

TOWN OF MAMAKATING
PLANNING BOARD MINUTES

August 9, 2022

TOWN HALL

WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS:

LORRENCE GREEN, Chairman

MORT STAROBIN, Board Member

JOHN LACEY, Board Member

DOUGLAS STAINTON, Board Member

RICHARD DUNN, Alternate Board Member

ADRIENNE JENSEN, Alternate Board Member

KYRA PLATT, Building Department

MEGAN COMFORT, Building Department

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
(845) 252-3515

Reported By: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Extension Lane Meadow Farm LLC
Proposed 11 Lot Subdivision
Tax Map Section 68; Block 1; Lot 81.7
Residential Agricultural Zone
----- X

Town Hall
Town of Mamakating
August 9, 2022
7:00 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- DOUGLAS STANTON, Board Member
- RICHARD DUNN, Alternate Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: James Martinez,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1 - RE: LANE MEADOW FARM LLC -

2 CHAIRMAN GREEN: Welcome to the August meeting of the
3 Town of Mamakating Planning Board.

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

5 BOARD MEMBER LACEY: Motion.

6 CHAIRMAN GREEN: Mr. Lacey.

7 Second?

8 BOARD MEMBER STAROBIN: Second.

9 CHAIRMAN GREEN: Mort.

10 All in favor?

11 BOARD MEMBER STAROBIN: Aye.

12 BOARD MEMBER LACEY: Aye.

13 BOARD MEMBER STANTON: Aye.

14 CHAIRMAN GREEN: Aye.

15 (The motion was approved and carried.)

16 CHAIRMAN GREEN: Rich will be voting as a full member
17 this evening.

18 Please join me in the Pledge of Allegiance.

19 (The Pledge of Allegiance was recited.)

20 CHAIRMAN GREEN: And Kyra has asked me to remind
21 everybody to speak into the microphone so that the people at
22 home can hear us.

23 Did everybody receive the minutes?

24 (No verbal response.)

25 CHAIRMAN GREEN: Does anybody have any comments?

1 - RE: LANE MEADOW FARM LLC -

2 (No verbal response.)

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

5 BOARD MEMBER STAROBIN: Motion.

6 CHAIRMAN GREEN: Mort.

7 Second?

8 BOARD MEMBER STANTON: Second.

9 ALTERNATE BOARD MEMBER DUNN: Second.

10 CHAIRMAN GREEN: Rich.

11 All in favor? Doug.

12 BOARD MEMBER STAROBIN: Aye.

13 BOARD MEMBER LACEY: Aye.

14 BOARD MEMBER STANTON: Aye.

15 ALTERNATE BOARD MEMBER DUNN: Aye.

16 CHAIRMAN GREEN: Aye.

17 (The motion was approved and carried.)

18 CHAIRMAN GREEN: Okay.

19 All right. The first applicant, extension for Lane
20 Meadow Farm LLC, proposed 11-lot subdivision. The property
21 is located on Winters Road, Tax Map Section 68; Block 1; Lot
22 81.7. It is approximately 56.52 acres and lies in the
23 Residential Agricultural Zone.

24 MR. MARTINEZ: Good evening. My name is James Martinez
25 with Engineering and Surveying Properties here on behalf of

1 - RE: LANE MEADOW FARM LLC -
2 the Applicant.

3 We are requesting an extension because the paperwork for
4 the formation of the drainage district is being prepared and
5 we just want an extension until that paperwork can be
6 completed.

7 CHAIRMAN GREEN: Any comments?

8 MR. CAPPELLO: No. I mean it does take a little time to
9 do it, but I think it's warranted. If it's made in a timely
10 fashion, I think the Board can consider it.

11 CHAIRMAN GREEN: Okay. How long?

12 MR. CAPPELLO: We usually do six months. Do you think
13 you'll -- I mean for a drainage petition you should be able
14 to -- six months, does that work?

15 MR. MARTINEZ: I think we could do it with six months,
16 yes.

17 CHAIRMAN GREEN: All right.

18 MR. MARTINEZ: But if we need to, could we file another
19 extension if, for whatever reason, it's not ready by then?

20 MR. CAPPELLO: I mean as long as nothing is changed and
21 it's warranted.

22 MR. MARTINEZ: Okay.

23 CHAIRMAN GREEN: Okay. So I have a motion to extend
24 this project for six months, would be the February 2023
25 meeting?

1 - RE: LANE MEADOW FARM LLC -

2 MR. PAGGI: Snow on the ground.

3 MR. CAPPELLO: Why don't we say 'til whatever the
4 meeting is just in case.

5 CHAIRMAN GREEN: Okay. Whatever the meeting is in six
6 months.

7 MR. CAPPELLO: It's extended to the February meeting.

8 CHAIRMAN GREEN: Okay. Do I have a motion?

9 BOARD MEMBER STAROBIN: Motion.

10 CHAIRMAN GREEN: Mort.

11 Second?

12 BOARD MEMBER STANTON: I'll second.

13 CHAIRMAN GREEN: Rich.

14 All in favor?

15 BOARD MEMBER STAROBIN: Aye.

16 BOARD MEMBER LACEY: Aye.

17 BOARD MEMBER STANTON: Aye.

18 ALTERNATE BOARD MEMBER DUNN: Aye.

19 CHAIRMAN GREEN: Aye.

20 (The motion was approved and carried.)

21 MR. MARTINEZ: Thank you.

22 (Time noted: 7:05 p.m.)

23 * * * * *

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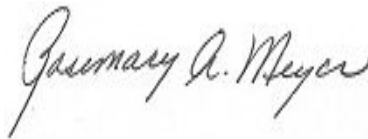
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REPORTER'S CERTIFICATION

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 Lane Meadow Farm 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: September 28, 2022

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
KL Enterprises (Kevin Lechner)
On Behalf of Michael & Flora Graham
Proposed Site Plan and Special Use for Public Utility
Tax Map Section 26; Block 1; Lot 22.2
Airport Development Zone and
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
August 9, 2022
7:05 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- DOUGLAS STANTON, Board Member
- RICHARD DUNN, Alternate Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: ZACHARY PETERS, P.E.,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1 - RE: KL ENTERPRISES -

2 CHAIRMAN GREEN: Okay. Next on the agenda, KL
3 Enterprises, Kevin Lechner on behalf of Michael and Flora
4 Graham. Proposed site plan and special use for public
5 utility of two 30,000 gallon propane storage tanks and a
6 12-by-12 power utility building. The property is located on
7 McDonald Road, Tax Map Section 26; Block 1; Lot 22.2. It is
8 approximately 4.76 acres and lies in within the Airport
9 Development Zone and Mountain Greenbelt Zone.

10 MR. PETERS: Hello. Zachary Peters from Mercurio-
11 Norton-Tarolli-Marshall, the engineers for the Applicant.
12 Mr. Lechner is also here this evening.

13 We were on the agenda for last month's meeting and I
14 think we had talked through most of the outstanding issues at
15 this time. I think we were waiting to hear back from the
16 County on their review.

17 CHAIRMAN GREEN: So Kyra, did we hear back from the
18 County?

19 MS. PLATT: We had no comments provided to us.

20 CHAIRMAN GREEN: Okay.

21 Larry, do you have any comments?

22 MR. PAGGI: We had a bunch of comments. The majority of
23 them have all been satisfied.

24 We had two remaining comments that were really at the
25 Planning Board's discretion. We had asked for a detail of

1 - RE: KL ENTERPRISES -

2 the chain link fence for your review so you can see what
3 they're proposing; and the basic elevation or a photo of what
4 the shed was going to be. Those really kind of nontechnical
5 aesthetic comments. Everything else had been addressed.

6 CHAIRMAN GREEN: Okay. Adriana.

7 MS. BELTRANI: We don't have any further comments
8 regarding planning.

9 We had prepared a Part 2 and 3 EAF with a Neg Dec and a
10 draft resolution incorporating the conditions of Larry's
11 memo. And I believe there may be a revision necessary, but I
12 would defer to the attorney.

13 CHAIRMAN GREEN: John.

14 MR. CAPPELLO: Well, the first question, just for
15 housekeeping, did the Board close the public hearing at the
16 last meeting?

17 CHAIRMAN GREEN: Yes.

18 MR. CAPPELLO: Okay. So then the next step would be to
19 go through the Environmental Impact Statement.

20 I do note that a letter was submitted by the attorney
21 for the Applicant. So if the Board wants to review and
22 discuss that in context of ensuring that the comments were
23 addressed for the record on the resolution once we consider
24 it. The only modification I suggested, this is subject to
25 the Board, is that we specifically reference in that

1 - RE: KL ENTERPRISES -

2 resolution that the determination regarding the use was made
3 by Mary Grass, the building inspector. I think I put in my
4 notes May 27th, but I'm looking at a determination, May 24th.
5 I would just ask Kyra to just include the right date so we
6 can finalize it. But that should just reference that it was
7 discussed at the May meeting that a determination was needed.
8 It was discussed at the public meeting. Thereafter, the
9 determination was made. The Board discussed that
10 determination at the June meeting and that as part of the
11 Planning Board's review, it's Mary's jurisdiction to make
12 that determination.

13 CHAIRMAN GREEN: Okay. Anybody have any comments?

14 (No verbal response.)

15 CHAIRMAN GREEN: All right. Well, we did get a letter
16 Mr. Wong's attorney. He's the gentleman that appeared here
17 last month. I believe a lot of these have already been
18 answered, but I thought I would bring a few of them up
19 because I just want him to know, he went to the trouble of
20 appearing here, that we certainly listen.

21 One part of the attorney letter said: What expertise,
22 if any, do any of the Planning Board members have concerning
23 the storage of two 30,000 gallon propane tanks near a private
24 residence? Does the Town Engineer have adequate experience
25 to opine on the safety of this project to the surrounding

1 - RE: KL ENTERPRISES -

2 public? If so, has he given the Planning Board a detailed
3 opinion? If the Town Engineer does not have the required
4 expertise, has the Planning Board engaged one that does?

5 So Rich, you're our resident expert. Will you say a few
6 words?

7 ALTERNATE BOARD MEMBER DUNN: Yes. I worked in the
8 propane field for probably 20 years of my life. I worked for
9 Heritage Energy out of Kingston, they have a place here in
10 Wurtsboro, and Coleman Gas in Washingtonville, so I do have
11 experience. I'm CETP certified to drive a Bobtail. I did
12 service for many years, and so yes, I do have. I was a fire
13 chief for nine years of my life.

14 MS. PLATT: Rich, talk into the microphone, please.

15 ALTERNATE BOARD MEMBER DUNN: Yes. I was a fire chief
16 here in Wurtsboro for nine years. We responded a few times
17 to propane facilities. They never exploded. There was a few
18 gas leaks and we handled them. They're generally -- anything
19 can happen. There's a propane tank behind every other house
20 in the northeast. There's more problems with homeowners and
21 propane, running out of gas. They get odor when the tank's
22 low. That's generally most of the gas emergencies or a gas
23 leak. But very few explosions or anything like that. Can it
24 happen? Yes, it can happen, like anything else. But a
25 facility, to my knowledge, I do not know of any facility that

1 - RE: KL ENTERPRISES -

2 I know that exploded or had any large-scale incidents. I'm
3 sure there is if you research, there is something that's
4 happened, but nothing to my knowledge. I do have some
5 experience with propane.

6 CHAIRMAN GREEN: Do you have any comment on that?

7 MR. LECHNER: I'm good. The facility is being built to
8 NFPA standards and the NFPA is the governing agency of the
9 facility.

10 CHAIRMAN GREEN: So I did do some research, supposed to.
11 But they've actually been around, the NFPA, since 1896 as
12 people. It's NFPA 58. When we get back to Mr. Wong, I have
13 a website here, but you can go and look and see all the
14 precautions that need to be taken.

15 MR. LECHNER: And I have the entire code right here.

16 CHAIRMAN GREEN: And he had a comment here: Under what
17 circumstances can an explosion occur within the propane
18 tanks? Basic gas law suggests that increase in volume,
19 pressure or temperature could cause such an explosion.

20 Well, the ideal gas law is something I know a little bit
21 about. Basically, pressure times volume is equal to the
22 number of moles of gas times the gas constant time, the
23 temperature. When you think about this, the volume is going
24 to be constant, the constant is constant, the amount of gas
25 going in is pretty constant. All that you have to worry

1 - RE: KL ENTERPRISES -

2 about is the pressure and the temperature. I believe that's
3 what most of those safety features on those tanks are dealing
4 with.

5 MR. LECHNER: The stacks that go up the top of the tank
6 are temperature and pressure relief valves.

7 CHAIRMAN GREEN: And also, you said that the shut off
8 valve is not located on site. It wouldn't be located --

9 MR. LECHNER: No. It's on site.

10 CHAIRMAN GREEN: It's on site. It's not next to the
11 tanks.

12 MR. LECHNER: It's remote.

13 CHAIRMAN GREEN: Right.

14 MR. LECHNER: It's not next to the tanks.

15 CHAIRMAN GREEN: Right.

16 MR. LECHNER: So we did that for the fire company. God
17 forbid there's ever an issue, the fire company can shut it
18 down remotely.

19 BOARD MEMBER DUNN: And you have manual shut offs at the
20 tank, too; correct?

21 MR. LECHNER: Yes. There's manual shut offs. However,
22 all the shut offs are connected with polyethylene tubing that
23 is pressurized with CO2. So if there's ever a fire, the
24 tubing melts, the CO2 escapes and it immediately shuts all
25 the valves.

1 - RE: KL ENTERPRISES -

2 CHAIRMAN GREEN: Okay. Next item he had, I think there
3 were 15 of them, but: Has the Planning Board looked at
4 similar facilities to see if they were safe?

5 Note: The Planning Board mentioned that there's a
6 Kohl's down the road. However, I suggest it is liquid
7 propane and not vapor.

8 This is liquid propane, also; correct?

9 MR. LECHNER: All the storage tanks, Porco's, Paraco's,
10 Kohl's, in the tank, at the bottom of the tank is liquid. It
11 vaporizes and the top of the tank has vapor.

12 CHAIRMAN GREEN: Okay. To what extent does the Planning
13 Board have knowledge regarding the extent of damage should an
14 explosion occur?

15 I started going online to look at this. These are -- I
16 couldn't even find it. When they talk about the safety
17 boards of the government that look at this stuff, the propane
18 tank explosions, as it were, first off, they don't happen.
19 What will happen is the propane may actually catch fire, but
20 it's not going to explode.

21 MR. LECHNER: It's a rapid burning.

22 CHAIRMAN GREEN: Right.

23 Most of the damage that they report come from people
24 with the 20 gallon propane tanks in their house that either
25 they unscrew something the wrong way and they set the thing

1 - RE: KL ENTERPRISES -

2 on it, it causes the tank to catch fire, or they've got
3 propane coming into their homes and there's a leak under the
4 house and you end up with the propane. Propane is heavier
5 than gas so it'll sit at the bottom of the house, somebody
6 goes down to the basement, lights up a match. But I couldn't
7 even find one. That's how rare they are.

8 BOARD MEMBER DUNN: The biggest hazard with propane is
9 if you had a tanker car or a truck that flipped over and the
10 flame impinged on the empty of the tank. If it was there
11 long enough, it could cause it to rupture. You would have a
12 bled. That situation could happen on the Quickway or 209.
13 That's about one of the biggest hazards you have with
14 propane. Those tanks are probably an inch thick. They're
15 probably an inch thick.

16 MR. LECHNER: Heat treated.

17 ALTERNATE BOARD MEMBER DUNN: They can withstand
18 probably a .50 caliber round. A plane came down on it, it
19 would probably withstand the crash. So if you had, like I
20 said, a railcar or a truck flip over on a highway with the
21 flame impinging on the empty part of the tank for a long
22 period of time, that would be the biggest concern, and I
23 don't see that in this facility or any facility we have in
24 the area.

25 BOARD MEMBER LACEY: I'm a retired transportation

1 - RE: KL ENTERPRISES -

2 industry. I have 27 years experience on the road with
3 hazardous material on and off during the 27 years. In my
4 experience, I have only encountered one incident where a
5 propane tanker blew up and that was around 1982 in Newburgh.
6 The individual was trying to get underneath a low clearance
7 bridge and the tanker blew up and unfortunately, incinerated
8 about 60 square feet around where the unit was sitting
9 underneath the bridge. But in my 27 years in traveling all
10 over the east coast and Cleveland and Chicago, I've only seen
11 one accident and that's the one in Newburgh. I was in that
12 area, down Newburgh, on the river, on the Hudson River.

13 Hazardous material, individuals are well-trained that
14 drive and carry the units. They are required, by DOT and the
15 federal law, to be licensed and tested periodically during
16 the course. Plus, they must maintain their physical card and
17 be tested randomly for drugs. So in my lifetime, I've only
18 seen one incident and that was around 1982. Thank you.

19 CHAIRMAN GREEN: Thank you.

20 You've mentioned that you have experience with another
21 facility. Have you --

22 MR. LECHNER: Yes.

23 CHAIRMAN GREEN: Have you had any accidents or anything
24 there?

25 MR. LECHNER: No.

1 - RE: KL ENTERPRISES -

2 CHAIRMAN GREEN: I just wanted to ask.

3 MR. CAPPELLO: Why don't we just, since we have the
4 stenographer, mention how many facilities and where some of
5 them are.

6 MR. LECHNER: Currently, we operate one facility in East
7 Branch, New York, but we have used four facilities within
8 Ulster and Orange counties --

9 MR. CAPPELLO: Thank you.

10 MR. LECHNER: -- and never had an issue with any of
11 them.

12 CHAIRMAN GREEN: So this is actually a site plan
13 question he had. The proposed site plan refers to a gravel
14 area surrounding the propane tanks. Is the balance of the
15 area going to be concrete?

16 It's going to be left alone.

17 MR. LECHNER: We had to put gravel around the area to
18 support the crane that's coming in to set the tanks.

19 CHAIRMAN GREEN: You mention on the plan that, I think
20 the tanks are going to be 230 feet from McDonald Road. So
21 what sort of setbacks does the regulatory agent ask for from
22 the road?

23 MR. LECHNER: Fifty feet.

24 CHAIRMAN GREEN: This is an interesting one. Since this
25 is potentially dangerous and hazardous operation, has the

1 - RE: KL ENTERPRISES -

2 Planning Board considered whether it would adversely affect
3 the homeowner's insurance of the adjacent property owners?
4 And if so, what protections are in place for the adjacent
5 property owners?

6 So I called my own insurance agent and I said: Suppose
7 there was a 30,000 gallon tank going next door to me? What
8 effect would that have? He said: None. He said in fact,
9 his son just got a whole house generator and he bought a
10 1,000 gallon propane tank on his property and it didn't even
11 affect his insurance. But I would ask Mr. Wong just go and
12 ask his own insurance agent. But that's what I've been told.

13 Does the Village of Wurtsboro, if anybody knows this,
14 rely on any underground gas lines or water mains that could
15 be adversely affected should one or two of the these tanks
16 explode?

17 I don't think they do.

18 ALTERNATE BOARD MEMBER DUNN: No.

19 MR. CAPPELLO: I mean there won't any services there.
20 There's none crossing this property?

21 MR. PAGGI: I don't think there's any infrastructure out
22 there other than electrical, electric.

23 CHAIRMAN GREEN: Okay. The rest of these have pretty
24 much already been covered.

25 Does anybody else have any questions?

1 - RE: KL ENTERPRISES -

2 (No verbal response.)

3 CHAIRMAN GREEN: So Adriana, what's our next procedural
4 thing?

5 MS. BELTRANI: So the next item would be to make a
6 determination regarding SEQRA if a Negative Declaration is
7 warranted. I did provide a Part 2 EAF, a short Part 2 EAF,
8 which looks at the Part 1 EAF that was submitted.

9 Based on the review of the Board, it appears that no or
10 small impact may occur down the line for all potential areas.
11 So if the Board is comfortable with that, we have
12 incorporated that as part of the resolution of approval, you
13 can move forward on SEQRA.

14 CHAIRMAN GREEN: Okay.

15 MR. CAPPELLO: Just add to that, in the record, that in
16 making its determination the Board relied upon all the
17 documents that were recited in the Resolution of Approval,
18 the reports there and the analysis and discussion in the
19 minutes of the board meetings.

20 CHAIRMAN GREEN: Okay. So I guess --

21 MR. CAPPELLO: A motion for declaration of ...

22 CHAIRMAN GREEN: Okay. So I have a motion for a
23 Negative Declaration on this project subject the things that
24 John just said?

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

1 - RE: KL ENTERPRISES -

2 CHAIRMAN GREEN: Doug.

3 A second?

4 BOARD MEMBER STAROBIN: Second.

5 CHAIRMAN GREEN: Mort.

6 All in favor?

7 BOARD MEMBER STAROBIN: Aye.

8 BOARD MEMBER LACEY: Aye.

9 BOARD MEMBER STANTON: Aye.

10 ALTERNATE BOARD MEMBER DUNN: Aye.

11 CHAIRMAN GREEN: Aye.

12 (The motion was approved and carried.)

13 CHAIRMAN GREEN: So now can we move to a conditional
14 approval?

15 MR. CAPPELLO: You have the resolution in front of you
16 that Adriana prepared.

17 MS. BELTRANI: I have listed eight conditions. I can
18 review them if you'd like.

19 CHAIRMAN GREEN: Yes, please. Thank you.

20 MS. BELTRANI: Okay. So special permit and site plan
21 conditions:

22 No clearing of timber will occur between April 1st and
23 October 31st in any given year to ensure protection of the
24 Indiana and Northern Long-eared bat.

25 New York State DEC Region 3 shall be contacted in the

1 - RE: KL ENTERPRISES -

2 event that a timber rattlesnake is encountered on the site in
3 accordance with New York State Environmental Conservation
4 Law.

5 Final site plan shall show the area proposed for the
6 outdoor storage of empty individual use tanks.

7 No on site sale of propane shall be permitted.

8 Clearing of brush within the right-of-way of McDonald
9 Road is required to maintain safe sight distances.

10 No on site office water supply or sewage disposal shall
11 be permitted.

12 Certification of construction compliance to the approved
13 plan shall be prepared by a New York State licensed
14 professional engineer and shall include an as-built survey
15 prepared by a New York State licensed land surveyor.

16 And the certification of construction compliance in
17 as-built plan shall be submitted to the Town prior to
18 issuance of any Certificate of Occupancy or authorization to
19 operate on the site.

20 MR. CAPPELLO: I would just include to that -- well, no,
21 we have general conditions.

22 MS. BELTRANI: Yes, general conditions.

23 MR. CAPPELLO: That it's subject to continued
24 compliance, site plan and payment of fees, any fees due and
25 owing.

1 - RE: KL ENTERPRISES -

2 The only change I had on that is if you go to page 1, it
3 says the property affected by the resolution is located in
4 the AG and MG zoning districts of the town. And it has been
5 determined by written determination of the building
6 inspector, dated either May 24th or May 27th, we'll check
7 that date, that the proposal is determined to be a public
8 utility which is a special permit use in those districts.

9 MR. LECHNER: Can I get clarification on the clearing of
10 timber? Does that include dead trees? And what is the size?

11 MS. BELTRANI: There's no --

12 MR. LECHNER: You know, can I brush hog saplings and
13 that?

14 MS. BELTRANI: Yes. This is specifically related to
15 Northern Long-eared bat habitat. Zack can help you. I don't
16 think that you'll run into this issue.

17 CHAIRMAN GREEN: I took a look again this afternoon. I
18 don't think there's anything out there that qualifies as a
19 tree, but I'm not the expert.

20 MS. BELTRANI: I think your general clearing area has
21 already been cleared.

22 MR. LECHNER: Right. I'm just concerned with when we're
23 putting the fence up, there is some trees along the road that
24 we would like to clear, but we want to do it within the
25 regulations.

1 - RE: KL ENTERPRISES -

2 MS. BELTRANI: Is that within the limits of disturbance
3 that you're showing? I don't have a sense of the size of the
4 trees or the area of forest. We hadn't discussed that
5 previously.

6 MR. LECHNER: Okay. We'll talk to Zack and we'll --

7 MR. PAGGI: The note should say they can't clear it
8 before ...

9 MS. BELTRANI: Yes, it's just the clearing, between
10 April 1st and October 31st is the limitations.

11 MR. PAGGI: If you have any trees bigger than three inch
12 diameter, whether they're alive or dead, wait until November
13 1st to cut them down.

14 MR. LECHNER: Okay.

15 MR. PETERS: I mean it's a pretty standard condition.

16 MS. BELTRANI: Yes.

17 MR. LECHNER: Well, we just want to make sure if there's
18 anything near the entryway we can get the crane in and ...

19 MS. BELTRANI: Right.

20 MR. LECHNER: But I want to follow the rules.

21 MR. PAGGI: Yes. I mean we've been through this. Bats
22 like dead trees better than live trees a lot of time, so
23 you've got to --

24 MR. CAPPELLO: If you want clearance to cut them before
25 that time, you actual need to have someone there, the DEC

1 - RE: KL ENTERPRISES -

2 guidelines, looking to make sure that there's no roost or
3 bats in there which it gets to be ...

4 MR. LECHNER: Okay. So if I can get a DEC
5 representative --

6 MR. CAPPELLO: Well, I mean I would just suggest that
7 you wait 'til --

8 MR. LECHNER: November 1st.

9 MR. CAPPELLO: Do whatever else you need to do and do
10 that last.

11 MR. PAGGI: Right.

12 CHAIRMAN GREEN: So do I have a motion to grant this
13 project the approval subject to all the conditions that were
14 described and subject to John's modification?

15 BOARD MEMBER LACEY: Motion.

16 CHAIRMAN GREEN: John.

17 ALTERNATE BOARD MEMBER DUNN: Second.

18 CHAIRMAN GREEN: Rich, second.

19 All in favor?

20 BOARD MEMBER STAROBIN: Aye.

21 BOARD MEMBER LACEY: Aye.

22 BOARD MEMBER STANTON: Aye.

23 ALTERNATE BOARD MEMBER DUNN: Aye.

24 CHAIRMAN GREEN: Aye.

25 (The motion was approved and carried.)

1 - RE: KL ENTERPRISES -

2 MR. LECHNER: So I can move my machinery in and start
3 clearing?

4 MR. CAPPELLO: Not the trees.

5 MR. PAGGI: Address the condition and submit a site plan
6 for signature and then get your permits; right?

7 MR. LECHNER: What other permits are needed?

8 MR. PAGGI: Does he need a building permit?

9 MS. BELTRANI: Building permit.

10 MR. PAGGI: You need a building permit, I think. See
11 Mary.

12 MR. LECHNER: How long is that going to take?

13 MR. PETERS: We'll take care of it. Thank you,
14 everyone. I know there was a lot of work on this. The Board
15 did a lot of research on this application. I appreciate
16 everyone's time and efforts on it.

17 MR. PAGGI: Thanks, Zack.

18 MS. BELTRANI: Thanks, Zack.

19 (Time noted: 7:29 p.m.)

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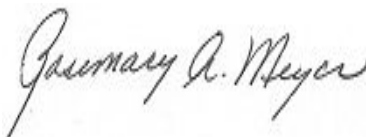
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REPORTER'S CERTIFICATION

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 KL Enterprises (Kevin Lechner), 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: September 28, 2022

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

Ledwin Oviedo For
Back River Hope Campground, Inc.
Proposed Re-Approval and Amendment for Site Plan
Tax Map Section 14; Block 1; Lot 22.2
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
August 9, 2022
7:29 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- DOUGLAS STANTON, Board Member
- RICHARD DUNN, Alternate Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

Also Present: JAMES MARTINEZ,
On Behalf of Applicant

JERIC CORPORATION
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764

Reported By: Rosemary A. Meyer

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 CHAIRMAN GREEN: Okay. Next, Ledwin Oviedo for Back
3 River Hope Campground Incorporated, proposed re-approval and
4 amendment to site plan for vacation campground. The property
5 is located at 811 Mount Vernon Road, Tax Map Section 14;
6 Block 1; Lot 22.2. The property lies in the Mountain
7 Greenbelt Zone and is approximately 45 acres.

8 MR. MARTINEZ: Good evening. James Martinez, again,
9 with Engineering and Surveying Properties.

10 Our office received the review comments from the
11 engineers and the planners. We looked them over. Nothing
12 that caught us really off guard. It was more so of needing
13 more detail for the design detail phase which we're still
14 trying to narrow down. Like we're still, like, trying to
15 step out of the conceptual phase, get a layout nailed down
16 that everyone can agree with, our client would like and that
17 works for everyone.

18 Specifically, on the planner's comments, I think our
19 constraining comments would be the impervious coverage and
20 the spacing between the campsites. Right now, I believe we
21 have 30 feet spacing between. They were placed 50 feet on
22 center. We need the 50 feet between the spaces which will
23 reduce the count of spaces that we have on the site. That's
24 something that our office is going to look into, how much it
25 would reduce it and if there's any other configuration that

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 may work. That's something we have to look into and talk
3 with our client about. And hopefully, after recalculating
4 the impervious coverage we'll be under and everything will be
5 okay and we can move forward with that.

6 I guess we're really here right now to see if the Board
7 has any other input that we can accommodate or work into the
8 conceptual plans before moving forward and spending time
9 digging into the details of it.

10 CHAIRMAN GREEN: Larry.

11 MR. PAGGI: Yes. I think the Applicant's engineer is
12 really here to see if anything jumps out at you guys.

13 This is a typical application for Engineering and
14 Surveying Properties, the way they do it. They presented a
15 good comprehensive concept without doing a lot of the
16 nitty-gritty details so they're not spinning their wheels.
17 We pointed some of those things out just to keep them as
18 checklist items. You know, pay attention to the zoning as
19 far as the specifics that's required relative to the
20 individual sites for this type of a campground. You're going
21 to have to look at stormwater. They know all these things.
22 It's a very preliminary application, but is there anything
23 that jumps out at you guys is really the question.

24 BOARD MEMBER STAROBIN: Yes. When we were up there a
25 couple years ago one thing that struck us was the septic

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 system there.

3 MR. PAGGI: Right. So they have kind of an antiquated
4 type of system. It's a lagoon. From my understanding, it's
5 still viable. It's actually still permitted. They will be
6 responsible to demonstrate to this board, it'll be a matter
7 of our -- if you make it to a point you're considering an
8 approval, it'll be a condition of approval that they have to
9 demonstrate the DEC's approval of that. They'll have to
10 demonstrate that it's still functioning properly. And with
11 the reconfiguration of the site, I think they're going to end
12 up having to design entirely new water distribution and
13 sewage collection system through the site. So that all will
14 be reviewed by the State DEC and the Department of Health.
15 We'll be here to make sure that they demonstrate those
16 reviews.

17 BOARD MEMBER STAROBIN: Right.

18 MR. PAGGI: Yes, ma'am.

19 ALTERNATE BOARD MEMBER JENSEN: I just was wondering
20 that the parking calculation for accessible spaces.

21 MR. PAGGI: Yes.

22 ALTERNATE BOARD MEMBER JENSEN: I think it says here
23 that you have just one space that's -- for the site it 19
24 visitor parking spaces. They provided 23 parking spaces on
25 which includes one accessible space.

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 MR. MARTINEZ: Yes.

3 ALTERNATE BOARD MEMBER JENSEN: And it just seems to me
4 like there should be more accessible spaces given the nature
5 of who typically uses campgrounds of that sort.

6 MR. MARTINEZ: Yeah, we have no problem adding another
7 additional accessible space or two, if need be. I know we
8 have it, right now, by the check-in area. But there's also
9 visitor parking up by the cabin. We could put one there.
10 It's something we could add, yes.

11 ALTERNATE BOARD MEMBER JENSEN: Okay.

12 CHAIRMAN GREEN: Just for the record, Adrienne is a full
13 voting member, also. I don't think we said it earlier.

14 Adriana.

15 MR. PAGGI: I was going to ask if anything else jumped
16 out, any other questions, anybody.

17 One thing we did recommend is we get fire department
18 input on this.

19 MR. MARTINEZ: Yes. So we have no problem scheduling a
20 with meeting with the fire department and sending them the
21 plans, make sure everything is okay on their end.

22 MR. PAGGI: Perfect.

23 CHAIRMAN GREEN: I was up there about three or four
24 weeks ago. I was impressed with how many of the old derelict
25 trailers have been removed. It looks much better than it did

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 than we were there before.

3 Anyone else have any comments?

4 BOARD MEMBER LACEY: No.

5 CHAIRMAN GREEN: All right.

6 MR. PAGGI: Do you want to hear from Adriana now?

7 MS. BELTRANI: So I mean our memo, I think, outlines
8 just some clarifications, questions posed to the operations
9 of the site, clarification on the use of certain buildings.

10 I think one question that I would have for the Board to
11 benefit the Applicant is just whether building elevations or
12 similar building information should be provided for some of
13 the permanent structures, like the cabins, the entry area, to
14 get a sense of materials and design and height requirements.

15 I can continue or you can respond to that.

16 CHAIRMAN GREEN: Yes, keep on going.

17 MS. BELTRANI: And I just want to make a note that in my
18 memo, Comment No. 5, at the beginning, says that a Notice of
19 Intent was attached to the memo. This is a Type I Action.
20 However, we actually felt that we might defer the Notice of
21 Intent, circulating the Notice of Intent at this time since
22 we had a number of comments on the EAF. There were a number
23 of sections on the EAF that were left as to be determined and
24 we really think that those should be kind of fleshed out a
25 little bit. We hope that our comments help with that and

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 figuring out kind of the area where these campsites are
3 actually going to be occupying the land will hopefully help
4 to respond to those questions. Once we have a completely
5 filled out EAF I think it would be appropriate to then
6 circulate the Notice of Intent, again, provide the 30 day
7 window to receive any comments from any involved or
8 interested agencies and then assume Lead Agency after that.

9 CHAIRMAN GREEN: Okay. So we are now looking at this as
10 a new application; correct? It's no longer just an extension
11 of the old one.

12 MS. BELTRANI: Well, I would defer to John. My
13 understanding with speaking with the Building Department is
14 that the conditional approval that was granted to Back River
15 several years ago, I believe that was in, I don't think I
16 have a date here, but that has expired.

17 CHAIRMAN GREEN: Right.

18 MS. BELTRANI: And so I am not clear on any rights of
19 approval that currently remain in effect, whether that be for
20 the Timberline Campground. But I do believe that this would
21 be considered a new application --

22 CHAIRMAN GREEN: Okay.

23 MS. BELTRANI: -- but I would defer to John.

24 MR. CAPPELLO: I know they had been here. I mean I
25 would just ask the Building Department. I know we granted

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 extensions. I don't know --

3 CHAIRMAN GREEN: The extensions had expired, yes.

4 MR. CAPPELLO: They expired before this application was
5 submitted or --

6 CHAIRMAN GREEN: Yes. They expired, I think I've got,
7 it's like several months ago. I think it expired last May or
8 something, May 2021.

9 MR. CAPPELLO: Well, I would have to look at it because
10 conditional subdivision approvals expires automatically. But
11 subdivision and site plan, sometimes it takes an action of
12 the Board to say they're not going to accept it. But in any
13 event, I'm not sure what the Applicant is trying to rely
14 upon. Are the number of units --

15 MS. BELTRANI: Yes, I think --

16 MR. CAPPELLO: -- did they change substantially under
17 the existing code or ...

18 MS. BELTRANI: Well, there hasn't been any changes to
19 the zoning code, but the Applicant is proposing a hundred
20 and? What, is it 190?

21 MR. MARTINEZ: Yes, 190 on the current plan.

22 MS. BELTRANI: 180?

23 MR. MARTINEZ: 190.

24 MS. BELTRANI: 190, yes.

25 So they're proposing 190. The site layout that was

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 proposed under the previous Back River was 158. I believe
3 Timberline, as you indicated, may have been around 200, but
4 that project predates me. So I think that that's just kind
5 of the basis of ...

6 MR. CAPPELLO: Right. I'm just wondering if the number,
7 if they're relying upon. I know there was some preexisting
8 as to the access which still exists and the Board may want to
9 consider. But as to the number of units, whether those 190
10 -- I mean if 158 was still the valid approval, it would be
11 amended now to increase it to 190, or is it an application
12 for 190. I don't --

13 CHAIRMAN GREEN: Right.

14 MR. CAPPELLO: You know, I mean we can quibble as to
15 what expired, but I'm not exactly sure what the impact is one
16 way or another.

17 CHAIRMAN GREEN: Yes. That's why I brought it up,
18 because --

19 MR. CAPPELLO: We have to do the same level of review.
20 It's essentially a new design, a new application.

21 MS. BELTRANI: And SEQRA would apply to an amended
22 application --

23 MR. CAPPELLO: Yes.

24 MS. BELTRANI: -- as well.

25 MR. CAPPELLO: Whether you're relying upon the old

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 approvals or the old 200 which had now been removed for some
3 kind of vested right, then it would be much more of a
4 relevant issue than if it ...

5 CHAIRMAN GREEN: Yes. It struck me that the new
6 proposal doesn't look very much like the old one. That's why
7 I said. In my notes here, it looks like it expired in
8 September 2021 and that was why it came up at the workshop
9 last month. I don't know that it makes a difference one way
10 or other.

11 MR. CAPPELLO: Well, the only thing I would probably say
12 in the record that there are still some sites and some
13 buildings located and the Applicant has been pursuing it
14 because the one issue is, I think under the code it's not
15 permitted. It's only permitted on a state or a county road
16 and this is a town road. But the use has existed. Whether
17 it's 200 or 158 or 197, the campground is still a camping
18 facility.

19 MS. BELTRANI: I guess one question would be that
20 waivers were granted under the last.

21 MR. CAPPELLO: They would probably have to be regranted.

22 MS. BELTRANI: They would have to be regranted, right.

23 CHAIRMAN GREEN: All right.

24 MS. BELTRANI: So basically, the same waivers have been
25 requested --

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 CHAIRMAN GREEN: Okay.

3 MS. BELTRANI: -- for this application.

4 CHAIRMAN GREEN: Any comments?

5 (No verbal response.)

6 CHAIRMAN GREEN: Everyone is unusually quiet.

7 BOARD MEMBER STAROBIN: No. I was just thinking when
8 this applicant first presented to us I had brown hair. Now
9 it's gray.

10 What's the time frame on something like this? I mean
11 what are we doing?

12 MR. MARTINEZ: In the original, the Timberline one, or
13 the -- we're hoping to get it together as soon as possible.
14 We just have to kind of narrow down our scope and get
15 something that works for everybody. But I know our client's
16 eager to go, eager to get it going. I've got to talk to him
17 about the reconfiguration with the spacing of the campsites.
18 But it's going to be our jumping off point, I guess, for our
19 next, I guess appearance.

20 MR. CAPPELLO: On the 158, did the DEC give any comments
21 on the lagoon or was it ever approved?

22 MR. MARTINEZ: I'm not too familiar with the original
23 approved application.

24 MR. CAPPELLO: Well, no. I mean in the 158, it was
25 amended and I know there were some conditions. When Jim

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 DeWinter was back, I don't know if there were any discussions
3 with the DEC. I think Mort's correct. That was always a
4 pretty big issue with ...

5 MR. MARTINEZ: I can't personally speak that. I don't
6 personally have knowledge of it.

7 BOARD MEMBER STAROBIN: Why are we treating this as a
8 new submission?

9 MR. CAPPELLO: The approval, the 158 approval expired.
10 They had been coming back. That's why I was trying to get
11 the dates. I know they were back several times for
12 extensions, but apparently, they weren't back for the ...

13 CHAIRMAN GREEN: My notes here have July 2018 had 201
14 sites. And then in December of 2018, cut down to 158 sites.
15 See if I can find the notes that say what we finally did.

16 MR. PAGGI: You know, one thing we actually noticed on
17 this plan was the former plan actually cited two tax parcels
18 and there was a small sliver of land, I want to say on the
19 south side, maybe.

20 MR. MARTINEZ: Back here, (indicating).

21 MR. PAGGI: Right, that's no longer included in the
22 development, too. So ...

23 MS. BELTRANI: Right. And that's what they have the
24 easement to. Or it's going to be a -- it's going to be an
25 access?

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 MR. MARTINEZ: Yes, we will provide access.

3 MS. BELTRANI: A shared access?

4 MR. MARTINEZ: Yeah, to those.

5 MS. BELTRANI: To the site.

6 MR. MARTINEZ: There's two rear lots back there that
7 have to have access to that drive --

8 MS. BELTRANI: Right.

9 MR. MARTINEZ: -- to the front of the property.

10 BOARD MEMBER LACEY: I have a question.

11 MR. MARTINEZ: Yes.

12 BOARD MEMBER LACEY: Do you have any permanent sites
13 that'll be grandfathered in in this plan that exists at this
14 time?

15 MR. MARTINEZ: I know there are -- there was a
16 discrepancy about the numbers. Up top, on the wetland area,
17 we had mentioned 26. The approval was 21 or something. We
18 have to figure out what that actual number was. With those,
19 we're trying to hold over for this new plan.

20 BOARD MEMBER LACEY: What effect does this new operation
21 have on the permanent sites? You're going to grandfather
22 them in or what?

23 MR. MARTINEZ: We're not --

24 MS. BELTRANI: I think because this is a new application
25 there isn't really a grandfathering in. If the prior

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 approval was expired --

3 BOARD MEMBER LACEY: Yes.

4 MS. BELTRANI: -- then there may not be rights to those
5 26 sites. Where it says 26 existing sites --

6 BOARD MEMBER LACEY: Yes.

7 MS. BELTRANI: -- that's based off of the 158 number.

8 BOARD MEMBER LACEY: Okay.

9 MS. BELTRANI: But when I actually looked at that
10 conditionally approved plan, the 158, there was a
11 discrepancy. So they're going have to look back because
12 there's some wetland buffer encroachments here that were not
13 previously, on the previously approved plan.

14 BOARD MEMBER LACEY: Yes.

15 MS. BELTRANI: And the previously approved plan showed,
16 if these are campsites, they showed the campsite area as
17 being outside of the buffer.

18 BOARD MEMBER LACEY: Buffer, yes.

19 MS. BELTRANI: Right. So that needs to be rectified
20 with the next submission.

21 BOARD MEMBER LACEY: Okay. Thank you.

22 MS. BELTRANI: Yes.

23 MR. PAGGI: But is your question are the permanent
24 structures going to remain?

25 BOARD MEMBER LACEY: Yes.

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 MR. PAGGI: I don't think there's any permanent
3 structures.

4 MS. BELTRANI: Yes.

5 BOARD MEMBER LACEY: Okay.

6 MR. PAGGI: Yes.

7 BOARD MEMBER LACEY: That's what I was trying to clear
8 up.

9 MR. PAGGI: I think this board dealt with that during
10 the last application, that this is a campground.

11 MS. BELTRANI: Right.

12 MR. PAGGI: Permanent structures are not allowed other
13 than the --

14 MR. MARTINEZ: The amenity buildings.

15 MR. PAGGI: -- the common buildings.

16 BOARD MEMBER LACEY: Okay.

17 MS. BELTRANI: One question that I had regarding the
18 access to those rear parcels was you're showing gates. I'm
19 assuming the people who need access will have 24/7 access
20 through those gates. They'll have to, what, unlock them
21 or ...

22 MR. MARTINEZ: That's something that our client will
23 have an answer for.

24 MS. BELTRANI: Okay.

25 MR. MARTINEZ: But yes, those people that have to use

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -
2 that road as an access to get to their property, they will
3 have 24/7 unrestricted access to back there.

4 MR. CAPPELLO: Are those single-family homes? I mean
5 just the traffic flow? Is it commercial development or is it
6 just a house?

7 MR. MARTINEZ: It's only maybe one or two houses back
8 there.

9 MR. PAGGI: That's new; right?

10 MS. BELTRANI: That's new, yes.

11 MR. PAGGI: That may be a permanent residence.

12 MS. BELTRANI: Yes.

13 MR. PAGGI: So the Board may want to ...

14 MS. BELTRANI: We did request some additional
15 information regarding the cabin.

16 And there's always that gray area. I don't think our
17 code has anything -- our code doesn't have anything regarding
18 utilities or amenities that can be included in a cabin. A
19 cabin is permitted like an RV as part of a campground.
20 However, I know that DOH, their definition of a camping, I
21 think the definition is camping cabin, does not include
22 bathroom, kitchen type facilities. So I think that needs to
23 be -- the amenities included in these cabins needs to be
24 demonstrated.

25 MR. MARTINEZ: Okay. We can provide that.

1 - RE: LEDWIN OVIEDO/ BACK RIVER HOPE -

2 MR. PAGGI: So there will be permanent structures with
3 this proposal.

4 MS. BELTRANI: Yes, there will be cabins.

5 MR. PAGGI: New permanent structures, cabins, yes.

6 MS. BELTRANI: And I think we have a question in our
7 memo about how these will be rented out.

8 MR. MARTINEZ: I'm sorry.

9 MS. BELTRANI: I said I think there is a comment in our
10 memo. I'm assuming that we will receive a response comment
11 memo.

12 MR. MARTINEZ: Yes.

13 MS. BELTRANI: And I believe that we did ask about how
14 these will be rented out, for how long, the duration, et
15 cetera.

16 MR. MARTINEZ: Yes, we'll provide information on that.

17 MS. BELTRANI: Great.

18 CHAIRMAN GREEN: Anything else?

19 BOARD MEMBER STAROBIN: What's next?

20 CHAIRMAN GREEN: They address the comments.

21 MR. MARTINEZ: Thank you.

22 CHAIRMAN GREEN: Okay?

23 MR. PAGGI: Thank you.

24 MS. BELTRANI: Thanks.

25 CHAIRMAN GREEN: Okay. Thank you.

(Time noted: 7:50 p.m.)

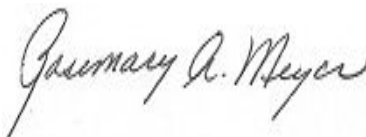
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REPORTER'S CERTIFICATION

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 Ledwin Oviedo for Back River Hope Campground Inc., to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: September 28, 2022

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X

BOARD BUSINESS

----- X

Town Hall
Town of Mamakating
August 9, 2022
7:50 P.M.

PLANNING BOARD MEMBERS:

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- JOHN LACEY, Board Member
- DOUGLAS STANTON, Board Member
- RICHARD DUNN, Alternate Board Member
- ADRIENNE JENSEN, Alternate Board Member
- KYRA PLATT, Building Department
- MEGAN COMFORT, Building Department
- JOHN CAPPELLO, ESQ., Attorney
- LAWRENCE PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

JERIC CORPORATION
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Reported By: Rosemary A. Meyer

1 - RE: BOARD BUSINESS -

2 CHAIRMAN GREEN: Okay. Before adjourning for the
3 evening --

4 MR. CAPPELLO: Well, I don't see it on the agenda, but I
5 did see, floating around, that notice on the zoning amendment
6 that was going to change the designation. Is the hearing on
7 that coming up before the next meeting?

8 MS. PLATT: The hearing is August 16th. It's next month
9 for the Town Board.

10 CHAIRMAN GREEN: Right.

11 MS. PLATT: If you guys have any comments or anything
12 that you want to provide to them on that, they just need them
13 before the 16th. So basically, the Town Board is looking to
14 amend our current Attachment 3, Schedule 1, our table and
15 bulk use requirements in the Hamlet Center. There are a few
16 intersections that are currently noted on it and one of the
17 intersections was left out, the Burlingham and Hamilton/Ski
18 Run Road intersection. So they're just looking to add that
19 into there.

20 CHAIRMAN GREEN: Right. So is that something we
21 actually have to comment on? Because I know -- okay.

22 MR. CAPPELLO: Yes. It needs to be referred to the
23 Planning Board. And I think was ...

24 CHAIRMAN GREEN: Okay.

25 MR. CAPPELLO: The Board, then, does need to make a

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2 recommendation as to whether it's consistent with the Comp
3 Plan. Which I mean Adriana may know more, but I think the
4 change was made to make it consistent with the Comp Plan
5 because it just kind of got dropped in all the different
6 variations and laws.

7 CHAIRMAN GREEN: Yes. I was at the Town Board meeting
8 last week and it struck me it was like a technical --

9 MS. BELTRANI: Yes.

10 MR. CAPPELLO: It's was a clean up issue. But it would
11 just be nice to have on the file that the Planning Board
12 doesn't have any issues with it, if you don't.

13 CHAIRMAN GREEN: All right. So does anybody have any
14 issues with them adding Burlingham to the -- what happened
15 was that it was Table 3, Attachment --

16 MS. PLATT: Attachment 3, Schedule 1, table of bulk use
17 requirements for the Hamlet Center.

18 CHAIRMAN GREEN: Right. And it didn't list Burlingham
19 as one of the hamlet centers so they're just adjusting the
20 table to include it.

21 MS. PLATT: To include that intersection.

22 CHAIRMAN GREEN: Anybody have any comments?

23 (No verbal response.)

24 MS. PLATT: Is anybody against it?

25 (No verbal response.)

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2 CHAIRMAN GREEN: Can we have a motion to approve that --

3 MR. CAPPELLO: Just the Board has no significant
4 opposition.

5 MS. BELTRANI: Refer to the Town Board.

6 MR. CAPPELLO: Yes, and recommend the Town Board adopt
7 it.

8 CHAIRMAN GREEN: Okay. So can we have a motion for
9 that, then? Or ...

10 MR. CAPPELLO: Yes.

11 CHAIRMAN GREEN: All right. So can I have a motion that
12 we don't have any objections to the Town adding Burlingham to
13 Table 3?

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

15 CHAIRMAN GREEN: Doug.

16 Second?

17 ALTERNATE BOARD MEMBER JENSEN: Second.

18 CHAIRMAN GREEN: Adrienne. Let Adrienne. She hasn't
19 said anything; right?

20 All in favor?

21 BOARD MEMBER STAROBIN: Aye.

22 BOARD MEMBER LACEY: Aye.

23 BOARD MEMBER STANTON: Aye.

24 ALTERNATE BOARD MEMBER DUNN: Aye.

25 ALTERNATE BOARD MEMBER JENSEN: Aye.

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2 CHAIRMAN GREEN: Aye.

3 (The motion was approved and carried.)

4 CHAIRMAN GREEN: Okay. Before we --

5 MR. LESER: You're asking to vote on this. This is got
6 morphed into what you just passed. This is quite a big
7 situation you're having, just dismiss this new zoning. This
8 has a lot to do with a person down there that has been there
9 for years is trying to sell their property and all of a
10 sudden, a new zoning comes in putting them on the outskirts
11 of the town. Okay? I don't want to listen to nonsense.
12 These people here have lost the sale on their business that's
13 been there are BC, before Chris, and it sounds like you're
14 just going to smooth this over. And no -- nothing against
15 you, John, just I know what you're doing legally and all that
16 stuff. It has some presence to come before the Board and go
17 on and on. These people have been waiting for over a year.
18 They're trying to sell this place and all of a sudden,
19 they're a few feet short, or I should say too long, to this
20 new zoning that's not there in Burlingham. 1500 feet, but
21 they are approximately 1600 feet. So now we're going to run
22 these people even further, to go to the Zoning Board and ask
23 them for a variance. They were denied to sell the place.
24 They've been paying for their insurance. They lost the
25 business. They've even lost the person that wanted to buy

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2 this place. And here we are just snowballing, just going
3 along with this stuff. This is so simple. This place has
4 been here for decades, for decades. And to quote Richie over
5 there about we need rateables. Here, this place wants to
6 sell, and no, we're short a few feet of the area.

7 I'm a little bit outspoken. But I live there and I
8 listen to this nonsense. This is totally unfair to these
9 people who could probably wind up suing the Town further,
10 Article 78 and the 14th Amendment. They're very easy-going
11 people. They haven't said anything, but I am. If I'm a
12 little but outspoken, so be it.

13 CHAIRMAN GREEN: All right. Now, so let me address that
14 because it's a valid point. I was at the same meeting you
15 were at on last Tuesday. The issue here is that the town
16 code decided that these districts are all going to be 1500
17 feet. They didn't put Burlingham in that. What they were
18 doing was addressing -- let me finish. They're addressing is
19 this even a Planning Board issue or is this a Town issue
20 where they have to say, We're going to extend it to 1700 feet
21 for everybody. They can't just say, Well, Burlingham, you
22 get 1700 feet, everybody else gets 1500 feet.

23 Is this something that the ZBA does?

24 MR. CAPPELLO: Well, the ZBA can always grant a
25 variance.

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2 CHAIRMAN GREEN: Right.

3 MR. CAPPELLO: Sorry, Chris. This is the first I'm
4 hearing of this situation. The Comp Plan that was adopted
5 said 1500 feet. The Comp Plan envisioned Burlingham Road so
6 this is to correct that.

7 Where the issue is, the Town Board can say 5000 feet.

8 CHAIRMAN GREEN: Right, right.

9 MR. CAPPELLO: I mean the Town Board can change the
10 zoning. But this particular local law is to clean up the
11 issue with Burlingham. I don't know about the measurement.

12 CHAIRMAN GREEN: So that's why I want to address that
13 concern. I don't think it's the purview of this board to
14 just say, arbitrarily: Well, you know what? We're giving
15 these guys 1700 feet because we feel sorry for them,
16 especially since I know nothing about this other than what
17 was discussed at the Town Board meeting last week. And
18 perhaps they should stand up and tell somebody because nobody
19 knows. It's not like anybody is going to go running through
20 the town saying: Is everybody happy with 1500 feet? You
21 know, who needs it to be 1501 feet, 1502 feet? That comp
22 plan was reviewed and worked on by, what, a hundred people
23 initially. A lot of people looked at it. This was just an
24 oversight. Their plan was that all the town centers should
25 have 1500 feet as their buffer, all the hamlet centers should

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2 have 1500 feet. If it should be higher, then that's
3 something the Town Board has to address. It's not --

4 MR. LESER: Somebody make a mistake, plain and simple.
5 But common sense would say this business has been there for
6 probably before me and all of a sudden, now someone changes
7 the parameters of distances. And therefore, this place
8 really should be grandfathered in there. It's a restaurant.
9 It's been there since I was a kid. So now we're going to get
10 all of this legal crap that should have just said, here. And
11 it's not that I'm asking to make this one as an exception
12 because I can mention a few others that have been just
13 snowballed and snowballed and snowballed aside. These people
14 here are just good people. As I said earlier, they've had to
15 turn down a buyer. The buyer had been waiting for a long,
16 long time.

17 CHAIRMAN GREEN: So the code changed in 2019?

18 MR. CAPPELLO: Right.

19 CHAIRMAN GREEN: So why didn't they just go to the ZBA
20 in 2019? It would have been --

21 MR. LESER: Because at that time they had their
22 business, and all of a sudden, there's a bridge right
23 adjacent to where they are. So they close the bridge down,
24 which was right next to their property. That no longer
25 allowed the customers to basically come right to there. They

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2 would have to drive a minimum 15 minutes or five miles, all
3 the way around. And I hate to do this, but once again, here
4 comes the COVID virus. So now they have, so to speak, a
5 double whammy, suffering lost customers. The bridge was
6 closed for quite a while, the virus in comes in. And so now
7 they want to sell the place. In short, well, they don't meet
8 this new footage. The guy across the street, the family
9 wants to buy the place. They've been back and forth and they
10 can't sell it because they're a few feet too far. Somebody
11 forgot to put the circle. But they wanted to come back
12 before the Zoning Board and get a variance to go from 1500
13 feet, say 1600 or whatever that feet is. They come back to
14 the Zoning Board and say, This is what we need. Really?
15 This ought to be just the proverbial rubber stamp. Somebody
16 should be apologizing for putting those people in this
17 position.

18 I don't have a dime invested in this.

19 CHAIRMAN GREEN: I understand. I understand. You're
20 looking out for things that sound like they should be easy
21 and done. The problem is every time you do this for someone,
22 the next person shows up and says: Well, you gave them 1700
23 feet. I really need 1750 feet. We have rules --

24 (Mr. Leser was instructed by the stenographer
25 to speak after Chairman Green is finished speaking.)

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2 CHAIRMAN GREEN: All right.

3 MR. LESER: It just goes on and on and on.

4 CHAIRMAN GREEN: We have a board member here, two of
5 them, actually.

6 TOWN BOARD MEMBER MORDAS: My name is Matthew Mordas.

7 There's another issue involved. I need to go back to
8 the old bulk tables. This might have happened anyway,
9 whether there was this revision of the code. It comes down
10 to a nonconforming use that was extinguished. This town has
11 a very short leash. We have a two year extinguishment law.
12 Other municipalities aren't so brief with kind of pulling the
13 chain on these nonconforming uses. Some municipalities are
14 three years. So we had an issue with COVID, sorry, Chris,
15 but we have other laws that might need to be updated in this
16 era. Maybe we should look into extending our extinguishment
17 of nonconformity from two years to three years.

18 CHAIRMAN GREEN: Okay. But am I correct that's a Town
19 Board issue? It's not a Planning Board issue.

20 TOWN BOARD MEMBER MORDAS: That's correct.

21 CHAIRMAN GREEN: Okay. So in answer, Chris to what
22 you're saying, there's nothing we can do here tonight. All
23 we're --

24 MR. LESER: No, I realize that. I just thought I'd tell
25 you my two cents.

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2 CHAIRMAN GREEN: That's okay. That's fine.

3 All we're being asked --

4 MR. CAPPELLO: It's the ZBA's determination and
5 interpretation as to what "extinguish" means. Just not being
6 in operation doesn't necessarily mean --

7 CHAIRMAN GREEN: Right, right.

8 MR. CAPPELLO: -- you've abandoned. If there's a stove
9 there and if there's a dining room there and a building there
10 that's used as a restaurant, then that's for the ZBA, with
11 their counsel, to determine whether a use has been actually
12 abandoned or not.

13 CHAIRMAN GREEN: And especially the last two years. I
14 think everybody is going to cut people slack. No one asked
15 for that.

16 But let me, as a person and not represent the Planning
17 Board, let me just see what I can find out. All right?

18 All right. I did have one last item I wanted to put on
19 the agenda. I just wanted to thank our consultants this
20 evening, as I should have last month, as well. As you've
21 noticed, we've gone to this system of providing applicants
22 with comments a week before. That way, these meetings have
23 become a lot more give and take. People don't show up here
24 and find out: Gee whiz, I didn't know all of this stuff
25 beforehand. I could have prepared answers. From what I'm

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2 hearing, our applicants are very happy with that. So I want
3 to thank you guys for making that possible.

4 And with that, do I have a motion to close the meeting?

5 BOARD MEMBER STANTON: Motion.

6 CHAIRMAN GREEN: So now everyone comes alive. Doug.
7 Second?

8 BOARD MEMBER JENSEN: Second.

9 CHAIRMAN GREEN: All in favor?

10 BOARD MEMBER STAROBIN: Aye.

11 BOARD MEMBER LACEY: Aye.

12 BOARD MEMBER STANTON: Aye.

13 ALTERNATE BOARD MEMBER DUNN: Aye.

14 ALTERNATE BOARD MEMBER JENSEN: Aye.

15 CHAIRMAN GREEN: Aye.

16 (The motion was approved and carried.)

17 (Time noted: 8:03 p.m.)

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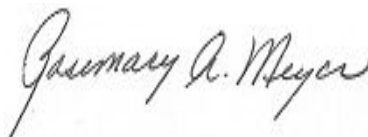
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Board Business, 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: September 28, 2022

<p style="text-align: center;">A</p>	<p>affect (2) 20:2,11 affected (2) 20:15;24:3 afternoon (1) 24:17 AG (1) 24:4 again (4) 24:17;30:8;35:6; 55:3 against (1) 51:14 agencies (1) 35:8 agency (2) 14:8;35:8 agenda (3) 10:2,13;57:19 agent (3) 19:21;20:6,12 ago (4) 31:25;33:24;35:15; 36:7 agree (1) 30:16 Agricultural (1) 5:23 Airport (1) 10:8 alive (2) 25:12;58:6 Allegiance (2) 4:18,19 allowed (2) 43:12;54:25 alone (1) 19:16 along (2) 24:23;52:3 ALTERNATE (16) 5:9,15;7:18;13:7, 15;17:17;20:18; 22:10;26:17,23; 32:19,22;33:3,11; 58:13,14 always (3) 40:3;44:16;52:24 amended (3) 37:11,21;39:25 amendment (2) 30:4;52:10 amenities (2) 44:18,23 amenity (1) 43:14 amount (1) 14:24 analysis (1) 21:18 answered (1) 12:18 antiquated (1)</p>	<p>32:3 apologizing (1) 55:16 apparently (1) 40:12 appearance (1) 39:19 appeared (1) 12:16 appearing (1) 12:20 appears (1) 21:9 applicant (9) 5:19;6:2;10:11; 11:21;34:11;36:13, 19;38:13;39:8 applicants (2) 57:21;58:2 Applicant's (1) 31:11 application (13) 27:15;31:13,22; 35:10,21;36:4;37:11, 20,22;39:3,23;41:24; 43:10 apply (1) 37:21 appreciate (1) 27:15 appropriate (1) 35:5 approval (14) 21:12,17;22:14; 26:13;32:8,8,9;35:14, 19;37:10;40:9,9; 41:17;42:2 approvals (2) 36:10;38:2 approved (13) 4:15;5:17;7:20; 22:12;23:12;26:25; 39:21,23;42:10,13, 15;51:3;58:16 approximately (4) 5:22;10:8;30:7; 51:21 April (2) 22:22;25:10 arbitrarily (1) 53:14 area (15) 17:24;18:12;19:14, 15,17;23:5;24:20; 25:4;33:8;34:13; 35:2;41:16;42:16; 44:16;52:6 areas (1) 21:10 around (7) 14:11;18:5,8,18; 19:17;37:3;55:3 Article (1)</p>	<p>52:10 as-built (2) 23:14,17 aside (1) 54:13 assume (1) 35:8 assuming (2) 43:19;45:10 attached (1) 34:19 attention (1) 31:18 attorney (4) 11:12,20;12:16,21 August (1) 4:2 authorization (1) 23:18 automatically (1) 36:10 Aye (31) 4:11,12,13,14;5:12, 13,14,15,16;7:15,16, 17,18,19;22:7,8,9,10, 11;26:20,21,22,23, 24;51:2;58:10,11,12, 13,14,15</p>	<p>57:25 beginning (1) 34:18 behalf (2) 5:25;10:3 behind (1) 13:19 BELTRANI (53) 11:7;21:5;22:17, 20;23:22;24:11,14, 20;25:2,9,16,19;27:9, 18;34:7,17;35:12,18, 23;36:15,18,22,24; 37:21,24;38:19,22, 24;39:3;40:23;41:3, 5,8,24;42:4,7,9,15,19, 22;43:4,11,17,24; 44:10,12,14;45:4,6,9, 13,17,24 benefit (1) 34:11 better (2) 25:22;33:25 big (2) 40:4;51:6 bigger (1) 25:11 biggest (3) 17:8,13,22 bit (3) 14:20;34:25;52:7 bled (1) 17:12 blew (2) 18:5,7 Block (3) 5:21;10:7;30:6 Board (116) 4:3,5,8,11,12,13; 5:5,8,9,12,13,14,15; 6:10;7:9,12,15,16,17, 18;11:15,21,25;12:9, 22;13:2,4,7,15;15:19; 16:3,5,13;17:8,17,25; 20:2,18;21:9,11,16, 19,25;22:4,7,8,9,10; 26:15,17,20,21,22, 23;27:14;31:6,24; 32:6,17,19,22;33:3, 11;34:4,10;36:12; 37:8;39:7;40:7; 41:10,12,20;42:3,6,8, 14,18,21,25;43:5,7,9, 16;44:13;45:19;51:1, 16,22;52:1,19;53:1,7, 9,13,17;54:1,3;55:1, 12,14;56:1,4,6,19,19, 20;57:1,17;58:1,5,8, 10,11,12,13,14 boards (1) 16:17 Board's (2) 10:25;12:11</p>
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