

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
JULY 9, 2019
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

LORRENCE GREEN, Chairman
MORT STAROBIN, Board Member
JOSEPH RUSSEK, III, Board Member
RICHARD GLISSON, Board Member
ERIK COLLIER, Board Member
ALEX GOODMAN, Board Member
MARY GRASS, Code Enforcement/Building Inspector
JOHN CAPPELLO, ESQ., Attorney
LAWRENCE PAGGI, P.E., Engineer
ADRIANA BELTRANI, Planner

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
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

----- X
Ohel Children's Home & Family Services, Inc.
(Camp Kaylie)
Proposed Amended Site Plan
Tax Map Section 15; Block 1; Lot 4
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
July 9, 2019
7:00 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- ALEX GOODMAN, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Larry Marshall, P.E.
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -

2 CHAIRMAN GREEN: I guess we will open the meeting.
3 Welcome to the July 9th meeting of the Town of Mamakating
4 Planning Board.

5 If you would rise for the Pledge of Allegiance.

6 (The Pledge of Allegiance was recited.)

7 CHAIRMAN GREEN: Do I have a motion to accept the
8 minutes of June 2019?

9 BOARD MEMBER RUSSEK, III: I'll make the motion.

10 CHAIRMAN GREEN: Joe.

11 Do I have a second?

12 BOARD MEMBER GOODMAN: Second.

13 CHAIRMAN GREEN: Alex.

14 All in favor?

15 BOARD MEMBER GOODMAN: Aye.

16 BOARD MEMBER STAROBIN: Aye.

17 BOARD MEMBER COLLIER: Aye.

18 BOARD MEMBER RUSSEK, III: Aye.

19 BOARD MEMBER GLISSON: Aye.

20 CHAIRMAN GREEN: Aye.

21 (The motion was approved and carried.)

22 CHAIRMAN GREEN: Mary, please introduce the first
23 applicant.

24 MS. GRASS: Ohel Children's Home and Family Services,
25 Camp Kaylie, proposed amended site plan. The property is

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -
2 located at 400 Mount Vermont Road, Tax Map Section 15;
3 Block 1; Lot 4. The property lies in the MG Zone and
4 involves approximately 66.74 acres. The property is a
5 summer camp.

6 We have Larry Marshall on behalf of Camp Kaylie this
7 evening.

8 MR. MARSHALL: As Mary outlined, this is a proposed,
9 or a modification to the previously approved site plan.
10 Basically, what we're looking to do is relocate one of the
11 previously approved bunks. It has not yet been
12 constructed. All we're looking to do is relocate it. As
13 part of that relocation, the bunk is actually going to get
14 a little bit smaller in footprint.

15 What we're looking is to locate the bunk from what is
16 show as Building 63 which is right next to Building 64 and
17 then we're going to move that 63 over back behind Building
18 55, 50, behind 55, 50 and 56, over by the Gaga ring.

19 The proposed location that the Applicant has
20 requested, we request that we get approval for, it does not
21 meet the required setback of 200 feet from the rear
22 property line for camp facilities. What we're looking to
23 do is to get a referral from this Board to go to the Zoning
24 Board of Appeals. There's a significant amount of detail
25 that is missing from this application in terms of water,

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -
2 sewer, stormwater, among other items, details and so on.
3 We have refrained from adding them to the plan because we
4 need to go to the Zoning Board of Appeals. If we get a
5 favorable response from the ZBA we'll return to this board
6 with the appropriate details.

7 The area that's being propose to use is an existing
8 lawn area that's used for daily activities within the camp
9 and does not require any clearing or very little grading to
10 accommodate the proposed bunk as opposed to what's required
11 for Building 63 which is on a slope. So where the old
12 building was, it doesn't require clearing, but it would
13 require some grading.

14 CHAIRMAN GREEN: So do we need to go through all the
15 comments, then, if all they're asking for is just a
16 referral?

17 MR. PAGGI: Well, our comment really was, as Larry
18 just explained, was that it was a very preliminary
19 application and they're really just looking for a referral.

20 I think the important thing that is on everybody's
21 mind, though, before you do anything, is just maybe asking
22 the Applicant for an update on where everything stands with
23 the prior approvals. Has anything been constructed, just
24 kind of bring everybody up to speed with where we stand.

25 MR. MARSHALL: Dave, correct me if I'm wrong. The

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -
2 dining hall addition has not been constructed yet.

3 MR. SHARVIT: No.

4 MR. MARSHALL: Building 54 has been constructed.
5 Building 65 has been constructed. Building 66 has not yet
6 been constructed. Building 67 has been constructed. And I
7 think that's pretty much it.

8 Oh, and the previously approved walkway that was shown
9 around the inner ring of Buildings 4 through 13 has not
10 been constructed yet.

11 MR. CAPPELLO: They're not being used? Those
12 buildings that have been constructed, have they received an
13 inspection and they're being used?

14 MS. GRASS: Yes.

15 MR. CAPPELLO: Okay. So there's no violations
16 existing.

17 MS. GRASS: No, no violations.

18 CHAIRMAN GREEN: Did you say 67 had been constructed?

19 MR. MARSHALL: Yes.

20 MS. BELTRANI: It's not shown on the plan; right?

21 CHAIRMAN GREEN: So is that the one that you were --

22 MS. BELTRANI: That was the one previously, that we
23 had been discussing the previous approvals and we weren't
24 sure if the conditions had actually been met.

25 CHAIRMAN GREEN: Right.

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -

2 And then I think we determined that the conditions had
3 been met --

4 CHAIRMAN GREEN: They had been met, right.

5 MS. BELTRANI: -- for 67.

6 But it has not been completed as of yet; right?

7 MR. MARSHALL: Building?

8 MS. BELTRANI: Building 67.

9 MR. MARSHALL: Building 67 is built.

10 MS. BELTRANI: Is built. Okay.

11 MR. MARSHALL: Yes.

12 MS. BELTRANI: Okay. I'm sorry. I took these notes.

13 Cool.

14 CHAIRMAN GREEN: So how do you in terms of do we have
15 to sign off on all that first or ...

16 MR. CAPPELLO: No.

17 MS. BELTRANI: This is a new site plan.

18 MR. CAPPELLO: They're just amending that change to
19 the location of the one building.

20 CHAIRMAN GREEN: Okay, okay.

21 MR. CAPPELLO: There is no time frame as to what they
22 complete and get a CO. They could start construction if
23 that's the application and approval. They're just seeking
24 to modify. And then the time will start. So the Board
25 should really, for purposes of sending it over to the ZBA,

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -
2 if you have any initial comments or impression of the
3 impact of the relocation of the building, if you want to
4 provide that input to the ZBA for their deliberations,
5 you're welcome to. Otherwise ...

6 MR. PAGGI: Larry, adjacent properties, the adjacent
7 property that it's close to, anything?

8 MR. MARSHALL: There is nothing back there. I mean
9 there's somebody's property, but there's no nearby
10 residence in relationship to the proposed bunk location.

11 MS. BELTRANI: And you said that area has already been
12 cleared. I just want to clarify that that area is clear.

13 MR. MARSHALL: Yes.

14 MS. BELTRANI: There's no forest or trees.

15 MR. MARSHALL: Correct.

16 MS. BELTRANI: Okay.

17 BOARD MEMBER STAROBIN: Adriana, a question, please.

18 MS. BELTRANI: Yes.

19 BOARD MEMBER STAROBIN: Or maybe Larry of the other
20 Larry.

21 At what point do we start bumping against, you know,
22 looking at all the buildings on the property, at what point
23 do we start hitting the bulk?

24 MS. BELTRANI: Oh, I think we're far from that. I
25 haven't --

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -

2 MR. PAGGI: Can you answer that with where we are with
3 our coverage calculation? Do you have that on there?

4 MR. MARSHALL: It's permitted at 25 percent coverage.
5 There's 66.74 acres. It would be like 15 acres or more.
6 We're well less than that.

7 MS. BELTRANI: And he's proposing to relocate a
8 building that was approved previously and it's a smaller
9 building than what was previously approved. So we're
10 not ...

11 MR. MARSHALL: We're actually decreasing the proposed.
12 The limiting factor on this site is not the coverage, it's
13 really the facilities. The water and the sewage are the
14 limiting factors related to potential development on the
15 site. The outfalls, the two outfalls is what really limits
16 this.

17 CHAIRMAN GREEN: Okay.

18 MR. MARSHALL: And with the fact that it's a
19 relocation, we stay within that. We just need to provide
20 the details.

21 BOARD MEMBER STAROBIN GREEN: Do we make a motion
22 to ...

23 MR. CAPPELLO: If the Applicant wants to.
24 Technically, you don't have to refer it to the ZBA.

25 Yes, I would make a motion to refer the application,

1 - RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -
2 per the request of the Applicant, to the ZBA for an area
3 variance regarding setback.

4 That's it, unless the Board wants to add anything. If
5 you have any negative or positive opinion.

6 CHAIRMAN GREEN: Anybody have any comments?

7 BOARD MEMBER COLLIER: Is there a distance? To scale,
8 I could probably guess, but do you have a distance of what
9 it's going to be?

10 MR. MARSHALL: I don't have distance on that. I
11 apologize. It's probably about 125 feet.

12 BOARD MEMBER GOODMAN: I think the other map said 132.

13 MR. MARSHALL: Is that what it is?

14 BOARD MEMBER GOODMAN: Yes.

15 BOARD MEMBER COLLIER: It does say on there.

16 MR. MARSHALL: There you go. It's not on the sheet.
17 So we will be seeking a variance of 68 feet.

18 BOARD MEMBER GOODMAN: I'll make that motion to refer
19 it to the Zoning Board.

20 CHAIRMAN GREEN: Is there a second?

21 BOARD MEMBER RUSSEK, III: Second.

22 CHAIRMAN GREEN: All in favor?

23 BOARD MEMBER GOODMAN: Aye.

24 BOARD MEMBER STAROBIN: Aye.

25 BOARD MEMBER COLLIER: Aye.

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- RE: OHEL CHILDREN'S HOME & FAMILY SERVICES, INC. -

BOARD MEMBER RUSSEK, III: Aye.

BOARD MEMBER GLISSON: Aye.

CHAIRMAN GREEN: Aye.

(The motion was approved and carried.)

MR. MARSHALL: Thank you.

(Time noted: 7:13 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 Ohel Children's Home & Family Services, Inc. (Camp Kaylie), to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: August 10, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Lara Sheikh
Ground Mount Solar Array
Tax Map Section 74; Block 1; Lot 24
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
July 9, 2019
7:13 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- ALEX GOODMAN, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: Lara Sheikh, Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: LARA SHEIKH -

2 MS. GRASS: The next item on the agenda is Lara Sheikh
3 for a ground mount solar for a residential property. The
4 property is located at 400 Pine Kill Road, Tax Map 74;
5 Block 1; Lot 24. The property lies in the MG Zone and
6 involves approximately 2.86 acres.

7 MS. SHEIKH: Good evening. I'm Lara Sheikh, the
8 property owner at 400 Pine Kill Road, and with me is Ron
9 Nelson from Apex Solar Power.

10 I wish to install a solar panel array on my property
11 just to basically provide electricity for the residence.
12 The panels will be located in a field. It's an open field
13 directly behind my garage. On the other side of the
14 property is the Pine Kill, which actually, the other side
15 of the road from my property is a stream. On the other
16 side of the stream is just wooded land. I don't really
17 have any immediate neighbors. About a quarter mile down
18 the road on either side there as another home, but they're
19 both on the same side of the street as mine.

20 And I don't believe the panels are very visible, even
21 driving by on the road, because they are located about 150
22 feet behind the garage in an open field which is the
23 sunniest spot on the property which is why we chose that
24 spot.

25 I know we received some questions so I'm happy to try

1 - RE: LARA SHEIKH -

2 to address them today if you have any questions.

3 CHAIRMAN GREEN: Larry, do you want to discuss it?

4 MR. PAGGI: So this is very much like several other
5 ground mount solar projects. I'll let John and Adriana
6 talk about whether or not, how we move forward.

7 The technical aspects are that we really need to see
8 some form of a survey that's got property lines on it. I
9 mean we generally like to see topography to see if there's
10 any slopes being impacted. But if the Board is familiar
11 with the site and they know the site is level, some of
12 these things could be waived.

13 As we mentioned in our letter, information of record
14 states that there's wetland and floodplain and floodway,
15 protected streams. The Applicant, I think, has suggested
16 that those might actually be located on the other side of
17 the road. I'm not sure. So our suggestion would be a
18 survey, it can be a survey of record, that this is placed
19 -- they don't have to go out and get a new survey if
20 they've got one already, but there should be something
21 showing proper lines and appropriate distances to property
22 lines. If the floodplain and the floodway and the wetland
23 and the stream are over a hundred feet away then they could
24 probably just note on the plan that nothing is located
25 within a hundred feet of the proposal. But if they're in

1 - RE: LARA SHEIKH -

2 the proximity, then they should be field located and shown
3 so that a determination can be made if there's any impact.

4 So I'm going to turn it over to John and Adriana
5 because in the past what you've done is you've considered a
6 conditioned approval and let this be worked out as a
7 building permit application rather than continuing to go
8 forward as a site plan. That's kind of where we sit.

9 MS. SHEIKH: I would just make one note, that I
10 actually own the property that is to the north, so I own
11 the property that's adjacent. It's just a one acre lot,
12 actually. And then I also own the -- like, the property
13 where the panels are going to be located, it's like 2.86, I
14 believe, acre lot. This is on the far, but it's adjacent
15 to the other lot that I own. So, you know, it is close to
16 the property line. I own that property on the other side.

17 BOARD MEMBER STAROBIN: The stream is on the other
18 side of the road, then?

19 MS. SHEIKH: It is, yes.

20 BOARD MEMBER STAROBIN: Okay.

21 CHAIRMAN GREEN: John.

22 MR. CAPPELLO: Yes, you guys kind of know my overkill
23 feeling on this for a single-family home. The code was
24 written in a manner that it would only require site plan if
25 it's visible. But then when you look at the code, it kind

1 - RE: LARA SHEIKH -

2 of limits what you would look at, the height and make sure
3 that it doesn't exceed 12 feet in height, that it meets the
4 setbacks, that's it's not placed in the front yard or it's
5 closer to the street line than the principal structure.
6 And if it is visible from the road or from an adjacent
7 property, that the Planning Board could require, if it's
8 totally visible, some appropriate screening. And then the
9 other thing is just lot coverage and signing a letter. We
10 have talked about, really, what the Board would require.

11 Now, Larry's comments regarding streams and wetlands,
12 they're relevant but they're relevant in the same manner
13 that if someone came in to the Building Department and said
14 I'm building a garage. It doesn't require Planning Board
15 approval, but you still can't put a garage in a DEC wetland
16 or on a protected stream. That is something, I think, that
17 if the Planning Board is comfortable that it's appropriate
18 accurately screened and appropriately located, then I agree
19 with Larry that it should be the Building Department
20 requiring whatever survey they require when someone builds
21 a garage or a pool or a tennis court or any type of
22 accessory use and require the same level of detail, that
23 they need to consult with an engineer if it looks like it's
24 in a steep slope or on a wetland or stream. In this
25 instance, if the Board is aware of the property, you could

1 - RE: LARA SHEIKH -

2 consider a conditional conditioned upon the survey
3 information being provided.

4 Do you have a survey? I mean ...

5 MS. SHEIKH: I had a survey from when I purchased the
6 property.

7 MR. CAPPELLO: Yes.

8 MS. SHEIKH: -- 11 years ago. But nothing has really
9 changed.

10 MR. CAPPELLO: Yes. So I think if you just
11 superimpose that and show the location and demonstrate to
12 the satisfaction of Mary that it meets the setback
13 requirements, whatever they are, the distance from your
14 property line. Even a Google map to show the stream --

15 MS. SHEIKH: Right.

16 MR. CAPPELLO: -- that the stream is on the other
17 side. And whatever allows --

18 MR. PAGGI: I guess the question I would have for you,
19 John, is would we require that document be submitted with
20 some type of a professional certification?

21 MR. CAPPELLO: What do you require if someone's
22 building a --

23 MR. PAGGI: A garage usually comes in with an
24 engineer's seal, doesn't it? No.

25 MS. GRASS: A garage to build?

1 - RE: LARA SHEIKH -

2 MR. PAGGI: Yes. For a plot plan you don't have a
3 professional certification?

4 MS. GRASS: No.

5 MR. PAGGI: Okay. Then whatever you would require,
6 then. Okay.

7 MS. BELTRANI: So I think in this case requiring a
8 survey would have been helpful because we would have known.
9 The code says that they only have to receive site plan
10 approval from the Planning Board if the code enforcement
11 officer determines that the system may be visible either
12 from the road or from adjacent property. Since this is in
13 a side yard, I can see why you may have thought, Well, I
14 don't have the discretion to say whether or not it's
15 visible from the adjacent property. Had you had a survey,
16 we would have been able to see the adjacent lot was also
17 owned by the same person who owns the current lot and maybe
18 visibility wouldn't have been as much of an issue. So I
19 think we're talking about kind of two interrelated things.
20 What is the procedure for handling ground mounted solar and
21 what should the application look like so that Mary can make
22 an informed decision before sending someone to the Planning
23 Board when we really want to make it as easy as putting in
24 a garage. Although we do want to be sensitive to the fact
25 that people are putting this in their yard, we want to make

1 - RE: LARA SHEIKH -

2 sure the neighbors are comfortable with it. So I think
3 that's been kind of the back and forth that we've been
4 having. I don't know if the Planning Board has any
5 thoughts on that.

6 BOARD MEMBER COLLIER: Just a checklist of those
7 common things before the application comes up? It's the
8 same things that always come up.

9 MR. CAPPELLO: Yes, that's why. We're just getting so
10 the building, so you know.

11 BOARD MEMBER RUSSEK, III: Like the EAF mapper. If
12 that's already submitted in the package, then you already
13 know that within reason that you are crossing wetlands or
14 not crossing wetlands.

15 MR. CAPPELLO: It's easy enough. You can go on DEC's
16 web site, the New York State DEC. That has the short form.
17 You could fill it out right on the computer.

18 MS. BELTRANI: And I think it would --

19 BOARD MEMBER RUSSEK, III: Yes.

20 MR. PAGGI: Just google EAF mapper.

21 MS. BELTRANI: Right. So this is hand filled out,
22 which is fine. But when you do it on the computer it'll
23 pull up the parcel that you are talking about and it'll
24 show us a map of that parcel and indicate where the stream
25 is moving through so we can then see and you don't have to

1 - RE: LARA SHEIKH -

2 give us draw out, like a site plan. This is from the EAF
3 mapper, that that stream is there.

4 MS. SHEIKH: Yes. And just, too, I want to clarify
5 one thing. We had submitted the original application, I
6 think in May, and then we received a letter from Mary and
7 then we resubmitted with additional information.

8 MS. BELTRANI: Okay.

9 MS. SHEIKH: We did try to address her requests. And
10 I actually came into the Planning Board office and have
11 them review the application. We made a couple of changes.
12 Before I actually submitted, I tried to address.

13 MR. CAPPELLO: In addition, we have the unified
14 building permit app. You're filling out that, too, where
15 they have to certify the electrical and all that. You'll
16 have that, as well, right, to certify that it's installed
17 correctly.

18 MS. GRASS: That's the application they fill out for
19 the Building Department --

20 MR. CAPPELLO: Right, yes, the building.

21 MS. GRASS: -- and solar application, correct.

22 BOARD MEMBER RUSSEK, III: On the short form does that
23 have the archaeological and all that stuff, too? Is that
24 all on the short form?

25 MR. PAGGI: Either it's long or short. Generally,

1 - RE: LARA SHEIKH -

2 it'll pull up on the last page and it will tell you that.

3 BOARD MEMBER RUSSEK, III: I know it's not like
4 common, but, like, we had a couple of those solar ones
5 where they're moving them like a quarter of a mile through
6 wetlands. I mean and again, I don't know the property so
7 I'm not specifically about this property, but --

8 MR. PAGGI: I think actually on one of the prior solar
9 applications archaeological sensitivity showed up on it,
10 which was a question.

11 MS. BELTRANI: Right.

12 BOARD MEMBER RUSSEK, III: The only reason I think I'm
13 asking that is not just specifically for your application
14 so I'm trying not to confuse it. This is about yours.

15 MS. SHEIKH: Right.

16 BOARD MEMBER RUSSEK, III: That, like, if you're
17 getting them in that way and then saying send it back to
18 Mary, then is that like a Planning Board issue, that we
19 need to go over that and have it reviewed or ...

20 MR. CAPPELLO: Well, we do have to give Mary some
21 discretion. But you're right. On the ones that if it's
22 like an inordinate amount of trenching or something is
23 unique to it that the Planning Board wants to input, then
24 the Planning Board can input on that. But reality,
25 disturbance associated with it, even if it is an

1 - RE: LARA SHEIKH -

2 archaeological, it's only like you're posting four
3 basketball ball hoops --

4 BOARD MEMBER RUSSEK, III: Oh, no, no. Yes, I
5 understand that.

6 MR. CAPPELLO: -- on four corners and putting in a
7 racking in the middle. So the disturbance isn't that
8 great. But there may be an application that comes before
9 you and you look at it and you say if you consider moving
10 it 15 feet and it's not visible anymore. So there is
11 something there. But we should just try to work to get
12 like a uniform. If we have the mapper and it shows
13 everything there and have someone come in with the property
14 survey at least showing it is there, then we will have a
15 pretty good detail and most of the time we'll be able to
16 just sign off. And then if there are the situations, then
17 you could ask for more information or even have somebody
18 put four 12-foot sticks in the four corners and tie some
19 string or flags around and you drive by and see.

20 MS. SHEIKH: Now, we have done that. Actually, there
21 are, right now, we had them come out and survey, you know,
22 kind of done their own survey of the property and took
23 readings. They put in stakes, like metal stakes where the
24 panels will be.

25 I know during Hurricane Irene there was flooding and

1 - RE: LARA SHEIKH -

2 this field, you know, it did have some water on it. But as
3 far as, like, my property went, this was probably the least
4 flooded area of the property during Irene which, you know,
5 it basically was flooded then. I think that was considered
6 like a pretty severe one. But I feel pretty comfortable
7 that even like, if there was another hurricane Irene, like
8 this field is a lawn, there's grass growing. It doesn't
9 tend to -- when there is rain, it ...

10 MR. PAGGI: So when you resubmit, even if you get a --

11 MS. SHEIKH: Yeah.

12 MR. PAGGI: -- conditioned approval or even if you just
13 have to resubmit to Mary, the information that you provide
14 should show where that floodplain and floodway are located
15 because we actually had an application where they were
16 proposing and it came out after the fact that it was
17 actually within a floodway, and structures are not
18 permitted in the floodway.

19 MS. SHEIKH: Yes. Well, this is not in a floodway.

20 MR. PAGGI: How do you know that?

21 MS. SHEIKH: Because I actually have flood insurance
22 for the property through the -- I forget what it's called.

23 MS. BELTRANI: FEMA.

24 MS. SHEIKH: FEMA.

25 MR. PAGGI: Right.

1 - RE: LARA SHEIKH -

2 MS. SHEIKH: And my premium is based on it not being
3 on the floodplain. It's not a --

4 MR. PAGGI: So the documentation that you give the
5 Board, you just need to give the Town that documentation to
6 demonstrate that for the record.

7 MS. SHEIKH: Okay.

8 MR. PAGGI: Okay? That's as easy as finding
9 information online, as well. You just google --

10 MR. CAPPELLO: Or your policy may even have a map.

11 MR. PAGGI: Your policy may have it. But if not, all
12 that information is available online.

13 MS. SHEIKH: Actually, I think I just got the renewal.

14 Okay. There is like an area diagram that they gave on
15 the original survey. It's in your packet. It's kind of
16 the layout of the property. You'll be able to see that.
17 Like, this is the road and then the garage is here and
18 solar array will directly behind it. And they're really --
19 you know, there's nobody on the other side of the road.
20 It's just kind of woods.

21 MS. GRASS: When the company staked the property you
22 said, how high were the stakes that they put up? As high
23 as the panels would be?

24 MS. SHEIKH: The stakes are not very high.

25 MR. NELSON: Three or four feet, I believe, is our

1 - RE: LARA SHEIKH -

2 general staking out when we do a site visit, take our sun
3 eye readings so we can see how much power she can get and
4 how much electricity she can power on her own with the
5 ground mount. Three or four.

6 MS. GRASS: So you don't take it up to the highway to
7 see if it's visible year-round, any vegetation or anything.

8 MR. NELSON: No, that's --

9 MS. GRASS: That's my concern. I'm going to make that
10 call. That's why you're here before the Planning Board.
11 Right now it's the summer, the trees are all green. In the
12 winter, if a neighbor sees that and comes back and
13 complains to me, I don't want to take that responsibility
14 unless they want to wait a whole year for me watch for the
15 seasons to see what's going on. That's the problem.

16 MR. CAPPELLO: We might have to refine that.

17 MS. SHEIKH: Actually, I will tell you, the neighbor
18 -- like, there are no homes on the other side of the Pine
19 Kill because it's in a valley and so there's a big -- I
20 don't think it would be buildable. Like I don't think
21 you'd be able to access the other side. My property
22 extends to the center of the Pine Kill so ...

23 MS. GRASS: And you own the property next door to it,
24 a separate parcel.

25 MS. SHEIKH: Yes.

1 - RE: LARA SHEIKH -

2 MS. GRASS: And if you were to sell that and a house
3 was to be built, you'd have a neighbor?

4 MS. SHEIKH: Um ...

5 MR. CAPPELLO: We don't really need to get into that.
6 This is an accessory use. It's like if a neighbor sees a
7 garage, the neighbor is going to see a garage. The
8 neighbor will have to deal with it. If they buy the house,
9 they'll see solar panels.

10 MS. GRASS: I mean I'm just letting the Board know why
11 it's here is because if I can't determine whether it could
12 be seen, that's why it's here.

13 CHAIRMAN GREEN: In this specific case is the garage
14 actually blocking the view of the solar panels from the
15 street?

16 MS. SHEIKH: Yes, yes.

17 MS. BELTRANI: So one of the things you can do is take
18 a site visit if you wanted to, go on the road. If you
19 would permit the Planning Board to come to the property.

20 And then, again, for future or other applications like
21 this --

22 MS. GRASS: The Planning Board has done that before.

23 CHAIRMAN GREEN: Yes, I've done that.

24 MS. GRASS: Even Mort went out and staked them how it
25 was going to be and you guys made that call.

1 - RE: LARA SHEIKH -

2 CHAIRMAN GREEN: Yes.

3 MS. BELTRANI: So that would be an option.

4 BOARD MEMBER RUSSEK, III: So how tall is this mount?

5 MR. NELSON: Eleven feet at the highest. It's a 32
6 pitch because that's the best way to capture the sun, at a
7 32 pitch. And it starts at about three feet and goes to
8 about eleven. No higher than eleven.

9 MS. BELTRANI: And the code requires up to twelve is
10 permitted, so it's within the code.

11 MR. NELSON: Which is the standard for most towns in
12 New York State. We do a lot of business in New York State.
13 5,000 of these we've done. So we know that twelve feet is
14 too high. That's why we've done it to eleven feet.

15 CHAIRMAN GREEN: So I guess the issue, getting back to
16 what was John saying, is that if they were building a
17 garage there, the sight wouldn't be an issue, wouldn't have
18 to worry about it, it's just because it's solar?

19 MR. CAPPELLO: Well, the building inspector would
20 still be required to look to make sure. You can't build a
21 garage in a floodway.

22 CHAIRMAN GREEN: I know the floodway. But I just --

23 MR. CAPPELLO: Well, no. But those types of stream
24 issues. The reason here is, the way the particular solar
25 code is written is you live and you learn. It's a little

1 - RE: LARA SHEIKH -

2 bulky to say it can't be visible at all. And it says not
3 only from the road, because here, it's behind the garage,
4 but it says from the adjacent property. Well, here, the
5 property owner owns the adjacent property. But Mary is
6 correct. Someone could buy it. So we just need a
7 checklist to have that information. I think when we do our
8 code rewrite, maybe give it a little more flexibility to
9 say that if it's substantially visible. If it's in the
10 front yard, that's obviously something totally different
11 than something that's in somebody's side yard, behind their
12 garage, that a little portion of it may be visible from
13 your next door neighbor and you've to deal with some
14 things.

15 CHAIRMAN GREEN: I guess what I'm getting to, I
16 suppose, as Mary said, she doesn't like to make such a
17 visual call.

18 MR. CAPPELLO: Yes.

19 CHAIRMAN GREEN: So going forward, I'm trying to
20 figure out some --

21 MR. CAPPELLO: Between Google maps and EAF mapper and
22 an existing survey, we probably should figure out a little
23 checklist packet that you guys could look at it pretty
24 quickly and determine, A, this is no problem at all, or
25 this one might have some unique issues and we want to take

1 - RE: LARA SHEIKH -

2 a look at it. I mean not to make this applicant. You're
3 here for the discussion because it seems this one is pretty
4 benign.

5 CHAIRMAN GREEN: Right.

6 MR. CAPPELLO: But that when you do have someone who's
7 trenching a quarter mile to get to where the site is and
8 that trench could go through a wetland or something and
9 you're putting electrical conduit in there, that might be
10 something you want to take a much closer look at and do a
11 site visit.

12 So I think what I would suggest here is maybe the
13 Board vote subject to providing the information of a
14 survey, your floodway determination, showing your setbacks
15 on a survey and coordinating between the building inspector
16 and engineer as you've done with the Planning Board.

17 And then the other thing is we maybe come up with a
18 little checklist that you could provide to Mary to make
19 Mary's life easier, to require all the information so this
20 goes a little smoother in the future because we hope more
21 people will do it.

22 CHAIRMAN GREEN: Yes, I agree.

23 MR. PAGGI: You know, maybe one of the things that you
24 could even suggest is ask them to stake it prior to coming
25 and have them take a photograph from the road.

1 - RE: LARA SHEIKH -

2 MR. CAPPELLO: Yes.

3 MS. BELTRANI: Yes, that's another really good idea.

4 MR. PAGGI: Right?

5 MR. NELSON: Stake the actual height --

6 MS. BELTRANI: Right.

7 MR. PAGGI: And take a picture of it.

8 MR. CAPPELLO: The four corners of the outline and
9 maybe just a string of flags or something.

10 MR. NELSON: But it seems like every time it's in the
11 side yard or the front yard, that comes out of the Building
12 Department just because let's be safe rather than sorry.

13 MS. BELTRANI: Exactly.

14 MR. NELSON: In this case, we're in the middle of the
15 woods. We're not adjacent to anything.

16 MS. BELTRANI: Right.

17 MR. NELSON: There's no neighbors anywhere near it.
18 So this one is probably okay. But again, better safe than
19 sorry.

20 MS. SHEIKH: Actually, we put in a lot of aerial
21 photos.

22 MR. NELSON: On the permit plan, page 1, there's a
23 satellite view.

24 MS. BELTRANI: So that satellite view --

25 MR. NELSON: It's pretty remote.

1 - RE: LARA SHEIKH -

2 CHAIRMAN GREEN: What you've gotten in the middle of
3 is that what the Board is trying to do is to make it a lot
4 easier for future people coming. As John was saying, this
5 is pretty benign. We're just trying to figure out a way
6 that other people who have got projects where it doesn't
7 look like it needs Planning Board review, we can come up
8 with sort of protocol.

9 MR. PAGGI: Absolutely.

10 MR. NELSON: And just so you know, Apex would be glad
11 to come and meet with you guys and just talk about what we
12 do and how we're trying to do what we need to do in the
13 future and still stop aggravating Mary and make all the
14 residents happy. I think all these things can exist, but
15 it's a process and we're in the beginning of that process.
16 I'm glad, personally, to be here to help you guys
17 understand.

18 MS. GRASS: Maybe you can talk to the Town Board about
19 a change in code.

20 MR. CAPPELLO: Yes. Well, we're going to change the
21 code.

22 MS. GRASS: That might be helpful to somebody in the
23 future.

24 MR. NELSON: We're in New York State, we have 5,000.
25 We love it.

1 - RE: LARA SHEIKH -

2 CHAIRMAN GREEN: So are we at a point where we can ask
3 the Board for conditional approval?

4 MR. CAPPELLO: Yes.

5 CHAIRMAN GREEN: So we're at a point where I guess we
6 need a motion for conditional approval of this project.

7 BOARD MEMBER RUSSEK, III: Motion.

8 CHAIRMAN GREEN: Joe.

9 BOARD MEMBER STAROBIN: Second.

10 CHAIRMAN GREEN: Mort.

11 Can I have those conditions?

12 MR. PAGGI: Hang on a second.

13 Do they need mention it's a Type II action?

14 MR. CAPPELLO: Just recognizing it's a Type II under
15 SEQRA since it's a solar energy facility associated with a
16 single-family home.

17 CHAIRMAN GREEN: And subject to the conditions.
18 What's the conditions?

19 MR. CAPPELLO: That a survey be provided showing the
20 exact location of the panels and the distance from property
21 lines. Proof that it's not in the floodway be provided.

22 BOARD MEMBER RUSSEK, III: EAF.

23 MR. CAPPELLO: And the short form EAF be amended to
24 include information from the EAF mapper.

25 MR. NELSON: Can you give me the acronym one more

1 - RE: LARA SHEIKH -

2 time, please?

3 MR. CAPPELLO: EAF.

4 MR. NELSON: I have DEC.

5 MR. CAPPELLO: Yes. New York State DEC is the New
6 York State Department of Environmental Conservation.
7 That's the web site that you would go on. And then if you
8 look, they'll have a form, short form EAF. You go and you
9 fill in, which is exactly what you did here in writing.
10 You just type it in. Then it has a program that does in
11 and looks and it will come up and see if anybody sighted a
12 bald eagle nest in the vicinity of the property or there's
13 an ancient burial ground next door.

14 MS. BELTRANI: It just makes your life easier.

15 MR. NELSON: So do it on the web.

16 MS. BELTRANI: Yes.

17 MR. CAPPELLO: Yes.

18 BOARD MEMBER RUSSEK, III: It takes like one minute to
19 fill out. It really does. It's a bunch of questions. You
20 put in your section, block and lot number. It's pretty
21 straightforward, or your address.

22 MR. NELSON: I'm surprised we didn't do that. I don't
23 know why we didn't.

24 MR. CAPPELLO: You filled it out by hand.

25 MR. NELSON: I don't know why he did that that way.

1 - RE: LARA SHEIKH -

2 Maybe it's accepted a lot of times if it's handwritten.

3 But I'll make sure we do that.

4 MR. CAPPELLO: He says it's easy. I'm a computer
5 illiterate person. If I try to print anything out or
6 change it ...

7 MR. PAGGI: It actually would be easier. It's easy
8 for me and I'm in his boat.

9 MR. NELSON: We would be glad to.

10 CHAIRMAN GREEN: Okay, we have the conditions.

11 MR. CAPPELLO: Yes.

12 CHAIRMAN GREEN: We have the motion, we have a second.
13 Vote?

14 BOARD MEMBER GOODMAN: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 BOARD MEMBER COLLIER: Aye.

17 BOARD MEMBER RUSSEK, III: Aye.

18 BOARD MEMBER GLISSON: Aye.

19 CHAIRMAN GREEN: Aye.

20 (The motion was approved and carried.)

21 CHAIRMAN GREEN: Unanimous.

22 MS. SHEIKH: Thank you.

23 MR. NELSON: Thank you.

24 MR. CAPPELLO: Congratulations.

25 (Time noted, 7:41 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 Lara Sheikh, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: August 10, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

BOARD BUSINESS

----- X

Town Hall
Town of Mamakating
July 9, 2019
7:41 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- ALEX GOODMAN, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

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

Reported by: Rosemary A. Meyer

1 - RE: BOARD BUSINESS -

2 CHAIRMAN GREEN: So we do have an item that was
3 brought to us by Mort.

4 BOARD MEMBER STAROBIN: Yes. Sonia is working on a
5 grant to do a biodiversity study of the Basha Kill up to
6 the confluence with the Neversink and all the way to
7 Summitville. This could dovetail nicely with the
8 hydrological study we've done. It has do with not only the
9 biodiversity, but also conservation. In addition to that,
10 the pollution lead that's up there by the airport which the
11 State capped at, should have been 60 million dollars, it's
12 only two million dollars.

13 What they want from us is, from the Planning Board,
14 also hopefully from the Town Board very shortly, is just a
15 letter of support for this project. I said to Eric as long
16 as we're not making a commitment, the Planning Board, that
17 we, of course, support it. Right?

18 CHAIRMAN GREEN: Yes.

19 Does anybody want to make any comments?

20 (No verbal response.)

21 BOARD MEMBER STAROBIN: It's a freebee.

22 CHAIRMAN GREEN: So are we under any sort of legal
23 obligation if we send a letter of support?

24 MR. CAPPELLO: No. You just say they made you aware
25 of it. I would say if completed, it will be a tool that

1 - RE: BOARD BUSINESS -

2 would be useful for the Planning Board to be able to refer
3 to in its deliberations when applications impacting the
4 impact and you support their ...

5 CHAIRMAN GREEN: I think it's fine. Eric has been
6 before this board on several occasions. I've had personal
7 dealings back and forth, asking questions. I have no
8 problem supporting this.

9 Any other comments?

10 (No verbal response.)

11 CHAIRMAN GREEN: Do we need a motion for this?

12 MR. CAPPELLO: A motion authorizing to submit a letter
13 on behalf of the Planning Board. Otherwise, you could
14 submit it as the chair. This way, the Board votes on
15 submitting it on behalf of the Planning Board.

16 CHAIRMAN GREEN: Do I have a motion to allow the
17 chairman to write a letter in support of this application?

18 BOARD MEMBER STAROBIN: Motion.

19 CHAIRMAN GREEN: Mort.

20 Is there a second?

21 BOARD MEMBER COLLIER: Second.

22 CHAIRMAN GREEN: Eric.

23 All in favor?

24 BOARD MEMBER GOODMAN: Aye.

25 BOARD MEMBER STAROBIN: Aye.

1 - RE: BOARD BUSINESS -

2 BOARD MEMBER COLLIER: Aye.

3 BOARD MEMBER RUSSEK, III: Aye.

4 BOARD MEMBER GLISSON: Aye.

5 CHAIRMAN GREEN: Aye.

6 (The motion was approved and carried.)

7 CHAIRMAN GREEN: I guess to get to the next part of
8 the agenda, closing. Do I have a motion to close the
9 meeting?

10 BOARD MEMBER RUSSEK, III: Motion.

11 BOARD MEMBER STAROBIN: Second.

12 CHAIRMAN GREEN: All in favor?

13 BOARD MEMBER GOODMAN: Aye.

14 BOARD MEMBER STAROBIN: Aye.

15 BOARD MEMBER COLLIER: Aye.

16 BOARD MEMBER RUSSEK, III: Aye.

17 BOARD MEMBER GLISSON: Aye.

18 CHAIRMAN GREEN: Aye.

19 (The motion was approved and carried.)

20 (Time noted: 7:42 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: August 10, 2019

<p>A</p>	<p>Alex (1) 4:13</p>	<p>23:25;34:15</p>	<p>22;35:18;36:14,15, 16,17,18;41:1,2,3,4, 10,11,13,14,15,16,17</p>	<p>27:16;28:5;29:19,23; 30:18,21;31:6;32:2, 8;33:20;34:4,14,19, 23;35:3,5,17,24;36:4, 11,24</p>
<p>able (4) 20:16;24:15;26:16; 27:21</p>	<p>Allegiance (2) 4:5,6</p>	<p>available (1) 26:12</p>	<p>boat (1) 36:8</p>	<p>capture (1) 29:6</p>
<p>Absolutely (1) 33:9</p>	<p>allows (1) 19:17</p>	<p>Aye (28) 4:15,16,17,18,19, 20;11:23,24,25;12:2, 3,4;36:14,15,16,17, 18,19;41:2,3,4,5,13, 14,15,16,17,18</p>	<p>bring (1) 6:24</p>	<p>carried (5) 4:21;12:5;36:20; 41:6,19</p>
<p>accept (1) 4:7</p>	<p>Although (1) 20:24</p>	<p>B</p>	<p>build (2) 19:25;29:20</p>	<p>case (3) 20:7;28:13;32:14</p>
<p>accepted (1) 36:2</p>	<p>amended (2) 4:25;34:23</p>	<p>back (6) 5:17;9:8;21:3; 23:17;27:12;29:15</p>	<p>buildable (1) 27:20</p>	<p>center (1) 27:22</p>
<p>access (1) 27:21</p>	<p>amending (1) 8:18</p>	<p>bald (1) 35:12</p>	<p>Building (25) 5:16,16,17;6:11, 12;7:4,5,5,6;8:7,8,9, 19;9:3;10:8,9;19:22; 21:10;22:14,19,20; 29:16,19;31:15; 32:11</p>	<p>certification (2) 19:20;20:3</p>
<p>accessory (1) 28:6</p>	<p>among (1) 6:2</p>	<p>ball (1) 24:3</p>	<p>Buildings (3) 7:9,12;9:22</p>	<p>certify (2) 22:15,16</p>
<p>accommodate (1) 6:10</p>	<p>amount (2) 5:24;23:22</p>	<p>based (1) 26:2</p>	<p>built (3) 8:9,10;28:3</p>	<p>CHAIRMAN (41) 4:2,7,10,13,20,22; 6:14;7:18,21,25;8:4, 14,20;10:17;11:6,20, 22;12:4;28:13,23; 29:2,15,22;30:15,19; 31:5,22;33:2;34:2,5, 8,10,17;36:10,12,19, 21;41:5,7,12,18</p>
<p>acres (3) 5:4;10:5,5</p>	<p>ancient (1) 35:13</p>	<p>beginning (1) 33:15</p>	<p>bulky (1) 30:2</p>	<p>change (4) 8:18;33:19,20;36:6</p>
<p>acronym (1) 34:25</p>	<p>anymore (1) 24:10</p>	<p>behalf (1) 5:6</p>	<p>bunch (1) 35:19</p>	<p>changed (1) 19:9</p>
<p>action (1) 34:13</p>	<p>Apex (1) 33:10</p>	<p>behind (5) 5:17,18;26:18; 30:3,11</p>	<p>bunk (4) 5:13,15;6:10;9:10</p>	<p>changes (1) 22:11</p>
<p>activities (1) 6:8</p>	<p>apologize (1) 11:11</p>	<p>BELTRANI (29) 7:20,22;8:5,8,10, 12,17;9:11,14,16,18, 24;10:7;20:7;21:18, 21;22:8;23:11;25:23; 28:17;29:3,9;32:3,6, 13,16,24;35:14,16</p>	<p>bunks (1) 5:11</p>	<p>checklist (4) 21:6;30:7,23;31:18</p>
<p>actual (1) 32:5</p>	<p>app (1) 22:14</p>	<p>benign (2) 31:4;33:5</p>	<p>burial (1) 35:13</p>	<p>CHILDREN'S (10) 4:1,24;5:1;6:1;7:1; 8:1;9:1;10:1;11:1; 12:1</p>
<p>actually (15) 5:13;7:24;10:11; 22:10,12;23:8;24:20; 25:15,17,21;26:13; 27:17;28:14;32:20; 36:7</p>	<p>Appeals (2) 5:24;6:4</p>	<p>best (1) 29:6</p>	<p>business (2) 29:12;41:1</p>	<p>clarify (2) 9:12;22:4</p>
<p>add (1) 11:4</p>	<p>applicant (6) 4:23;5:19;6:22; 10:23;11:2;31:2</p>	<p>better (1) 32:18</p>	<p>buy (2) 28:8;30:6</p>	<p>clear (1) 9:12</p>
<p>adding (1) 6:3</p>	<p>application (13) 5:25;6:19;8:23; 10:25;20:21;21:7; 22:5,11,18,21;23:13; 24:8;25:15</p>	<p>big (2) 5:14;27:19</p>	<p>calculation (1) 10:3</p>	<p>cleared (1) 9:12</p>
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