The property is located on Wurtsboro Mountain Road, Tax Map
24 Section 29; Block 2; Lot 16.2. The property lies in the
25 Mountain Greenbelt Zone and is approximately 12.08 acres.

1 - RE: MARC LABUDA -

2 Welcome.

3 Kyra, do we have paperwork on this?

4 MS. PLATT: So the Applicant submitted it when I was
5 on vacation. I was told by Mary and Michele, the ten
6 copies were not submitted, just one hard copy.

7 CHAIRMAN GREEN: Oh, okay.

8 MS. PLATT: So it was all digital except for one hard
9 copy in the office.

10 CHAIRMAN GREEN: Okay. That's not usually the
11 procedure. That's not usually the procedure. We like to
12 have a copy so we can have something to look at.

13 MR. LABUDA: When I submitted the application I simply
14 asked do you need the hard copies or is an electronic copy
15 sufficient and they said they would get back to me.

16 CHAIRMAN GREEN: Okay.

17 MR. LABUDA: I didn't know the procedure.

18 CHAIRMAN GREEN: Because what I don't want is I don't
19 want people coming in next month saying, This guy, he
20 didn't have to do this.

21 MR. LABUDA: Understood. I'll make copies of ...

22 CHAIRMAN GREEN: Go ahead, let us know what's going
23 on.

24 MS. PLATT: You're going to have to speak into the mic
25 and please keep your voice up.

1 - RE: MARC LABUDA -

2 MR. LABUDA: Okay. It seems like a lot of trouble for
3 just me. I hope somebody else is coming. I thank you for
4 the time.

5 I'm trying to get this project going. COVID has
6 obviously made everybody else's life harder, put my project
7 on hold. I wanted to get it in front of you guys. I know
8 I met probably over a year ago at a preliminary --

9 MS. PLATT: Can you talk into the microphone, please.

10 MR. LABUDA: I know I met over, probably over a year
11 ago at a preliminary workshop. I'm just trying to get
12 everything in order and looking forward to getting this
13 thing going, and if you guys have any questions for me.

14 I received the letter this afternoon. I don't know.
15 Do we go through it? I don't know how this works. I'm new
16 to all this.

17 CHAIRMAN GREEN I guess we could start off with Larry.

18 MR. PAGGI: Sure, sure.

19 So, are you Mr. Labuda?

20 MR. LABUDA: Yes, sir.

21 MR. PAGGI: Okay.

22 MR. LABUDA: Marc Labuda.

23 MR. PAGGI: Marc, okay.

24 So Marc submitted a site plan.

25 Hey, Randy, can you hear me okay?

1 - RE: MARC LABUDA -

2 (No verbal response.)

3 MS. PLATT: It's not great, but okay, he said.

4 MR. PAGGI: Okay. I'll talk a little louder.

5 So, Marc submitted a site plan and a narrative and an
6 EAF. I'll let Adriana speak mostly to the EAF.

7 The narrative, however, gives a good outline of what
8 he's planning to do. I've actually quoted a portion of
9 that narrative in my letter and I will paraphrase it.

10 The nursery will sell and cultivate shrubs and trees.
11 The project is to be phased into two parts. The first will
12 have a pole building and clearing to assist with the
13 cultivation of a nursery and products for storage.

14 Phase 2 will be aimed at opening to the general
15 public. It'll include parking. It'll have a small ten-car
16 lot. And prior to opening, there will be landscaping and
17 display of supplies and products.

18 So the majority of my comments pertain to asking Marc
19 to clearly depict those things that he's described in the
20 narrative so we can evaluate what the total extent of the
21 improvements are.

22 The project engineer has stated that the limits of
23 disturbance are less than an acre, which certainly appears
24 appropriate for just a building and a portion of a
25 driveway. But we also have to consider, we are required to

1 - RE: MARC LABUDA -

2 consider all areas of disturbance regardless of phase when
3 we are looking at the extent for the one acre threshold.
4 So we're going to need to see a parking area. We're going
5 to need to see those storage areas that might be disturbed,
6 or if they're not disturbed, describe how they will not be
7 disturbed. We're going to need to see topography and
8 proposed grading to show how those areas will be
9 accommodated and how the grades will meet town code.

10 Marc, this is pretty much all in the letter, so ...

11 MR. LABUDA: Yes, I understand.

12 MR. PAGGI: Marc also goes on to state in his building
13 permit application that a well will be drilled. I'm making
14 an assumption that that might be just for irrigation, but
15 we need to know that clearly because if there's going to be
16 any plumbing facilities in the building there would need to
17 be a sewage disposal system design if there's going to be a
18 restroom. If there's not, we just need that clearly
19 stated.

20 The EAF indicates ten gallons per day will be used.
21 That seems a little light even for irrigation. But we
22 would just need some qualifying information relative to
23 where that number came from.

24 The parking for future must also consider whether
25 there's any ADA conformance and compliance that's required.

1 - RE: MARC LABUDA -

2 I would also ask that some additional clarity be
3 provided relative to what's existing and what's proposed
4 throughout the site, and primarily in the driveway. Maybe
5 demarcate the areas that are existing and what would be
6 proposed.

7 Adriana will go into this a little bit more, but
8 there's some EAF mapper items that I think that need to be
9 included on the plans.

10 Other than that, I think the last comment is just some
11 typos.

12 MS. BELTRANI: Okay. So I'm going to try do this
13 without obviously shouting at you. It's going to be hard.

14 So a lot of my comments were similar to Larry's. I
15 understand this is a sketch plan. So this is fine, but for
16 the actual site plan we're going to want a lot more detail,
17 particularly in terms of what is proposed and what is
18 existing, what is proposed to be removed, what's proposed
19 to stay.

20 I also have a question about those two curb cuts. You
21 have a gravel road and a new curb cut. Just show us which
22 one you're using or if you're using both. We've got to get
23 a measurement of the space between them.

24 So I just want to get some understanding of the
25 project itself. It sounds like only one building is

1 - RE: MARC LABUDA -

2 proposed for both phases, but there's a cold storage unit.
3 Is that taking up the entirety of the pole building or a
4 portion of it?

5 MR. LABUDA: That would be the entire building.

6 MS. BELTRANI: It is the entire building.

7 MR. LABUDA: Yes.

8 MS. BELTRANI: So no offices or bathroom are proposed
9 at all?

10 MR. LABUDA: No.

11 MS. BELTRANI: Okay, okay. So that's cool.

12 I also noted topography. Is the existing rock wall
13 proposed to be disturbed?

14 MR. LABUDA: No.

15 MS. BELTRANI: Okay. So there's already kind of areas
16 of disturbance where that existing road goes.

17 MR. LABUDA: Yeah. I think -- I don't mean to speak
18 out of turn here.

19 MS. BELTRANI: Yes, go ahead.

20 MR. LABUDA: I think the information is there, it's
21 just not clear --

22 MS. BELTRANI: Clear, exactly. Okay.

23 So as far as parking goes, the parking does need to be
24 shown. Both phases need to be shown so that you can get
25 approved for both phases and then you can do the phases in

1 - RE: MARC LABUDA -

2 your own time.

3 MR. LABUDA: Okay.

4 MS. BELTRANI: So show us the parking.

5 The only thing is that part of the zoning code, the
6 parking requirements for a nursery is one space per 200
7 square feet of gross floor area. I measured over 6,000
8 square feet. Is that true?

9 MR. LABUDA: Well, the building is 40 by 60. That
10 would be around 2400 square, 12 parking spots.

11 MS. BELTRANI: Okay. Just check your scale, then,
12 because I used the --

13 MR. CAPPELLO: That's what --

14 MS. BELTRANI: Right, that's what you did. Well, it's
15 just that I used the Adobe, like ratio thing.

16 MR. LABUDA: Okay.

17 MS. BELTRANI: Just check the scale on the project
18 that we were sent. Maybe it was just scanned in.

19 MR. LABUDA: Okay.

20 MS. BELTRANI: Okay. So then the calculation that I
21 did was wrong so we'll have to revisit that. So that's
22 fine.

23 MR. LABUDA: Can I address that?

24 MS. BELTRANI: Sure.

25 MR. LABUDA: So the future parking will be Phase 2,

1 - RE: MARC LABUDA -

2 show on the plans and just note Phase 2 parking?

3 MS. BELTRANI: That's fine.

4 MR. PAGGI: Yes.

5 MR. LABUDA: Okay. So same thing with ADA
6 requirements and all that?

7 MR. PAGGI: Yes. You'll have to show the design.
8 You'll have to show grading with it and make sure that it
9 all complies with the required standards, yes.

10 MR. LABUDA: Sorry, I didn't mean to interrupt you.

11 MR. PAGGI: No, no, no, that's good.

12 MS. BELTRANI: All right.

13 ALTERNATE BOARD MEMBER STANTON: Excuse me. My
14 understanding, you say it's 12 parking spaces he's going to
15 need?

16 MR. CAPPELLO: Well, he would need 12 if it's 2400, by
17 code. But if you look in Adriana's memo, there is a
18 provision in the code, the new code, that allows you to
19 reduce that by 50 percent.

20 MS. BELTRANI: Right, if it's land banked.

21 MR. CAPPELLO: So they are there you could put
22 additional or you can put two more spaces. I mean it does
23 seem senseless to waste pavement.

24 MS. BELTRANI: Right.

25 MR. CAPPELLO: I don't know how many you need it.

1 - RE: MARC LABUDA -

2 MS. BELTRANI: Right. So what's being discussed for
3 the benefit of --

4 I guess, oh, you're here. You're on; right? Can you
5 hear me?

6 MR. CAPPELLO: I'm on, yes.

7 MS. BELTRANI: Oh, okay. All right.

8 So if you want to pave ten parking spaces, you can
9 show that paved ten parking spaces and then if you want to
10 show a reserve of 12 just to meet the code, you would then
11 meet the code.

12 MR. LABUDA: Okay.

13 MS. BELTRANI: I had a question about the height of
14 the building.

15 MR. LABUDA: Yes. The proposed building height is
16 fourteen four.

17 MS. BELTRANI: Fourteen four. Okay.

18 MR. LABUDA: And I'm still narrowing that down based
19 on the manufacturer.

20 MS. BELTRANI: Okay. Just make sure that the code,
21 that it remains below the maximum height.

22 MR. LABUDA: Yeah, I have to double-check that. I
23 thought it was 16.

24 MS. BELTRANI: Okay.

25 MR. LABUDA: I have to double-check that.

1 - RE: MARC LABUDA -

2 MS. BELTRANI: All right.

3 Will trucks be using the site and is loading or
4 unloading areas proposed?

5 MR. LABUDA: Well, yeah, we'll have some deliveries.
6 And I made a note on my plans for the engineer, that the
7 front of the building is essentially is be an offloading
8 area.

9 MS. BELTRANI: Okay.

10 MR. LABUDA: I thought I'd put a concrete apron there.

11 MS. BELTRANI: Okay. Great. All right.

12 MR. LABUDA: And then ...

13 MS. BELTRANI: Yes, you can go ahead.

14 Yes, I mean I was just asking for some clarity. You
15 can just respond to these notes if you want to in your next
16 submission.

17 So based on the measurement that I had done in Adobe,
18 which is clearly much bigger than the size that you're
19 actually proposing, this is actually not an unlisted
20 action. It would be a Type II Action which means that this
21 would not need to be reviewed under SEQRA.

22 But we do have some questions related to the EAF.
23 That just helps us get a sense of the kind of disturbances
24 or the kinds of environmental impacts that we might
25 reasonably expect.

1 - RE: MARC LABUDA -

2 MR. LABUDA: Right.

3 MS. BELTRANI: So I had asked you to just go ahead and
4 show the limits of disturbance, and to Larry's question,
5 kind of work through that a little bit more.

6 Just clarify that this is a multi-phase project.
7 There's a question related to that.

8 The extent of the building being heated or cooled,
9 this is a cold storage unit but if you could --

10 MR. LABUDA: Correct.

11 MS. BELTRANI: -- show that, yes.

12 And I have a similar question about the ten gallons
13 per day.

14 MR. LABUDA: Okay.

15 MS. BELTRANI: Same question about there's no
16 wastewater or restroom. If the site is going to have
17 employees and customers, then I'm just wondering kind of
18 how that retail component is going to work without a
19 bathroom.

20 MR. LABUDA: Well, ultimately, that is the goal with
21 this application. I'm not going to have the public, we're
22 not going to be any employees. It's just a cold storage
23 building.

24 MS. BELTRANI: Okay.

25 MR. PAGGI: So that will require a revised site plan

1 - RE: MARC LABUDA -

2 if you intend to amend that.

3 MR. LABUDA: Correct.

4 MR. PAGGI: Okay?

5 MR. LABUDA: It's a separate application --

6 MR. PAGGI: Right.

7 MS. BELTRANI: Okay.

8 MR. LABUDA: -- at a future date. This is all my
9 project. It's all coming out of my pocket. I'm taking
10 little steps here.

11 MS. BELTRANI: Understood.

12 MR. PAGGI: Okay, understood.

13 MR. LABUDA: Ultimately, that's where I want to go,
14 but ...

15 MS. BELTRANI: Okay.

16 And then, yes, the EAF, kind of take off the surface
17 water features. Just show those on the plan, approximate
18 locations. You can use secondary information if you want.

19 MR. LABUDA: So when you say the surface and water
20 features, what do you mean?

21 MS. BELTRANI: Are there streams or are there
22 wetlands?

23 MR. LABUDA: It's indicated on the plan. There's one
24 pond on there.

25 MS. BELTRANI: Is that the only one?

1 - RE: MARC LABUDA -

2 MR. LABUDA: Correct.

3 MS. BELTRANI: Okay.

4 MR. PAGGI: You know what? When you show topography
5 it'll help clarify that, as well.

6 MS. BELTRANI: Yes.

7 MR. LABUDA: Okay.

8 MS. BELTRANI: Okay. Yes, so that's towards Route 17,
9 then.

10 MR. LABUDA: Yes.

11 MS. BELTRANI: Okay, okay.

12 So Comment 12 is moot because this is a Type II
13 Action. We don't need a Neg Dec.

14 So finally, we just recommend that you prepare a full
15 site plan consistent with our comments.

16 And this is on Wurtsboro Mountain Road, which is a
17 county route. And now I'm trying to remember what the
18 regulation is for referrals.

19 MR. CAPPELLO: Well, if it's a site plan then maybe if
20 they --

21 MS. BELTRANI: It's a site plan so it needs to be
22 referred, yes. So we just need to refer this to the County
23 and make sure they don't have any comments related to the
24 location near the county roadway.

25 MR. LABUDA: Okay.

1 - RE: MARC LABUDA -

2 MS. BELTRANI: They'll give us their comments by 30
3 days.

4 MR. LABUDA: Well, I mean I already checked with the
5 County. Do I still have to? But they told me --

6 MS. BELTRANI: Yes, it's a formality.

7 MR. LABUDA: Okay.

8 MS. BELTRANI: Yes.

9 MR. PAGGI: So speaking of County, that's actually one
10 of my comments. County DPW, it kind of goes back to
11 Adriana's comment about the split drive.

12 MR. LABUDA: Yes.

13 MR. PAGGI: Has that been approved by DPW?

14 MR. LABUDA: Yes.

15 MR. PAGGI: Can you --

16 MR. LABUDA: I have that paperwork.

17 MR. PAGGI: Yes, if you can document, get that
18 documentation to us for our records.

19 MR. LABUDA: Okay. They told me where to put it.

20 MR. PAGGI: Okay.

21 CHAIRMAN GREEN: I have a question. One of the papers
22 that was sent was a permit for the pole barn.

23 MR. LABUDA: What?

24 MR. PAGGI: The building permit application.

25 CHAIRMAN GREEN: All right. Do we usually see that at

1 - RE: MARC LABUDA -

2 this stage?

3 MR. LABUDA: No, no. When I asked for the application
4 that was what I was given. I completed that --

5 CHAIRMAN GREEN: Okay.

6 MR. LABUDA: -- and I just ...

7 CHAIRMAN GREEN: Okay.

8 MR. LABUDA: Because I don't want to --

9 CHAIRMAN GREEN: My question is if you are building a
10 pole barn does have to go through?

11 MR. CAPPELLO: That is a determination I think that
12 Mary would make. If it's just an Ag use for his own
13 purposes --

14 CHAIRMAN GREEN: Right.

15 MR. CAPPELLO: -- and he's not inviting the public on
16 there he may be able to --

17 CHAIRMAN GREEN: Right, it may just be a simple --

18 MR. LABUDA: When I first asked this question, I don't
19 know, a year, a year and a half ago, the property was
20 vacant, so for me to do anything, the Planning Board. I
21 don't know the laws well enough, so ...

22 MR. CAPPELLO: I mean this is a --

23 MR. LABUDA: I think there was a workshop and I think
24 we confirmed that at the workshop.

25 CHAIRMAN GREEN: Right, right, right. I've got the

1 - RE: MARC LABUDA -

2 notes here.

3 MR. PAGGI: Well, regardless of whether he's going to
4 open it up to the public, it's still a commercial use,
5 isn't it?

6 MS. BELTRANI: Yes, it's a commercial use.

7 CHAIRMAN GREEN: Okay.

8 MR. PAGGI: I think that's what triggered site plan.

9 CHAIRMAN GREEN: Okay. Okay.

10 MR. PAGGI: Your intention is to --

11 MR. LABUDA: Almost.

12 CHAIRMAN GREEN: We try to help.

13 MS. BELTRANI: Does the new bulk table listing specify
14 the use is permitted and site plan?

15 MR. CAPPELLO: Yes, it this a permitted use.

16 MS. BELTRANI: So this is permitted.

17 MR. CAPPELLO: Well, it's permitted versus a special
18 permit. But permitted uses other than ...

19 MS. BELTRANI: Yes.

20 MR. CAPPELLO: Now, if any commercial, anything other
21 than a one single or two family use requires site plan
22 approval.

23 MS. BELTRANI: Right.

24 MR. CAPPELLO: The question is is it Ag.

25 MS. BELTRANI: There's a definition for horticultural.

1 - RE: MARC LABUDA -

2 MR. CAPPELLO: Right, I did see that. But I mean
3 pursuant to the Ag and Markets Law, is there an article.
4 You know, it could be exempt.

5 The development or redevelopment of any property,
6 structure for new use that proposes a building structure
7 disturbed area in excess of 1500 square feet or a structure
8 that was used -- this is 1500 square feet, so ...

9 So it looks here that it does require site plan.

10 CHAIRMAN GREEN: I missed it. So he needs a site plan
11 approval.

12 MS. BELTRANI: Yes.

13 MR. CAPPELLO: And you spend a little money up front,
14 but if you go through the whole SEQRA process and, you
15 know, things go well, when you're expanding that's that
16 much less that you'll have to build. Otherwise, you're
17 going to build a bathroom at that time and that's new, you
18 would probably a year from then, do site plan because that
19 would bring in potentially Health Department.

20 MR. PAGGI: Is there any requirement if he's going to
21 have employees on site or public to have sanitary
22 facilities?

23 MS. BELTRANI: I was wondering that.

24 MR. CAPPELLO: No. If you have a 60-year old ...

25 MR. PAGGI: So the answer is yes.

1 - RE: MARC LABUDA -

2 MR. CAPPELLO: I don't know if you could have a couple
3 port-a-johns.

4 MR. PAGGI: I was thinking that, but that should be on
5 the site plan, then.

6 MR. CAPPELLO: Yes. I mean I do think if you go apple
7 picking or anything, I don't think there's bathroom
8 facilities at those. There's usually port-a-potties that I
9 recall.

10 MR. PAGGI: Yes.

11 MR. CAPPELLO: So you should check. You should call
12 the County and see if that's a requirement, if you can have
13 the public there and just have a port-a-potty there for
14 your employees.

15 MR. LABUDA: Would that be the County, then or
16 Department of Health.

17 MR. CAPPELLO: That would be the County Health
18 Department.

19 MR. PAGGI: State.

20 MR. CAPPELLO: State Department of Health.

21 MR. PAGGI: Yes, DOH.

22 MR. LABUDA: I would think that you are.

23 MR. CAPPELLO: Most farmstands and, you know, all
24 these apple picking, I don't think many of those have
25 permanent rest facilities.

1 - RE: MARC LABUDA -

2 MR. PAGGI: But I would think they do for the
3 employees in some of the stands if they have employees
4 there. That's more my concern, if you're going to have
5 people there all day long.

6 MR. LABUDA: Well, right. I mean nobody is intended
7 to be there all day long. We're not at that step yet.

8 MR. PAGGI: Right, right. Okay.

9 MR. LABUDA: Obviously, something to consider.

10 CHAIRMAN GREEN: Any questions?

11 (No verbal response.)

12 MS. PLATT: Randy and Mort, do you have a question?
13 Okay, they're good.

14 BOARD MEMBER GOODMAN: No questions.

15 CHAIRMAN GREEN: So you're going to do this thing as
16 two separate projects? Did I understand that correctly?

17 MR. LABUDA: Yeah, that is the intent.

18 MR. CAPPELLO: Well, two phases.

19 CHAIRMAN GREEN: Just as John was saying, just the way
20 the law works is that when people come into with
21 multi-phased projects we actually have to consider the
22 whole project.

23 MR. LABUDA: Right.

24 CHAIRMAN GREEN: So that's why if you did it
25 separately, we could say, Okay, if we started with this and

1 - RE: MARC LABUDA -

2 went you went to the public, that would become another
3 project later on.

4 MR. LABUDA: No, I understand that. I'm going to have
5 to talk to my engineer.

6 MR. PAGGI: Figure out how it works for you.

7 MR. LABUDA: The most reasonable process for me at the
8 time.

9 MR. PAGGI: Right.

10 MR. LABUDA: I'm doing it the long hard way,
11 unfortunately.

12 MR. CAPPELLO: Since this is exempt from SEQRA, the
13 reason we need to look at everything is segmentation in
14 SEQRA.

15 MR. LABUDA: Right.

16 MR. CAPPELLO: But there's no segmentation here
17 because even at its ultimate, it doesn't comply.

18 MR. LABUDA: All right.

19 MR. CAPPELLO: So if you wanted to just show us the
20 pole barn and where you're coming and what you're doing in
21 Phase 1 and then in Phase 2 come back to the Planning Board
22 at that time and fully design the parking and everything,
23 that's something you could explore because as long as it's
24 under 4,000 square feet. That will be your decision.

25 MR. LABUDA: Right. And I think that was the avenue

1 - RE: MARC LABUDA -

2 that I wanted to go after we went to the workshop, was
3 either one or the other. And to simplify things and for
4 budget purposes, I think it's a lot simpler and efficient
5 for me just to do the phasing and then have to go through
6 another application process for Phase 2.

7 MR. CAPPELLO: Well, do you have an area? I mean when
8 you just have this cold storage building --

9 MR. LABUDA: Right.

10 MR. CAPPELLO: -- and the public is not there, it's
11 just going to be you or a family member? You know, who
12 will be planting stuff?

13 MR. LABUDA: Just me.

14 MR. CAPPELLO: You'll have to show where the cold
15 storage building is, that it's not a cliff or whatever
16 information is relevant.

17 MR. LABUDA: Right.

18 MR. CAPPELLO: But if you say its not open to the
19 public and the parking standards, we may have to waive them
20 and just show an area.

21 MS. BELTRANI: But even right now, he's not proposing
22 it to be open to the public right now.

23 MR. CAPPELLO: Yes, but still --

24 MS. BELTRANI: But it's still --

25 MR. CAPPELLO: But it's still a horticulture business.

1 - RE: MARC LABUDA -

2 So we'll just have to figure that out and work that out.

3 MR. PAGGI: So Marc, let's just make sure we're all on
4 the same page here. If you're going to hold a portion of
5 what you're contemplating for a later application, don't
6 show any of that on the plan.

7 MR. LABUDA: All right.

8 MR. PAGGI: Anything you show on the plan, even if
9 it's in phases, has to be included in your disturbance area
10 and if that's over an acre you've got to do a SWPPP.

11 MR. LABUDA: Correct.

12 MR. PAGGI: Okay? I mean future parking, if you want
13 to show parking as Phase 2 in your current application,
14 that's going to be considered disturbance.

15 MR. LABUDA: Correct. Understood.

16 MR. PAGGI: Okay?

17 MR. LABUDA: I still think, back to the parking, it
18 would still need to be shown, if I understand correctly,
19 regardless of the phase. Is that correct?

20 MS. BELTRANI: I would say just show it.

21 MR. LABUDA: Do I understand that correctly?

22 MR. CAPPELLO: Yes, I would show it and just say build
23 it for Phase 2.

24 MS. BELTRANI: Yes.

25 MR. LABUDA: That still --

1 - RE: MARC LABUDA -

2 MR. CAPPELLO: Because I think even though it's not
3 segmentation for SEQRA, for SPDES purpose, we have to make
4 sure there's --

5 MR. PAGGI: Anything --

6 MR. CAPPELLO: -- less than an acre.

7 MR. PAGGI: Yes. The way the DEC looks at this, if
8 you're land banking or if you're phasing, it's contemplated
9 and it's got to be included. If they go away and come back
10 with another application a year later, that could change.
11 They consider that a new application and you start over
12 again with your limit.

13 MR. LABUDA: Okay. But I still don't think that even
14 the parking puts me over my disturbance. I'll verify that
15 with my engineer.

16 MR. PAGGI: Okay. But it's not going to be just the
17 parking. I think it's going to be your storage.

18 MR. LABUDA: Correct.

19 MR. PAGGI: You know -- okay.

20 MR. LABUDA: Adding the parking, it still doesn't -- I
21 still do not believe that puts me over an acre. I'll
22 verify that.

23 MR. PAGGI: What's the property? Is the property
24 relatively level or is it hilly?

25 MR. LABUDA: It's a gradual slope.

1 - RE: MARC LABUDA -

2 MR. PAGGI: So the grading that's associated with that
3 is going to impact your disturbance area, as well. Any
4 area you're grading is going to be your disturbance area.

5 MR. LABUDA: All right.

6 MR. PAGGI: Okay? Just so as you guys are working
7 this out, you've got everything up in your mind.

8 MR. LABUDA: Okay.

9 MR. PAGGI: Make sense?

10 MR. LABUDA: Makes sense to me.

11 MR. CAPPELLO: All right. So I would suggest, because
12 we still have to refer it to County, so I would take that
13 letter, go over it with your engineer, try to reply, give
14 us another set of revised maps and everything. And then
15 once we have the revised maps we could forward it to the
16 County. That's the County Planning Department. They have
17 30 days to look at it.

18 MR. LABUDA: Okay.

19 MR. CAPPELLO: But before we could consider any
20 approvals we have to wait 30 days. If they don't comment
21 at all within 30 days, they're done.

22 MR. LABUDA: Is that standard?

23 MS. BELTRANI: Yes.

24 MR. CAPPELLO: Yes. Yes, that's a state requirement
25 that we have to do it --

1 - RE: MARC LABUDA -

2 MR. LABUDA: All right.

3 MR. CAPPELLO: --- because you're on a county road.

4 MR. LABUDA: I'm going to meet with my engineer.

5 We're going to address all these, put it all back together
6 and go see Kyra?

7 MS. BELTRANI: Yes.

8 MR. CAPPELLO: And then the Planning Board will
9 consider, because this is not a special use permit, you
10 may, but you don't have to hold a public hearing. That's
11 discretionary. When we get this and we get the County
12 comments, you can make a determination of whether. I don't
13 know where this is located in relation to other properties.

14 CHAIRMAN GREEN: It's pretty remote. It's pretty
15 remote. As I said, it's got 17 on one side of it and
16 Wurtsboro Mountain Road on the other.

17 MR. LABUDA: If you look at the acreage, the project
18 is in the center, in the middle.

19 CHAIRMAN GREEN: It's pretty remote.

20 MS. PLATT: Just so that everyone is aware, a public
21 hearing isn't measured from the center of the property,
22 though. It's 500 feet from the property line.

23 MS. BELTRANI: Right.

24 MR. CAPPELLO: Right. But it's a site plan so it's
25 not --

1 - RE: MARC LABUDA -

2 MS. BELTRANI: It's not required.

3 MR. CAPPELLO: Special permit, it's required. Site
4 plan you can do it.

5 MR. PAGGI: Are there any special districts there?

6 MR. LABUDA: We done?

7 MR. PAGGI: I think so.

8 MR. LABUDA: So as soon as I have information updated
9 and put together, I go back to the Building Department.
10 Okay. Thank you, everybody, for your time.

11 MR. PAGGI: Thanks, Marc.

12 BOARD MEMBER GOODMAN: Thanks, Marc. Good luck.

13 (Time noted: 7:46 p.m.)

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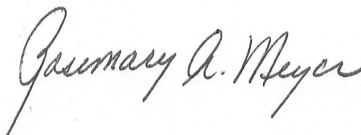
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REPORTER'S CERTIFICATION

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 Marc D. Labuda, 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: October 10, 2020

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

BOARD BUSINESS

----- X

Town Hall
Town of Mamakating
September 8, 2020
7:46 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member, via Zoom
- ALEX GOODMAN, Board Member
- FRANK GIRALDI, Board Member, via Zoom
- RANDAL ROCHE, Alternate Board Member
- DOUG STANTON, Alternate Board Member
- KYRA PLATT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

JERIC CORPORATION
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P.O. Box 385
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1 - RE: BOARD BUSINESS -

2 CHAIRMAN GREEN: Okay. Next, which is not an agenda
3 item is actually John had sent the resolution for JG
4 Resort.

5 MR. CAPPELLO: You said you have two ...

6 MR. PAGGI: Item 1-c.

7 BOARD MEMBER GOODMAN: They didn't say they were
8 clearing any trees; right? Didn't they say they --

9 MR. CAPPELLO: There is a note on the map.

10 MS. PLATT: So they are going over the resolution for
11 the JG Resorts approval, Mort and Randy.

12 CHAIRMAN GREEN: When it says on page one, "Now
13 Therefore Be It Resolved," and you go down it says "and any
14 remaining comments in the July 14, 2020 from the Planning
15 Board's engineering consultant," I think that also says it
16 as Condition 5.

17 MR. CAPPELLO: Yes. This recites the map. If he
18 hasn't addressed it yet, I don't want to put a last revised
19 date in there --

20 CHAIRMAN GREEN: Okay.

21 MR. CAPPELLO: -- and then when somebody goes, a year
22 from now, pulls the map, it has a different date on it.

23 Larry, did they make those changes already?

24 MR. PAGGI: Not that I'm aware of.

25 MR. CAPPELLO: So that's why I did the last time we

1 - RE: BOARD BUSINESS -

2 checked. That's for purposes of reciting the date. The
3 other one, the purpose was meeting the conditions in the
4 letter.

5 CHAIRMAN GREEN: Okay.

6 Do we have other comments?

7 (No verbal response.)

8 CHAIRMAN GREEN: I think that we gave him two weeks;
9 right? I think they were able to send in comments until
10 July 28th. That's on page 1. July 14th until July 28th.

11 MR. CAPPELLO: Yes.

12 CHAIRMAN GREEN: Any other comments?

13 (No verbal response.)

14 CHAIRMAN GREEN: So do we approve the final vote or is
15 this --

16 MR. CAPPELLO: Just confirm that this corresponds to
17 your vote.

18 MR. CAPPELLO: I didn't have the latest map for the
19 date. Do we have those?

20 Kyra, if you could look on the last revision date on
21 the plan, the last most recent plan we have, so we can fill
22 that in.

23 MS. PLATT: You want me to get that now?

24 MR. CAPPELLO: You don't have to do it now.

25 MR. PAGGI: Kyra, the easiest thing might be just to

1 - RE: BOARD BUSINESS -

2 look at my comment letter because I would list it.

3 MS. PLATT: Okay.

4 MR. PAGGI: I usually list the plans and the latest
5 revision right on the top.

6 MS. PLATT: Okay.

7 CHAIRMAN GREEN: Any other comments?

8 (No verbal response.)

9 CHAIRMAN GREEN: All right. Well, I was hoping,
10 certainly, that this hybrid meeting would work out a lot
11 better than it did with all the technical. I'm just a big
12 fan of this. I've been going to meetings, I've been
13 teaching courses online and the truth of the matter is that
14 while Zoom is very good as a backup plan, it's not really
15 good in actual content. I like it if we have the meetings
16 here, we see each other face to face. It's good to have a
17 fallback so that if we have four feet of snow in January we
18 don't have to show up here, we can just do it by Zoom and
19 therefore, not cancel any meetings. But we'll work on
20 this.

21 MR. CAPPELLO: As long as Governor Cuomo makes
22 permanent provisions. The Bar Association, actually, we're
23 trying to work with the State to have permanent changes
24 that will allow participation virtually permanently. Right
25 now he just keeps extending it. The last extension was

1 - RE: BOARD BUSINESS -

2 October 4th. I'm sure on October 4th he can do it to
3 November 4th, if we just write it in the Opening Meetings
4 Law that boards has the option. You're right. I mean
5 someone wants to go on vacation and you have a problem with
6 the quorum or someone's not feeling that great, it's a
7 great option to have.

8 CHAIRMAN GREEN: As I said, I like it as an option. I
9 don't like it as we're trying to conduct business and
10 coming to decisions about plans and seeing each other on
11 the screen and all that. I don't like this. I know it's
12 difficult, and we're having technical difficulties. But
13 the whole idea of allowing the public, even though it
14 doesn't seem like any of them joined us tonight anyway, but
15 being able to see what the Town Board, the Planning Board
16 are doing I think is important.

17 All right. With that, do I have a motion to close the
18 meeting?

19 BOARD MEMBER STAROBIN: Motion.

20 MS. PLATT: Mort made the motion.

21 CHAIRMAN GREEN: We have Mort made the motion. Okay.
22 Second it?

23 ALTERNATE BOARD MEMBER STANTON: Second.

24 CHAIRMAN GREEN: Doug seconds.

25 All in favor?

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- RE: BOARD BUSINESS -

BOARD MEMBER STAROBIN: Aye.

BOARD MEMBER GOODMAN: Aye.

BOARD MEMBER GIRALDI: Aye.

ALTERNATE BOARD MEMBER STANTON: Aye.

ALTERNATE BOARD MEMBER ROCHE: Aye.

CHAIRMAN GREEN: Aye.

(The motion was approved and carried.)

CHAIRMAN GREEN: Thank you, everybody.

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

* * * * *

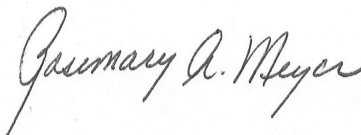
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REPORTER'S CERTIFICATION

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 Board Business, 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: October 10, 2020

	<p>appears (1) 8:23</p>	<p>barn (4) 5:21;19:22;20:10; 25:20</p>	<p>came (1) 9:23</p>	<p>5:2;8:18;10:14; 18:15,23;19:2,10; 30:12</p>
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<p>able (1) 20:16</p>	<p>applicant (2) 5:20;6:4</p>	<p>bathroom (4) 11:8;16:19;22:17; 23:7</p>	<p>13:22;14:4,8;15:13, 15:17;18:19;15,17; 23:12;30:12;31:4</p>	<p>completed (1) 20:4</p>
<p>accept (1) 5:4</p>	<p>application (11) 6:13;9:13;16:21; 17:5;19:24;20:3; 26:6;27:5,13;28:10, 11</p>	<p>become (1) 25:2</p>	<p>CAPPELLO (42) 12:13;13:16,21,25; 14:6;18:19;20:11,15, 22;21:15,17,20,24; 22:2,13,24;23:2,6,11, 17,20,23;24:18; 25:12,16,19;26:7,10, 14,18,23,25;27:22; 28:2,6;29:11,19,24; 30:3,8,24;31:3</p>	<p>compliance (1) 9:25</p>
<p>accommodated (1) 9:9</p>	<p>appropriate (1) 8:24</p>	<p>below (1) 14:21</p>	<p>carried (2) 4:22;5:18</p>	<p>complies (1) 13:9</p>
<p>acre (5) 8:23;9:3;27:10; 28:6,21</p>	<p>approval (2) 21:22;22:11</p>	<p>BELTRANI (60) 10:12;11:6,8,11,15, 19,22;12:4,11,14,17, 20,24;13:3,12,20,24; 14:2,7,13,17,20,24; 15:2,9,11,13;16:3,11, 15,24;17:7,11,15,21, 25;18:3,6,8,11,21; 19:2,6,8;21:6,13,16, 19,23,25;22:12,23; 26:21,24;27:20,24; 29:23;30:7,23;31:2</p>	<p>center (2) 30:18,21</p>	<p>comply (1) 25:17</p>
<p>acreege (1) 30:17</p>	<p>approvals (1) 29:20</p>	<p>benefit (1) 14:3</p>	<p>CHAIRMAN (35) 4:2,6,11,14,21,23; 5:4,7,10,17,19;6:7, 10,16,18,22;7:17; 19:21,25;20:5,7,9,14, 17,25;21:7,9,12; 22:10;24:10,15,19, 24;30:14,19</p>	<p>component (1) 16:18</p>
<p>acres (1) 5:25</p>	<p>approved (4) 4:22;5:18;11:25; 19:13</p>	<p>bigger (1) 15:18</p>	<p>change (1) 28:10</p>	<p>concern (1) 24:4</p>
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<p>ADA (2) 9:25;13:5</p>	<p>around (1) 12:10</p>	<p>both (4) 10:22;11:2,24,25</p>	<p>clear (2) 11:21,22</p>	<p>consider (8) 8:25;9:2,24;24:9, 21;28:11;29:19;30:9</p>
<p>Adding (1) 28:20</p>	<p>article (1) 22:3</p>	<p>bring (1) 22:19</p>	<p>clearing (1) 8:12</p>	<p>considered (1) 27:14</p>
<p>additional (2) 10:2;13:22</p>	<p>assist (1) 8:12</p>	<p>budget (1) 26:4</p>	<p>clearly (4) 8:19;9:15,18;15:18</p>	<p>consistent (1) 18:15</p>
<p>address (2) 12:23;30:5</p>	<p>associated (1) 29:2</p>	<p>build (3) 22:16,17;27:22</p>	<p>cliff (1) 26:15</p>	<p>contemplated (1) 28:8</p>
<p>Adobe (2) 12:15;15:17</p>	<p>assumption (1) 9:14</p>	<p>building (20) 8:12,24;9:12,16; 10:25;11:3,5,6;12:9; 14:14,15;15:7;16:8, 23;19:24;20:9;22:6; 26:8,15;31:9</p>	<p>code (8) 9:9;12:5;13:17,18, 18;14:10,11,20</p>	<p>contemplating (1) 27:5</p>
<p>Adriana (2) 8:6;10:7</p>	<p>avenue (1) 25:25</p>	<p>bulk (1) 21:13</p>	<p>coming (4) 6:19;7:3;17:9; 25:20</p>	<p>cool (1) 11:11</p>
<p>Adriana's (2) 13:17;19:11</p>	<p>aware (1) 30:20</p>	<p>business (1) 26:25</p>	<p>comment (4) 10:10;18:12;19:11; 29:20</p>	<p>cooled (1) 16:8</p>
<p>afternoon (1) 7:14</p>	<p>away (1) 28:9</p>	C	<p>comments (8)</p>	<p>copies (3) 6:6,14,21</p>
<p>Ag (3) 20:12;21:24;22:3</p>	<p>Aye (12) 4:16,17,18,19,20, 21;5:12,13,14,15,16, 17</p>	<p>calculation (1) 12:20</p>	<p>comment (4) 10:10;18:12;19:11; 29:20</p>	<p>copy (4) 6:6,9,12,14</p>
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<p>ahead (4) 6:22;11:19;15:13; 16:3</p>	<p>banking (1) 28:8</p>		<p>COVID (1) 7:5</p>	<p>couple (1) 23:2</p>
<p>aimed (1) 8:14</p>			<p>code (8) 9:9;12:5;13:17,18, 18;14:10,11,20</p>	<p>cultivate (1) 8:10</p>
<p>Alex (2) 4:14;5:10</p>			<p>cold (5) 11:2;16:9,22;26:8, 14</p>	<p>cultivation (2) 5:22;8:13</p>
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<p>allows (1) 13:18</p>			<p>comment (4) 10:10;18:12;19:11; 29:20</p>	<p>customers (1) 16:17</p>
<p>Almost (1) 21:11</p>			<p>comment (4) 10:10;18:12;19:11; 29:20</p>	<p>cut (1)</p>
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